

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 8th meeting of the National Commission for Scheduled Tribes held at 1200 hrs. on 07.11.2008.

The 8th meeting of the Commission was held at 1200 hrs. on 07.11.2008 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. The meeting was originally called to discuss Agenda Item I on the suggestion of Secretary, NCST, ^{Item II} for which Agenda notes had also been circulated in advance ^{who were} also discussed in the meeting.

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

Agenda Item I 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.

The Secretary, NCST informed that the matter was earlier discussed in the meeting of the Commission held on 12.05.2008 and draft comments on each point mentioned in the Study Report were also circulated and discussed in the meeting, held on 12.05.2008. Summary record of the meeting was circulated on 28.05.2008, ^{also} it was decided in that meeting that the Commission ~~need to~~ discuss the report in detail ^{again} after all Members have had an opportunity to study it further. ^{Accordingly} As per the decision taken in the meeting, Members of the Commission were requested to furnish their detailed comments on the Study ^{which} and the comments of the Members were yet to be ^{still await} received. The Secretary further informed that Ministry of Tribal Affairs has now prepared a draft OM for forwarding their comments on the subject to the Department of Administrative Reforms & Public Grievances (Ministry of Personnel, Public Grievances and Pensions) and the draft OM ^{which} has ^{also} been sent to this Commission for comments. ^{While the Members may take note of MTA's views the Commission may only comment on the recommendations made in the Study report.} The draft comments on each relevant para of the study report, prepared earlier and the draft OM received from the Ministry of Tribal Affairs were discussed in detail, ^{and it was decided to amend the draft reply as follows:} The following decision were taken:

- proposed
- (i) As regards appointment of Members of the Commission, the appointments are made as per the prescribed conditions laid down in the National Commission for Scheduled Tribes, Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004, and therefore, ^{Those persons who fulfill the prescribed in Section 3(i) should be} those persons who fulfill the eligibility conditions ^{are} considered for appointment as Chairperson, Vice-

Chairperson or Members of the Commission, ~~affiliation.~~

irrespective of their political

(ii) An important highlight in the report related to shortage of staff and large number of vacancies among the sanctioned strength of the Commission. There are different Cadre Control Authority for each category of posts in the Commission, while Commission ^{ing} ~~has no control over any post.~~ ^{does not have} ~~Although, Ministry of Tribal Affairs is the administrative and budget controller for National Commission for Scheduled Tribes~~ but joint cadre posts and secretariat posts are filled by the Ministry of Social Justice & Empowerment. Some of the posts are controlled by the National Commission for Scheduled Castes. The National Commission for Scheduled Tribes needs ~~large number~~ ^{large} of additional posts to look after increasing workload in the Hq. Office and the Regional Offices, besides opening of new Regional Offices in the country. ~~The Commission should make concerted efforts to send the~~ Detailed proposals for additional posts ^{may be forwarded to MTA} and after sanctioning of the additional posts, the National Commission for Scheduled Tribes should be declared as the Cadre Control Authority ^{ing} for all categories of various posts, including already existing and new posts sanctioned for the Commission.

(iii) Several posts ^{continue to remain} ~~are lying~~ vacant in the National Commission for Scheduled Tribes. ~~In spite of DPC having met in the matter of promotion, the posts were still lying vacant.~~ Ministry of Social Justice & Empowerment should constitute a Coordination Committee to consider postings and transfers within MSJE, MTA, NCST, and NCSC. ~~The Committee should have~~ ^{with} representation from each participating organisation ^{for} to smoothen ~~the~~ functioning of each Commission. ~~(This type of arrangement is stated to be in existence at the time of erstwhile Office of Commissioner for Scheduled Castes and Scheduled Tribes, National Commission for Scheduled Castes and Scheduled Tribes.)~~

(iv) Copy of order(s) relating to ^{financial} powers delegated to National Commission for Scheduled Tribes ^{a Ministry} as Department of Central Govt under DFP Rules 1978 may be obtained from the Ministry ^{of State/TA. Such delegations} and ^{is} in case ~~this order~~ do not exist, Ministry of Tribal Affairs may be asked to issue such ^{orders} ~~to avoid financial and administrative irregularities in relation to the working of the National Commission for Scheduled Tribes.~~ ^{without delay.}

(v) In accordance with Clause (5) and (9) of Article 338A of the Constitution the National Commission for Scheduled Tribes is vested with duty to monitor and evaluate the working of the safeguards provided for the Scheduled Tribes, participate in the planning process and advise the Union and the State govt. on major policy matters affecting the Scheduled Tribes and make recommendations. These ^{urge} recommendations ~~give a lead to~~ the Union and State Govts. ~~for taking decisions~~ ^{or modify} to initiate programmes and schemes for welfare, development and protection of

Fill such time as ~~also~~ independent NCST cadres are found,

Scheduled Tribes and ~~to~~ ^{the} prepare grounds for protective and legal enactments. *Axiomatic*
~~therefore~~, the views of the Commission ~~in various issues and advice offered by the~~
 Commission in legal and other important matters, ~~(at times)~~ ^{is} likely to be at variance
 with ~~the~~ ^{extant} views of the Govt. and the executive agencies. ~~It is~~ ^{the} ~~role of the National~~ ^{expectations aroused by this}
~~Commission for Scheduled Tribes that~~ a constitutional body like ~~the~~ National
 Commission for Scheduled Tribes ~~is also~~ ^{also} made a respondent in various Court cases.
 In all such cases, if the views and recommendations of the NCST do not reach the
 Courts or authorities considering the issues, the outcome of the considerations may
 be totally against the interest of the Scheduled Tribes, and also unconstitutional in
 certain cases. It ~~was~~ ^{has}, however, ~~been~~ ^{been} noticed that the views expressed/ conveyed by the
 National Commission for Scheduled Tribes to Ministry of Tribal Affairs, Ministry of
 Social Justice & Empowerment, Ministry of Panchayati Raj and other Ministries in
 various ~~matters relating to~~ Court cases were not incorporated in the Affidavits filed
 by them. ~~The views of the Commission were not even~~ referred to in the Affidavit filed
 by the concerned Ministry. Similar is the situation w.r.t. the policy matters and legal
 amendments concerning wider interest of Scheduled Tribes (The matter regarding
 legal representation of the Commission may, ~~therefore~~ ^{also} be taken up with the Ministry
 of Tribal Affairs and Ministry of Law and Justice through a D.O. letter from the
 Chairperson to the concerned Union Minister).

**Agenda Recommendations made by the 2nd Administrative Reforms Commission in
 Item II its Fourth Report titled "Ethics in Governance" relating to "Reducing
 Discretion" and "Promoting Competition"**

It was felt that the Agenda needs ~~detailed examination for which the Agenda Note~~ ^{to be considered in conjunction with}
~~along with~~ ^(which were circulated to Members earlier) the draft guidelines prepared for dealing with various matters within the
 mandate of the Commission ~~may be circulated~~. The issue will be discussed
~~thereafter~~ ^{forthcoming} in the meetings of the Commission and the ~~recommendations emerged~~ ^{decision}
~~therefrom will be~~ communicated to the Ministry of Tribal Affairs.

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

National Commission for Scheduled Tribes

Meeting of the Commission held on 07.11.2008 at 1200 hrs. 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 R.P.Vasishth, Deputy Secretary	
10.	Shri K.N. Singh, PS to Chairperson	

Sub:- Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and promoting competition.

S No. 1 (Receipt) Dt. No. 52/19/1/2008

Submitted for consideration of the Commission.

~~AD~~
Director

19/1/08

15/1/08

It already over delayed.

Pls check up with MTA, whether it is still worth offering comments?

~~AD~~

19/1/08

I contacted the U.S. consular office in the Section of M.T.A. to inform that comments are still awaited and they are ready in a day or two. For information pl.

Director

16/1/08

It is proposed that matter may be discussed in next meeting of the Commission.

AD (Card)

JS

16/1/08

Re. prepare agenda and put up

17/1/08

DIRECTOR

Draft agenda note is put up as desired

JS

We need to re-identify.

17/1/08

and give comments thereon. Pl. discuss

ADH
21/10

~~DIRVA~~ Discussed.

May kindly approve discussion in the matter by the Commission

ADH

Pl circulate to Members.

2. Guidelines formulated for the ^{dissemination} conduct of various activities should also form part of proactive disclosures under the RTI Act / ^{in the interest} of transparency / knowledge dissemination.

ADH
22/10

ADH

DIRVA

A spare copy of the Agenda Note is enclosed. May be circulated to All Members.

ADH
22/10/08

Dir (RCO)

Copy retained for circulation among Members to be considered in the next meeting of the Commission.

Pl send below

ADH
22/10/08

Dir (C/A)

AD (Card) may circulate among Members for its next meeting of

AD (Card)

AD (Card)

ADH
22/10/08

259 / Dir (C/A)
22/10/08

Agenda Note

Sub : Comments of NCST requested by MTA on the Recommendations made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition".

I Recommendations of ARC in brief.

Reducing Discretion

- a) All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion. In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this ask in their organizations/ offices and complete it within one year.
- b) State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'.

