

Decision taken in the meeting of National Commission for Scheduled Tribes held on 11.07.2008 on the progress of action taken on decision taken in the earlier meeting of the Commission held on 12.05.2008

- Agenda Item I** **Proposal of Govt. of Kerala to amend the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Community Certificates Act, 1996 to treat the Children of inter-caste married couple, one of whom is SC or ST as belonging to SC or ST.**
- In pursuance of the earlier decision of the Commission to hold wider consultations on the issue, a reference alongwith a background note on the subject had been made to Chief Secretaries of 9 Scheduled Area States requesting them to furnish their views by the end of July, 2008. It was decided that a reference should also be made to the North Eastern States separately, as traditions and culture of the tribals of NE States were distinct from rest of the country.
- Agenda Item II** **Proposal for inclusion of MEDARA Community as a synonym of MEDA Community in the list of STs for Karnataka.**
- It was noted that the Commission had sought certain additional information from the Govt. of Karnataka. On perusal of the reply received from Govt. of Karnataka it was found that it did not cover all the points mentioned in the Commission's letter and, therefore, the State Govt. had been requested to furnish the requisite information with respect to the remaining points. It was decided that the Govt. of Karnataka may be requested to expedite the requisite information and that Ministry of Tribal Affairs, who had been requested to indicate the reasons for not including the 'MEDARA' as a synonyms of 'MEDA' community at the earlier stage of making comprehensive revision in the lists of Scheduled Castes and Scheduled Tribes in 1976, may also be requested to expedite the required information.
- Agenda Item III** **Schedule of Review Meetings of Commission with States and UTs and Central Ministries.**
- State Reviews**
- It was informed that review meeting with Govt. of Orissa has been fixed for 15.07.2008. It was decided that the schedule for Review Meetings for other States may be revised keeping in view of the slippage and the ensuing elections in certain States.
- Review of Central Ministries/ Deptts./ Organisations**
- It was informed that the requisite material in reply to the Questionnaires sent to various Central Ministries/ Deptts./ Organisations were expected to be received by 31.07.2008 and that on receipt of the material, a plan for review will be drawn in consultation with the concerned Members.
- Agenda Item IV** **Guidelines for dealing with cases relating to Service Safeguards received in the Commission.**
- It was noted that the Chairperson had desired that the draft guidelines in respect of (i) Service Safeguards, (ii) De-reservation of posts, (iii) Proposals relating to Inclusion/ exclusion of communities and (iv) Atrocity matters may be discussed in a separate meeting of the Commission. It was decided that the draft guidelines may be circulated to all the Members of the Commission.
- Agenda Item V (additional agenda)** **Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.**
- It was noted that detailed study of the Report will require some more time. It was, therefore, decided that the matter may be discussed after receipt of the comments from the Members.

U. N. S. S. S.
17-7-2008

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the meeting of the National Commission for Scheduled Tribes held at 12 noon on 11.07.2008.

A meeting of the Commission was held at 12 noon on 11.07.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at **ANNEX-I**.

2. Brief details of the discussions held in the meeting, **agenda item-wise**, are as given below:

Agenda Item I	Confirmation of the proceedings of the meeting of NCST held on 12.05.2008.
	The Proceedings of the meeting held on 12.05.2008 were confirmed.
Agenda Item II	Action taken on the decisions taken in the meeting of the NCST held on 12.05.2008.
	Decisions taken in the meeting on various issues are placed at ANNEX-II
Agenda Item III	Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, and Arunachal Pradesh.
	<p>Chairperson recalled that in the emergent meeting held on 23.06.2008 (which was attended by the Vice-Chairman and the two Members) it was unanimously decided to agree with the recommendation of the Govt. of Tamil Nadu for inclusion of 'Malayali Gounder' without any area restriction in the list of Scheduled Tribes of Tamil Nadu in place of existing entry 'Malayali' in relation to certain districts of Tamil Nadu, namely Dharmapura, North Arcot, Pudukotta, South Arcot, and Tiruchirapali districts. The Commission decided to reiterate the decision taken in the meeting held on 23.06.2008. The Commission noted that the recommendation of the State Govt. of Tamil Nadu was duly supported by the office of Registrar General of India. Further, the office of RGI in its comments had, <i>inter-alia</i>, stated that the Lokur Committee (1965) had also recommended for substituting the existing entry 'Malayali' by 'Malayali Gounder' along with removal of area restriction.</p> <p>2. The Commission also decided to agree with the recommendation of the Govt. of Arunachal Pradesh, duly supported by the office of Registrar General of India, for substituting the existing entry 'Galong' by 'Galo' in the list of Scheduled Tribes of Arunachal Pradesh. The Commission noted that State Govt. of Arunachal Pradesh while making this recommendation had informed that there would be no administrative problem in substituting 'Galong' with 'Galo' and that the ST certificates in the name of 'Galong' issued</p>

Urmila Singh
17-7-2008

	to Scheduled Tribe persons in the past will continue to be honoured. The Commission also noted that the office of Registrar General of India in its comments had, <i>inter-alia</i> , stated that 'Galo' and 'Galong' are synonyms to each other and that the word 'Galong' had been derived from 'Galo'.
Agenda Item IV	Status of implementation of Annual Action Plan.
	The status paper of implementation of the Action Plan for 2008-09 was discussed. The Computerized File Tracking System implemented in the Commission was demonstrated for information of the Members. It was intimated that all the active files of all the 4 Research Units have been placed on this System. Review of active files has been commenced and the status is also being updated in the System. Joint Secretary would be submitting lists of pending files to the Members to expedite hearing of cases.

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

Venula Siner

National Commission for Scheduled Tribes

Meeting of the Commission on 11.07.2008 at 12:00 noon in the Conference Room of the Commission-List of participants.

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

Urmila Singh

ANNEX-II

Decision taken in the meeting of National Commission for Scheduled Tribes held on 11.07.2008 on the progress of action taken on decision taken in the earlier meeting of the Commission held on 12.05.2008

- Agenda Item I** **Proposal of Govt. of Kerala to amend the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Community Certificates Act, 1996 to treat the Children of inter-caste married couple, one of whom is SC or ST as belonging to SC or ST.**
- In pursuance of the earlier decision of the Commission to hold wider consultations on the issue, a reference alongwith a background note on the subject had been made to Chief Secretaries of 9 Scheduled Area States requesting them to furnish their views by the end of July, 2008. It was decided that a reference should also be made to the North Eastern States separately, as traditions and culture of the tribals of NE States were distinct from rest of the country.
- Agenda Item II** **Proposal for inclusion of MEDARA Community as a synonym of MEDA Community in the list of STs for Karnataka.**
- It was noted that the Commission had sought certain additional information from the Govt. of Karnataka. On perusal of the reply received from Govt. of Karnataka it was found that it did not cover all the points mentioned in the Commission's letter and, therefore, the State Govt. had been requested to furnish the requisite information with respect to the remaining points. It was decided that the Govt. of Karnataka may be requested to expedite the requisite information and that Ministry of Tribal Affairs, who had been requested to indicate the reasons for not including the 'MEDARA' as a synonyms of 'MEDA' community at the earlier stage of making comprehensive revision in the lists of Scheduled Castes and Scheduled Tribes in 1976, may also be requested to expedite the required information.
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- It was noted that the Chairperson had desired that the draft guidelines in respect of (i) Service Safeguards, (ii) De-reservation of posts, (iii) Proposals relating to Inclusion/ exclusion of communities and (iv) Atrocity matters may be discussed in a separate meeting of the Commission. It was decided that the draft guidelines may be circulated to all the Members of the Commission.
- Agenda Item V (additional agenda)** **Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.**
- It was noted that detailed study of the Report will require some more time. It was, therefore, decided that the matter may be discussed after receipt of the comments from the Members.

U. S. S. S. S.
12-7-2008

The Ministry of Tribal Affairs has sent a proposal of the Govt. of Tamil Nadu for inclusion of 'Malayali Gounder' without area restriction in the ST list of Tamil Nadu in replacement of the existing entries 'Malayali'. The proposal has been recommended by the Govt. of Tamil Nadu and RGI.

2. At present 'Malayali' community is included at Sl. No.25 (only in Dharmapuri, North Arcot, Pudukottai, Salem, South Arcot and Tiruchirapali districts) of the ST list of Tamil Nadu.

3. Secretary, Adi Dravidar & Tribal Welfare Department, Govt. of Tamil Nadu had earlier requested the Ministry of Tribal Affairs to include Erode Malayali Community in the list of STs in Tamil Nadu vide their letter 07.11.2006. It was mentioned that the Malayali Tribal settlements were only in two Taluks (Satyamangalam & Bhavani) in Erode District. The total number of Malayali households in Erode district was 2875. The matter was referred by MTA to RGI for their advice/recommendation. The RGI inter-alia observed as follows vide their letter dated 12.01.2007.

5(a) "The available ethnographic information (Singh, 1997) indicate that there are two different populations by the name Malayali living in Tamil Nadu. One Malayalan speaking immigrants (Keralaite) and the other, a Tamil speaking ST. Earlier on the proposal of inclusion of Malayali community of Coimbatore in the list of STs of Tamil Nadu, this office vide letter no.8/10/72-SS, dated 6.3.1974 had given the same observations that the term Malayali denoted two different communities. For this reason and to avoid confusion, this office had suggested to adopt an alternative name in place of Malayali, as a ST in Tamil Nadu."

(b) "In the comments, it was also stated that the tribal Malayalis prefer to give their identity as Karlar or Karalar Gounder, while the neighbours call them Malayali Gounder or simple Malayalis. For this, an amendment in the list of STs of Tamil Nadu had been suggested for substituting Malayali by Karlar/Karalar Gounder/Malayali Gounder. The Lokur Committee (1965) had recommended substitution of Malayali by Malayali Gounder along with removal of area restriction. The Joint Committee (1967) had recommended to replace the entry Malayali by 'Malakkaran, Malayali'. The State Government's Study Report also states that at local level Malayali are referred to by others as 'Mlai Vellalar' and 'Malayali Gounder'. Also according to the Report, Malayali of Jawadhu hills of Thiruvannamali district are known by the term Karalar Gounder".

(c) "The ethnographic information available on the contemporary Malayali/Malayali of Erode supports the views expressed in our earlier comments. We still hold the same view as was given in earlier comments and suggest an amendment in the list of STs of Tamil Nadu for replacement of Malayali by 'Karlar, Karalar Gounder, Malayali Gounder'. After such an amendment, the existing area restriction for the Malayali in Tamil Nadu may be relaxed to include Erode district also".

4. The above comments of the RGI were referred by MTA to the State Government of Tamil Nadu for justification and recommendation. The State Government of Tamil Nadu vide their letter dated 20-6-07 has furnished their justification and recommended for inclusion of 'Malayali' or 'Malayali Gounder' community in the list of STs of Tamil Nadu without any area restriction and it was again referred to the Office of the RGI for their view/comments.

5. The Office of the RGI vide their D.O. No.8/1/2006-SS (Tamil Nadu) dated 10-12-07 has furnished their views stating that they recommend replacement of the entry 'Malayali' by 'Malayali Gounder' and to notify 'Malayali Gounder' without any area restriction. The observations of RGI was sent to State Government of Tamil Nadu for their views. The State Government of Tamil Nadu has considered the observations of the RGI and has recommended for inclusion of 'Malayali Gounder' community in the ST list of Tamil Nadu without any area restriction in place the existing entries of 'Malayali' vide their letter dated 25-4-08 to the Ministry of Tribal Affairs.

6. It would be seen from the remarks of PS to Chairperson at Page 32/C, the Hon'ble Chairperson has desired that the matter may be submitted for her perusal please.

N. Balasubramanian
(N. Balasubramanian)
Research Officer

DS (RU-IV) on Leave
Director (RCD)

As desired by Chairperson, file is submitted for kind perusal of Hon'ble Chairperson please
20/6/08

May kindly see the status at this stage before consideration of the proposal by the Commission.
Chairperson

I have discussed the matter today with Shri Maurice Kujur, Vice Chairman, Shri Tesring Samphel and Shri Oris Syiem Myriaw, Members in my Chamber at 12.30 p.m. They were of the unanimous view that the Commission may agree with recommendation of the State Government to include 'Malayali Gounder' without any area restriction in the list of Scheduled Tribes in respect of State of Tamil Nadu to replace the existing entry 'Malayali' which is area specific, duly approved by the office of Registrar General of India. The proposed State Government of Tamil Nadu is accordingly approved.

Urmila Singh
(URMILA SINGH)
Chairperson
23.06.2008

सचिव / सं. सचिव

Discussed with Jd/Dia (RCD). As per the Rules of procedure of the Commission (para 47), ~~rule~~ references received under Art 338A (a) of the Constitution should be brought up before the meeting of the Commission along with agenda etc as mentioned in para 48. In the circumstances it would be appropriate to formalise the views (above) otherwise the Commission's working may come for adverse impact.

May please see for necessary action ~~for~~ holding of the Commission's meeting.
23/6/08

2360/JS/ST
23/06/08

We should follow the procedure etc. Let me see all relevant papers.
PC should urgently
Dir (RCD) 23/6/08
1120/08/Secy
23/6/08

Rules of procedure
381/SS/ST
24.6.08

Discussed. Hon'ble Chairperson
24/6/08
AD (Genl)
DSC (RCD)



8202-CP

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No.- 1/5/08-Coord.

Date: 09.07.2008.

OFFICE MEMORANDUM

Sub: Notice for the meeting of National Commission for Scheduled Tribes

A meeting of the Commission will be held at 12:00 Noon on 11.07.2008 (Friday) in the Conference Room of the Commission under the Chairmanship of Smt. Urmila Singh, Hon'ble Chairperson, National Commission for Scheduled Tribes.

2. Following is the agenda for discussion in the meeting:

- Agenda Item I** Confirmation of the proceedings of the meeting of NCST held on 12.05.2008.
- Agenda Item II** Action taken on the decisions taken in the meeting of the NCST held on 12.05.2008.
- Agenda Item III** Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, Arunachal Pradesh, and Karnataka.
- Agenda Item IV** Status of implementation of Annual Action Plan
- Agenda Item V** Any other matter with the permission of the Chair.

3. You are requested to kindly make it convenient to attend the meeting. Agenda Notes on the above items will be circulated separately.


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

To

- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member
- 4) Shri Raghuvendra Singh Sirohi, Secretary
- 5) Shri Aditya Mishra, Joint Secretary
- 6) Shri Vinod Aggarwal, Director
- 7) Shri R.C. Durga, Director
- 8) Shri R.P. Vasishtha, Deputy Secretary.
- 9) Shri T.S. Negi, Under Secretary
- 10) Shri K.N. Singh, PS to Chairperson (with one spare copy)

Copy for information and necessary action to:-

i) Under Secretary (Admn.) and AD (Coord.) with the request to make necessary arrangements for the meeting.

ii) AD/RO CRU-2/2/III/IV)



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No.- 1/5/08-Coord.

