



F.No.1/12/2016- Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Dated: 1st November, 2016

To,

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

Subject: Summary Record of discussions of 91st Meeting of the Commission held on
31.10.2016 at 16:00 Hrs

Sir,

I am directed to refer to the subject mentioned above and to say that 91st Meeting of the National Commission for Scheduled Tribes (NCST) was held on 31.10.2016 at 16:00 Hrs in the Conference Room of NCST, 6th Floor, Lok Nayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of discussions of 91st meeting is enclosed for information and record.

Yours faithfully,


(K.D. Bhansor) Mrs.
Director

Copy of the Summary Record of discussions of 91st meeting of NCST 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 Cell by 8.11.2016 positively.

1. Director
2. Deputy Secretary,
3. Under Secretary (Coordination & Estt.)
4. AD (RU-I & RU-II)
5. AD (RU-III & RU-IV)

Copy of the Summary Record of discussions of the 91st Meeting forwarded for information to:-

1. PS to Chairperson
2. PS to Vice-Chairperson
3. Sr. PPS to Secretary, NCST
4. Office of the Joint Secretary, NCST
5. Director/Assistant Director in Regional Offices of NCST at Bhopal/Bhubaneswar/ Jaipur/ Raipur/Ranchi and Shillong.
6. NIC, NCST, for uploading on the website.


(K.D. Bhansor) Mrs.
Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

SUMMARY RECORD OF DISCUSSIONS OF 91ST MEETING OF NATIONAL
COMMISSION FOR SCHEDULED TRIBES (NCST)

File NO. 1/12/2016-Coord.

Date: 31st Oct , 2016

Time: 16.00 hours.

Venue: NCST, 6th Floor, Lok Nayak Bhawan, New Delhi.

In Chair: Dr. Rameshwar Oraon, Hon'ble Chairperson.

List of Participants:

1. Dr. Rameshwar Oraon, Chairperson (In Chair)
2. Shri Ravi Thakur, Vice Chairperson
3. Smt. K.D. Bhansor, Director
4. Shri P.T. Jameskutty, Deputy Secretary
5. Shri Dilip S. Kumbhare, Under Secretary

Agenda Item No.1	Appointment of consultants and revision of remuneration in the light of the recommendations of the Seventh Central Pay Commission in the new pay structure.
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1 Revision of consultancy fee:

1.1 Need based consultants are engaged in the Commission. Fixed amount is paid as Consultancy fee and no allowances are paid.

1.2 Following is the approved consultancy fee structure.

Srl	Grade pay	Consultancy fee
1	Below Rs 5400	Rs . 25000/-
2	Above Rs . 5400	Rs 30000/-
3	Rs 7600	Rs 40000/-

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डॉ. रामेश्वर अराण
Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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1.3 Post implementation of 7th Central Pay Commission, pay and allowances of MTS post is above Rs. 27,000/-. Thus, it is evident that consultancy fee fixed in range of Rs.25000-30000/- is quite low.

1.4 Commission was further apprised of the minimum Pay as per revision in 7th CPC ,which is mentioned below .

Srl	Grade pay	Minimum pay	Remarks
1	Grade pay 4800	Rs . 47600/-	HRA , Transport allowance , are additional at old rates
2	Grade pay 5400	Rs 53100/ Rs.56100-	
3	Grade pay Rs 6600	Rs 67700/	
4	Grade pay Rs 7600	Rs 78800/-	

1.5 In view of above, Commission recommended the consultancy fee structure for approval of the same by Ministry of Tribal Affairs.

Level of post held by retired official / Grade pay as per 6 th CPC / Minimum pay	Proposed Consultancy Fee @ about 75% of Minimum pay	Present rate of consultancy fee
Group B / Rs 4800/47600	35000/-	25000/-
Group A / Rs 5400/ 53100 /56100	42000/-	25000/-
Group A/ Rs 6600 / 67700	50000/	30000
Group A/ Rs 7600/ 78800	59000/-	40000/-

Note: For fixation of Consultancy fee for engagement of employees superannuated from CPSUs/PSUs autonomous bodies etc. , details equivalent pay scale in GOI with reference to the pay scale of CPSUs/PsUs etc. shall be obtained from Department of Public Enterprises/DoPT .