Promoting Competition

- a) Every Ministry/ Department may undertake an immediate exercise to identify areas where the existing 'monopoly of functions' can be tempered with competition. A similar exercise may be done at the level of State Governments and local bodies. This exercise may be carried out in time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. The approach should be to introduce competition along with a mechanism for regulation to ensure performance as per prescribed standards so that public interest is not compromised.
- b) Some Centrally Sponsored schemes could be restructured so as to provide incentives to States that take steps to promote competition in service delivery.
- c) All new national policies on subjects having large public interface (and amendments to existing policies on such subjects) should invariably address the issue of engendering competition.

II Implications

Extracts of the related paragraphs on "Reducing Discretion" of the recommendation emphasizes to maximize transparency in the system in order to reduce discretion and resultantly corruption. Where it is not possible to do so, well defined regulations should be introduced to reduce discretion to the barest minimum level.

Recommendations of ARC have emphasized to introduce Competition even in Govt. run monopolistic policies. It has also cautioned that care should be taken to curb corruption and to ensure that public interest is not compromised.

III Proposed Recommendations of the Commission on the matter.

The Commission may consider to comment in favour of the Recommendations of ARC relating to "Reducing Discretion" and "Promoting Competition".

S.No. 1 CRJ

Most Immediate/TimeBound

F.No.17019/15/2008-PC&V
Government of India
Ministry of Tribal Affairs

Room No. 218-B, 'D' Wing
Shastri Bhawan, New Delhi - 110115

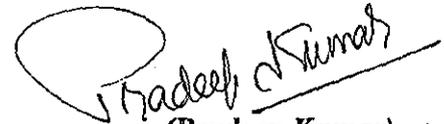
Dated: 21st July, 2008

Subject: (i) Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion".

(ii) Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Promoting Competition".

A copy each of OM Nos.33013/1/2008-O&M & 33013/3/2008-O&M both dated 4th July, 2008 received from Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms & Public Grievances on the above subject is enclosed.

2. Divisional Heads are requested to furnish their comments on the above recommendations made by the 2nd ARC, to PC&V Division by 31st July, 2008 positively.


(Pradeep Kumar)
Under Secretary (PC&V)

Encl: as above

Director (Education/NGO)
Director (Admn./P&C)
Director (SG)
DS(R&M)
DS(CP&R)
DS(IFD)

Copy also with similar request to:

1) Secretary, NCST
2) MD, TRIFED
3) CMD, NSTFDC

Misc/9/2008/RUP

SP/RU-I/2008
29/07/08

HC(RU-II)

J/R(RU-II)

This receipt
pertains to

RU-I
29-7-2008

29/7/08
SGM 31/RU-II/2008
23/7/08

S.No. 1(A)

No.33013/1/2008-O&M

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Administrative Reforms & Public Grievances

Sardar Patel Bhavan, Sansad Marg,
New Delhi-110001,

Dated the 4 July, 2008

OFFICE MEMORANDUM

Subj: Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion".

The second ARC constituted by the Government of India has made certain recommendations relating to "Reducing Discretion" in its 4th Report titled "Ethics in Governance". The Commission has observed that the opportunities for corruption were greater in a system with excessive discretion in the hands of the official machinery particulars at lower levels.

2. The recommendations of the ARC were considered in a meeting of the Core Group on Administrative Reforms (CGAR) chaired by the Cabinet Secretary and it has been decided to accept the following recommendations:-

6.7.3 Recommendations:

- (a) All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion. In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this task in their organizations/offices and complete it within one year.
- (b) State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'.

Extracts of paras 6.7.1 and 6.7.2 of the Report are also enclosed for perusal.

Contd...2/-

6
9627/1/2008
17/7
1606
To the
17/7/08

15B
17/7/08
L & V/2008

Secy (M) on tour
JS (Admin)
16/7
Dir (P)

Blmt
17/7/08
USC (P)
Time Bound
17/7
Dy. No. 3189 /US/CS/1/US
Dated 16/7/08
655
17/7

7
3
// 2 //

3. The Commission has recommended all the Ministries/Departments should coordinate the task of eliminating discretion/putting in place well defined regulations to 'bound' the discretion in their organizations/ offices, within one year. The Commission has further recommended that the State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum "public contact".

4. All the Ministries/Departments of the Government of India, State Governments and UT Administrations are requested to take appropriate action on the recommendations mentioned in para 2 above in a 'time bound' manner. This Department may be kept informed of the steps being taken on quarterly basis, and the first report for the period ending 30th September, 2008 may be sent to this Department by 10th October, 2008.

Razdan

(Rajni Razdan)

Secretary to the Government of India

To

Ministry of Tribal Affairs,
(Shri Gautam Buddha Mukherji ,, Secretary,)
"A" Wing, 6th Floor
Shastri Bhavan,
New Delhi-110001

6.7 Reducing Discretion

6.7.1 Opportunities for corruption are greater in a system with excessive discretion in the hands of the official machinery particularly at lower levels. Such opportunities can be minimized by reducing discretion and maximizing transparency in the system and introducing strict accountability for actions. The most successful anti-corruption reforms are those that seek to reduce discretionary benefits, which are controlled by public officials. An interesting example of improved transparency is the system introduced for effecting transfers of teachers in Karnataka. Under the old system, the practice was that every year some 15000 school teachers used to request transfers to a place of their choice through written applications to several authorities, requiring initiation of action at different levels. Often, the process of decision-making was non-transparent and was riddled with corruption. Under the changed system, applicants are required to submit the reasons for the request for transfer and these are prioritized centrally. A computer-generated list containing the names of transfer seekers along with their ranking (based on the reasons for transfer) are published on the notice board of the department, and objections, if any, are invited. It is reported that this scheme contributed to considerably reducing corruption.

6.7.2 There are a large number of governmental activities where discretion can be totally eliminated. All such activities could be automated and supported by IT. Registration of 'Births and Deaths' and recruitment of teachers based on marks secured in qualifying exams are examples of this. Where it is not possible to eliminate discretion, then the exercise of powers should be bound by well-defined guidelines to minimize discretion. Effective checks and balances should be built over exercise of discretion.

6.7.3 Recommendations:

Accepted →

a. All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion. In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this task in their organizations/offices and complete it within one year.

Not accepted →

b. Decision-making on important matters should be assigned to a committee rather than individuals. Care has to be exercised, however, that this practice is not resorted to when prompt decisions are required.

Accepted →

c. State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'.



S. No. 21(B)

49

5

No.33013/3/2008-O&M
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms & Public Grievances

1512
JPC & V2008
Sardar Patel Bhavan, Sansad Marg,
New Delhi-110001,
Dated the 4 July, 2008

OFFICE MEMORANDUM

Sub: Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Promoting Competition".

The second ARC constituted by the Government of India has made certain recommendations relating to "Promoting Competition" in its 4th Report titled "Ethics in Governance". The Commission has observed that provision of public services by the Government in a monopolistic setting provides scope for corruption and as such it has suggested introduction of competition in the provision of public services.

2. The recommendations of the ARC were considered in a meeting of the Core Group on Administrative Reforms (CGAR) chaired by the Cabinet Secretary and it has been decided to accept the following recommendations:-

6.2.5 Recommendations:

- (a) Every Ministry/Department may undertake an immediate exercise to identify areas where the existing 'monopoly of functions' can be tempered with competition. A similar exercise may be done at the level of State Governments and local bodies. This exercise may be carried out in a time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. The approach should be to introduce competition along with a mechanism for regulation to ensure performance as per prescribed standards so that public interest is not compromised.
- (b) Some Centrally Sponsored schemes could be restructured so as to provide incentives to States that take steps to promote competition in service delivery.
- (c) All new national policies on subjects having large public interface (and amendments to existing policies on such subjects) should invariably address the issue of engendering competition.

Extracts of paras 6.2.1 to 6.2.5 of the Report are enclosed for perusal.

Contd...2/-

9/9/08
19/8
To Secy (P&G) (B. N.)
Dinakar
15/7/08

Secy (P&G) on tour
JPC (B. N.)
6/7
Dinakar

17/7/08
USCR & V
Time Bound
17/7
3/88
15/8/08
16/7/08
255
17/7

3. The Commission has recommended introduction of competition in the provision of public services and at the same time putting in place regulatory mechanism to ensure performance as per prescribed standards so that public interest is protected. The Commission has referred to successful examples the opening up of telecom sector and direct marketing services provided to the farmers in Madhya Pradesh.

4. All the Ministries/Departments of the Government of India, State Governments and UT Administrations are requested to formulate appropriate policies to achieve the objectives of the recommendations mentioned in para 2 above in a 'time bound' manner. This Department may be kept informed of the steps being taken on quarterly basis, and the first report for the period ending 30th September, 2008 may be sent to this Department by 10th October, 2008.

Rajni Razdan
(Rajni Razdan)

Secretary to the Government of India

To

Ministry of Tribal Affairs,
(Shri Gautam Buddha Mukherji, Secretary)
"A" Wing, 6th Floor
Shastri Bhavan,
New Delhi 110001

6.2 Promoting Competition

6.2.1 Most public services in India are provided by government in a monopolistic setting. Such a situation by its very nature is conducive to arbitrariness, and complacency with a high probability of a section of functionaries taking advantage of the 'departmental hegemony' for corruption. Introduction of an element of competition in the provision of public services is thus a very useful tool to curb corruption. Two successful initiatives can be cited in this connection; *first*, the gradual de-monopolisation of the telecom sector; *second*, the growing role of private players in providing direct marketing services to farmers outside the government-controlled *mandis* in Madhya Pradesh.