Date: 09.07.2008.

OFFICE MEMORANDUM

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A meeting of the Commission will be held at 12:00 Noon on 11.07.2008 (Friday) in the Conference Room of the Commission under the Chairmanship of Smt. Urmila Singh, Hon'ble Chairperson, National Commission for Scheduled Tribes.

2. Following is the agenda for discussion in the meeting:

- Agenda Item I Confirmation of the proceedings of the meeting of NCST held on 12.05.2008.
- Agenda Item II Action taken on the decisions taken in the meeting of the NCST held on 12.05.2008.
- Agenda Item III Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, Arunachal Pradesh, and Karnataka.
- Agenda Item IV Status of implementation of Annual Action Plan
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(R.C. Durga)
Director (Coord.)

To

- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member
- 4) Shri Raghuvendra Singh Sirohi, Secretary
- 5) Shri Aditya Mishra, Joint Secretary
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ii) AD/RO/CEU-D/D/IV



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GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

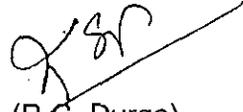
संख्या/ No.- 1/5/08-Coord.

Date: 10.07.2008.

OFFICE MEMORANDUM

Sub: Meeting of National Commission for Scheduled Tribes to be held on 11.07.2008 - Agenda Notes.

In continuation of this Office OM dated 09/07/2008 regarding meeting of the Commission to be held at 12:00 Noon on 11.07.2008 (Friday) in the Conference Room of the Commission a set of Agenda Notes for discussion in the meeting is enclosed for information and necessary action.


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

To

- 1) Shri Maurice Kujur, Vice-Chairperson
- 2) Shri Tsering Samphel, Member
- 3) Shri Oris Syiem Myriaw, Member
- 4) Shri Raghuvendra Singh Sirohi, Secretary
- 5) Shri Aditya Mishra, Joint Secretary
- 6) Shri Vinod Aggarwal, Director
- 7) Shri R.C. Durga, Director
- 8) Shri R.P. Vasishtha, Deputy Secretary.
- 9) Shri T.S. Negi, Under Secretary
- 10) Shri K.N. Singh, PS to Chairperson (with one spare set for use of Hon'ble Chairperson)

Status of action taken on the decisions taken in the meeting of the Commission held on 12.05.2008

Agenda Item I Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates (Amendment Ordinance), 2006.

It was decided that the Commission should go for wider consultations on the issue.

As per Commission's decision, Chief Secretaries of 9 Scheduled Areas States have been requested to furnish their views by the end of July 2008. A copy of the d.o. letter alongwith the background note is enclosed at **Appendix - I.1** . However, a letter was received by the Chairperson from the Minister for Scheduled and Backward Communities, Kerala with a request for expediting the comments of this Commission. Hon'ble Chairperson has suitably replied to the Minister. A copy of this letter is enclosed at **Appendix -I.2**.

Agenda Item II Proposal for inclusion of MEDARA Community as a synonym of MEDA Community in the list of STs for Karnataka.

Certain details relating to the proposal were called by the Commission from the Govt. of Karnataka in November, 2007. Since there is no elected Govt. in the State for the past few months, it was desired that some more time should be given to the State Government for furnishing the material; for which purpose, a reminder at an appropriate level may be sent. Information may also be sought from MTA/ MoSJ as to why the MEDARA community was not accepted for inclusion as a synonym of MEDA community at the earlier stage of comprehensive revision of lists of Scheduled Castes and Scheduled Tribes in 1976.

A reply from Govt. of Karnataka has been received. It was noted that it did not cover all the points raised in the Commission's letter sent to the State Govt. and accordingly the State Govt. has been requested to furnish information with respect to all the points. A copy of the letter is enclosed at **Appendix I.3**.

Agenda Item III Schedule of Review Meetings of Commission with States and UTs and Central Ministries.

State Review

Review Meeting with HP State Govt. of Himachal Pradesh and Rajasthan may be tentatively fixed for 2nd week of June, 2008 and 3rd week of June, 2008.

The material in respect of Himachal Pradesh was received in the 3rd week of June and therefore, review meeting could not be held in 2nd week of June, as decided in the meeting. Revised date of meeting for the State

Review is under consideration of Hon'ble Chairperson.

In the wake of the agitation in Rajasthan State for inclusion of Gujjar community in the list of Scheduled Tribes in the State, the material in reply to the Questionnaires has not been received so far. The matter will be placed before the Hon'ble Chairperson, as soon as it is received.

Review of Central Ministries/ Deptts./ Organisations

Questionnaires for Review were sent to 10 Ministries/ Deptts. and 7 PSUs/ Organisations for furnishing the material by end of July, 2008 and furnishing information about the Nodal Officers for the Review by the end of June 2008. As per available information interim reply/ acknowledgment has been received from Ministry of Defence and Ministry of Railways only.

**Agenda
Item IV**

Guidelines for dealing with cases relating to Service Safeguards received in the Commission.

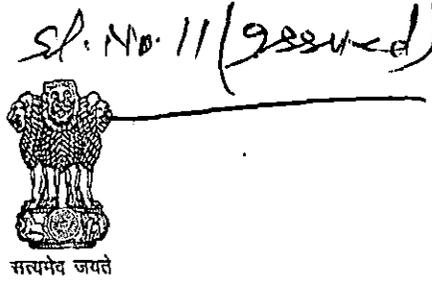
The draft guidelines in respect of (i) Service Safeguards, (ii) De-reservation of posts, (iii) Proposals relating to Inclusion/ exclusion of communities and (iv) Atrocity matters will be discussed in a separate meeting of the Commission, as desired by the Chairperson.

**Agenda
Item V
(additional
agenda)**

Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.

As per decision taken subsequent to the meeting, the Members of the Commission have been requested to forward their views/ comments in the matter. The same are awaited. After receipt of the comments the matter will be placed for discussion before the Commission.

ADITYA MISHRA
JOINT SECRETARY
PH: 011-24603669



APPENDIX I-I

S. R. B. B. B.

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

D.O. No.RU-IV/Service (Policy)/Kerela-1/2008

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
12-06-2008
Dated

Dear Shri Tripathy,

The State Government of Kerala proposes to amend The Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 to treat the children of an inter-caste married couple, one of whom is a Scheduled Castes or Scheduled Tribes as belonging to SC/ST and issue community certificates to them (i.e. children). The proposed amendment seeks to modify the existing law which provides that SC/ST community certificates shall be issued to the children of inter-caste married couples only as per the caste/community of his/her father. The existing law was enacted by the State Government in compliance with the findings of the Hon'ble Supreme Court in its judgement dated 19.08.2003 in Civil Appeal No.659 of 2003 in the case of Punit Rai vs Dinesh Choudhary in which it was held that the **determination of the caste of a person was governed by the customary laws under which a person, in the absence of any statutory law would inherit his caste from his father and not his mother even in a case of inter-caste marriage.**

2. The Government of Kerala informed the Ministry of Home Affairs, Government of India in July 2006 that as the Legislative Assembly of the State was not in session, the State Government proposed to promulgate an Ordinance to insert a new Section 5A in the above-mentioned Act to provide to treat the son/daughter of an inter-caste married couple by virtue of his father or mother being SC/ST and issue them i.e. their children community certificates. The State Government requested the Government of India (Ministry of Home Affairs) to arrange to obtain and communicate to them the instructions from the President of India for the promulgation of the Ordinance under the proviso to clause(1) of Article 213 of the Constitution of India. The Ministry of Home Affairs requested, inter-alia, the Ministry of Tribal Affairs to advise it whether the instructions of the President under Article 213(1) of the Constitution of India could be accorded to the State Government and also whether the proposed enactment involved any deviation from existing national or Central policy. The Ministry of Tribal Affairs, as advised by the Department of Legal Affairs, have sought the views of the National Commission for Scheduled Tribes on the proposed amendment.

Contd...2/-

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19/6/08
जारी किया
ISSUED

3. This Commission in its meeting held on 12.05.2008 observed that the proposed enactment would have widespread repercussion throughout the country. An apprehension was also expressed by the Commission that granting status of Scheduled Tribes to the off-springs of non-ST fathers and ST mothers might lead to encroachment upon the rights of genuine Scheduled Tribes suffering from a host of disabilities-socially, economically and educationally, on account of their living in an environment bereft of the basic infrastructure facilities essential for their overall development. The Commission felt that having regard to the seminal importance of the issue, there was a need to go for wider consultations to enable it to firm up its views. The Commission accordingly would like to benefit itself from the considered views of the State Government on whether the proposed enactment (assuming that once the Government of India gives go-ahead signal to the State Government of Kerala, other States having tribal population will also initiate action to enact similar laws) would serve the overall interest of the Scheduled Tribes or whether it will be a retrograde step which would have detrimental effect on the overall development of Scheduled Tribes as it could lead to deprivation of their genuine rights by those who had been brought up in forward families and thereby, not subjected socially, economically and educationally (cumulatively) to the same handicaps, sufferings or disadvantages attached to Scheduled Caste and Scheduled Tribes in general. You may like to interact with the stakeholders i.e. Scheduled Tribes residing in your State, tribal activists/leaders, NGOs assigned with the implementation of programmes for tribal development to help you to frame up your views on the issue. A brief write-up giving the background of the case based on the information provided by the Government of Kerala is enclosed to facilitate proper understanding of all the important aspects connected with the issue in question. Your attention is specifically drawn to the position stated in para 9 of the **background note**.

4. I shall be grateful if you could send the considered views of the State Government at the earliest, positively by the end of July 2008.

With regards,

Shri Ajit Kumar Tripathy,
Chief Secretary,
Govt. of Orissa,
Bhubaneswar

Yours sincerely,



(Aditya Mishra)

o/c

BACKGROUND NOTE

Subject: Amendment to the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996.

The Government of Kerala vide their letter dated 20.07.2006 requested Ministry of Home Affairs, Government of India to arrange to obtain and communicate to them the instructions from President of India for promulgation of an Ordinance to insert a new section 5A in the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 for treating the children of inter-caste married couples of which one is Scheduled Caste/Scheduled Tribe and issuance of community certificates to them. The Ministry of Home Affairs vide their letter dated 21.08.2006 requested the concerned administrative Ministries including the Ministry of Tribal Affairs to examine and advise them whether the instructions of the President might be communicated for promulgation of the Ordinance under Article 213(1) of the Constitution of India in consideration of the following points:-

- (a) whether the proposed legislation is Constitutionally valid: or
- (b) whether there is any conflict with an existing Central Law, and, if so, whether the conflict may be consciously permitted: or
- (c) whether the proposed State enactment involves any deviation from existing national or Central policy to its detriment, or would be a hindrance to enactment of uniform laws for the country.

2. The Ministry of Tribal Affairs as advised by the Department of Legal Affairs vide their letter dated 7 February 2008 have requested the National Commission for Scheduled Tribes to furnish its views on the proposed amendment.

3. In their letter dated 20.07.2006 (referred to above), the State Government of Kerala have stated that as part of the policy to protect and promote inter-caste marriages, the State Government have been taking various executive measures for the past several years to extend concessions and benefits to those who contract inter-caste marriage and that the children of inter-caste married couple of which one is Scheduled Castes/Scheduled Tribes had been treated as belonging to Scheduled Castes/Scheduled Tribes and were entitled to enjoy benefits intended for SCs/STs. The Hon'ble Supreme Court in its judgement dated 19.08.2003 in Civil Appeal No. 659 of 2003 (Punit Rai vs Dinesh Choudhary) held, among other things, as follows:

"The caste system in India is engrained in Indian mind. A person, in the absence of any statutory law would inherit his caste from his father and not his mother even in a case of inter-caste marriage"(Para 27)

"Determination of caste of a person is governed by the customary laws. A person under the customary Hindu Law would be inheriting his caste from his father. In this case, it is not denied or disputed that the respondent's father belonged to a 'Kurmi' caste. He was, therefore, not a member of Scheduled Caste. The caste of the father, therefore, will be the determinative factor in the absence of any law." (Para 41)

4. The State Government has stated that in compliance with the above-mentioned findings of the Hon'ble Supreme Court, they issued orders clarifying, inter-alia, that SC/ST community certificates shall be issued to the children of inter-caste married couples only as per the caste/community of his/her father subject to the conditions of acceptance, customary traits and tenets stipulated in the Supreme Court judgement.

5. The State Government of Kerala in their above-mentioned letter addressed to the Ministry of Home Affairs have referred to a full bench judgement dated 10.08.2005 of the Hon'ble High Court of Kerala in W.P.(C) 2483/05 and similar cases in which the court, inter-alia, held as follows:

"The basis of reservation under Article 15(4) and 16(4) is to provide additional protection to the members of Scheduled Castes and Tribes as a class of persons who have been suffering since considerable length of time due to social and educational backwardness. The protection is afforded to a homogeneous group, as held by the decision of Supreme Court in E.V. Chinnaiah V. State of A.P.(2005) 1 SCC 394. But the claimant has to prove that he has been brought up as Scheduled Caste/Scheduled Tribe either by the father or by the mother and thereby did not get the advantages in life as a non-scheduled caste and is suffering all handicaps, disadvantages having been born as a member of Scheduled Caste/Scheduled Tribe. In Punit Rai's case, Supra, the court held, placing reliance on Section 106 of the Evidence Act, when any fact is especially within the knowledge of the person, the burden of proving the same is upon him. Authorities are not in a position to know under what circumstances inter-caste married couple have brought up their children, a matter within the exclusive knowledge of children and parents. The burden is on the person who claims the benefit to establish that he/she is subjected to the same handicap and disadvantages having been born as a member of SC/ST."