Rameshwar Oraon

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Agenda Item -II	Proposal of payment of pay as per pay scale of MTS to the attendants appointed on Co-terminus basis in the personal staff of Chairperson, Vice Chairperson and others Members in the Commission.
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2. Proposal for payment to attendants in the Personal Staff of Chairperson/ Vice Chairperson/ Members ,as per pay scales of GOI was placed and following are the proceedings.

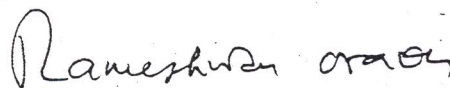
2.1) All personal staff members except attendants appointed on co-terminus basis are paid pay as per approved pay scale . To bring the pay parity , NCST vide note dated 19/9/2016 submitted the proposal to Ministry of Tribal Affairs (MoTA) for sanction payment of pay and allowances to the attendants engaged in the Personnel Staff of Chairperson/ Vice Chairperson/ Member dignitaries at par with the regular staff performing similar duties in the Commission.

2.2) However, Ministry of Tribal Affairs vide note dated 10.10.2016 returned the file with the remarks that the posts of attendants are not sanctioned posts.

2.3) It is pointed out that the position stated by Ministry in its note is **not correct because the** following posts of attendants were duly sanctioned by the Ministry of Tribal Affairs that too in consultation with IFD/MoTA . The same was mentioned in the note of NCST at Page No 5 Para No.2 sent to MoTA . Accordingly, attendants on regular basis were being engaged by NCST in the Personal Staff on co-terminus basis on outsourcing basis.

<u>Position</u>	<u>No. of Attendants</u>
Chairperson :	2
Vice Chairperson :	1
Members (3)	3 . (One for each)

2.4) Sanction of above was conveyed by the MoTA subject to the condition that attendants for dignitaries of the Commission should be appointed by outsourcing only.



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2.5) Chairperson NCST is having the status of Union Cabinet Minister and the Vice-Chairperson is having status of Union Minister of State and Members are having rank of Secretary to Government of India.

2.6) As per the Office Memorandum No. 8/50/2013-CS-II-(C) dated 26.05.2014 issued by the DOPT on the consolidated instructions relating to the appointments of the personal staffs attached to the Union Council of Ministers following is the standard sanctioned strength.

Category of staff	Cabinet Minister	Minister of State
Private Secretary	One	One
Additional Private Secretary	Two	One
Asstt. Private Secretary	Two	One
First Personal Assistant	One	One
Second Personal Assistant	One	Two
Hindi Stenographer	One	One
LDC	One	One
Driver	one	One
Attendant	One	One
Peon	Four	Three
Total:	15 (fifteen)	13 (Thirteen)

2.6) Against above standard sanctioned strength of Five attendants /peon for Union Cabinet Minister, the MoTA conveyed the sanction of for Two attendants for Chairperson (in the rank of Cabinet Minister) and one attendant for Vice-Chairperson (in the rank of MoS) . Evidently it is not case of requiring any sanction of the posts.

2.7) Further, MOTA vide letter No.48011/2/2014-Estt. dated 28.4.2015 informed NCST that the Rules/Instructions issued by DOPT for Personal staff of the Ministers shall be applicable to the personal staff of Chairperson, Vice Chairperson and Members of the NCST. This was brought to the notice of MoTA vide note at page 15/N of the proposal sent to MoTA.

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2.8) The attendants engaged by other National Commissions (Commission for SCs and Commission for Minorities) are paying salary/wages to the attendants engaged in the Personal Staff of their Chairperson(s) / Members at par with the pay scale of MTS.