6.2.2 The case of telecommunication is one of the most successful examples of curbing corruption through introduction of competition. Our telecommunication sector was, until recently, the exclusive preserve of government. Such monopolistic control led to a high incidence of corruption. The Indian Telegraph Act, 1885, stipulated that it was only the Department of Telecommunication, which could operate as the policy maker, service provider and the licensor in the field of telecommunications. As a result of policy reforms, which introduced competition, private players have been allowed in the international and national long distance sectors as well as in the form of private cellular services. Policymaking has thus been separated from provision of services. The result has been a drastic lowering in the cost of services and the universal recognition of a major decline in corrupt practices.

6.2.3 The Agricultural Produce Marketing Act, 1972, of Madhya Pradesh permitted only the traders in the officially designated *mandis* to buy the produce of the farmers. The officials of the Mandi Samitis and the traders formed a monopsonistic nexus to cheat the farmers by paying them less than the fair price of their produce. The Act was later amended and now farmers and traders are no longer obliged to transact business only in designated *mandis*. This reduced corruption in the regulated markets indulged in by traders and officials.

6.2.4 Clearly, ending government's monopoly in a large number of service sectors and allowing others to compete can play a major role in reducing corruption. To a large extent, therefore, dismantling monopolies and introducing competition go together. However, deregulating in one area may increase corruption elsewhere. The process can itself be subverted and sometimes private agencies, which replace the government agencies in service delivery could be even more corrupt. It is, therefore, necessary that such demonopolisation and competition is accompanied by a 'regulation mechanism' to ensure performance as per prescribed standards so that public interest is protected.

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6.2.5 Recommendations:

- a. Each Ministry/Department may undertake an immediate exercise to identify areas where the existing 'monopoly of functions' can be tempered with competition. A similar exercise may be done at the level of State Governments and local bodies. This exercise may be carried out in a time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. The approach should be to introduce competition along with a mechanism for regulation to ensure performance as per prescribed standards so that public interest is not compromised.
- b. Some Centrally Sponsored schemes could be restructured so as to provide incentives to states that take steps to promote competition in service delivery.
- c. All new national policies on subjects having large public interface (and amendments to existing policies on such subjects) should invariably address the issue of engendering competition.

Page 2 (I)

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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No. 1/10/08-Coord.

दिनांक/ Date: 22.10.2008

To

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

Sub: 8th meeting of the National Commission for Scheduled Tribes--Comments of National Commission for Scheduled Tribes requested by Ministry of Tribal Affairs on the Recommendations made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition".

Sir/ Madam,

Comments of the National Commission for Scheduled Tribes have been sought by Ministry of Tribal Affairs on the recommendations made by Administrative Reforms Commission in the fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition". As directed by Secretary National Commission for Scheduled Tribes, a copy of the Agenda Note on the subject is enclosed for your perusal and discussion in the next meeting of the Commission. Exact date of meeting to discuss this Agenda will be intimated separately in due course.

Yours faithfully,

(R.C. DURGA)
Director

Copy with copy of enclosure for information to:

- (i) Joint Secretary
- (ii) Director (RU -I & RU -II)
- (iii) Director (RU - III & Cord.)
- (iv) DS (RU-IV & Admn.)

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Agenda Note

Sub : Comments of NCST requested by MTA on the Recommendations made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition".

I Recommendations of ARC in brief.

Reducing Discretion

- a) All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion. In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this task in their organizations/ offices and complete it within one year.
- b) State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'.

Promoting Competition

- a) Every Ministry/ Department may undertake an immediate exercise to identify areas where the existing 'monopoly of functions' can be tempered with competition. A similar exercise may be done at the level of State Governments and local bodies. This exercise may be carried out in time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. The approach should be to introduce competition along with a mechanism for regulation to ensure performance as per prescribed standards so that public interest is not compromised.
- b) Some Centrally Sponsored schemes could be restructured so as to provide incentives to States that take steps to promote competition in service delivery.
- c) All new national policies on subjects having large public interface (and amendments to existing policies on such subjects) should invariably address the issue of engendering competition.

II Implications

Extracts of the related paragraphs on "Reducing Discretion" of the recommendation emphasizes to maximize transparency in the system in order to reduce discretion and resultantly corruption. Where it is not possible to do so, well defined regulations should be introduced to reduce discretion to the barest minimum level.

Recommendations of ARC have emphasized to introduce Competition even in Govt. run monopolistic policies. It has also cautioned that care should be taken to curb corruption and to ensure that public interest is not compromised.

III Proposed Recommendations of the Commission on the matter.

The Commission may consider to comment in favour of the Recommendations of ARC relating to "Reducing Discretion" and "Promoting Competition".

S.No. 9 (CA)

Most Immediate/TimeBound

F.No.17019/15/2008-PC&V
Government of India
Ministry of Tribal Affairs

Room No. 218-B, 'D' Wing
Shastri Bhawan, New Delhi - 110115

Dated: 21st July, 2008

Subject: (i) Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion".

S2/RU-1/2008
29/07/08

(ii) Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Promoting Competition".

A copy each of OM Nos.33013/1/2008-O&M & 33013/3/2008-O&M both dated 4th July, 2008 received from Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms & Public Grievances on the above subject is enclosed.

2. Divisional Heads are requested to furnish their comments on the above recommendations made by the 2nd ARC, to PC&V Division by 31st July, 2008 positively.

D(RU-II)


(Pradeep Kumar)
Under Secretary (PC&V)

Encl: as above

IRCRU II
his copies
attached to
RU-II

- Director (Education/NGO)
- Director (Admn./P&C)
- Director (SG)
- DS(R&M)
- DS(CP&R)
- DS(IFD)

Copy also with similar request to:

- 1) Secretary, NCST
- 2) MD, TRIFED
- 3) CMD, NSTFDC

29/7/08
31/RU-II/2008
23/7/08

Misc/9/2008/RUP

17

S.No. 1 (A)

No.33013/1/2008-O&M

Government of India

Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms & Public Grievances

Sardar Patel Bhavan, Sansad Marg,
New Delhi-110001,

Dated the 4 July, 2008

OFFICE MEMORANDUM

Sub: Recommendation made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion".

The second ARC constituted by the Government of India has made certain recommendations relating to "Reducing Discretion" in its 4th Report titled "Ethics in Governance". The Commission has observed that the opportunities for corruption were greater in a system with excessive discretion in the hands of the official machinery particulars at lower levels.

2. The recommendations of the ARC were considered in a meeting of the Core Group on Administrative Reforms (CGAR) chaired by the Cabinet Secretary and it has been decided to accept the following recommendations:-

6.7.3 Recommendations:

(a) All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion. In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this task in their organizations/offices and complete it within one year.

(b) State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'.

Extracts of paras 6.7.1 and 6.7.2 of the Report are also enclosed for perusal.

2607/1/2008
1606
To
15/7/08

15B
7/7/08
V/2008

Secy (M) - on tour
JS (Admin)
14/7
Dir (P/C)

Blmt
17/7/08
USC (P/C)

Time Bound
17/7
Dy. No. 3124 /SIB.S./148
Dated 16/7/08

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17/7

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3. The Commission has recommended all the Ministries/Departments should coordinate the task of eliminating discretion/putting in place well defined regulations to 'bound' the discretion in their organizations/ offices, within one year. The Commission has further recommended that the State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum "public contact".

4. All the Ministries/Departments of the Government of India, State Governments and UT Administrations are requested to take appropriate action on the recommendations mentioned in para 2 above in a 'time bound' manner. This Department may be kept informed of the steps being taken on quarterly basis, and the first report for the period ending 30th September, 2008 may be sent to this Department by 10th October, 2008.



(Rajni Razdan)

Secretary to the Government of India

To

Ministry of Tribal Affairs,
(Shri Gautam Buddha Mukherji ,, Secretary,)
"A" Wing, 6th Floor
Shastri Bhavan,
New Delhi-110001

6.7 Reducing Discretion

6.7.1 Opportunities for corruption are greater in a system with excessive discretion in the hands of the official machinery particularly at lower levels. Such opportunities can be minimized by reducing discretion and maximizing transparency in the system and introducing strict accountability for actions. The most successful anti-corruption reforms are those that seek to reduce discretionary benefits, which are controlled by public officials. An interesting example of improved transparency is the system introduced for effecting transfers of teachers in Karnataka. Under the old system, the practice was that every year some 15000 school teachers used to request transfers to a place of their choice through written applications to several authorities, requiring initiation of action at different levels. Often, the process of decision-making was non-transparent and was riddled with corruption. Under the changed system, applicants are required to submit the reasons for the request for transfer and these are prioritized centrally. A computer-generated list containing the names of transfer seekers along with their ranking (based on the reasons for transfer) are published on the notice board of the department, and objections, if any, are invited. It is reported that this scheme contributed to considerably reducing corruption.

6.7.2 There are a large number of governmental activities where discretion can be totally eliminated. All such activities could be automated and supported by IT. Registration of 'Births and Deaths' and recruitment of teachers based on marks secured in qualifying exams are examples of this. Where it is not possible to eliminate discretion, then the exercise of powers should be bound by well-defined guidelines to minimize discretion. Effective checks and balances should be built over exercise of discretion.

6.7.3 Recommendations:

Accepted →

a. All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion. In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this task in their organizations/offices and complete it within one year.