"Therefore, if father belongs to Scheduled Caste/ Scheduled Tribe the child may inherit his caste from his father by operation of personal law. Even then, in order to get the benefit of Articles 15(4), 16(4) or 16(4A) read with Articles 341 and 342 of the Constitution, the person has to further establish that he still uses the caste of his father subject to same disabilities, disadvantages, sufferings etc. of that caste or tribe. Unless and until the person establishes those factors the mere fact that by virtue of the personal law he has inherited his caste status from his father or mother, as the case may be, by itself would not be sufficient to show that he is still subject to the same disadvantages. Even if father belongs to Scheduled Caste/Scheduled Tribe, child would be brought up in the company of the mother who belongs to forward caste without subjecting him to any sufferings, disadvantages, incapacity or ignominy which would normally be suffered by the members of Scheduled Caste/Scheduled Tribe and vice versa, like mother belongs to Scheduled Caste and father belongs to non Scheduled Caste and the child is brought up by the father and would not be subjected to the disadvantages and sufferings as if he is a member of Scheduled Caste/Scheduled Tribe" (Para 18 and 19)

6. In view of the above-mentioned observations of the Hon'ble High Court of Kerala and the Hon'ble Supreme Court (as referred to in the High Court judgement), the State Government proposes to enact a law by inserting a new section 5A in The Kerala

(Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 to authorize the competent authority to issue a community certificate to a person who is the off-spring of an inter-caste married couple one of whom is a Scheduled Caste or Scheduled Tribe, which reads as follows:

"5A. Issuance of community certificate to the children born of inter-caste marriages:-Notwithstanding anything contained in any other provisions of this Act, or in any other law for the time being in force or in any judgement, decree or order of any court, the Competent Authority may issue a community certificate, on an application made to it under section 4, to a person, who is the son or daughter of an inter-caste married couple and claiming the status as a Scheduled Caste or Scheduled Tribe, as the case may be, by virtue of his father or mother being a member of a Scheduled Caste or a Scheduled Tribe Community, as the case may be, in accordance with procedure and manner of issue of community certificate prescribed under sub-section(1) of section 5 and also after satisfying about the genuineness or otherwise of the claim made thereunder:

Provided that no such certificate shall be issued if: -

- (a) either of the parents does not belong to Scheduled Caste or Scheduled Tribe community, as the case may be ; or
- (b) on enquiry, it is satisfactorily established that the son or daughter, as the case may be, is living in such circumstances and enjoying such facilities and that it cannot be inferred that he has been subjected socially, economically and educationally cumulatively to the same handicaps, suffering or disadvantages attached to the Scheduled Caste or Scheduled Tribe Community, as the case may be, to which one of the parents belongs.

Explanation – For the purpose of this section the expression inter-caste married couple' shall mean a married couple of whom one of the partners belongs to a Scheduled Caste or Scheduled Tribe Community."

7. The Ministry of Tribal Affairs in their O.M. dated 06-09-2006 have observed that the proposed changes are also in conformity with the Hon'ble Supreme Court's recent decision in its judgement dated 14-02-2006 pertaining to the off-springs of an inter-caste marriage (where one spouse is a non-tribal) in the case of Civil Appeal No. 6445 of 2000 (Sh. Anjan Kumar Vs Union of India and Others). In this judgement, the Hon'ble Supreme Court upheld its Full Bench judgement in the case of Valsamma Paul Vs Cochin University in which the Hon'ble Court held, in paras 33 and 34, as under:

"33. However, the question is: Whether a lady marrying a Scheduled Caste, Scheduled Tribe or OBC citizen, or one transplanted by adoption or any other voluntary act, ipso facto, becomes entitled to claim reservation under Article 15(4) or 16(4), as the case may be? It is seen that Dalits and Tribes suffered social and economic disabilities recognized by Articles 17 and 15(2). Consequently, they became socially, culturally and educationally backward; the OBCs also suffered social and educational backwardness. The object of reservation is to remove these handicaps, disadvantages, sufferings and restrictions to which the members of the Dalits or Tribes or OBCs were subjected and was sought to bring them in the mainstream of the nation's life by providing them opportunities and facilities."

"34. In *Murlidhar Dayandeo Kesekar vs Vishwanath Pandu Barde and R. Chandevaramappa vs State of Karnataka* this court had held that economic empowerment is a fundamental right to the poor and the State is enjoined under Articles 15(3), 46 and 39 to provide them opportunities. Thus, education, employment and economic empowerment are some of the programmes the State has evolved and also provided reservation in admission into educational institutions, or in case of other economic benefits under Articles 15(4) and 46, or in appointment to an office or a post under the State under Article 16(4). Therefore, when a member is transplanted into the Dalits, Tribes and OBCs, he/she must of necessity also have had undergone the same handicaps, and must have been subjected to the same disabilities, disadvantages, indignities or sufferings so as to entitle the candidate to avail the facility of reservation. A candidate who had the advantageous start in life being born in Forward Caste and had march of advantageous life but is transplanted in Backward Caste by adoption or marriage or conversion, does not become eligible to the benefit of reservation either under Article 15(4) or 16(4), as the case may be. Acquisition of the status of Scheduled Caste, etc. by voluntary mobility into these categories would play fraud on the Constitution, and would frustrate the benign constitutional policy under Articles 15(4) and 16(4) of the Constitution."

8. In view of its above referred decisions, the Hon'ble Supreme Court in its judgement dated 14.02.2006 in the case of *Anjan Kumar vs Union of India and Others* (referred to above) held that the questions raised before them were no more *res integra* (i.e. an untouched matter or a point without a precedent). **The Court further held that the condition precedent for granting tribe certificate being that one must suffer disabilities wherefrom one belongs. Further, the offshoot of the wedlock of a tribal woman married to a non-tribal husband – Forward Class (Kayastha in the case in question) can not claim Scheduled Tribe status. The reason being, the Court held, such offshoot was brought up in the atmosphere of the Forward Class and he was not subjected to any disability.**

9. The State Government of Kerala have mainly based their decision to treat the son or daughter of an inter-caste married couple of whom the mother is an SC/ST and the father is non-SC/ST and to issue them (i.e. their children) community certificates of belonging to a Scheduled Caste or Scheduled Tribe on the basis of the judgements of the Hon'ble High Court of Kerala and the Hon'ble Supreme Court. The most important question to be asked therefore is whether the action proposed to be taken by the State Government follows as a natural corollary to the judgments of the Hon'ble Supreme Court, in particular their judgement 14.02.2006 in the case of *Anjan Kumar vs Union of India and Others* (referred to in the preceding paras) or not, having regard to the following points:

- (i) In the case of *Murlidhar Dayandeo Kesekar vs Vishwanath Pandu Barde and R. Chandevaramappa vs State of Karnataka*, the Hon'ble Supreme Court held that when a member is transplanted into the Dalits, Tribes and OBCs, he/she must of necessity also have had undergone the same handicaps, and must have been subjected to the same disabilities, disadvantages, indignities or sufferings so as to entitle the candidate to avail the facility of reservation. A candidate who had the advantageous start in life being born in Forward Caste and had march of advantageous life but is transplanted in Backward Caste by adoption or marriage or conversion, does not become eligible to the benefit of

reservation either under Article 15(4) or 16(4), as the case may be. The opposite is the position in the present case in which a tribal woman will be transplanted into a non-tribal family belonging to a Forward Class and therefore there are very little possibilities or no possibility at all of the children of such wedlock suffering from the disabilities and disadvantages – socially, culturally, educationally and economically, attached to a Schedule Tribe.

- (ii) The Hon'ble Supreme Court in the case of Anant Kumar vs. Union of India and Others (referred to above) have unequivocally stated that the offshoot of a wedlock of a tribal woman married to a non-tribal husband (i.e. belonging to Forward Class) kind not claim Scheduled Tribe status as he/she was brought up in the atmosphere of Forward Class and was not subjected to any disability and disadvantage.

Proviso to the new section 5A proposed to be added to the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996, inter-alia, says that no community certificate shall be issued if on enquiry, it is satisfactorily established that the son or daughter, as the case may be is living in such circumstances and enjoying such benefits that it can not be inferred that he/she has been subjected socially, economically and educationally (cumulatively) to the same handicaps, suffering or disadvantages attached to SC/ST community, as the case may be to which one of the parents belongs. These provisions are not in conformity with the observations of the Hon'ble Supreme Court in the case of Anant Kumar vs Union of India and Others (referred to above) in which **the Hon'ble Court have very clearly held that the offshoots of a wedlock of a tribal woman married to a non-tribal husband belonging to a Forward Class can not claim ST status as such offshoots were brought up in the atmosphere of Forward Class and were not subjected to any disability.** In the light of these general observations of the Hon'ble Supreme Court, the proposed proviso regarding verification whether the son or daughter of such wedlock has been subjected to handicaps, sufferings or disadvantages attached to SC/ST community becomes in fructuous.

ok

S.L. No. 22 (288/2008)

APPENDIX I-2

उर्मिला सिंह
अध्यक्ष

URMILA SINGH
CHAIRPERSON



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

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खान मार्केट, नई दिल्ली-110003
6TH FLOOR, LOK NAYAK BHAWAN,
KHAN MARKET, NEW DELHI - 110003
Tel. : 24635721 Tel/Fax : 24624628

फास्ट पोस्ट
SPEED POST

No. RU-IV/Service(Policy)/Kerala-1/2008

July 8, 2008

Dear Shri Balanji,

I am in receipt of your D.O. letter No. 105/M/WSC&Elect/08 dated 27-06-2008 regarding communicating the views of this Commission on the proposal of the Government of Kerala to amend the Kerala [Scheduled Castes and Scheduled Tribes] Regulation of Issue of Community Certificates Act 1996 to treat the children of an inter-caste married couple, one of whom is SC/ST, as belonging to SC/ST and accordingly issue Community Certificates to them (referred to this Commission by the Ministry of Tribal Affairs).

2. This is to inform you that the matter was discussed in the meeting of the Commission held on 12-05-2008 and it was decided that the Commission should go for wider consultation. Accordingly, 9 Scheduled Area States have been requested to apprise the Commission of their considered views. The matter will be further examined by the Commission on hearing from the State Governments.

With regards,

Yours sincerely,

Urmila Singh

(Urmila Singh)

Shri A.K. Balan,
Hon'ble Minister for Welfare of
Scheduled and Backward Communities
And Electricity,
Government of Kerala,
Thiruvananthapuram,
Kerala.

निवास : सी-1-5, लोधी गार्डन, नई दिल्ली-110 003 दूरभाष : 24649495

Residence : C-1-5, Lodhi Garden, New Delhi - 110 003 Tel. : 24649495

6594
7/7/08

जारी किया
ISSUED

ADITYA MISHRA
JOINT SECRETARY
PH : 011-24603669



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

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

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

27-06-2008

Dated

Dear Shri Rao,

Kindly refer to this Commission's d.o. letter of even number dated 16-11-2007 (copy enclosed), addressed to your predecessor, regarding the proposal of the Govt. of Karnataka for inclusion of 'Medara' as synonym of 'Meda' in the list of Scheduled Tribes (at Sl. No.37) in respect of the State of Karnataka.

2. The Commission had requested the Govt. of Karnataka to confirm whether the social customs, dialect, the way of living, the level of educational and economic development and the religious practices, etc. in respect of the people belonging to 'Medara' community are the same as those of 'Meda' community and also whether there is practice of inter-marriage among them.

3. A reply in the matter has since been received from the Social Welfare Department, Govt. of Karnataka vide their letter No.SWD 131 SAD 07, dated 05-06-2008. The requisite information about the social customs, dialect, occupation religious practices and the practice of inter-marriage among the people of above communities has been furnished. However, the position about the level of educational and economic development of the above communities has not been clarified in the reply.

4. I shall, therefore, be grateful if you could kindly have the matter looked into and arrange to furnish the remaining information to the Commission within a fortnight to enable it to furnish its comments to the Ministry of Tribal Affairs who are pressing hard in the matter.

With regards,

(Yours sincerely,

(Aditya Mishra)

Shri Sudhakar Rao,
Chief Secretary,
Govt. of Karnataka,
Bangalore
(Fax No.080-22258913)

**Agenda Note
Item III**

Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, and Arunachal Pradesh.

As per the procedure/ modalities prescribed by Government of India, only such case relating to inclusion in/ exclusion from in the list of Scheduled Tribes are referred to the Commission for its comments/ advice which are recommended by the respective State Govt. and duly supported by the Registrar General of India. A copy of the modalities is placed at **Appendix-II.1**. According to para (h) of the modalities, Claims recommended suo-moto by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable. Since large number of representations for inclusion/ exclusion of communities are received directly in the Commission, the same are forwarded to the Ministry for taking necessary action as per modalities. Commission, however, felt that the Ministry may not construe such communications from the Commission as recommendations of the Commission and, therefore, vide d.o. letter No. INC/EXE/01/ST-2005/SSW (ST) dated 14.10.2005 the Ministry of Tribal Affairs was informed that such representations sent by the Commission to the Ministry should not be treated as recommended by the Commission and that each such representation is to be considered carefully on its merit. It was also stated that the Chairperson of the Commission had observed that representations for inclusion of communities in the list of Scheduled Tribes after 50 years of independence are not justified at this stage and that those belonging to SC or OBC and already included in their respective Scheduled lists are trying to get included in the list of Scheduled Tribes. A copy of this letter dated 14.10.2005 dated is enclosed at **Appendix-II.2**.

2. The above mentioned modalities also provide sub-para (c) that while examining the cases referred to it, the Commission may associate expert individuals, organisation/ institutions in the fields of Anthropology, Ethnography and other social sciences, in addition to the State Govts. , Registrar General of India and Anthropology Survey of India, on a regional basis and may also consider holding public hearings in areas valiant to the claims under examination. It has however, been clarified that these cannot be binding in the Commission. Notwithstanding this position steps have been taken to evolve internal guidelines for dealing with the proposals for inclusion/ exclusion of communities received in the Commission (**Appendix- II.3**). These guidelines are at preparatory stage and are yet to be adopted by the Commission, but it is suggested that the following procedure be adopted by the Commission:

- (a) The opinion/comments from public (**supporters as well as opponents**) may be obtained. For this purpose, necessary **notices may be got published in the newspapers** and also put up on the website of the Commission. Thereafter, interested persons/associations may be called in the Commission for discussion. If necessary, a **public hearing** may also be held.
- (b) Recommendations of the State Government and RGI may be examined thoroughly. **Reasons for not inclusion in the ST list earlier may be ascertained.** Relevant data from 1931 Census and onwards may be scrutinized. If necessary, the concerned officers from the State Government and RGI may be called for a meeting in the Commission.
- (c) Report on the ethnographical survey, and case studies, if available, may be taken into account.

- (d) Opinion of experts in the field of Anthropology/Sociology may also be obtained if considered necessary.
- (e) If considered necessary, a study may be entrusted to some expert agency for determining the relative backwardness of the community.

3. The Ministry of Tribal Affairs have referred the following proposals for comments/ advice of the Commission.

A. Inclusion of 'Malyali Gounder' without any area restriction in the Scheduled Tribes list of Tamilnadu.

- i) The Govt. of Tamil Nadu have recommended for Inclusion of 'Malyali Gounder' without any area restriction in the Scheduled Tribes list of Tamilnadu
- ii). At present 'Malayali' community is included at Sl. No.25 (**only in Dharmapuri, North Arcot, Pudukottai, Salem, South Arcot and Tiruchirapali districts**) of the STs list of Tamil Nadu.
- iii). Secretary, Tribal Welfare Department, Govt. of Tamil Nadu had earlier requested the Ministry of Tribal Affairs to include Erode Malayali community in the list of STs in Tamil Nadu vide their letter 07.11.2006. It was mentioned that the Malayali Tribal settlements were only in two Taluks (Satyamangalam & Bhavani) in Erode District. The total number of Malayali households in Erode district was 2875. The matter was referred by MTA to RGI for their advice/recommendation. The RGI inter-alia observed as follows vide their letter dated 12.01.2007.

