

डा. रामेश्वर उराँव

अध्यक्ष

(भूतपूर्व सांसद-लोकसभा)

(पूर्व जनजातीय कार्य राज्यमंत्री)

Dr. RAMESHWAR ORAON

Chairman

(Ex Member Parliament-LS)

(Former Minister of State for Tribal Affairs)



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

छठी मंजिल, लोकनायक भवन,

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Government of India

National Commission for Scheduled Tribes

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D.O. No. 12/ 01/2011-Coord

Dated : 01 Feb, 2011

विद्योम संजातुम
DR RPL. BISHWANATH

Respected Pradhan Mantri, see,

Please refer to D.O. letters No.4/12/09-Coord dated 7th April 2010 and No.4/5/2010-Coord dated 9th Sept 2010 from Shri Maurice Kujur, Vice-Chairperson, NCST regarding important issues highlighted by the National Commission for Scheduled Tribes in its 3rd and 4th Report respectively, submitted to the Hon'ble President of India.

2. The Members of our Commission wish to meet you urgently and apprise you personally regarding certain matters affecting the functioning of the National Commission for Scheduled Tribes and the performance of the duties assigned to it under Article 338A of the Constitution. We request you kindly to spare a little of your valuable time for this purpose, to benefit us with your sagacious advice and vast experience and also enable this Commission function smoothly and more effectively.

with high regards.

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राष्ट्रीय अनुसूचित
जनजाति आयोग

Yours sincerely,

Rameshwar Oraon
(Dr. Rameshwar Oraon)

Dr Manmohan Singh,
Hon'ble Prime Minister of India,
South Block, New Delhi-110011

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Some important matters relating to functioning of the NCST, which need immediate attention by the Government for discussion with the Prime Minister

- (i) The National Commission for Scheduled Tribes was set up on 20/02/2004 along with the National Commission for Scheduled Castes by replacing the erstwhile National Commission for Scheduled Castes and Scheduled Tribes through the Constitution (89th) Amendment Act, 2003.
- (ii) No manpower was provided to the National Commission for Scheduled Tribes. The then existing staff of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was divided among the two new Commission vide order of the National Commission for Scheduled Castes. Requisite number of operational posts for the duties assigned to the Commission and the support staff required to assist the Chairperson, Vice-chairperson, Members, Secretary as well as Joint Secretary were also not sanctioned to the Commission. 40 % of the posts transferred by the NCSC to the NCST were lying vacant in 2004 and the same situation exists now. The situation is going to worsen when some of its officers are likely to retire/ revert back from deputation
- (iii) There is multiplicity of Cadre control authorities over different categories of posts transferred to the Commission. Because of this the existing vacancies could not be filled besides continued anomalies relating to pay scales of the sanctioned posts.
- (iv) The Commission is not aware about the fate of the detailed proposals submitted, about 1½ years ago, by the Commission for creation of new/ additional posts required by the Commission in order to fulfill the duties assigned to it. This is so despite intervention by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and recommendation in a report of the study on the performance of the National Commission for Scheduled Tribes got conducted by the Department of Administrative Reforms.
- (v) National Commission for Scheduled Tribes is a constitutional Commission empowered to regulate its own procedure in order to fulfill the constitutional responsibilities assigned to the Commission, yet Commission has to face various hurdles. For each and every expenditure, how so ever small it may be, the Commission has to submit its proposals to the IFD through the Ministry of Tribal Affairs. The proposals of the Commission aimed at effective functioning of the Commission, as per constitutional mandate, which generally have the approval of the Secretary and/or the Chairperson having the status of Union Cabinet Minister, are considerably delayed at various stages of examination at Ministry of Tribal Affairs. Once the budget has been sanctioned to the Constitutional NCST, the proposals of the NCST should be directly considered by the IFD otherwise Commission will not be able to perform its duties inspite of all sincerity and time bound consultations and planning on the relevant issues.

- (vi) With a view to give respect to the constitutional provisions relating to Scheduled Tribes and to send positive message among the masses, it is necessary that the National Commission for Scheduled Tribes should be given full autonomy in financial, administrative, legal and other matters in relation with the mandate assigned to the Commission under the Constitution, as in the case of National Human Rights Commission, of which the Chairperson National Commission for Scheduled Tribes is ex-officio Member.
- (vii) The reports of the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes (predecessor to the NCST and NCSCST) under original Article 338 of the Constitution used to be placed in the Parliament soon after its submission to the President of India. The Parliament as well as public in common was made aware of the findings and recommendations contained in the reports of the Commissioner. However, while making amendment to Article 338 in the year 1990, regarding replacement of one Member Commissioner by a Multi-member National Commission for SCs & STs and again in the year 2003 relating to replacement of NCSCST by two separate Commissions, the provision relating to timely laying of the report has been modified by inserting the words , "The President shall cause all such reports to be laid before each House of Parliament along with a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of such recommendations". The NCST has submitted four reports to the President since 2006 and process of submission of Fifth report is in progress. None of the reports has been placed in the Parliament so far despite a directive from the office of the Prime Minister that the First report may be placed in the Monsoon Session of Parliament in 2010. Consequently, the findings, observations and recommendations of the Commission included in those reports are bound to loose their value.
- (viii) The erstwhile National Commission for Scheduled Castes and Scheduled Tribes as well as National Commission for Scheduled Tribes has been recommending (since 1996), about de-linking the process of tabling of the report with that of laying of Action Taken Memorandum in Parliament, but the Government is not willing to consider the suggestions made.