Not accepted →

b. Decision-making on important matters should be assigned to a committee rather than individuals. Care has to be exercised, however, that this practice is not resorted to when prompt decisions are required.

Accepted →

c. State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'.

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3. The Commission has recommended introduction of competition in the provision of public services and at the same time putting in place regulatory mechanism to ensure performance as per prescribed standards so that public interest is protected. The Commission has referred to successful examples the opening up of telecom sector and direct marketing services provided to the farmers in Madhya Pradesh.

4. All the Ministries/Departments of the Government of India, State Governments and UT Administrations are requested to formulate appropriate policies to achieve the objectives of the recommendations mentioned in para 2 above in a 'time bound' manner. This Department may be kept informed of the steps being taken on quarterly basis, and the first report for the period ending 30th September, 2008 may be sent to this Department by 10th October, 2008.

Rajni Razdan
(Rajni Razdan)

Secretary to the Government of India

To

Ministry of Tribal Affairs,
(Shri Gautam Buddha Mukherji, Secretary)
"A" Wing, 6th Floor
Shastri Bhavan,
New Delhi 110001

6.2 Promoting Competition

6.2.1 Most public services in India are provided by government in a monopolistic setting. Such a situation by its very nature is conducive to arbitrariness, and complacency with a high probability of a section of functionaries taking advantage of the 'departmental hegemony' for corruption. Introduction of an element of competition in the provision of public services is thus a very useful tool to curb corruption. Two successful initiatives can be cited in this connection; *first*, the gradual de-monopolisation of the telecom sector; *second*, the growing role of private players in providing direct marketing services to farmers outside the government-controlled *mandis* in Madhya Pradesh.

6.2.2 The case of telecommunication is one of the most successful examples of curbing corruption through introduction of competition. Our telecommunication sector was, until recently, the exclusive preserve of government. Such monopolistic control led to a high incidence of corruption. The Indian Telegraph Act, 1885, stipulated that it was only the Department of Telecommunication, which could operate as the policy maker, service provider and the licensor in the field of telecommunications. As a result of policy reforms, which introduced competition, private players have been allowed in the international and national long distance sectors as well as in the form of private cellular services. Policymaking has thus been separated from provision of services. The result has been a drastic lowering in the cost of services and the universal recognition of a major decline in corrupt practices.

6.2.3 The Agricultural Produce Marketing Act, 1972, of Madhya Pradesh permitted only the traders in the officially designated *mandis* to buy the produce of the farmers. The officials of the Mandi Samitis and the traders formed a monopsonistic nexus to cheat the farmers by paying them less than the fair price of their produce. The Act was later amended and now farmers and traders are no longer obliged to transact business only in designated *mandis*. This reduced corruption in the regulated markets indulged in by traders and officials.

6.2.4 Clearly, ending government's monopoly in a large number of service sectors and allowing others to compete can play a major role in reducing corruption. To a large extent, therefore, dismantling monopolies and introducing competition go together. However, deregulating in one area may increase corruption elsewhere. The process can itself be subverted and sometimes private agencies, which replace the government agencies in service delivery could be even more corrupt. It is, therefore, necessary that such demonopolisation and competition is accompanied by a 'regulation mechanism' to ensure performance as per prescribed standards so that public interest is protected.

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6.2.5 Recommendations:

- a. Each Ministry/Department may undertake an immediate exercise to identify areas where the existing 'monopoly of functions' can be tempered with competition. A similar exercise may be done at the level of State Governments and local bodies. This exercise may be carried out in a time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. The approach should be to introduce competition along with a mechanism for regulation to ensure performance as per prescribed standards so that public interest is not compromised.
- b. Some Centrally Sponsored schemes could be restructured so as to provide incentives to states that take steps to promote competition in service delivery.
- c. All new national policies on subjects having large public interface (and amendments to existing policies on such subjects) should invariably address the issue of engendering competition.

राष्ट्रीय आयोग के अध्यक्ष, राष्ट्रीय
National Commission for Scheduled Tribes
एन सी एस टी / New Delhi

- copy -

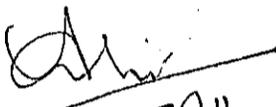
Subject: Report on 'Study of performance of the National Commission for Scheduled Tribes'. conducted by the Centre for Policy Research, New Delhi, entrusted by Department of Administrative Reforms & Public Grievances.

In pursuance of the deliberations held in the Meeting of the Commission held on 12.5.2008, the Members were request to forward their comments in the matter by 4th July, 2008. However, the requisite comments are still awaited.

2. It is mentioned that the Secretary, Department of Administrative Reforms & Public Grievances had convened a meeting on 21.8.2008 to monitor the progress made in the Study Reports including the Report on the National Commission for Scheduled Tribes mentioned above. JS, MTA was invited in the said meeting. Secretary, AR&P had categorically emphasized for submission of the comments by 31.10.2008.

3. In view of the above, it is requested that a convenient date/time for the meeting of the Commission to finalize our comments on the Study Report may please be fixed urgently.


(R.C. Durga)
Director
3/11/2008


Joint Secretary

Secretary

Chairperson


3/11/08

7.11.08
228/Secy/08
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ता. 6/99/2002 के दायरे में
के गौरव आयोग की जाये।




3/11/08

सचिव

मौके को ही अन्य महत्वपूर्ण विषय विचारण लोका है तो उन्हें भी
ता वेक के विचारण रखें।

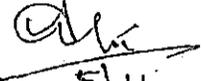
संयुक्त सचिव

उपसचिव

6/11/2008

11/11/08

DIR/CD
नरमदा
आरि (अन्य)


DIR/CD
5/11



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कार्यालय
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भारतसरकार
राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

सं० 1/10/08-समन्वय

दिनांक /Date: 05.11.2008

सेवा में,

- 1) श्रीमती उर्मिला सिंह, अध्यक्ष
- 2) श्री मोरीस कुजुर, उपाध्यक्ष
- 3) श्री छेरिंग सम्फेल, सदस्य
- 4) श्री वरीस सीय्य मारीयाव, सदस्य
- 5) श्री रघुवेन्द्र सिंह सरोही, सचिव

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 07.11.2008 को होने वाली आठवीं बैठक।

महोदय / महोदया,

राष्ट्रीय अनुसूचित जनजाति आयोग की एक अत्यावश्यक बैठक, कार्यसूची की निम्नलिखित मदों पर विचार -- विमर्श करने के लिए, जिसके बारे में कार्यसूची सामग्री प्रत्येक कार्यसूची की मद के सामने उल्लिखित पत्र संख्या एवं तारीख के तहत परिचालित की जा चुकी है, आयोग के सम्मेलन कक्ष में दिनांक 07.11.2008 को दोपहर 12.00 बजे बुलानी निश्चित की गई है।

कार्यसूची की मद सं०	विवरण	पत्र सं० और तारीख जिसके साथ कार्यसूची/टिप्पणी परिचालित की जा चुकी है।
(i)	प्रशासनिक सुधार एवं लोक शिकायत विभाग भारत सरकार द्वारा नीति अनुसंधान केन्द्र, नई दिल्ली को सौंपा गया राष्ट्रीय अनुसूचित जनजाति आयोग के निष्पादन के अध्ययन पर प्रतिवेदन।	दिनांक 09.05.2008 का कार्यालय ज्ञापन सं० 1/3/08-समन्वय और दिनांक 12.05.2008 को हुई बैठक में विचार-विमर्श किया गया।
(ii)	दूसरे प्रशासनिक सुधार आयोग द्वारा अपने चौथे प्रतिवेदन में 'विवेक कम करने' और 'प्रतिस्पर्धा बढ़ाने' से संबंधित 'अभिशासन में आचार शास्त्र' नामक शीर्षक में की गई सिफारिशों।	दिनांक 22.10.2008 का पत्र संख्या 1/10/08-समन्वय
(iii)	माननीय अध्यक्ष महोदया की अनुमति से कोई अन्य मद	

2. कार्यसूची की मद संख्या (i) से संबंधित मामले पर आयोग की दिनांक 12.05.2008 को हुई बैठक में विचार-विमर्श किया गया और बैठक का सार अभिलेख दिनांक 28.05.2008 के कार्यालय ज्ञापन संख्या 1/3/08-समन्वय के तहत परिचालित किया गया। सार अभिलेख की एक प्रति सहित इस कार्यालय ज्ञापन की एक प्रति अनुबंध -I के रूप में संलग्न है। आयोग की बैठक में लिए गए निर्णय के अनुसार, आयोग के सदस्यों से इस आयोग के दिनांक 01.07.2008 के पत्र संख्या 18/1/08-समन्वय के तहत, अध्ययन प्रतिवेदन पर अपने विस्तृत विचार प्रस्तुत करने के लिए, अनुरोध किया गया था। इस पत्र की एक प्रति अनुबंध-II के रूप में संलग्न है। जनजातीय कार्य मंत्रालय ने, उपर्युक्त विषय पर, प्रशासनिक सुधार एवं लोक शिकायत विभाग (कार्मिक, लोक शिकायत और पेंशन मंत्रालय) को अपने विचार भेजने के लिए, कार्यालय ज्ञापन का एक प्रारूप अब तैयार किया है। जनजातीय कार्य मंत्रालय द्वारा अपने संयुक्त सचिव के दिनांक 04.11.2008 के अ०शा० सं० 17014/03/05-सी एण्ड एलएम-1 के तहत, इस आयोग के विचार जानने के लिए कार्यालय ज्ञापन का प्रारूप भेजा गया है। मंत्रालय द्वारा जारी किए जाने वाले प्रस्तावित कार्यालय ज्ञापन के प्रारूप सहित अ०शा० पत्र की एक प्रति अनुबंध-III के रूप में संलग्न है।

आपसे अनुरोध है कि बैठक में भाग लेने

भवदीय,

(आदित्य मिश्रा)
संयुक्त सचिव

संलग्नकों की प्रति सहित प्रति सूचनार्थ अग्रेषित:

- (i) संयुक्त सचिव
- (ii) निदेशक (आर०यू०-I और आर०यू०-II)
- (iii) निदेशक (आर०यू०-III और समन्वय)
- (iv) उप सचिव (आर०यू०-IV और प्रशासन)
- (V) अध्यक्ष महोदया के निजी सचिव
- (VI) अवर सचिव (प्रशासन)

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Most IMMEDIATE

अति अगदी

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

संख्या/ No. 1/10/08-Coord.