"In the comments, it was also stated that the tribal Malayalis prefer to give their identity as Karlar or Karalar Gounder, while the neighbours call them Malayali Gounder or simple Malayalis. For this, an amendment in the list of STs of Tamil Nadu had been suggested for substituting Malayali by Karlar/Karalar Gounder/Malayali Gounder. The Lokur Committee (1965) had recommended substitution of Malayali by Malayali Gounder along with removal of area restriction. The Joint Committee (1967) had recommended to replace the entry Malayali by 'Malakkaran, Malayali'. The State Government's Study Report also states that at local level Malayali are referred to by others as 'Mlai Vellalar' and 'Malayali Gounder'. Also according to the Report, Malayali of Jawadhu hills of Thiruvannamali district are known by the term Karalar Gounder".

"The ethnographic information available on the contemporary Malayali/Malayali of Erode supports the views expressed in our earlier comments. We still hold the same view as was given in earlier comments and suggest an amendment in the list of STs of Tamil Nadu for replacement of Malayali by 'Karlar, Karalar Gounder, Malayali Gounder'. After such an amendment, the existing area restriction for the Malayali in Tamil Nadu may be relaxed to include Erode district also".

- iv). The above comments of the RGI were referred by MTA to the State Government of Tamil Nadu for justification. The State Government of Tamil Nadu vide their letter dated 20-6-07 has furnished their justification and recommended for inclusion of 'Malaiali' or 'Malayali Gounder' community in the list of STs of Tamil Nadu without any area restriction and it was again referred to the Office of the RGI for their view/comments.

v). This proposal was discussed in an emergent meeting taken by the Chairperson on 23.06.2008 in her Chamber which was attended by Vice-Chairman and both the Members of the Commission. It was unanimously agreed to accept the proposal of the State govt. of Tamil Nadu duly supported by the Office of Registrar General of India to include 'Malyali Gounder' without any area restriction in the list of Scheduled Tribes in respect of the State of Tamil Nadu to replace the existing entry 'Malyali' which is area specific.

B. Substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribes in Arunachal Pradesh.

The State Govt of Arunachal Pradesh have requested replacement of 'Galong' with 'Galo' at S.No. 5 of ST list of Arunachal Pradesh. Registrar General of India has also recommended replacement of name with a view that Galo and Galong are synonym to each other and the word Galong has been derived from Galo by distortion. Details of the proposal are placed at **Appendix-II.4**

Revised Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes lists
(Revised on 25.06.2002)

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes have been notified. Such proposals are required to be processed as indicated below: -

(a) Cases favoured by both the State Governments and the Registrar General of India (RGI) in their most recent reports would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. They would be forwarded to the Commission individually or in batches, as may be practicable, along with the comments of the State Governments and the RGI as well as any relevant material/information furnished by them or by representations.

(b) Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.

(c) It may be suggested to the Commission that, while examining the above cases, they should associate, through panels or other means, expert individuals, organizations and institutions in the fields of anthropology, ethnography and other social sciences, in addition to the State Governments, RGI and the Anthropological Survey of India, on a regional basis. They may also consider holding public hearings in areas relevant to the claims under examination. These guidelines cannot be binding on the Commission, but may be suggested in the interest of fuller examination of the cases. The Commission would also be requested to give priority to cases in which the Courts have given directives regarding decision within a stipulated time period. (In such cases, extension of time would be sought from the courts where necessary, citing these modalities for the determination of claims). Such cases would be separately processed and sent for earlier decision.

(d) Amending legislation would be proposed to the Cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured modification. Those cases with which the State Governments and the RGI are in agreement, but which the Commission have not supported, would be rejected at the level of Minister for Social Justice and Empowerment.

(e) Claims for inclusion, exclusion or other modifications that neither the RGI nor the concerned State Governments have supported would not be referred to the National Commission. These would be rejected at the level of the Minister for Social Justice and Empowerment.

(f) "In the case of claims recommended by the concerned State Governments/ Union Territory Administrations, but not agreed to by the Registrar General of India, the concerned State Government/ Union Territory Administration would be asked to review and further justify their recommendations in the light of RGI. On receipt of the further clarification from the State Government/ Union Territory Administration, the proposal would be referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/ Union Territory Administration, on a second reference, the Government of India may consider rejection of the said proposal."

(g) Claims in respect of which the comments of either the RGI or the State Government or of both are awaited would remain under consideration until their views are received. Thereafter, they would be dealt with in accordance with the modalities at (a) to (f) above.

(h) Claims recommended suo-moto by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable.

S.No 15 (B)
D.O.No. INC/EXE/01/ST-2005/SSW (ST)

By Special messenger
APPENDIX D.2



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

K.N. Singh
Joint Secretary
Ph: 24603669

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

Dated 14.10.2005

Dear Shri Kumar,

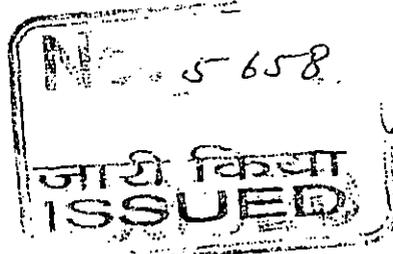
This Commission has been receiving representations from individuals and associations for inclusion of certain communities in the list of Scheduled Tribes under Article 342(1) of Constitution of India and, as per the procedure, this Commission has been forwarding those representations to the Ministry of Tribal Affairs to consider them in consultation with the concerned State Govt. or UT administration and the office of Registrar General of India and, thereafter to send a proposal to this Commission for placing the matter before the Commission for its consideration and advice on the recommendations/views of the State Govt. and RGI. Chairman, NCST has desired that the Ministry of Tribal Affairs may be informed that such representations sent by the Commission to the Ministry should not be treated as recommended by the Commission and that each such representation is to be considered carefully on its merits. Chairman has further observed that the representations for inclusion of communities in the list of Scheduled Tribes after 50 years of independence are not justified at this stage and that those belonging to SC or OBC and already included in their respective Scheduled lists are trying to get included in the list of Scheduled Tribes. This is for your information and necessary action as considered appropriate.

With regards,

Yours sincerely,

(K.N. Singh)

Shri Rajiv Kumar
Joint Secretary,
Ministry of Tribal Affairs,
Shastri Bhavan,
New Delhi



Draft Internal guidelines for examining the proposals of inclusion in/exclusion from the list of Scheduled Tribes.

In the Constitution of India, no criteria have been spelt out for the specification of a community as a Scheduled Tribe. However, taking into account the definitions in the 1931 Census and the Reports of the first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 and the Joint Committee of Parliament on the SCs & STs Orders (Amendment) Bill, 1967 (Chanda Committee) 1969, the following criteria are followed for specification of a community as a Scheduled Tribe:-

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

2. As per the approved modalities for deciding the claims of inclusion/exclusion w.r.t. ST lists, proposals favoured by the State Governments and the RGI are referred to the NCST for opinion by the Ministry of Tribal Affairs. The Commission also directly receives some representations from individuals, associations, etc on the subject. The Commission is not concerned with these representation and therefore the same may be forwarded to the Ministry of Tribal Affairs for appropriate action under intimation to the representationists.

3. The Commission may examine the proposals received form the MTA as per its own procedure. With a view to ascertain that the proposals are based on the broad criteria, referred to in para 1 above, the Commission may apply the following tests with reference to any particular community:-

(A) Way of Living.

- (i) Habitations in geographically isolated areas, hilly terrains, islands, deserts, etc.
- (ii) Prevalence of primitive traits in the matters of clothing, cleanliness etc.
- (iii) Engagement in occupations like hunting, trapping of bird & animals, stone carving, making of articles from forest wood and bamboo, hide & skin work, etc.
- (iv) Mostly non-vegetarians with distinctive food habits like consuming roots and tubers, meat of animals, home made alcoholic drinks etc.

(B) Social customs and Religious practices.

- (i) Distinctive and specific sphere/circle for marriages. Most of the tribal groups are Endogamous and the system of consanguineous marriages is prevalent in most of the tribal areas.
- (ii) Peculiar rituals and ceremonies for marriages.
- (iii) Specific 'Deities' and peculiar ways of worshipping.

- (iv) Peculiarity in dress, e.g. wearing of headgears including turbans, ornaments, body marking, tattooing, etc.
- (v) Unflinching faith in the dictates of Clan Heads.

(C) **Dialect.**

Peculiarity of language/dialect generally distinct from the general population in the area.

(D) **Educational and Economic Status**

- (i) Very low rate of literacy as compared to the general literacy rate in the area.
- (ii) Living in very poor conditions much below the poverty line. No sense of savings and dependence on money lenders.

4. The above criteria/tests have to be applied keeping in view the fact that the tribes in India are tribes in transition. The criterion of backwardness thus remains as the main criterion. The relative backwardness of a community as compared to the society at large and other communities in the area has therefore to be judged. For this propose, data on economic development, educational development and social development of the community should be analysed. Such data should, inter-alia, include the data on the representation of the community in government/public sector services, political institutions like Parliament, State Assemblies and local bodies.

5. The following procedure may be adopted for applying the above tests:-

- (a) The opinion/comments from public (**supporters as well as opponents**) may be obtained. For this purpose, necessary **notices may be got published in the newspapers** and also put up on the website of the Commission. Thereafter, interested persons/associations may be called in the Commission for discussion. If necessary, a **public hearing** may also be held.
- (b) Recommendations of the State Government and RGI may be examined thoroughly. **Reasons for not inclusion in the ST list earlier may be ascertained.** Relevant data from 1931 Census and onwards may be scrutinized. If necessary, the concerned officers from the State Government and RGI may be called for a meeting in the Commission.
- (c) Report on the ethnographical survey, and case studies, if available, may be taken into account.
- (d) Opinion of experts in the field of Anthropology/Sociology may also be obtained if considered necessary.
- (e) If considered necessary, a study may be entrusted to some expert agency for determining the relative backwardness of the community.

6. A final view on any proposal may be taken by the Commission in its meeting after the matter has been examined by applying the above procedure.

S No. 1(R)

APPENDIX II-y

No. 12016/2/2001-C&LM-I
Government of India
Ministry of Tribal Affairs
(C & LM-I Section)

Shastri Bhavan, New Delhi-110001
07th May, 2008

To,
The Joint Secretary,
National Commission for Scheduled Tribes,
Lok Nayak Bhavan,
New Delhi

Sub.: Substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribe in Arunachal Pradesh.

Sir,

I am directed to refer this Ministry's D.O. letter No. 12016/06/2007-C&LM-I dated 26/11/2007 on the subject cited above and to inform that the Office of the Registrar General of India vide D.O. No.8/1/2003-SS(Pt.)(Arunachal Pradesh) dated 17/03/2008 (copy enclosed) has supported the proposal of the State Government of Arunachal Pradesh for substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribe in Arunachal Pradesh stating that "if the Ministry of Tribal Affairs is satisfied with the fact that there will be no administrative problem in substitution "Galong" currently listed as a Scheduled Tribe at Sr. No. 5 of the STs list with "Galo", ORGI does not have any objection with the current proposal of the State Government".

ii). The State Government of Arunachal Pradesh vide letter dated 24/04/2008 (copy enclosed) has informed that there will be no administrative problem in substituting "Galong" with "Galo". The persons who own ST Certificate under the Tribe name "Galong" issued earlier will continue to be honoured. But after substitution all future ST Certificate will be issued under the tribe name "Galo".

It is requested that the comments/views of the NCST on substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribe in Arunachal Pradesh may kindly be communicated to this Ministry at the earliest for further necessary action in the matter.

Yours faithfully,

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

RU-17
S Post
13/5/08

325 RDCRU-17
13-5-08



देवेन्द्र कुमार सीकरी
DEVENDER KUMAR SIKRI

अपर सचिव
महाराजिस्ट्रार एवं जनगणना आयुक्त, भारत
गृह मंत्रालय
ADDITIONAL SECRETARY
&
Registrar General & Census Commissioner, India
Ministry of Home Affairs

D.O.No.8/1/2003-SS(Pt.)(Arunachal Pradesh)

17th March, 2008

Dear Ms. Ruchira Pant,

Please refer to your office letter No.12016/2/2001-TA(RL)/C&LM-1 dated 11th October, 2007 regarding Office of the Registrar General, India's, comments on Arunachal Pradesh State Government proposal for correction of name 'Galong' as 'Galo' in the list of Scheduled Tribes in Arunachal Pradesh. The comments of this office in this connection are sent herewith for further appropriate action.

With regards,

Yours sincerely,


(DK Sikri)

Encl: As above

Ms. Ruchira Pant,
Joint Secretary,
Ministry of Tribal Affairs
Shastri Bhavan
New Delhi

3

Comments of the ORGI on the Arunachal Pradesh State Government proposal concerning correction of 'Galong' as 'Galo' in the list of Scheduled Tribes in Arunachal Pradesh:

The ORGI had earlier examined State Govt.'s proposals on 25 communities (*including* Gallong) in connection with the comprehensive revision of the STs list of the State. Then on the basis of ethnographic information furnished by the State Govt. (vide letter No.POL_80/72 VOL-IV dt. 24th Jan, 1992) and also on the basis of published literatures, this office vide D.O. No.8/1/93-SS(Gen) dt. 29th Jan, 1993 agreed to the State Govt.'s proposal for inclusion of all the 25 tribal communities including 'Adi' & its eighteen (18) sub-tribes (*including* "Galo (Gallong)") in the STs list.

2. Subsequently, it appears that when in 1999 the Ministry of Tribal Affairs sent the approved list (agreed by ORGI as well as by National Commission for SCs and STs) to the State Govt. for final confirmation by them, the State Govt. took a divergent view, and instead submitted a fresh list of 20 communities for inclusion in the STs list vide letter No. Secy(SW)/SCST(IN.EX)99 dt. 31st March, 2000. The State Govt., however, neither justified their changed stand nor furnished any fresh ethnographic information supporting these 20 communities.

3. Thereafter, Ministry of Tribal Affairs again sought ORGI comments on the State Govt.'s fresh proposal for a comprehensive revision of the STs list of the State for which the State Govt. has recommended 20 communities.

4. However, since no detail ethnographic information/reason had been furnished by the State Govt. in support of their changed stand, particularly when their earlier proposals were based on more detail ethnographic information/report, this office had offered its comments vide D.O. No.8/1/2003-SS (Arunachal Pradesh) dt. 21st Dec., 2005 reiterating its earlier stand with regard to the inclusion of Abor, Khowa, Galong, Aka, Singpho, Momba, Mishmi, Serdukpen, and Khampti. Further, this office had made an observation that "The present Scheduled Tribes list of Arunachal Pradesh is an 'open' list. 'All tribes of the State' are recognized as STs in the

4

State. The names of 12 tribes are spelt out in the STs list as an illustration. As a result, total number of Scheduled Tribes enumerated in the State since 1961 Census has varied from Census to Census. It was 41 in 1961 Census, 110 in 1971 Census, 106 in 1981 Census, 100 in 1991 Census and 99 in 2001 Census. Overall, 111 tribes have so far been returned as Scheduled Tribes in the State between 1961 to 2001 Censuses. Palpably, the proposed list of 20 Scheduled Tribes is not an 'exhaustive' list of STs of the State. The Ministry of Tribal Affairs may like to examine it critically and give comments on this aspect before considering the State Government recommendation/proposal in this regard".

