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F.No. 1/10/2016- Coord.  
Government of India  
National Commission for Scheduled Tribes  
6<sup>th</sup> Floor, 'B' Wing, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003  
Date: 14<sup>th</sup> October, 2016

To,

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

Subject: Summary Record of discussions of 89<sup>th</sup> Meeting of the Commission held on 29.09.2016 at 16:00 Hrs

Sir,

I am directed to refer to the subject mentioned above and to say that 89<sup>th</sup> Meeting of the National Commission for Scheduled Tribes ( NCST) was held on 29.09.2016 at 16:00 Hrs in the Conference Room of NCST, 6<sup>th</sup> 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 89<sup>th</sup> meeting is enclosed for information and record.

Yours faithfully,

(K.D.Bhansor) Mrs.  
Director

Copy of the Summary Record of discussions of 89<sup>th</sup> 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 24.10.2016 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 89<sup>th</sup> 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

(File No.1/10/2016-Coord)

### SUMMARY RECORD OF DISCUSSIONS OF 89<sup>th</sup> MEETING OF NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST)

Date: 29-09-2016

Time: 16:00 Hours

Venue: Conference Room of NCST, 6<sup>th</sup> Floor, Lok Nayak Bhawan, New Delhi-110003.

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

#### List of participants

1. Shri A.K. Agarwal, Secretary, NCST
2. Smt. K.D.Bhansor, Director,
3. Shri P.T.Jameskutty, Deputy Secretary
4. Shri D.S.Kumbhare, Under Secretary,

Details of agenda items discussed and resolved are follows:

Agenda Item -I	Regarding reservation of seats for Bhutia Lepcha in Legislative Assembly of Sikkim- representation dated 22-9-2016 of Shri K.N.Lepcha, MLA and Shri Sonam Lama, MLA, of State of Sikkim.
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A delegation led by Shri K.N.Lepcha, MLA and Shri Sonam Lama, MLA, State of Sikkim met the Hon'ble Chairperson, National Commission for Scheduled Tribes and submitted joint representation dated 22-9-2016 regarding reservation of seats for Bhutia Lepcha in Legislative Assembly of Sikkim State. Earlier representation dated 23.04.2016 of Shri Kesang Dorjee Phalontharpa was forwarded by Commission to Ministry of Home Affairs on 19.07.2016 for comments. The MHA vide letter dated 18-8-2016 informed that "the issue of reservation of seats in Sikkim Legislative Assembly (SLA) was examined in the Ministry in consultation with (all) stakeholder Departments. In the meeting held under the Chairmanship of Home Secretary on 12-7-2016, all participants agreed to the Government of Sikkim'

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proposal to increase number of seats in the Legislative Assembly from 32 to 40 and reserve 5 seats for Limboos and Tamangs and keep the present reservations of 12 seats for Bhuitas and Lepchas, 2 seats for Scheduled Castes and 1 for Sanghas. Accordingly, it was decided that 7(1)(1A) of Representation of People Act, 1950 will be amended to include reservation of 5 seats for Limboos and Tamangs”.

2. Considering the above position and to further examine the matter, a Sitting was fixed by Hon'ble Chairperson of the Commission on 17.10.2016 at 12:00 Hrs for holding discussion with Secretary, MHA.

### Any other Item as additional agenda items

Additional Agenda Item -I	The Karnataka Transparency in Public Procurement (Amendment) Bill, 2016 received from the Ministry of Home Affairs, vide OM No 17/47/2016-Judl. and PP dated 20-9-2016
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Ministry of Home Affairs, vide OM No 17/47/2016-Judl. and PP dated 20-9-2016 forwarded the Karnataka Transparency in Public Procurement (Amendment) Bill, 2016 seeking comments of National Commission for Scheduled Tribes. The said Bill proposes to amend by insertion of following in Section 6:-

“Provided that, the tender inviting authority shall, in the notified Departments out of those construction works, value of which does not exceed Rs. 50.00 Lakhs such number of works not exceeding 17.15 percent be tendered only among the tenderers belonging to the Scheduled Castes Category and such number of works not exceeding 6.95 percent be tendered only among tenderers belonging to the Scheduled Tribes Category, by taking out notices, communications and publications required to be taken following the prescribed procedure.”

2. The Bill was discussed and proposed insertion in Section 6 in the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 28 of 2000) is supported by the Commission. Details in template placed before the Commission were also approved for its submission to MHA.

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Additional Agenda Item -II	Sixth Report ( Sixteenth Lok Sabha) of the Committee on Empowerment of Women (2015-2016) on the Empowerment of Tribal Women-follow up action on the observations/recommendations - received from Ministry of Tribal Affairs, vide OM No.12015/3/2014- Eco (Pt.V) dated August, 2016.
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Ministry of Tribal Affairs, vide OM No.12015/3/2014- Eco (Pt.V) dated August, 2016 has forwarded the Sixth Report (Sixteenth Lok Sabha) of the Committee on Empowerment of Women (2015-2016) on the Empowerment of Tribal Women-follow up action concerning to the Commission for consideration/ observations/ recommendations made by the Commission, which reads as under:

“that existing laws to safeguard tribal women against atrocities have not been responsive enough to protect them from such crimes. This grim reality is reflected in the data compiled by the National Crime Records Bureau (NCRB) as well. Apart from being hoodwinked by non-tribal people crimes of grievous nature, such as murder, rape, molestation and grave hurt etc against tribal women are not rare, notwithstanding the existence of stringent laws. The Committee are also perturbed by the inaction of police and administration to such injustice, unwarranted delay in reporting of those cases, failure to register cognizance offences, time-lag in visits to the scene of crimes and also by the delays in charge-sheeting the accused persons. Thus, the Committee would suggest an overhauling of administration, particularly the police force, in tribal dominated areas to make them responsive, alert and sensitive to the crimes against tribal women. The Committee, therefore, recommend to operationalize a “Special Cell” under the Station House Officer (SHO) in each police station, particularly in tribal-dominated areas, to take on-time cognizance and remain accountable for any lapses in taking note of such offences. The Committee would like these cells to periodically send report to offices of Director General of Police, National Human Rights Commission, Commission in respective States and to National Commission for Scheduled Tribes for their subsequent scrutiny, validation and necessary follow up action.”