दिनांक/ Date: 05.11.2008

To

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

Sub: 8th meeting of the National Commission for Scheduled Tribes to be held on 07.11.2008

Sir/ Madam,

An urgent meeting of National Commission for Scheduled Tribes has been scheduled to be held at 12:00 Hrs. on 07.11.2008 in the Conference Room of the Commission to discuss the following Agenda for which Agenda material has been circulated vide letter No. and date mentioned against each agenda item.

Agenda Item No.	Agenda	Letter No. and date with which Agenda Note have been circulated
(i)	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.	O.M. No.1/3/08-Coord. Dated 09.05.2008 and discussed in the meeting held on 12.05.2008
(ii)	Recommendations made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition"	Letter No. 1/10/08 dated 22.10.2008
(iii)	Any other Agenda with the permission of Hon'ble Chairperson.	

2. The matter at Agenda Item (i) was discussed in the meeting of the Commission held on 12.05.2008 and Summary record of the meeting was circulated vide O.M. No.1/3/08-Coor dated 28.05.2008. A copy of this OM alongwith a copy of the Summary Record is enclosed for ready reference as ANNEXURE-I. As per the decision taken in the meeting, Members of the Commission were requested to furnish their detailed comments on the Study Report vide F.No. 18/1/08-Coord dated 01.07.2008. A copy of this letter is enclosed as ANNEXURE-II. Ministry of Tribal Affairs has now prepared a draft OM for forwarding their comments on the subject to Department of Administrative Reforms & Public Grievances (Ministry of Personnel, Public Grievances and Pensions). The draft OM has been sent to this Commission for comments by the Ministry of Tribal Affairs vide D.O.No.17014/03/05- C&LM I dated 04.11.2008 from JS, Ministry of Tribal Affairs. A copy of the DO letter alongwith the draft OM proposed to be issued by the Ministry is enclosed as ANNEXURE-III.

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

Yours faithfully,

(A. Mishra)
Joint Secretary

Copy with copy of enclosure for information to:

- (i) Joint Secretary
- (ii) Director (RU -I & RU -II)
- (iii) Director (RU - IV & Cord.)
- (iv) DS (RU-IV & Admn.)

Annexure I



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. 1/3/08-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

Dated 28.05.2008

Sub: Summary record of the meeting of the National Commission for Scheduled Tribes held on 12.05.2008

A meeting of the Commission was held at 12:00 noon on 12.05.2008 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 and necessary action.

2. Action taken on the decision taken in the meeting may be furnished by 09.06.2008 positively.

Yours faithfully,

(R.C. Durga)
Director

To

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

Copy for information to

(i) PS to Chairperson/ PS to Vice-Chairperson/ PS to Member (TS)/ PS to Member (OSM)/ PPS to Secretary -

Regional Offices: Director/ Assistant Director/ Research Officer Incharge of Regional Offices of National Commission for Scheduled Tribes at Bhopal/ Bhubaneswar/ Jaipur/ Raipur/ Ranchi/ Shillong.

28.5.2008

(98)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the meeting of the National Commission for Scheduled Tribes held at 12:00 hours on 12.05.2008.

A meeting of the Commission was held at 12:00 hours on 12.05.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed.

2. There were initially four items on the Agenda for the meeting. A fifth item was added later on for discussion in the meeting. All items on the Agenda were discussed in detail. The decisions taken in the meeting are summarized as under:

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

As per the existing instructions of the Govt. of India, Children in a family generally get the caste status of their father and accordingly, children of a ST woman with non-ST male spouse are not entitled to ST status. The proposed amendment by the Govt. of Kerala is of considerable importance for the original Scheduled Tribes as granting status of Scheduled Tribes to the off-spring of non-ST males and ST females may lead to encroachment upon the rights of genuine Scheduled Tribes. Further, enactment of such a provision in relation to Kerala State will have a widespread repercussion through out the country. It is also a fact that tribal communities in different Regions of the country have their own traditions and cultural systems. Many communities accept marriages of a ST woman with a non-ST man and vice-versa while others don't. Therefore, it was decided that the Commission should go for wider consultations on the issue.

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

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

Review Meeting with HP Govt. may be tentatively fixed for 2nd week of June, 2008 while review meetings with Govt. of Rajasthan may be

scheduled in the 3rd quarter, keeping in view Assembly elections. As regards review of Central Ministries, the review material may be obtained from the Ministries of Defence, Health & Family Welfare, Human Resource Development, Petroleum, and Railways so that dates for review may be fixed. Each Research Unit concerned with the above mentioned States and Central Ministries may initiate action immediately.

**Agenda
Item IV**

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

The guidelines prepared in the Commission were discussed. Commission was informed that similar guidelines/ check lists were being prepared for dealing with cases relating to de-reservation proposals, caste certificates, development related issues and atrocities on Scheduled Tribes. Commission also noted that major share of time and energies of the Commission's staff was spent on service related matters. Hence, there is a need to devote more time for dealing with other matters. While it was felt that it may not be possible to fix a pre-determined date for holding the meetings of the Commission, it was agreed that hearing would be held in the pre-lunch session and visitors would be received in the post-lunch period.

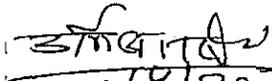
**Agenda
Item V
(additional
agenda)**

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.

The Commission was informed that the Researcher who had conducted the study had given a presentation to the Secretary, Ministry of Tribal Affairs and officers of the NCST/ DARPG on 09.05.2008 about the observations made in the report and the Commission was required to send its comments to the Ministry.

Draft comments on salient observations made in the report were noted by the Commission and it was felt that the same could be communicated to the Ministry of Tribal Affairs (Subsequently, however, the Vice-Chairman has suggested that the Commission need again to discuss the report in detail after all Members have had an opportunity to study it further).

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


 29/5/2008
 जितेंद्रा सिंह/JITENDRA SINGH
 अध्यक्ष/Chairperson
 राष्ट्रीय अनुसूचित जातों के समितियों
 National Commission for Scheduled Tribes
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

Annexure

National Commission for Scheduled Tribes

Meeting of the Commission on 12.05.2008 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 R.P. Vashistha, Deputy Secretary	
10.	Shri K.N. Singh, PS to Chairperson	

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**F.No. 18/1/08-Coord
National Commission for Scheduled Tribes**

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

The draft comments on the salient observations made in the Report were discussed in the meeting of the Commission held on 12th May 2008. It was suggested by the Vice-Chairman that the Commission should discuss the Report again after all Members had an opportunity to study it.

The Members, are, accordingly, requested to forward their comments in the matter at the earliest, positively by the end of the week as the subject is listed for discussion in the ensuing meeting of the Commission scheduled to be held next week.


(Aditya Mishra)
Joint Secretary
01.07.2008
6/2

MEMBER(TS)

MEMBER(OSM)

Copy to: PS to Chairperson/ PS to Vice-Chairman/ PPS to Secretary

रुचिरा पन्त
RUCHIRA PANT
संयुक्त सचिव
JOINT SECRETARY



सत्यमेव जयते

Annexure III (32)
D.O. No 17014/03/05-C&LMI

भारत सरकार
GOVERNMENT OF INDIA
जनजातीय कार्य मंत्रालय
MINISTRY OF TRIBAL AFFAIRS
शास्त्री भवन, नई दिल्ली-110001
SHASTRI BHAWAN, NEW DELHI-110001

Tele./दूरभाष : 23383622

Fax/फैक्स : 23073607

Dated :- 04th November, 2008

Dear Shri Mishra,

Please refer to this Ministry's communication of even No. dated 19th May, 19th June, 25th July, 18th Sept and 22nd October 2008 regarding comments of NCST on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi sponsored by Department of Administrative Reforms and Public Grievances (DARPG). It has been decided that the NCST will furnish its comments on the above study to this Ministry and thereafter this Ministry will furnish the consolidated comments to the DARPG.

As you are aware, the Secretary, DARPG had convened a meeting of concerned Ministries on 21st October 2008 to monitor the progress made in the study reports including the report on the NCST. The Secretary, AR&PG, has categorically stated that the comments/reports on the study of performance maybe submitted by the concerned Ministries by the 31st October 2008 positively. The comments of the NCST in the matter are still awaited. I would also like to inform you that the Study has been examined by this Ministry. A copy of the draft OM indicating the comments of this Ministry on the study is enclosed.