5. Keeping in view of the points mentioned above, the State Govt., if so desired, may send a fresh proposal along with relevant ethnographic information for comprehensive revision of the STs list of the State. The State Govt. also may like to send justifications for changing their earlier stand of 1992 that was based on more detail ethnographic information and facts.

6. The present proposal is for substitution of "Galong" with "Galo". In this context, this office has the following observations:

(i) According to the local people, the Britishers had named this community as "Galong" only on the basis of their interaction with another tribal community living around Pasighat. This view is corroborated by the published literature (*POI, India's Communities*, Vol. IV, p.12), according to which "A group of the Adi, the Gallong are also known as Galo, a name given by their neighbours, the Miniyong".

(ii) In a recent book (*Galo Lok-Jiban Abang Sanskriti, 2007, p. viii (in Hindi)* by J. S. Nino) the name Galo and its etymological meaning has been discussed. According to which, the word Galong has been derived from Galo by distortion. The word "Galo" derived from "Golo" mountain. According to some people "Galo" means - 'going downward to flat plain'. The people of Galo migrated downward from "Topo Karbo Dumrik (of Chin) area. Therefore, their name has been derived as Galo. Thus, the word Galong is merely a distorted version of the original word Galo.

(iii) Earlier this office had suggested "Galo(Gallong)" to be included under "Adi(Abor)" as per the then proposal of the State Govt. Therefore, this office has in a way accepted the fact earlier that "Gallong" and "Galo" are 'one and the same' or 'synonymous to one another'. As per the current proposal of the State Govt. this office does not have any objection if the name of the tribe is changed from Galong to Galo in view of the fact that the community call themselves Galo, whereas Galong is a distorted form of their actual name.

(iv) However, in most ethnographic literatures (e.g. *Highlanders of Arunachal Pradesh* By Christoph von Furer-Haimendorf; *A Philosophy for NEFA* by Verrier Elwin; *Caste, Tribes & Culture of India* (vol. 8) by Sukhdev Singh Chib; *Arunachal Pradesh: An Overview* by P. C. Dutta) Gallong has been mentioned as to be a tribe under Adi. Therefore, it is obvious that the name Gallong is more popular than Galo.

Since (i) Galong is more popular than Galo and (ii) in all administrative/official/academic records this tribe is hitherto mentioned as Galong there may be an administrative problem if the name of the tribe is changed to Galo.

(v) Earlier in connection with the substitution of name of "Dafla" with "Nyishi", the State Govt. (vide letter no. Secy(SW)SC/ST(In-EX)/99 dt. 19 July, 2004) has made it clear that there would be no administrative problem in view of the fact that after the amendment the State authorities would issue ST certificates in the name of "Nyishi", while the earlier certificates issued in the name of Dafla would continue to be valid. Subsequently, the Ministry of Tribal Affairs (vide do. no. 12016/2/2001-TA(RL)Pt. dt. 2 August, 2005) endorsed the State Govt.'s stand. Thus, if the Ministry of Tribal Affairs is satisfied with the fact that there will be no administrative problem in substituting "Galong" currently listed as a Scheduled Tribe at SL.No.5 of the STs list with "Galo", ORGI does not have any objection with the current proposal of the State Govt.

(6)

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CHIEF SECRETARY: CIVIL SECRETARIAT
ITANAGAR

NO. SECY (SW)SC/ST(IN-EX)/99
Dtd 24th April 08.

To
The Secretary,
Ministry of Tribal Affairs,
Govt. of India, Shastri Bhavan,
New Delhi - 110 001.

1708
3814

Sub :- Substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribe of Arunachal Pradesh
Ref:- Ministry of Tribal Affairs letter F. No. 12016/2/2001-TA(RL)/C&LM-I dtd. 9th April 08.

Sir,

With reference to your Ministry's letter on the subject mentioned above, I am to inform you that there will be no administrative problem in substituting "Galong" currently listed as Scheduled Tribe at Sr. No. 5 of Scheduled Tribe list of Arunachal Pradesh with "Galo".

During your visit to Arunachal Pradesh in September 07, a detailed power point presentation was made justifying the necessity for substituting "Galong" with "Galo".

Those persons who own ST Certificate under the Tribe name "Galong" issued earlier will continue to be honoured. But after substitution of "Galong" by "Galo" through Constitutional Amendment all future ST Certificates will be issued under the Tribe name "Galo".

Yours faithfully,

(Tabom Bam)
Chief Secretary
Govt. of Arunachal Pradesh
Itanagar.

976
To Secy... (क. प्र.) 08
29/4/08

3984
Dy. No. JS(RP)/G
Date 29/4/08

Handwritten notes and signatures on the left margin, including "SC/ST", "SRP", "JD(G)", and various initials and dates.

Agenda Item IV Status of implementation of Annual Action Plan

Annual Action Plan for 2008-09

Schedule for review meetings with the State Govts.	<table border="0"> <tr><td>Himachal Pradesh</td><td>May, 08</td></tr> <tr><td>Madhya Pradesh</td><td>June, 08</td></tr> <tr><td>Sikkim</td><td>June 08</td></tr> <tr><td>Maharashtra</td><td>July, 08</td></tr> <tr><td>Chattisgarh</td><td>Aug. 08</td></tr> <tr><td>Andman & Nicobar</td><td>Sept.08</td></tr> <tr><td>Jharkhand</td><td>Sept.08</td></tr> <tr><td>(Arunachal Pradesh</td><td>Oct. 08</td></tr> <tr><td>Lakshdweep</td><td>Nov.08</td></tr> <tr><td>Assam</td><td>Nov 08</td></tr> <tr><td>Orissa</td><td>Dec. 08</td></tr> <tr><td>Rajasthan</td><td>Dec. 08</td></tr> <tr><td>Andhra Pradesh</td><td>Jan. 09</td></tr> </table> <p>Note: Reviews subject to receipt of inf. From the State Govt. for monitoring</p>	Himachal Pradesh	May, 08	Madhya Pradesh	June, 08	Sikkim	June 08	Maharashtra	July, 08	Chattisgarh	Aug. 08	Andman & Nicobar	Sept.08	Jharkhand	Sept.08	(Arunachal Pradesh	Oct. 08	Lakshdweep	Nov.08	Assam	Nov 08	Orissa	Dec. 08	Rajasthan	Dec. 08	Andhra Pradesh	Jan. 09	<p>Review meeting for the Leh District held on 06.06.2008.</p> <p>The scheduled meeting for the Sikkim could not be held due to the agitation/disturbances in the State, as reported by the Sikkim Govt.</p> <p>The visit to Orissa is fixed from 12.07.2008 to 16.07.2008.</p> <p>Tentative programme: HP:2nd/3rd week of Aug. MP and Chattisgarh: Last week of July/ 1st week of August</p>
Himachal Pradesh	May, 08																											
Madhya Pradesh	June, 08																											
Sikkim	June 08																											
Maharashtra	July, 08																											
Chattisgarh	Aug. 08																											
Andman & Nicobar	Sept.08																											
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Assam	Nov 08																											
Orissa	Dec. 08																											
Rajasthan	Dec. 08																											
Andhra Pradesh	Jan. 09																											
Schedule for review by Commission's Hqrs. Officers	<table border="0"> <thead> <tr> <th><u>Ministry/Govt. Deptt.</u></th> <th><u>PSUs</u></th> <th><u>Service Institution</u></th> </tr> </thead> <tbody> <tr> <td>Railways</td> <td>BHEL</td> <td>AIIMS</td> </tr> <tr> <td>Defence</td> <td>SAIL</td> <td>RML</td> </tr> <tr> <td></td> <td>CIL</td> <td>Delhi Police</td> </tr> <tr> <td></td> <td>HPCL</td> <td></td> </tr> </tbody> </table>	<u>Ministry/Govt. Deptt.</u>	<u>PSUs</u>	<u>Service Institution</u>	Railways	BHEL	AIIMS	Defence	SAIL	RML		CIL	Delhi Police		HPCL		<p>The concerned Ministries and PSUs have been requested to furnish requisite information for undertaking monitoring by the end of June and July 2008 respectively. The schedule of review will be finalized after receipt of the requisite details</p>											
<u>Ministry/Govt. Deptt.</u>	<u>PSUs</u>	<u>Service Institution</u>																										
Railways	BHEL	AIIMS																										
Defence	SAIL	RML																										
	CIL	Delhi Police																										
	HPCL																											
Introduction of computerised Public Grievance Redressal and Monitoring System	<p><u>The System includes following :</u></p> <ul style="list-style-type: none"> - Forwarding of the Grievance to the Concerned department. - Issue of reminders. - Receipt of reply from the department. 	<p>Grievance are being forwarded to the concerned departments.</p>																										
File tracking System	<p>This system includes :</p> <ul style="list-style-type: none"> - Diarising of receipts - Tracking of files. - Status of files. - Despatch of letters. 	<p>Maintenance of status of files has commenced. All active files of grievances (about 2800) put on the system.</p>																										



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No.- 1/5/08-Coord.

Date: 09.07.2008.

OFFICE MEMORANDUM

Sub: Notice for the meeting of National Commission for Scheduled Tribes

A meeting of the Commission will be held at 12:00 Noon on 11.07.2008 (Friday) in the Conference Room of the Commission under the Chairmanship of Smt. Urmila Singh, Hon'ble Chairperson, National Commission for Scheduled Tribes.

2. Following is the agenda for discussion in the meeting:

- Agenda Item I Confirmation of the proceedings of the meeting of NCST held on 12.05.2008.
- Agenda Item II Action taken on the decisions taken in the meeting of the NCST held on 12.05.2008.
- Agenda Item III Proposals received from Ministry of Tribal Affairs for Inclusion in/exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, Arunachal Pradesh, and Karnataka.
- Agenda Item IV Status of implementation of Annual Action Plan
- Agenda Item V Any other matter with the permission of the Chair.

3. You are requested to kindly make it convenient to attend the meeting. Agenda Notes on the above items will be circulated separately.


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

- 24/05/2008
17/07/08 To
- 11/7/08 Secy.
11-7-08
- 1) Shri Maurice Kujur, Vice-Chairperson
 - 2) Shri Tsering Samphel, Member
 - 3) Shri Oris Syiem Myriaw, Member
 - 4) Shri Raghuvendra Singh Sirohi, Secretary
 - 5) Shri Aditya Mishra, Joint Secretary
 - 6) Shri Vinod Aggarwal, Director
 - 7) Shri R.C. Durga, Director
 - 8) Shri R.P. Vasishtha, Deputy Secretary.
 - 9) Shri T.S. Negi, Under Secretary
 - 10) Shri K.N. Singh, PS to Chairperson (with one spare copy)

Copy for information and necessary action to:-

Under Secretary (Admn.) and AD (Coord.) with the request to make necessary arrangements for the meeting.

Meeting held.
Draft minutes early pl
17/7/08
11/7/08
17/7/08
copy of minutes already submitted on 11/7/08



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 1/5/08-Coord.

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

Dated18.07.2008.....

OFFICE MEMORANDUM

Sub: Summary record of the meeting of the National Commission for Scheduled Tribes held on 11.07.2008

A meeting of the Commission was held at 12 noon on 11.07.2008 in the Conference Room of the Commission. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information.


(R.C. Durga)
Director

To

- 1) Smt. Urmila Singh, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Tsering Samphel, Member
- 4) Shri Oris Syiem Myriaw, Member
- 5) Shri Raghuvendra Singh Sirohi, Secretary
- 6) Shri Aditya Mishra, Joint Secretary

Copy with copy of Summary Record of the meeting forwarded to the following officers with the request that information about action taken on the decision taken in the meeting concerning each Unit/ Office may be furnished to Coordination Unit by 31.07.2008 positively:

- (i) Director (RU-I & RU-II)
- (ii) Director (RU-III & Coord.)
- (iii) Dy. Secretary (RU-IV & Admn.)
- (iv) US (Admn.)
- (v) PS to Chairperson
- (vi) AD/RO Incharge-RU-I/ RU-II/RU-III/ RU-IV/Coord/ SO (Admn.) / AD(OL).
- (vii) Director/ Assistant Director/ Research Officer in Regional Offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi/ Shillong.


(R.C. Durga)
Director



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 1/5/08-Coord.

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

Dated18.07.2008.....

OFFICE MEMORANDUM

Sub: Summary record of the meeting of the National Commission for Scheduled Tribes held on 11.07.2008

A meeting of the Commission was held at 12 noon on 11.07.2008 in the Conference Room of the Commission. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information.

(R.C. Durga)
Director

To

Handwritten initials

- 1) Smt. Urmila Singh, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Tsering Samphel, Member
- 4) Shri Oris Syiem Myriaw, Member
- 5) Shri Raghuvendra Singh Sirohi, Secretary
- 6) Shri Aditya Mishra, Joint Secretary

Handwritten initials
18/07/08

18/07/08

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- (i) Director (RU-I & RU-II)
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- (iii) ✓ Dy. Secretary (RU-IV & Admn.)
- (iv) US (Admn.)
- (v) ✓ PS to Chairperson
- (vi) AD/RO Incharge-RU-I/ RU-II/RU-III/ RU-IV/Coord/ SO (Admn.) / AD(OE).
- (vii) Director/ Assistant Director/ Research Officer in Regional Offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi/ Shillong.

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(R.C. Durga)
Director

Handwritten initials

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the meeting of the National Commission for Scheduled Tribes held at 12 noon on 11.07.2008.

A meeting of the Commission was held at 12 noon on 11.07.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at **ANNEX-I**.