2.9) Hon'ble Supreme Court of India recently in its verdict/judgement, which was reported in the Hindustan Times dated 27th October, 2016 observed /decided interalia including ;

“Any one, who is compelled to work at a lesser wage, does not do so voluntarily. He does so, to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows, that his dependents would suffer immensely, if he does not accept the lesser wage”.In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities. Certainly not, in a welfare State. Such an action besides being demeaning, strikes at the very foundation of human dignity”.....

“There can be no doubt, that the principle of equal pay for equal work would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged government employees, holding the same post”.

2.10) Commission decided to resubmit the proposal to MoTA , for payment of pay /wages to attendants engaged on co-terminus basis in the Personal Staff of Chairperson/ Vice Chairperson/Members by reiterating the position discussed herein above and also drawing attention of recent judgement of Honourable Supreme Court .

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Agenda	Case of regularisation of ad-hoc period of Shri Basudev Behera, PA,
Item-III	NCST, Regional Office, Bhubaneswar since 1996.

3. Case of regularisation of ad-hoc period of services w.ef. 1996 of Shri Basudev Behera, PA, NCST, Regional Office, Bhubaneswar.

3.1) Shri Behera is continuing in the said post on ad-hoc basis with effect from 19.12.1996 and going to complete 20 years of his service.

3.2) In this regard Shri Behera represented to the Commission on 12.12.2011 regarding regularisation of his services in the post of PA. The NCSC was the cadre controlling authority in respect of both the Commissions (NCST and NCSC).

3.3) Accordingly ,with the approval of Secretary, NCST ,matter vide note dated 12.3.2012, was referred to NCSC . However so far no action has been taken by NCSC. Decision has been taken to bifurcate the joint cadre employees thereby NCST is now the competent authority. Shri Behera is of the level of Group" C" post and in this respect powers of appointment have been delegated to the Deputy Secretary.

3.4) It is pertinent to mention that in pursuance of judgement delivered by Hon'ble CAT, Jabalpur and Kolkata Benches in OA No.212/1998 and OA NO.719/2001, NCST and NCSC have regularised the services of Shri N.K. Maran and Shri D.K. Bala, Investigators of regional offices of NCST and NCSC at Bhopal and Kolkata respectively with retrospective effect. Facts and circumstances of cases of Shri Maran and Shri Bala are similar to the present case of Shri B. Behera, PA, Regional Office, Bhubaneswar.

3.5) Shri Behera has submitted in writing that he will withdraw his Writ Petition NO.3151 of 2005 filed before the Hon'ble High Court of Odisha against the Ministry of Social Justice and Empowerment, Secretary, NCST and Director, NCST, Bhubaneswar.

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3.6) Taking into account the above facts, Commission noted that Shri Behera's case is fit for regularisation of ad-hoc period of his service in NCST and Commission decided that services rendered w.e.f 19.12.1996 by Shri Behera on ad-hoc basis may be regularised by the official of the rank not less than Deputy Secretary who has been delegated the powers.

Agenda Item - I	Other administrative matters.
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4. Commission was informed of the following;

4.1) The NCST's 11th Annual Report for the year 2015-16 (up-to October, 2016) has been submitted to the His Excellency President of India on 28.10.2016. A copy of the said report has also been sent to the Hon'ble Minister of Tribal Affairs and Secretary, Ministry of Tribal Affairs for appropriate action.

4.2) Commission has been periodically taking up the matter with the Honourable Minister for Tribal Affairs as also with the Ministry of Tribal Affairs for appointment of three Members of the Commission, as these posts are lying vacant for over two years.

Further, Honourable Chairperson NCST would be demitting his office on 31/10/2016 and term of Vice Chairperson is up-to 12/11/2016.

In view of above Honourable Chairperson, vide his D. O dated 31/10/2016 has again taken up the matter with the Honourable Minister for Tribal Affairs for filling up the posts of the Commission and also informed that the posts of Secretary and Joint Secretary of the Commission are also lying vacant, which is hampering the work of the Commission.



(Dr. Rameshwar Oraon)

Chairperson

National Commission for Scheduled Tribes

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