I shall be grateful if you could look into the matter personally and arrange to expedite the comments of the NCST on the above study, latest by 14th November 2008, so as to enable us to furnish the consolidated views/comments to the DARPG for its onward transmission to the Cabinet Secretariat.

With regards,

Yours sincerely

(Ruchira Pant)

Please circulate
to all concerned
before the meeting of
the Commission

Sh. Aditya Mishra,
Joint Secretary
National Commission for Scheduled Tribes
06th Floor, Lok Nayak Bhawan,
New Delhi

Adi

05/11/08

Imm.
matters of NCST
is on 11/11/08
AD (Board)
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F. No. 17014/3/2005-C&LM-I
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi.
Dated: October, 2008

OFFICE MEMORANDUM

Subject: Study of the performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi.

The Undersigned is directed to refer to the Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms and Public Grievances' O.M. No. K-11022/21/2003-RC (Vol. III) dated 4-12-2007 and to say that the Report prepared by the Centre for Policy Research, New Delhi has been examined and it has been observed that the study has been conducted only in respect of the Delhi Office of the NCST. The Regional Offices of the NCST have not been covered. Therefore, to that extent, the study seems to be incomplete. Moreover, the recommendations made in the report are too general in nature without any in-depth study of the working of the Commission, and the recommendations appear to have been made without appreciating the fact that the NCST has been envisaged as an advisory body and therefore, cannot be granted punitive powers as suggested and also that there is no overlapping in the roles and functioning of the NCST and Ministry of Tribal Affairs.

Most of the space has been devoted for simply giving the historical background, functions and powers and organizational structure of the Commission, merely one page out of the total of 29 pages of the Report is for the pithy recommendations of not much substances and factual errors have been noticed in the Report,

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The specific comments of this Ministry on the Report are as follows :-

Brief history of the NCST

The facts furnished in the Report under the caption Brief history of the NCST are not presented coherently. Moreover it is been stated that a multi member National Commission for SCs and STs was constituted in 1990. Actually, the 65th Amendment Bill, 1990 was notified in June 1990 but this Act was made effective from 12.03.1992 and from this date the Office of Commissioner for SCs and STs was abolished and replaced by the erstwhile NCSCST.

Under a separate para, it has been stated that "since the bifurcation there have been two National Commissions for ST, (2004-2007- Shr. Kunwar Singh, 2007-Jamuna Devi)". It must be mentioned that there is only one National Commission for Scheduled Tribes constituted under Article 338 A of the Constitution. Sh. Kunwar Singh had been the Chairperson of the commission w.e.f 2004-2007. Now the Chairperson of the NCST is Smt. Urmila Singh.

It has also been incorrectly stated in the Report that the Commission has asked for four additional Offices in AP, Maharashtra, HP and Gujarat. In this connection it must be pointed out that the NCST in its first report for the year 2004-05 and 2005-06 had recommended the opening of four regional offices but no formal proposal from the NCST for creation of four more Regional Offices has been received inspite of NCST having been asked to submit a formal proposal in this regard.

The National Commission for Scheduled Tribe has been setup under Article 338A of the Constitution which envisages it as an advisory body. The Commission is an independent body and fully empowered to regulate its own procedure.

Function and Powers

The functions and powers of the Commission have already been given under Article 338 A of the Constitution. Under the sub para 'In pursuance of these objectives the Commission is both required and empowered to'; it has been mentioned that it does not have the power to issue injunctions against anyone on the basis of its investigation. It must be pointed out that the NCST is an advisory body, therefore, such a power is not required to be conferred on the Commission..

Regarding assigning the additional functions to the NCST, it must be mentioned that the additional functions have been assigned to the NCST vide notification dated 23.08.05; in exercise of the powers conferred by Sub Clause(f) of Clause 5 of Article 338 A of the Constitution. It is therefore, incorrect to say that "M/o TA seems to be assuming the right to give instructions to NCST, thus establishing a relationship of superiority over NCST" as has been stated in the parapertaining to "Relations between M/o TA and NCST".

Regarding sanctioning additional funds under the head 'Other Administrative Expenses', to the NCST, the report nowhere mentions that the process for creation of a subhead "other Administrative Espenses" was already on pursuant to the request of NCST for additional funds to meet the cost of workshops and studies (this head has since been created in Feb 2008)

Organizational Structure

A number of discrepancies have also been noticed under this heading particularly about the Staff. . It may be mentioned here that in addition to the posts transferred to NCST as per the bifurcation of the posts of erstwhile NCSCST between NCSC and NCST in the ratio of 2:1, a number of posts required for the NCST were created. At Headquarters in the NCST in addition to the posts of Joint Secretary, Directors and Under Secretary, the posts of Superintendent of Police, Law Officer, Assistant Directors, Research Officers, Sr. Investigator and Investigator and have also been sanctioned in the NCST the vacancies are to be filled up. There is no post of Principal Investigator in the commission.

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Work of Members and Senior Staff of the Commission

This Ministry has no comments to offer.

Principal Investigator

It may be pointed out that no such post exists in the Commission.

The statement that the staff is divided into four Wings is factually correct. The rest of the paras also seem to be correct.

Issues taken up by the Commission

The categorization of the issues that came before the Commission are factually correct. The remaining paras under this heading relate to the first Report of the NCST for 2004-05 and 2005-06 which is under examination.

Public Perception of the Commission

Perception of people/stakeholders about the performance of the people and its effectiveness has been rightly mentioned but without much indepth study in the field i.e., tribal areas or Scheduled Areas.

Overall impact of the Commission

This Ministry has no comments in respect of criteria no. 1 - to judge the overall impact of the Commission i.e., Factors within the Commission's Control, such as its political courage in defending rights of the STs and acting as a watchdog body on other ministries and government organizations, or its overall sensitivity to adivasi issues. However, the role and powers of the NCST has been defined in the Article 338A of the Constitution and it is organization independent of the Ministry. The sub clause (d) of Clause 5, and Clauses 6 & 7 of the Article 338A envisages that the Commission shall submit its report to the President any time for the welfare and development of the Scheduled Tribes.

With regard to the criteria no. 2 - to judge the overall impact of the Commission i.e., Factors outside the Commission's control, ----- adivasis of India, it may be pointed out that the process of the filling of the vacant posts whether on deputation or on regular

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basis involves a prescribed procedure and requires completion of various formalities. The process is on.

The NCST has been conferred the powers of a Ministry/Department of the Central Government as provided under the Delegation of Financial Power Rules, 1978 except (i) Creation of posts, (ii) Re-appropriation of funds, (iii) Purchase of vehicles, (iv) Permitting any officer of the Commission to participate in seminar, conference or training abroad. Sufficient amount is allocated to the NCST on the basis of their proposal. The Planning Commission has suggested the budget provision of NCST should be shown under a separate Demand for Grant instead of being a part of the Demand for Grant of the Ministry of Tribal Affairs. The matter was referred to the Ministry of Finance for their comments/views, but the proposal was not agreed to by the Ministry of Finance. Various recommendations made by the NCST in its first report have been circulated among concerned Ministries/Departments and State Governments for appropriate action. The ATR on the recommendations made in the report will be laid down in the Parliament.

The NCST is fully empowered to regulate its own procedure for the investigation.

The statement that none of the institutions envisaged by the Constitution to protect the right of the STs is working-whether it is TAC or Office of the Governor as mentioned in the body of the study report have been made without in anyway substantiating the same.

Recommendations -

Under this heading it has been stated that

(i) the Government follows the Constitution in the spirit it was envisaged, among other things, by strengthening the role of the Commission as a truly independent watchdog body with punitive powers. However, this statement is itself incorrect because the National Commission for Scheduled Tribe has been setup under Article 338A of the Constitution as an advisory body and it may not be, therefore, given punitive powers.

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f36 (ii) The report has recommended that the composition of the Commission needs to be examined, in particular, the implications of a commission composed entirely of political appointments by the ruling party. The qualifications of the Chairperson and Members should be publicly available and there should be an effort to involve people from different professions concerned with Scheduled Tribes. This is a recommendation worthy of consideration

(iii) It has also been recommended that the overlap with the Ministry of Tribal Affairs needs to be examined, and the independence of the Commission vis-à-vis M/o Tribal Affairs asserted.

As mentioned earlier, there is no overlap with M/o TA. Role and powers of the NCST have been defined in the Article 338A of the Constitution and its organization independent of the Ministry. The Clauses 5, 6 & 7 of the Article 338A envisage that the Commission shall submit its report to the President any time for the welfare and development of the Scheduled Tribes.

(iv) Finally, it has been stated that the Commission is short staffed, as well as under funded and therefore unable to deal satisfactorily with the volume of cases. The Regional offices need to be strengthened, along with an independent investigating mechanism. This should replace the standard procedure of asking for clarification as the dominant mode of functioning.

As mentioned earlier the process of filling of the vacant posts whether on deputation or on regular basis involves a prescribed procedure and requires completion of various formalities and this process is on. The NCST is fully empowered to regulate its own procedure for the investigation.

Formal proposal from the NCST for upgradation of existing Regional Offices and augmentation of the existing strength of supporting staff in six Regional Offices and creation of four more Regional Offices is awaited.