2. Brief details of the discussions held in the meeting, **agenda item-wise**, are as given below:

Agenda Item I	Confirmation of the proceedings of the meeting of NCST held on 12.05.2008.
	The Proceedings of the meeting held on 12.05.2008 were confirmed.
Agenda Item II	Action taken on the decisions taken in the meeting of the NCST held on 12.05.2008.
	Decisions taken in the meeting on various issues are placed at ANNEX-II
Agenda Item III	Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, and Arunachal Pradesh.
	<p>Chairperson recalled that in the emergent meeting held on 23.06.2008 (which was attended by the Vice-Chairman and the two Members) it was unanimously decided to agree with the recommendation of the Govt. of Tamil Nadu for inclusion of 'Malayali Gounder' without any area restriction in the list of Scheduled Tribes of Tamil Nadu in place of existing entry 'Malayali' in relation to certain districts of Tamil Nadu, namely Dharmapura, North Arcot, Pudukotta, South Arcot, and Tiruchirapali districts. The Commission decided to reiterate the decision taken in the meeting held on 23.06.2008. The Commission noted that the recommendation of the State Govt. of Tamil Nadu was duly supported by the office of Registrar General of India. Further, the office of RGI in its comments had, <i>inter-alia</i>, stated that the Lokur Committee (1965) had also recommended for substituting the existing entry 'Malayali' by 'Malayali Gounder' along with removal of area restriction.</p> <p>2. The Commission also decided to agree with the recommendation of the Govt. of Arunachal Pradesh, duly supported by the office of Registrar General of India, for substituting the existing entry 'Galong' by 'Galo' in the list of Scheduled Tribes of Arunachal Pradesh. The Commission noted that State Govt. of Arunachal Pradesh while making this recommendation had informed that there would be no administrative problem in substituting 'Galong' with 'Galo' and that the ST certificates in the name of 'Galong' issued</p>

Urmila Singh
17-7-2008

	to Scheduled Tribe persons in the past will continue to be honoured. The Commission also noted that the office of Registrar General of India in its comments had, <i>inter-alia</i> , stated that 'Galo' and 'Galong' are synonyms to each other and that the word 'Galong' had been derived from 'Galo'.
Agenda Item IV	Status of implementation of Annual Action Plan
	The status paper of implementation of the Action Plan for 2008-09 was discussed. The Computerized File Tracking System implemented in the Commission was demonstrated for information of the Members. It was intimated that all the active files of all the 4 Research Units have been placed on this System. Review of active files has been commenced and the status is also being updated in the System. Joint Secretary would be submitting lists of pending files to the Members to expedite hearing of cases.

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

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National Commission for Scheduled Tribes

Meeting of the Commission on 11.07.2008 at 12:00 noon in the Conference Room of the Commission-List of participants.

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

Urmila Singh



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 1/5/08-Coord.

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

Dated18.07.2008.....

OFFICE MEMORANDUM

Sub: Summary record of the meeting of the National Commission for Scheduled Tribes held on 11.07.2008

A meeting of the Commission was held at 12 noon on 11.07.2008 in the Conference Room of the Commission. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information.


(R.C. Durga)
Director

To

- 1) Smt. Urmila Singh, Chairperson
- 2) Shri Maurice Kujur, Vice-Chairperson
- 3) Shri Tsering Samphel, Member
- 4) Shri Oris Syiem Myriaw, Member
- 5) Shri Raghuvendra Singh Sirohi, Secretary
- 6) Shri Aditya Mishra, Joint Secretary

Copy with copy of Summary Record of the meeting forwarded to the following officers with the request that information about action taken on the decision taken in the meeting concerning each Unit/ Office may be furnished to Coordination Unit by 31.07.2008 positively:

- (i) Director (RU-I & RU-II)
- (ii) Director (RU-III & Coord.)
- (iii) Dy. Secretary (RU-IV & Admn.)
- (iv) US (Admn.)
- (v) PS to Chairperson
- (vi) AD/RO Incharge-RU-I/ RU-II/RU-III/ RU-IV/Coord/ SO (Admn.)/ AD(OL).
- (vii) Director/ Assistant Director/ Research Officer in Regional Offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi/ Shillong.

6694-99
21/7/08

जारी किया
ISSUED




(R.C. Durga)
Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the meeting of the National Commission for Scheduled Tribes held at 12 noon on 11.07.2008.

A meeting of the Commission was held at 12 noon on 11.07.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at **ANNEX-I**.

2. Brief details of the discussions held in the meeting, **agenda item-wise**, are as given below:

Agenda Item I	Confirmation of the proceedings of the meeting of NCST held on 12.05.2008.
	The Proceedings of the meeting held on 12.05.2008 were confirmed.
Agenda Item II	Action taken on the decisions taken in the meeting of the NCST held on 12.05.2008.
	Decisions taken in the meeting on various issues are placed at ANNEX-II
Agenda Item III	Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, and Arunachal Pradesh.
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Urmila Singh
17-7-2008

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

U. S. S. S.

National Commission for Scheduled Tribes

Meeting of the Commission on 11.07.2008 at 12:00 noon in the Conference Room of the Commission-List of participants.

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2.	Shri Maurice Kujur, Vice-Chairperson	
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9.	Shri T.S. Negi, Under Secretary	
10.	Shri K.N. Singh, PS to Chairperson	

Urmila Singh

ANNEX-II

Decision taken in the meeting of National Commission for Scheduled Tribes held on 11.07.2008 on the progress of action taken on decision taken in the earlier meeting of the Commission held on 12.05.2008

Agenda Item I Proposal of Govt. of Kerala to amend the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Community Certificates Act, 1996 to treat the Children of inter-caste married couple, one of whom is SC or ST as belonging to SC or ST.

In pursuance of the earlier decision of the Commission to hold wider consultations on the issue, a reference alongwith a background note on the subject had been made to Chief Secretaries of 9 Scheduled Area States requesting them to furnish their views by the end of July, 2008. It was decided that a reference should also be made to the North Eastern States separately, as traditions and culture of the tribals of NE States were distinct from rest of the country.

Agenda Item II Proposal for inclusion of MEDARA Community as a synonym of MEDA Community in the list of STs for Karnataka.

It was noted that the Commission had sought certain additional information from the Govt. of Karnataka. On perusal of the reply received from Govt. of Karnataka it was found that it did not cover all the points mentioned in the Commission's letter and, therefore, the State Govt. had been requested to furnish the requisite information with respect to the remaining points. It was decided that the Govt. of Karnataka may be requested to expedite the requisite information and that Ministry of Tribal Affairs, who had been requested to indicate the reasons for not including the 'MEDARA' as a synonyms of 'MEDA' community at the earlier stage of making comprehensive revision in the lists of Scheduled Castes and Scheduled Tribes in 1976, may also be requested to expedite the required information.

Agenda Item III Schedule of Review Meetings of Commission with States and UTs and Central Ministries.

State Reviews

It was informed that review meeting with Govt. of Orissa has been fixed for 15.07.2008. It was decided that the schedule for Review Meetings for other States may be revised keeping in view of the slippage and the ensuing elections in certain States.

Review of Central Ministries/ Deptts./ Organisations

It was informed that the requisite material in reply to the Questionnaires sent to various Central Ministries/ Deptts./ Organisations were expected to be received by 31.07.2008 and that on receipt of the material, a plan for review will be drawn in consultation with the concerned Members.

Agenda Item IV Guidelines for dealing with cases relating to Service Safeguards received in the Commission.

It was noted that the Chairperson had desired that the draft guidelines in respect of (i) Service Safeguards, (ii) De-reservation of posts, (iii) Proposals relating to Inclusion/ exclusion of communities and (iv) Atrocity matters may be discussed in a separate meeting of the Commission. It was decided that the draft guidelines may be circulated to all the Members of the Commission.

Agenda Item V (additional agenda) Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.

It was noted that detailed study of the Report will require some more time. It was, therefore, decided that the matter may be discussed after receipt of the comments from the Members.

U. S. S. S. S.
12-7-2008



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

सं० 1/5/08-समन्वय

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

कार्यालय ज्ञापन

Dated18-07-2008.....

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 11-07-2008 को हुई बैठक का संक्षिप्त अभिलेख ।

आयोग की एक बैठक, आयोग के सम्मेलन कक्ष में, दिनांक 11-07-2008 को 12.00 बजे दोपहर हुई थी। बैठक की अध्यक्षता श्रीमती उर्मिला सिंह, अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा की गई। बैठक के संक्षिप्त अभिलेख की एक प्रति सूचना हेतु संलग्न है।

(आर०सी० दुर्गा)
निदेशक

सेवा में,

- 1) श्रीमती उर्मिला सिंह, अध्यक्ष
- 2) श्री मोरीस कुजुर, उपाध्यक्ष
- 3) श्री छेरिंग सम्फेल, सदस्य
- 4) श्री वरीस सीख मारीयाव, सदस्य
- 5) श्री रघुवेन्द्र सिंह सिरोही, सचिव
- 6) श्री आदित्य मिश्रा, संयुक्त सचिव

प्रतिलिपि: निम्नलिखित अधिकारियों को, बैठक के संक्षिप्त अभिलेख की प्रति सहित, इस अनुरोध के साथ कि प्रत्येक संबंधित एकक/कार्यालय द्वारा बैठक में लिए गए निर्णयों पर की गई कार्रवाई के बारे में सूचना, समन्वय एकक को दिनांक 31-07-2008 तक, अवश्य ही प्रस्तुत की जाए:-

- (i) निदेशक (अनुसंधान एकक-I और अनुसंधान एकक - II)
- (ii) निदेशक (अनुसंधान एकक-III और समन्वय एकक)
- (iii) उप सचिव (अनुसंधान एकक-IV और प्रशासन)
- (iv) अवर सचिव (प्रशासन)
- (v) अध्यक्ष महोदया के निजी सचिव
- (vi) सहायक निदेशक/अनुसंधान अधिकारी प्रभारी- अनुसंधान एकक-I/अनुसंधान एकक-II/अनुसंधान एकक-III/अनुसंधान एकक-IV/समन्वय एकक/अनुभाग अधिकारी (प्रशासन)/सहायक निदेशक (राजभाषा)
- (vii) निदेशक/सहायक निदेशक/अनुसंधान अधिकारी, क्षेत्रीय कार्यालय, राष्ट्रीय अनुसूचित जनजाति आयोग, भोपाल/भुवनेश्वर/जयपुर/रायपुर/रांची/शिलांग

(आर०सी० दुर्गा)
निदेशक

राष्ट्रीय अनुसंधित जनजाति आयोग

विषय: राष्ट्रीय अनुसंधित जनजाति आयोग की दिनांक 11-07-2008 का दौपहर 12.00 बजे हुई बैठक का सक्षिप्त आभिलेख ।

आयोग की एक बैठक, आयोग के लोकनायक भवन, नई दिल्ली स्थित सम्मेलन कक्ष में, दिनांक 11-07-2008 को दोपहर 12.00 बजे हुई थी। बैठक की अध्यक्षता श्रीमती उर्मिला सिंह, अध्यक्ष, राष्ट्रीय अनुसंधित जनजाति आयोग द्वारा की गई। बैठक में भाग लेने वाली की सूची अनुबंध-1 पर संलग्न है।

2. बैठक में, किए गए विचार-विमर्श का व्यापक, कार्यसूची भवदार, निम्न प्रकार से दिया जाता है:-

कार्यसूची की मद सं०-I	राष्ट्रीय अनुसंधित जनजाति आयोग की दिनांक 12-05-2008 का हुई बैठक की कार्यवाही की पुष्टि करना।
	दिनांक 12-05-2008 का हुई बैठक की कार्यवाही की पुष्टि की गई।
कार्यसूची की मद सं०-II	राष्ट्रीय अनुसंधित जनजाति आयोग की दिनांक 12-05-2008 का हुई बैठक में लिए निर्णयों पर की गई कार्रवाई।
	विभिन्न मूठों पर बैठक में लिए गए निर्णयों का व्यापक अनुबंध-II पर रखा गया है।
कार्यसूची की मद सं०-III	तमिलनाडु और अण्णाचल प्रदेश राज्यों के संबंध में अनुसंधित जनजातियों की सूची में/से जनजाति को शामिल करने/निकालने के बारे में जनजातीय कार्य मंत्रालय से प्राप्त किए प्रस्ताव
	अध्यक्ष महोदयों ने याद दिलाया कि दिनांक 23-06-2008 को (विषय उपाध्यक्ष और दो सदस्यों ने भाग लिया था) हुई आपात कालीन बैठक में, तमिलनाडु के कुछ जिलों, नामतः धरमपुर, नौदु अरकोट, पुदुकोट, साठ्य अरकोट, और तिरुचिरापल्ली जिलों के संबंध में विद्यमान प्रविष्टि 'मलयाली' के स्थान पर तमिलनाडु की अनुसंधित जनजातियों की सूची में बिना किसी क्षेत्रीय प्रतिबंध के 'मलयाली गाउन्डर' को शामिल करने के लिए तमिलनाडु सरकार की सिफारिश के साथ सहमति देने के लिए सर्वसम्मति से निर्णय लिया गया था। आयोग ने दिनांक 23-06-2008 को हुई बैठक में लिए गए निर्णय को दोहराने का निर्णय लिया। आयोग ने नोट किया कि तमिलनाडु राज्य सरकार की सिफारिश भारत के

<p>वर्ष 2008-09 के लिए कार्य योजना के कार्यान्वयन के स्थिति का मासिक-विमर्श किया गया। आयोजन में कार्यान्वित किए गए कार्यक्रमों का फॉलो-अप किया गया। सदस्यों की सूचना के लिए, प्रदर्शित किया गया। यह सूचित किया गया कि सभी 4 अनुसंधान एककों की सभी चालू फंडिंगों को इस सिस्टम पर रख दिया गया है। चालू फंडिंगों की समीक्षा शुरू कर दी गई है और सिस्टम में स्थिति का भी अद्यतन किया जा रहा है। मामलों की सुनवाई शीघ्रता से करने के लिए, संयुक्त सचिव, सदस्यों को, तंत्रित बकाया फंडिंगों की सूची, प्रस्तुत करेंगे।</p>	
<p>मासिक कार्य योजना के कार्यान्वयन की स्थिति</p>	<p>कार्यसूची की मदद सं-IV</p>
<p>2. आयोजन ने अरुणाचल प्रदेश के अनुसूचित जनजातियों की सूची में विद्यमान प्रोब्लिम 'गालों' को 'गालों' द्वारा परिष्कारित करने के लिए, भारत के महापंजीयक कार्यालय द्वारा विधिवत रूप से समर्थित, अरुणाचल प्रदेश सरकार की सहायता पर, अपनी सहमति देने का भी निर्णय लिया। आयोजन ने नोट किया कि अरुणाचल प्रदेश राज्य सरकार ने यह सकारिण करत समय यह सूचित किया था कि 'गालों' को 'गालों' के साथ प्रतिस्थापित करने में कोई प्रशासनिक समस्या नहीं होगी और अनुसूचित जनजाति के व्यक्तियों को, पहले से जारी किए गए 'गालों' के नाम से अनुसूचित जनजाति प्रमाण पत्रों को, स्वीकार किया जाना जारी रखा जाएगा। आयोजन ने यह भी नोट किया कि भारत के महापंजीयक के कार्यालय ने, अन्य भागों के साथ-साथ, यह उल्लेख किया है कि 'गालों' शब्द 'गालों' से ही निकला है।</p> <p>महापंजीयक के कार्यालय द्वारा समर्थित की गई है। इसके अतिरिक्त, भारत के महापंजीयक के कार्यालय ने अपने विचारों में, अन्य भागों के साथ-साथ, उल्लेख किया है कि लोकर समिति (1965) ने भी विद्यमान प्रोब्लिम 'मलयाली' को क्षेत्रीय प्रतिबंध को हटाने के साथ 'मलयाली गारुडर' द्वारा प्रतिस्थापित करने की सकारिण की थी।</p>	