2. As regards recommendation of the Committee that “these cells to periodically send report to offices of Director General of Police, National Human Rights Commission, Commission in respective States and to National Commission for Scheduled Tribes for their subsequent scrutiny, validation and necessary follow up action”. The Commission accepted the above recommendation and decided that a letter to all Chief Secretaries and Director General of Police may be addressed by

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the Ministry of Tribal Affairs for taking necessary action on the recommendation of the Committee.

Additional Agenda Item -III	Draft Expenditure Finance Committee (EFC) Note for Installation of Solar Energy Based Dual Pump Scheme in remote habitations of the Country (forwarded by the Ministry of Drinking Water and Sanitation vide letter no W.11042/45/2015-Water-I dated 09.09.2016) received through Ministry of Tribal Affairs vide letter No 20025/1/2016-NCST dated 22.09.2016.
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The Ministry of Tribal Affairs, vide letter No 20025/1/2016-NCST dated 22.09.2016 has forwarded the Ministry of Drinking Water and Sanitation letter No W.11042/45/2015-Water-I dated 09.09.2016 along with Draft Expenditure Finance Committee (EFC) Note, for Installation of Solar Energy Based Dual Pump Scheme in remote habitations of the Country, for Installation of 15400 Solar Energy Based Dual Pump scheme in remote habitations in 17 States of the Country, seeking comments of Commission.

2. Commission supported Draft EFC note with advise that Solar Energy Based Dual Pump may be considered for installation according to the percentage of Scheduled Tribes population in the concerned State/ District/Block etc for equal distribution in tribal areas/remote areas.

Additional Agenda Item -IV	Inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans ST of Tamil Nadu State.
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In pursuance of deliberations in the NCST 62<sup>nd</sup> meeting held on 17.10.2014 on the proposal for Inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans ST of Tamil Nadu State. Ministry of Tribal Affairs and Registrar General of India (RGI) were invited for discussion on 10.05.2016. In the meeting, it was decided that Kuruman is considered synonym of Kurumans, whereas Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar, cannot be equated/ considered synonyms of kurumans.

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2. Registrar General of India, vide its letter dated 03.06.2016 informed that they had examined the proposal for inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans ST of Tamil Nadu State. Out of these, only Kuruman was supported twice (2007 and 2009) by the office of the RGI as a synonym of Kurumans Scheduled Tribe of Tamil Nadu on the basis of published available information and as per the existing modalities approved by the Government of India in 1999 (revised in 2002). The Office of the RGI reiterated its earlier views sent in 2009 on the proposal for inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans in STs list of Tamil Nadu. The comments on each communities has been enclosed clearly justifying the stand of RGI.

**RGI has supported inclusion of Kuruman as synonyms of Kurumans ST only.**

3. The Commission noted that RGI's views for not considering Kuruma, Kurumba, Kurumba Gounder, Kurumban and Kurumbar as synonyms of Kurumans is on the basis of ethnographic study/ published literature.

4. In view of the above, Ministry of Tribal Affairs may be intimated that Commission only support proposal for inclusion of Kuruman community as synonyms of Kurumans ST of Tamil Nadu State.

  
Dr. Rameshwar Oraon

Chairperson

National Commission for Scheduled Tribes

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Template for Examination by the Line Ministries for 'Bill as introduced and as passed' by the State Legislature and reserved by the Governor.

While examining the Bill, the Ministry/Department concerned will examine the Bill in respect of the following: *(Comments' of the Ministry/Department should be objective and nor subjective. There is no space for personal views having no legal or statutory backing).*

1. Whether the proposed legislation is Constitutionally valid: Yes/No

**YES**

- (i) Whether the subject matter of the Bill is ex-facie beyond the legislative competence of the State Legislature or not: Yes/No

**No**

- (ii) If yes, how? (Pl explain with statutory provisions)

- (iii) Whether its provisions derogate from the scheme and framework of the Constitution so as to endanger the sovereignty, unity and integrity of the Nation or not: Yes/No

**No**

- (iv) If yes, how? (Pl explain with details of the provision(s) with counter arguments and with supporting documents)

- (v) Whether the provisions of the Bill clearly violate. The Fundamental Rights or transgress into other Constitutional limitations and any other provision relating to its basic structure: Yes/No

**No**

- (vi) If yes, how? (Pl explain with details of the provision(s) with counter argument(s) and with supporting document(s))

2. Whether there is any conflict with an existing Central Law? Yes/No

**No**

- (i) If yes, whether the conflict may be consciously permitted: Yes/No  
(Remarks if any)

- (ii) Which provision/provisions of the Bill is/are in conflict with an existing Central Law, and to what extent?

- (iii) Whether such Central Law has been enacted or is under consideration for enactment?

- (iv) Reasons due to which this conflict cannot be permitted consciously.

- (3) Whether the proposed State enactment involves any deviation from an existing National or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country: Yes/No

**NO**

- (i) If yes, Which provision(s) of the Bill involve(s) any deviation from any existing National or Central Policy, and to what extent?

- (ii) Whether this National or Central Policy has been notified or is still under consideration: Yes/No

**No**

- (iii) Reasons due to which this deviation cannot be permitted consciously.