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Concluding Remarks :

All the Terms of Reference (TORs) of the study have not been adequately covered in the Report. The Terms of Reference (TORs) at S.No 3,6 & 7 have been haphazardly and sketchingly covered in the Report. The terms of reference at S.No 2 envisages that 'the focus of the report should be on its functioning as interventions for betterment of services and service delivery to the people and to what extent this has been achieved rather than on organizational structure,. However, the major part of the report is based on the organizational structure and assigned functions. At the end of the report barely a page has been devoted to sketchy recommendations of not much substance.

It has been observed that the study has been conducted only in respect of the HQ of the NCST and the Regional Offices of the NCST have not been covered. Therefore, to that extent, the study seems to be incomplete. The report is neither well structured nor for focused on the TORs. Moreover, the recommendations made in the report are too general in nature without any in-depth study of the working of the Commission, and the recommendations appear to have been made without appreciating the fact that the NCST has been envisaged as an advisory body and therefore, may be granted punitive powers as suggested and also that there is no overlapping in the roles and functioning of the NCST and Ministry of Tribal Affairs.

This issues with the approval of the Secretary, Ministry of Tribal Affairs.

(Dr. N.K. Ghatak)
Joint Director,
Tel No. 23383965

Ministry of Personnel, Public Grievances and Pensions,
Department of Administrative Reforms and Public Grievances,
(Atten. Ms. Meenakshi Sharma, Director, (AR))
Sardar Patel Bhawan,
New Delhi



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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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संख्या/ No. 1/10/08-Coord.

दिनांक/ Date: 05.11.2008

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

Sub: 8th meeting of the National Commission for Scheduled Tribes to be held on 07.11.2008

Sir/ Madam,

An urgent meeting of National Commission for Scheduled Tribes has been scheduled to be held at 12:00 Hrs. on 07.11.2008 in the Conference Room of the Commission to discuss the following Agenda for which Agenda material has been circulated vide letter No. and date mentioned against each agenda item.

Agenda Item No.	Agenda	Letter No. and date with which Agenda Note have been circulated
(i)	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.	O.M. No.1/3/08-Coord. Dated 09.05.2008 and discussed in the meeting held on 12.05.2008
(ii)	Recommendations made by the 2nd Administrative Reforms Commission in its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition"	Letter No. 1/10/08 dated 22.10.2008
(iii)	Any other Agenda with the permission of Hon'ble Chairperson.	

2. The matter at Agenda Item (i) was discussed in the meeting of the Commission held on 12.05.2008 and Summary record of the meeting was circulated vide O.M. No.1/3/08-Coord dated 28.05.2008. A copy of this OM alongwith a copy of the Summary Record is enclosed for ready reference as ANNEXURE-I. As per the decision taken in the meeting, Members of the Commission were requested to furnish their detailed comments on the Study Report vide F.No. 18/1/08-Coord dated 01.07.2008. A copy of this letter is enclosed as ANNEXURE-II. Ministry of Tribal Affairs has now prepared a draft OM for forwarding their comments on the subject to Department of Administrative Reforms & Public Grievances (Ministry of Personnel, Public Grievances and Pensions).The draft OM has been sent to this Commission for comments by the Ministry of Tribal Affairs vide D.O.No.17014/03/05- C&LM I dated 04.11.2008 from JS, Ministry of Tribal Affairs. A copy of the DO letter alongwith the draft OM proposed to be issued by the Ministry is enclosed as ANNEXURE-III.

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

Yours faithfully,


A. Mishra
Joint Secretary

Copy with copy of enclosure for information to:

- (i) Joint Secretary
- (ii) Director (RU - I & RU -II)
- (iii) Director (RU - IV & Cord.)
- (iv) DS (RU-IV & Admn.), 12502
- (v) PS to Chairperson

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



दिनांक / Date: 05.11.2008

सं० 1/10/08-समन्वय

श्री मं.

- 1) श्रीमती जर्मिला सिंह, अध्यक्ष
- 2) श्री मीरा कुंवर, उपाध्यक्ष
- 3) श्री छेरिंग सम्कल, सदस्य
- 4) श्री वीरम शीजा मारीयाज, सदस्य
- 5) श्री रघुवंश सिंह सिखीही, सचिव

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 07.11.2008 को दौरे वाली आवेदी बैठक।

महोदय / महोदय।

राष्ट्रीय अनुसूचित जनजाति आयोग की एक अत्यावश्यक बैठक, कार्यपत्री की निम्नलिखित मर्मा पर विचार - विमर्श करने के लिए, जिसके बारे में कार्यपत्री समग्री प्रत्येक कार्यपत्री की मद के समान उल्लिखित पत्र संख्या एवं तारीख के तहत परिवर्तित की जा चुकी है, आयोग के समक्ष आयोग की दिनांक 07.11.2008 को दोपहर 12.00 बजे बुलानी निर्दिष्ट की गई है।

कार्यपत्री की मद सं० **विषय**
 कार्यपत्री की मद सं० **पत्र सं० और तारीख जिसके साथ परिवर्तित की जा चुकी है।**

- (i) पुरासाहिक सूधार एवं लोक शिक्षण विभाग भारत सरकार द्वारा दिनांक 09.05.2008 का कार्यालय शीति अनुसंधान केंद्र, नई दिल्ली की संज्ञा प्राप्त राष्ट्रीय आयोग सं० 1/3/08-समन्वय और दिनांक 12.05.2008 को हुई बैठक में विचार-विमर्श किया गया।
- (ii) दूसरे पुरासाहिक सूधार आयोग द्वारा अपने चौथे प्रतिवेदन में दिनांक 22.10.2008 का पत्र संख्या 'निर्देक कम करने' और 'प्रतिपदाई बहाने' से संबंधित 'आशियासन 1/10/08-समन्वय' में आचार शासन नामक शीर्षक में की गई त्रुटि।
- (iii) भारतीय अखण्ड महीदा की अनुमति से कोई अन्य मद

2. कार्यपत्री की मद संख्या (i) से संबंधित मामले पर आयोग की दिनांक 12.05.2008 को हुई बैठक में विचार-विमर्श किया गया और अतिरिक्त दिनांक 28.05.2008 के कार्यालय आगम संख्या 1/3/08-समन्वय के तहत परिवर्तित किया गया। बार अतिरिक्त की एक प्रति सहित इस कार्यालय आगम की एक प्रति अनुबंध-1 के रूप में संलग्न है। आयोग की बैठक में लिए गए निर्णय के अनुसार, आयोग के सदस्यों से इस आयोग के दिनांक 01.07.2008 के पत्र संख्या 18/1/08-समन्वय के तहत, अध्ययन प्रतिवेदन पर अपने विस्तृत विचार प्रस्तुत करने के लिए, अनुरोध किया गया था। इस पत्र की एक प्रति अनुबंध-1 के रूप में संलग्न है। जनजातीय कार्य मंत्रालय ने, उपर्युक्त विषय पर, पुरासाहिक सूधार एवं लोक शिक्षण विभाग (कौमिक, लोक शिक्षण और पंचायत आयोग) को अपने विचार धारण के लिए, कार्यालय आगम का एक प्रारूप अब देया किया है। जनजातीय कार्य मंत्रालय द्वारा अपने उपर्युक्त सचिव के दिनांक 04.11.2008 के आदेश सं० 17014/03/05-सी एच एलएम-1 के तहत, इस आयोग के विचार धारण के लिए कार्यालय आगम का प्रारूप भेजा गया है। मंत्रालय द्वारा जारी किए जाने वाले प्रस्तावित कार्यालय आगम के प्रारूप सहित सं० 1100 पत्र की एक प्रति अनुबंध-III के रूप में संलग्न है।

आपसे अनुरोध है कि बैठक में भाग लेने

- (i) संपूर्ण सचिव
- (ii) निदेशक (आर०यू०-1 और आर०यू०-11)
- (iii) निदेशक (आर०यू०-III और समन्वय)
- (iv) उप सचिव (आर०यू०-IV और प्रशासन)
- (v) अखण्ड महीदा के निजी सचिव

संलग्नकों की प्रति सहित प्रति सूचनाएं अतिरिक्त:

सचिव
 (आदि) विभाग
 संपूर्ण सचिव

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Attendance Sheet
National Commission for Scheduled Tribes

Sub: 8th Meeting of National Commission for Scheduled Tribes held on
07.11.2008 at 12.00 Noon - Attendance

<u>Sl.No.</u>	<u>Name and Designation</u>	<u>Signature</u>
1.	Smt. Urmila Singh, Chairperson	(In Chair)
2.	Shri Maurice Kujur, Vice-Chairperson	M. — 07/11/2008
3.	Shri Tsering Samphel, Member	T. Samphel
4.	Shri Oris Syiem Myriaw, Member	O. S. Myriaw
5.	Shri R.S. Sirohi, Secretary	R. S. Sirohi
6.	Shri Aditya Mishra, Joint Secretary	A. Mishra
7.	Shri R.C. Durga, Director	R. C. Durga
8.	Shri Vinod Aggarwal, Director	V. Aggarwal
9.	Shri R.P. Vasishtha, Deputy Secretary	R. P. Vasishtha
10.	Shri T.S. Negi, Under Secretary	T. S. Negi
11.	Shri K.N. Singh, PS to Chairperson	K. N. Singh
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20.		

7/11/08



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

संख्या/ No.- No. 1/10/08-Coord

दिनांक/ Date: 11/12/2008

To

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

Sub: Summary record of the 8th meeting of the National Commission for Scheduled Tribes held on 07.11.2008.