अनुबंध - I

राष्ट्रीय अनुसूचित जनजाति आयोग

आयोग के सम्मेलन कक्ष में दिनांक 11-07-2008 को दोपहर 12.00 बजे हुई बैठक में भाग लेने वालों की सूची।

<u>क्र०सं०</u>	<u>नाम एवं पदनाम</u>	<u>हस्ताक्षर</u>
1.	श्रीमती उर्मिला सिंह, अध्यक्ष	(की अध्यक्षता में)
2.	श्री मोरीस कुजुर, उपाध्यक्ष	
3.	श्री छेरिंग सम्फेल, सदस्य	
4.	श्री वरीस सीख मारीयाव, सदस्य	
5.	श्री आर० एस० सिराही, सचिव	
6.	श्री आदित्य मिश्रा, संयुक्त सचिव	
7.	श्री आर०सी० दुर्गा, निदेशक	
8.	श्री विनोद अग्रवाल, निदेशक	
9.	श्री टी०एस० नेगी, अवर सचिव	
10.	श्री के० एन० सिंह, अध्यक्ष महोदया के निजी सचिव	

आयोग की दिनांक 12-05-2008 का हुई पिछली बैठक में लिए गए निर्णयों पर की गई कार्रवाई की प्रगति पर, राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 11-07-2008 को हुई बैठक में लिए गए निर्णय

कार्यसूची की
मद सं-0-1

अंतरजातीय विवाहित दम्पति, जिसमें से एक अनुसूचित जाति अथवा अनुसूचित जनजाति का हो, के बच्चों को अनुसूचित जाति अथवा अनुसूचित जनजाति के रूप में मानने के लिए, केवल (अनुसूचित जातियाँ और अनुसूचित जनजातियाँ) समुदाय प्रमाण पत्र अधिनियम, 1996 का विनियमन में संशोधन करने के लिए केवल सरकार का प्रस्ताव ।

इस मुद्दे पर व्यापक परामर्श करने के लिए, आयोग के पहले निर्णय के अनुसरण में, विषय पर पंजमसि टिप्पणी सहित, एक पत्र 9 अनुसूचित क्षेत्र राज्य के मुख्य सचिवों को, उनके विचार जमाई, 2008 के अंत तक प्रस्तुत करने हेतु भेजा गया है। यह निर्णय लिया गया था कि एक पत्र, पूर्वोक्त राज्यों को भी अलग से भेजा जाए, क्योंकि पूर्वोक्त राज्यों की जनजातियाँ की विवाह और संरक्षित देश के शेष भाग से भिन्न है।

कार्यसूची की
मद सं-0-II

कनाटक की अनुसूचित जनजातियों की सूची में मंदा समुदाय के एक पर्याय के रूप में मंदा समुदाय को शामिल करने संबंधी प्रस्ताव

यह नोट किया गया कि आयोग ने कनाटक सरकार से कुछ आतिरिक्त सूचना मांगी थी। कनाटक सरकार से प्राप्त हुए उत्तर का अवलोकन करने पर यह पाया गया कि इसमें आयोग के पत्र में उल्लिखित सभी हिन्दू शामिल नहीं थे और इसलिए राज्य सरकार को शेष हिन्दुओं के बारे में अधिसूचित सूचना भेजने के लिए अनुरोध किया गया था। यह निर्णय लिया गया कि कनाटक सरकार से अधिसूचित सूचना शेष भेजने के लिए अनुरोध किया जाए और अंतरजातीय कार्य मंत्रालय, जिससे वर्ष 1976 में अनुसूचित जातियाँ और अनुसूचित जनजातियों की सूचियों में व्यापक संशोधन करने के पूर्व चरण पर 'मंदा' समुदाय के एक पर्याय के रूप में 'मंदास' को शामिल न करने के लिए कारणों का उल्लेख करने हेतु उल्लेख किया गया था, उन्हें अधिसूचित सूचना शेष भेजने के लिए भी अनुरोध किया जाए।

कार्यसूची की
मद सं-0-III

राज्यों और संघ राज्य क्षेत्रों तथा कर्नाटक मंत्रालयों के साथ आयोग की समीक्षा बैठकों की अनुसूची

राज्य की समीक्षाएं

यह सूचित किया गया कि उड़ीसा सरकार के साथ समीक्षा बैठक, दिनांक 15-07-2008 के लिए, निर्धारित की गई है। यह निर्णय लिया गया था कि दिल्ली और कुछ राज्यों में आगामी चुनावों को ध्यान में रखते हुए अन्य राज्यों के लिए समीक्षा बैठकों की अनुसूची में संशोधन किया जाए।

यह नोट किया गया कि रिपोर्ट के विस्तृत अध्ययन पर कुछ और समय लगाने की संभावना है। अतः यह निर्णय लिया गया कि सदस्यों से विचार प्राप्त होने के उपरान्त मामले पर विचार-विमर्श किया जाए।

प्रशासनिक सूधार एवं लोक शिकायत विभाग, भारत सरकार द्वारा राष्ट्रीय अनुसूचित जनजाति आयोग के निष्पत्ति का अध्ययन करने के लिए नीति अनुसंधान केन्द्र, नई दिल्ली को सौंप गए कार्य की रिपोर्ट

यह नोट किया गया कि अध्यक्ष महोदय द्वारा देखा व्यक्त की गई थी कि (1) सेवा सुरक्षा (iii) पदों के अन्तर्गत, (iiii) समुदायों को शामिल करने और निकलने से संबंधित प्रस्ताव और (iv) अत्याचार मामलों के बारे में दिशा-निर्देशों के प्रारूप, पर विचार-विमर्श करने के लिए आयोग की एक अलग से बैठक आयोजित की जाए। यह निर्णय लिया गया कि दिशा निर्देशों के प्रारूप, आयोग के सभी सदस्यों को, परिवर्तित किया जाए।

आयोग में प्राप्त हुए सेवा सुरक्षा से संबंधित मामलों पर कार्रवाई करने के लिए दिशा-निर्देश

यह सूचित किया गया कि विभिन्न केन्द्रीय मंत्रालयों/विभागों/संगठनों को राजना, संबंधित सदस्यों की सलाह से तैयार की जाएगी। तब, प्राप्त होने की संभावना है और सामग्री प्राप्त होने पर समीक्षा के लिए भेजी गई प्रस्तावलिपियों के उत्तर में, अपेक्षित सामग्री, दिनांक 31-07-2008

केन्द्रीय मंत्रालयों/विभागों/संगठनों की समीक्षा

कादसूची की
मद सं-0-V
(अतिरिक्त
कादसूची)

कादसूची की
मद सं-0-IV

Status of action taken on the decisions taken in the meeting of the Commission held on 12.05.2008

Agenda Item I Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates (Amendment Ordinance), 2006.

It was decided that the Commission should go for wider consultations on the issue.

As per Commission's decision, Chief Secretaries of 9 Scheduled Areas States have been requested to furnish their views by the end of July 2008. A copy of the d.o. letter alongwith the background note is enclosed at **Appendix - I.1** . However, a letter was received by the Chairperson from the Minister for Scheduled and Backward Communities, Kerala with a request for expediting the comments of this Commission. Hon'ble Chairperson has suitably replied to the Minister. A copy of this letter is enclosed at **Appendix -I.2**.

Agenda Item II Proposal for inclusion of MEDARA Community as a synonym of MEDA Community in the list of STs for Karnataka.

Certain details relating to the proposal were called by the Commission from the Govt. of Karnataka in November, 2007. Since there is no elected Govt. in the State for the past few months, it was desired that some more time should be given to the State Government for furnishing the material; for which purpose, a reminder at an appropriate level may be sent. Information may also be sought from MTA/ MoSJ as to why the MEDARA community was not accepted for inclusion as a synonym of MEDA community at the earlier stage of comprehensive revision of lists of Scheduled Castes and Scheduled Tribes in 1976. <

A reply from Govt. of Karnataka has been received. It was noted that it did not cover all the points raised in the Commission's letter sent to the State Govt. and accordingly the State Govt. has been requested to furnish information with respect to all the points. A copy of the letter is enclosed at **Appendix I.3**.

Agenda Item III Schedule of Review Meetings of Commission with States and UTs and Central Ministries.

State Review

Review Meeting with HP State Govt. of Himachal Pradesh and Rajasthan may be tentatively fixed for 2nd week of June, 2008 and 3rd week of June, 2008.

The material in respect of Himachal Pradesh was received in the 3rd week of June and therefore, review meeting could not be held in 2nd week of June, as decided in the meeting. Revised date of meeting for the State

Review is under consideration of Hon'ble Chairperson.

In the wake of the agitation in Rajasthan State for inclusion of Gujjar community in the list of Scheduled Tribes in the State, the material in reply to the Questionnaires has not been received so far. The matter will be placed before the Hon'ble Chairperson, as soon as it is received.

Review of Central Ministries/ Deptts./ Organisations

Questionnaires for Review were sent to 10 Ministries/ Deptts. and 7 PSUs/ Organisations for furnishing the material by end of July, 2008 and furnishing information about the Nodal Officers for the Review by the end of June 2008. As per available information interim reply/ acknowledgment has been received from Ministry of Defence and Ministry of Railways only.

Agenda Item IV

Guidelines for dealing with cases relating to Service Safeguards received in the Commission.

The draft guidelines in respect of (i) Service Safeguards, (ii) De-reservation of posts, (iii) Proposals relating to Inclusion/ exclusion of communities and (iv) Atrocity matters will be discussed in a separate meeting of the Commission, as desired by the Chairperson.

Agenda Item V (additional agenda)

Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.

As per decision taken ^{subsequent to} in the meeting, the Members of the Commission have been requested to forward their views/ comments in the matter. *The same*
are awaited. After receipt of the comments the matter will be placed for discussion before the Commission.

Agenda Item III **Note** **Proposals received from Ministry of Tribal Affairs for Inclusion in/ exclusion from the list of Scheduled Tribes in relation to the States of Tamil Nadu, and Arunachal Pradesh.**

As per the procedure/ modalities prescribed by Government of India, only such case relating to inclusion in/ exclusion from in the list of Scheduled Tribes are referred to the Commission for its comments/ advice which are recommended by the respective State Govt. and duly supported by the Registrar General of India. A copy of the modalities is placed at **Appendix-II.1**. According to para (h) of the modalities, Claims recommended suo-moto by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable. Since large number of representations for inclusion/ exclusion of communities are received directly in the Commission, the same are forwarded to the Ministry for taking necessary action as per modalities. Commission, however, felt that the Ministry may not construe such communications from the Commission as recommendations of the Commission and, therefore, vide d.o. letter No. INC/EXE/01/ST-2005/SSW (ST) dated 14.10.2005 the Ministry of Tribal Affairs was informed that such representations sent by the Commission to the Ministry should not be treated as recommended by the Commission and that each such representation is to be considered carefully on its merit. It was also stated that the Chairperson of the Commission had observed that representations for inclusion of communities in the list of Scheduled Tribes after 50 years of independence are not justified at this stage and that those belonging to SC or OBC and already included in their respective Scheduled lists are trying to get included in the list of Scheduled Tribes. A copy of this letter dated 14.10.2005 dated is enclosed at **Appendix-II.2**.

(Sub para (c))

2. The above mentioned modalities also provide that while examining the cases referred to it, the Commission may associate expert individuals, organisation/ institutions in the fields of Anthropology, Ethnography and other social sciences, in addition to the State Govts. , Registrar General of India and Anthropology Survey of India, on a regional basis and may also consider holding public hearings in areas valiant to the claims under examination. It has however, ~~being~~ clarified that these ~~guidelines~~ cannot be binding in the Commission. Notwithstanding this position steps have been taken to evolve guidelines for dealing with the proposals for inclusion/ exclusion of communities received in the Commission. ~~A copy of the draft guidelines is enclosed at (Appendix- II.3). These guidelines are at preparatory stage and will be placed for consideration of the Commission;~~ *but it is suggested that the following procedure be adopted by the Commission: -*

internal

3. The Ministry of Tribal Affairs have referred the following proposals for comments/ advice of the Commission.

A. Inclusion of 'Malyali Gounder' without any area restriction in the Scheduled Tribes list of Tamilnadu.

- i) The Govt. of Tamil Nadu have recommended for Inclusion of 'Malyali Gounder' without any area restriction in the Scheduled Tribes list of Tamilnadu
- ii). At present 'Malayali' community is included at Sl. No.25 (only in Dharmapuri, North Arcot, Pudukottai, Salem, South Arcot and Tiruchirapali districts) of the STs list of Tamil Nadu.

and are yet to be adopted by the Commission: -

the

- iii). Secretary, Tribal Welfare Department, Govt. of Tamil Nadu had earlier requested the Ministry of Tribal Affairs to include Erode Malayali community in the list of STs in Tamil Nadu vide their letter 07.11.2006. It was mentioned that the Malayali Tribal settlements were only in two Taluks (Satyamangalam & Bhavani) in Erode District. The total number of Malayali households in Erode district was 2875. The matter was referred by MTA to RGI for their advice/recommendation. The RGI inter-alia observed as follows vide their letter dated 12.01.2007.

"In the comments, it was also stated that the tribal Malayalis prefer to give their identity as Karlar or Karalar Gounder, while the neighbours call them Malayali Gounder or simple Malayalis. For this, an amendment in the list of STs of Tamil Nadu had been suggested for substituting Malayali by Karlar/Karalar Gounder/Malayali Gounder. The Lokur Committee (1965) had recommended substitution of Malayali by Malayali Gounder along with removal of area restriction. The Joint Committee (1967) had recommended to replace the entry Malayali by 'Malakkaran, Malayali'. The State Government's Study Report also states that at local level Malayali are referred to by others as 'Mlai Vellalar' and 'Malayali Gounder'. Also according to the Report, Malayali of Jawadhu hills of Thiruvannamali district are known by the term Karalar Gounder".

"The ethnographic information available on the contemporary Malayali/Malayali of Erode supports the views expressed in our earlier comments. We still hold the same view as was given in earlier comments and suggest an amendment in the list of STs of Tamil Nadu for replacement of Malayali by 'Karlar, Karalar Gounder, Malayali Gounder'. After such an amendment, the existing area restriction for the Malayali in Tamil Nadu may be relaxed to include Erode district also".