Sir,

I am to refer to the above subject and to say that 8th meeting of the Commission was held at 11:30 P.M. on 07.11.2008 in the Conference Room of the Commission as scheduled. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of the meeting is enclosed for information and record.

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

Copy with copy of Summary Record of the meeting forwarded to the following officers with the request that information about action taken on the decision taken in the meeting concerning each Unit/ Office may be furnished to Coordination Unit by 31.12.2008 positively:

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

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

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

11/12/08

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11-12-2008

(R.C. Durga)

SMoJ (R)

F.No. 1/10/08-Coord. (43)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 8th meeting of the National Commission for Scheduled Tribes held at 1200 hrs. on 07.11.2008.

The 8th meeting of the Commission was held at 1200 hrs. on 07.11.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at ANNEXURE. The meeting was originally called to discuss Agenda Item-I. On the suggestion of Secretary, National Commission for Scheduled Tribes, Item II for which Agenda notes had also been circulated in advance, was also discussed in the meeting.

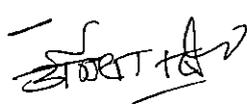
2. Summary record of the discussions held in the meeting, agenda item-wise, is given below:

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.

The Secretary, NCST informed that the matter was earlier discussed in the meeting of the Commission held on 12.05.2008 and draft comments on each point mentioned in the Study Report were also circulated and discussed in this meeting. Summary record of the meeting was circulated on 28.05.2008, also incorporating Vice-Chairman's suggestion that the Commission discuss the report in detail again after all Members have had an opportunity to study it further. Accordingly, Members of the Commission were requested to furnish their detailed comments on the Study which were still awaited. The Secretary further informed that Ministry of Tribal Affairs has now prepared a draft OM for forwarding their comments on the subject to the Department of Administrative Reforms & Public Grievances (Ministry of Personnel, Public Grievances and Pensions) a copy of which has also been sent to this Commission for comments. While the Members may take note of the views of Ministry of Tribal Affairs, the Commission may only comment on the recommendations made in the Study report.

The draft comments on each relevant para of the study report, prepared earlier and the draft OM received from the Ministry of Tribal Affairs were discussed in detail, and it was decided to amend the draft reply proposed as follows:

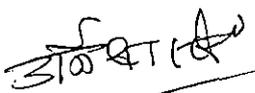
- (i) Appointment of Members of the Commission, are made as per the prescribed conditions laid down in the National Commission for Scheduled Tribes, Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004. Those persons who fulfill the eligibility conditions prescribed in Section 3(i) of these



URMILA SINGH
- Chairperson
National Commission for Scheduled Tribes
Govt. of India.
New Delhi

Rules should be considered for appointment as Chairperson, Vice-Chairperson or Members of the Commission, irrespective of their political affiliation.

- (ii) An important highlight in the report related to shortage of staff and large number of vacancies among the sanctioned strength of the Commission. There are different Cadre Controlling Authorities for each category of posts in the Commission, while Commission does not have control over any post. Joint cadre posts and secretariat posts are filled by the Ministry of Social Justice & Empowerment. Some of the posts are controlled by the National Commission for Scheduled Castes. The National Commission for Scheduled Tribes needs additional posts to look after increasing workload in the Hq. Office and the Regional Offices beside opening of new Regional Offices in the country. Detailed proposals for additional posts may be forwarded to the Ministry of Tribal Affairs and after sanctioning of the additional posts, the National Commission for Scheduled Tribes should be declared as the Cadre Controlling Authority for all categories of various posts, including already existing and new posts sanctioned for the Commission.
- (iii) Several posts continue to remain vacant in the National Commission for Scheduled Tribes inspite of DPC having met in the matter of promotion. Till such time as independent NCST cadres are formed, Ministry of Social Justice & Empowerment should constitute a Coordination Committee to consider postings and transfers within MSJE, MTA, NCST, and NCSC with representation from each participating organisation for smooth functioning of each Commission (as stated to be in existence at the time of erstwhile Offices of the Commissioner for Scheduled Castes and Scheduled Tribes and the National Commission for Scheduled Castes and Scheduled Tribes).
- (iv) Copy of order(s) relating to financial powers delegated to National Commission for Scheduled Tribes as a Ministry/ Department of Central Govt. under DFP Rules 1978 may be obtained from the Ministry of Social Justice & Empowerment / Ministry of Tribal Affairs. In case such delegation does not exist, Ministry of Tribal Affairs may be asked to issue necessary orders without delay.
- (v) In accordance with Clause (5) and (9) of Article 338A of the Constitution the National Commission for Scheduled Tribes is vested with duty to monitor and evaluate the working of the safeguards provided for the Scheduled Tribes, participate in the planning process and advise the Union and the State govt. on major policy matters affecting the Scheduled Tribes and make recommendations. These recommendations urge the Union and State Govts. to initiate or modify programmes and schemes for welfare, development and protection of Scheduled Tribes and prepare the grounds for protective and legal enactments. Axiomatically, therefore,



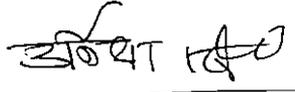
URMILA SINGH
- Chairperson
National Commission for Scheduled Tribes
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Agenda Recommendations made by the 2nd Administrative Reforms Commission in Item II its Fourth Report titled "Ethics in Governance" relating to "Reducing Discretion" and "Promoting Competition"

It was felt that the Agenda needs to be considered in conjunction with the draft guidelines prepared for dealing with various matters within the mandate of the Commission (which were circulated to Members earlier). The issue will be discussed in the forthcoming meetings of the Commission and the decision communicated to the Ministry of Tribal Affairs.

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


 URMILA SINGH
 Chairperson
 National Commission for Scheduled Tribes
 Govt. of India,
 New Delhi

National Commission for Scheduled Tribes

Meeting of the Commission held on 07.11.2008 at 1200 hrs. 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 R.P.Vasishth, Deputy Secretary	
10.	Shri K.N. Singh, PS to Chairperson	

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 8th meeting of the National Commission for Scheduled Tribes held at 1200 hrs. on 07.11.2008.

The 8th meeting of the Commission was held at 1200 hrs. on 07.11.2008 in the Conference room of the Commission in Lok Nayak Bhawan New Delhi. The meeting was presided over by Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes. List of participants is enclosed at ANNEXURE. The meeting was originally called to discuss Agenda Item-I. On the suggestion of Secretary, National Commission for Scheduled Tribes, Item II for which Agenda notes had also been circulated in advance, was also discussed in the meeting.

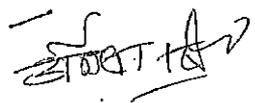
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Agenda - Report on Study of performance of the National Commission for Scheduled Tribes conducted by Centre for Policy Research, New Delhi entrusted by Department of Administrative Reforms & Public Grievances, Government of India.

The Secretary, NCST informed that the matter was earlier discussed in the meeting of the Commission held on 12.05.2008 and draft comments on each point mentioned in the Study Report were also circulated and discussed in this meeting. Summary record of the meeting was circulated on 28.05.2008, also incorporating Vice-Chairman's suggestion that the Commission discuss the report in detail again after all Members have had an opportunity to study it further. Accordingly, Members of the Commission were requested to furnish their detailed comments on the Study which were still awaited. The Secretary further informed that Ministry of Tribal Affairs has now prepared a draft OM for forwarding their comments on the subject to the Department of Administrative Reforms & Public Grievances (Ministry of Personnel, Public Grievances and Pensions) a copy of which has also been sent to this Commission for comments. While the Members may take note of the views of Ministry of Tribal Affairs, the Commission may only comment on the recommendations made in the Study report.

The draft comments on each relevant para of the study report, prepared earlier and the draft OM received from the Ministry of Tribal Affairs were discussed in detail, and it was decided to amend the draft reply proposed as follows:

- (i) Appointment of Members of the Commission, are made as per the prescribed conditions laid down in the National Commission for Scheduled Tribes, Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004. Those persons who fulfill the eligibility conditions prescribed in Section 3(i) of these


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- (iv) Copy of order(s) relating to financial powers delegated to National Commission for Scheduled Tribes as a Ministry/ Department of Central Govt. under DFP Rules 1978 may be obtained from the Ministry of Social Justice & Empowerment / Ministry of Tribal Affairs. In case such delegation does not exist, Ministry of Tribal Affairs may be asked to issue necessary orders without delay.
- (v) In accordance with Clause (5) and (9) of Article 338A of the Constitution the National Commission for Scheduled Tribes is vested with duty to monitor and evaluate the working of the safeguards provided for the Scheduled Tribes, participate in the planning process and advise the Union and the State govt. on major policy matters affecting the Scheduled Tribes and make recommendations. These recommendations urge the Union and State Govts. to initiate or modify programmes and schemes for welfare, development and protection of Scheduled Tribes and prepare the grounds for protective and legal enactments. Axiomatically, therefore,

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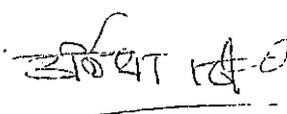
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3/No-9 (CD)

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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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(R.C. Durga)



0875-90
जातीय विभाग
ISSUED

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ORPILKA SINGH
Chairperson
National Commission for S.T.
Govt. of India
New Delhi

National Commission for Scheduled Tribes

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<u>S.No.</u>	<u>Name and Designation</u>	<u>Signature</u>
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