- iv). The above comments of the RGI were referred by MTA to the State Government of Tamil Nadu for justification. The State Government of Tamil Nadu vide their letter dated 20-6-07 has furnished their justification and recommended for inclusion of 'Malaiali' or 'Malayali Gounder' community in the list of STs of Tamil Nadu without any area restriction and it was again referred to the Office of the RGI for their view/comments.
- v). **This proposal was discussed in an emergent meeting taken by the Chairperson on 23.06.2008 in her Chamber which was attended by Vice-Chairman and both the Members of the Commission. It was unanimously agreed to accept the proposal of the State govt. of Tamil Nadu duly supported by the Office of Registrar General of India to include 'Malyali Gounder' without any area restriction in the list of Scheduled Tribes in respect of the State of Tamil Nadu to replace the existing entry 'Malyali' which is area specific.**

B. Substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribes in Arunachal Pradesh.

The State Govt of Arunachal Pradesh have requested replacement of 'Galong' with 'Galo' at S.No. 5 of ST list of Arunachal Pradesh. Registrar General of India has also recommended replacement of name with a view that Galo and Galong are synonym to each other and the word Galong has been derived from Galo by distortion. Details of the proposal are placed at **Appendix-II.4**

Draft Internal guidelines for examining the proposals of inclusion in/exclusion from the list of Scheduled Tribes.

In the Constitution of India, no criteria have been spelt out for the specification of a community as a Scheduled Tribe. However, taking into account the definitions in the 1931 Census and the Reports of the first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 and the Joint Committee of Parliament on the SCs & STs Orders (Amendment) Bill, 1967 (Chanda Committee) 1969, the following criteria are followed for specification of a community as a Scheduled Tribe:-

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

2. As per the approved modalities for deciding the claims of inclusion/exclusion w.r.t. ST lists, proposals favoured by the State Governments and the RGI are referred to the NCST for opinion by the Ministry of Tribal Affairs. The Commission also directly receives some representations from individuals, associations, etc on the subject. The Commission is not concerned with these representation and therefore the same may be forwarded to the Ministry of Tribal Affairs for appropriate action under intimation to the representationists.

3. The Commission may examine the proposals received form the MTA as per its own procedure. With a view to ascertain that the proposals are based on the broad criteria, referred to in para 1 above, the Commission may apply the following tests with reference to any particular community:-

(A) Way of Living.

- (i) Habitations in geographically isolated areas, hilly terrains, islands, deserts, etc.
- (ii) Prevalence of primitive traits in the matters of clothing, cleanliness etc.
- (iii) Engagement in occupations like hunting, trapping of bird & animals, stone carving, making of articles from forest wood and bamboo, hide & skin work, etc.
- (iv) Mostly non-vegetarians with distinctive food habits like consuming roots and tubers, meat of animals, home made alcoholic drinks etc.

(B) Social customs and Religious practices.

- (i) Distinctive and specific sphere/circle for marriages. Most of the tribal groups are Endogamous and the system of consanguineous marriages is prevalent in most of the tribal areas.
- (ii) Peculiar rituals and ceremonies for marriages.
- (iii) Specific 'Deities' and peculiar ways of worshipping.

- (iv) Peculiarity in dress, e.g. wearing of headgears including turbans, ornaments, body marking, tattooing, etc.
- (v) Unflinching faith in the dictates of Clan Heads.

(C) **Dialect.**

Peculiarity of language/dialect generally distinct from the general population in the area.

(D) **Educational and Economic Status**

- (i) Very low rate of literacy as compared to the general literacy rate in the area.
- (ii) Living in very poor conditions much below the poverty line. No sense of savings and dependence on money lenders.

4. The above criteria/tests have to be applied keeping in view the fact that the tribes in India are tribes in transition. The criterion of backwardness thus remains as the main criterion. The relative backwardness of a community as compared to the society at large and other communities in the area has therefore to be judged. For this purpose, data on economic development, educational development and social development of the community should be analysed. Such data should, inter-alia, include the data on the representation of the community in government/public sector services, political institutions like Parliament, State Assemblies and local bodies.

5. The following procedure may be adopted for applying the above tests:-

- (a) The opinion/comments from public (**supporters as well as opponents**) may be obtained. For this purpose, necessary **notices may be got published in the newspapers** and also put up on the website of the Commission. Thereafter, interested persons/associations may be called in the Commission for discussion. If necessary, a **public hearing** may also be held.
- (b) Recommendations of the State Government and RGI may be examined thoroughly. **Reasons for not inclusion in the ST list earlier may be ascertained.** Relevant data from 1931 Census and onwards may be scrutinized. If necessary, the concerned officers from the State Government and RGI may be called for a meeting in the Commission.
- (c) Report on the ethnographical survey, and case studies, if available, may be taken into account.
- (d) Opinion of experts in the field of Anthropology/Sociology may also be obtained if considered necessary.
- (e) If considered necessary, a study may be entrusted to some expert agency for determining the relative backwardness of the community.

6. A final view on any proposal may be taken by the Commission in its meeting after the matter has been examined by applying the above procedure.

Drafts

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Agenda Notes for the meeting of the National Commission for Scheduled Tribes scheduled to be held at 12:00 Noon on 11 July 2008

Agenda Item I Inclusion of 'Malyali Gounder' without any area restriction in the Scheduled Tribes list of Tamilnadu.

Notes on the subject are enclosed at ANNEXURE-I

Agenda Item II Substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribes in Arunachal Pradesh.

Notes on the subject are enclosed at ANNEXURE-II

Agenda Item III Inclusion of 'MEDARA as a synonym of 'MEDA' community in the list of Scheduled Tribes of Karnataka State.

Notes on the subject are enclosed at ANNEXURE-III

Agenda Item IV Consideration/ approval of guidelines for dealing with cases relating to inclusion/ exclusion of communities in ST category

Draft Guidelines on the subject are enclosed at ANNEXURE-IV

Agenda Item V Status of implementation of Annual Action Plan (Annexure-V)

Agenda Item VI Any other matter with the permission of the Chair.

- Agenda Item-I Inclusion of 'Malayali Gounder' without any area restriction in the Scheduled Tribes list of Tamil Nadu

The Ministry of Tribal Affairs has sent a proposal of the Govt. of Tamil Nadu for inclusion of 'Malayali Gounder' without area restriction in the ST list of Tamil Nadu in replacement of the existing entries 'Malayali'. The proposal has been recommended by the Govt. of Tamil Nadu and RGI.

2. At present 'Malayali' community is included at Sl. No.25 (only in Dharmapuri, North Arcot, Pudukottai, Salem, South Arcot and Tiruchirapali districts) of the ST list of Tamil Nadu.

3. Secretary, Adi Dravidar & Tribal Welfare Department, Govt. of Tamil Nadu had earlier requested the Ministry of Tribal Affairs to include Erode Malayali Community in the list of STs in Tamil Nadu vide their letter 07.11.2006. It was mentioned that the Malayali Tribal settlements were only in two Taluks (Satyamangalam & Bhavani) in Erode District. The total number of Malayali households in Erode district was 2875. The matter was referred by MTA to RGI for their advice/recommendation. The RGI inter-alia observed as follows vide their letter dated 12.01.2007.

5(a) "The available ethnographic information (Singh, 1997) indicate that there are two different populations by the name Malayali living in Tamil Nadu. One Malayalan speaking immigrants (Keralaites) and the other, a Tamil speaking ST. Earlier on the proposal of inclusion of Malayali community of Coimbatore in the list of STs of Tamil Nadu, this office vide letter no.8/10/72-SS, dated 6.3.1974 had given the same observations that the term Malayali denoted two different communities. For this reason and to avoid confusion, this office had suggested to adopt an alternative name in place of Malayali, as a ST in Tamil Nadu".

(b) "In the comments, it was also stated that the tribal Malayalis prefer to give their identity as Kariar or Karalar Gounder, while the neighbours call them Malayali Gounder or simple Malayalis. For this, an amendment in the list of STs of Tamil Nadu had been suggested for substituting Malayali by Karalar/Karalar Gounder/Malayali Gounder. The Lokur Committee (1965) had recommended substitution of Malayali by Malayali Gounder along with removal of area restriction. The Joint Committee (1967) had recommended to replace the entry Malayali by 'Malakkaran, Malayali'. The State Government's Study Report also states that at local level Malayali are referred to by others as 'Mlai Vellalar' and 'Malayali Gounder'. Also according to the Report, Malayali of Jawadhu hills of Thiruvannamali district are known by the term Karalar Gounder".

(c) "The ethnographic information available on the contemporary Malayali/Malayali of Erode supports the views expressed in our earlier comments. We still hold the same view as was given in earlier comments and suggest an amendment in the list of STs of Tamil Nadu for replacement of Malayali by 'Kariar, Karalar Gounder, Malayali Gounder'. After such an amendment, the existing area restriction for the Malayali in Tamil Nadu may be relaxed to include Erode district also".

4. The above comments of the RGI were referred by MTA to the State Government of Tamil Nadu for justification and recommendation. The State Government of Tamil Nadu vide their letter dated 20-6-07 has furnished their justification and recommended for inclusion of 'Malayali' or 'Malayali Gounder' community in the list of STs of Tamil Nadu without any area restriction and it was again referred to the Office of the RGI for their view/comments.

5. The proposal was discussed by the Chairperson with the Vice-Chairman and all Members of the NCST on 23.06.08 and it was unanimously agreed that the Commission may agree with recommendation of the State Govt. to include 'Malayali Gounder' without any area restriction in the list of STs in respect of State of Tamil Nadu to replace the existing entry 'Malayali'.

ANNEXURE-II

Agenda Item II Substitution of "Galo" in place of "Galong" at Sr. No. 5 in the list of Scheduled Tribes in Arunachal Pradesh.

The State Govt of Arunachal Pradesh have requested replacement of 'Galong' with 'Galo' at S.No. 5 of ST list of Arunachal Pradesh. Registrar General of India has also recommended replacement of name with a view that Galo and Galong are synonym to each other and the word Galong has been derived from Galo by distortion. Ministry of Tribal Affairs have sought comments/ advice of National Commission for Scheduled Tribes

Details of the proposal are appended.

ANNEXURE-III

Agenda Item III 'Proposal of inclusion of 'MEDARA as a synonym of 'MEDA' community in the list of Scheduled Tribes of Karnataka State.

The proposal was discussed in the meeting of the Commission on 12.05.2008. It was noted that certain details relating to the proposal were called by the Commission from Govt. of Karnataka in November 2007, which were still awaited. Subsequently, Govt. of Karnataka forwarded only part details vide their letter dated 5.06.2008, including information about social customs, dialect, occupation religious practices and the practice of inter-marriage among the people of above communities. The position about the level of educational and economic development of the above communities has not been received as yet which has been sought vide D.O. letter dated 27.06.2008 to the Chief Secretary, Govt. of Karnataka.

Agenda Item IV Consideration/ approval of guidelines for dealing with cases relating to Inclusion/ exclusion of communities in ST category

Draft Internal guidelines for examining the proposals of inclusion in/exclusion from the list of Scheduled Tribes.

In the Constitution of India, no criteria have been spelt out for the specification of a community as a Scheduled Tribe. However, taking into account the definitions in the 1931 Census and the Reports of the first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 and the Joint Committee of Parliament on the SCs & STs Orders (Amendment) Bill, 1967 (Chanda Committee) 1969, the following criteria are followed for specification of a community as a Scheduled Tribe:-

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

2. As per the approved modalities for deciding the claims of inclusion/exclusion w.r.t. ST lists, proposals favoured by the State Governments and the RGI are referred to the NCST for opinion by the Ministry of Tribal Affairs. The Commission also directly receives some representations from individuals, associations, etc on the subject. The Commission is not concerned with these representation and therefore the same may be forwarded to the Ministry of Tribal Affairs for appropriate action under intimation to the representationists.

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(C) Dialect.

Peculiarity of language/dialect generally distinct from the general population in the area.

(D) Educational and Economic Status

- (i) Very low rate of literacy as compared to the general literacy rate in the area.
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6. A final view on any proposal may be taken by the Commission in its meeting after the matter has been examined by applying the above procedure.

Agenda Item V Status of implementation of Annual Action Plan

Annual Action Plan for 2008-09

Schedule for review meetings with the State Govts.	<p>Himachal Pradesh May, 08 Madhya Pradesh June, 08 Sikkim June 08 Maharashtra July, 08 Chattisgarh Aug. 08 Andman & Nicobar Sept.08 Jharkhand Sept.08 (Arunachal Pradesh Oct. 08 Lakshdweep Nov.08 Assam Nov 08 Orissa Dec. 08 Rajasthan Dec. 08 Andhra Pradesh Jan. 09</p> <p>Note: Reviews subject to receipt of inf. From the State Govt. for monitoring</p>	<p>Review meeting for the Leh District held on 06.06.2008.</p> <p>The scheduled meeting for the Sikkim could not be held due to the agitation/disturbances in the State, as reported by the Sikkim Govt.</p> <p>The visit to Orissa is fixed from 12.07.2008 to 16.07.2008.</p> <p>Tentative programme: HP: 2nd/3rd week of Aug. MP and Chattisgarh: Last week of July/ 1st week of August</p>															
Schedule for review by Commission's Hqrs. Officers	<table border="1"> <thead> <tr> <th data-bbox="406 1196 722 1231"><u>Ministry/Govt. Deptt.</u></th> <th data-bbox="722 1196 836 1231"><u>PSUs</u></th> <th data-bbox="836 1196 1088 1231"><u>Service Institution</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="406 1266 535 1301">Railways</td> <td data-bbox="738 1266 828 1301">BHEL</td> <td data-bbox="966 1266 1071 1301">AIIMS</td> </tr> <tr> <td data-bbox="406 1301 527 1336">Defence</td> <td data-bbox="738 1301 820 1336">SAIL</td> <td data-bbox="990 1301 1063 1336">RML</td> </tr> <tr> <td></td> <td data-bbox="738 1336 803 1371">CIL</td> <td data-bbox="909 1336 1079 1371">Delhi Police</td> </tr> <tr> <td></td> <td data-bbox="738 1371 820 1406">HPCL</td> <td></td> </tr> </tbody> </table>	<u>Ministry/Govt. Deptt.</u>	<u>PSUs</u>	<u>Service Institution</u>	Railways	BHEL	AIIMS	Defence	SAIL	RML		CIL	Delhi Police		HPCL		<p>The concerned Ministries and PSUs have been requested to furnish requisite information for undertaking monitoring by the end of June and July 2008 respectively. The schedule of review will be finalized after receipt of the requisite details</p>
<u>Ministry/Govt. Deptt.</u>	<u>PSUs</u>	<u>Service Institution</u>															
Railways	BHEL	AIIMS															
Defence	SAIL	RML															
	CIL	Delhi Police															
	HPCL																
Introduction of computerised Public Grievance Redressal and Monitoring System	<p><u>The System includes following :</u></p> <ul style="list-style-type: none"> - Forwarding of the Grievance to the Concerned department. - Issue of reminders. - Receipt of reply from the department. 	<p>Grievance are being forwarded to the concerned departments.</p>															
File tracking System	<p><u>This system includes :</u></p> <ul style="list-style-type: none"> - Diarising of receipts - Tracking of files. - Status of files. - Despatch of letters. 	<p>Maintenance of status of files has commenced. All active files of grievances (about 2800) put on the system.</p>															