



Sl. No. 2 (C.1)

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By Speed Post

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

छठी मंजिल, 'बी' विंग, लोकनायक भवन,
खान मार्केट, नई दिल्ली-110003
6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110003

File No. 23/8/Review/Deptt./o Youth Affairs/2012/RU-I

To,

Dated 23/11/2012

The Secretary,
Department of Youth Affairs,
Ministry of Youth Affairs and Sports,
Shastri Bhawan,
New Delhi

Sub: Preparation of Tribal Sub-Plan and implementation of safeguards provided for Scheduled Tribes.

Sir,

I am directed to refer to this Commission's letter no.23/01/12-Coord dated 18/05/2012 (copy enclosed for ready reference) on the subject mentioned above and to say that the requisite information for the proposed review of the Ministry in the matter has not been received in this Commission so far.

Dr. Rameshwar Oraon Hon'ble Chairperson of National Commission for Scheduled Tribes has seriously viewed non-submission of the requisite information/details in spite of lapse of more than 6 months. Chairperson, NCST has further desired to review the implementation of the developmental schemes/programmes run by the Ministry of Youth Affairs and Sports for the socio-economic betterment of the Tribals in the Commission on 04/12/2012 at 1500 hrs. Therefore, all requisite information/details, as requested vide Commission's letter dated 18/05/2012 quoted above, may please be got forwarded by 29/11/2012. Further, a power point presentation on the important issues related to the subject matter may please be prepared for the proposed meeting and got forwarded in advance, by 29/11/2012 to the Commission (Shri Pradeep Aggarwal, SSA/NIC, Mob. 9971915026 and also emailed at pradeep@nic.in).

I am, to request you to kindly make it convenient to attend the meeting at the scheduled date/time.

Encl: as above

Yours faithfully,

(M.S. Chopra)
Director
Ph. 24620638

54/9/2012
23/11/2012
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ISSUED

Sl. No. 105



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या / No: 23/01/12-Coord.

दिनांक / **Date: 18/05/2012**

To

The Secretary,
Department of Youth Affairs,
Ministry of Youth Affairs and Sports
Shastri Bhawan,
New Delhi.

Sub: Preparation of Tribal Sub-Plan and implementation of safeguards provided for Scheduled Tribes.

Sir,

As you aware, the Constitution of India has made special provisions for upliftment and development of the Scheduled Tribes and also for safeguarding their rights. The National Commission for Scheduled Tribes set up under Article 338A of the Constitution is vested with the duty to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes; to participate and advise in the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State and to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.

2. As per the guidelines issued by the Planning Commission, Ministry of Home Affairs and Ministry of Tribal Affairs, each Ministry/ Department of the Government of India is required to prepare a Tribal Sub-Plan for Development of the Scheduled Tribes and the Scheduled Areas/ Tribal Areas in the country. The Prime Minister, in his address to the 51st Meeting of the National Development Council held on 27.6.2005, had *inter alia*, stated as follows:

"If the benefits of growth have to reach all sections of our diverse society, there is a need to equip them with the necessary skills and resources to become active participants in growth processes. This is the only way of achieving our dream of an inclusive, prosperous society. In the mid-1970s, the Special Component Plan and the Tribal Sub-Plan were initiated. Tribal Sub-Plans and Special Component Plans should be an integral part of Annual Plans as well as Five Year Plans, making provisions therein non-divertible and non-lapsable, with the clear objective of bridging the gap in socio-economic development of the SCs and STs within a period of 10 years"

3. While referring to the observations of the Prime Minister for effective implementation of Tribal Sub-Plan (and Scheduled Caste Sub-Plan), the Planning Commission issued consolidated guidelines to all State Governments/UTs and Central Ministries/ Departments in October, 2005. The Planning Commission had also set up a Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, Planning Commission. The Task Force has strongly recommended for preparation of Scheduled Caste Sub-Plan and Tribal Sub-Plan by the Central Ministries and allocation of funds out of total plan outlay of the Ministry to be in

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proportion to the population percentage of SCs and STs, i. e. 15%-16% under SCSP and 7.5%-8.2% under TSP respectively.

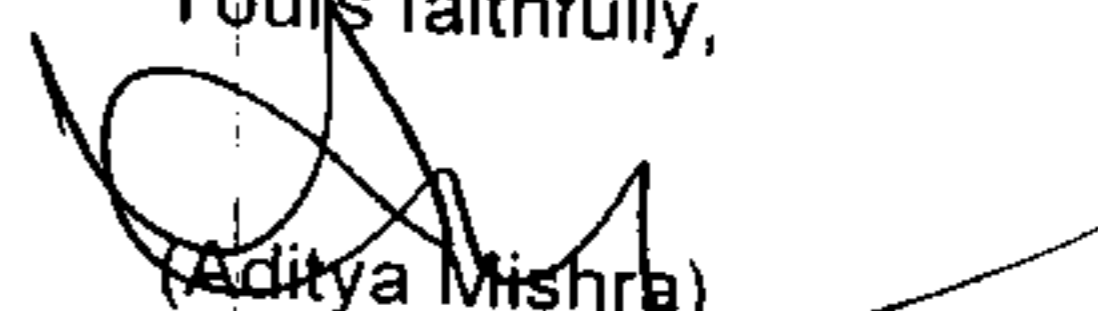
5. The Ministries are also required to formulate and implement programmes to meet the targets and strategies outlined in the draft Approach Paper to the 12th Five Year Plan in various areas concerning the STs. The Commission would like to be apprised of the details of major schemes/ programmes/ strategies drawn by your Ministry (with mechanisms to monitor their implementation) and the extent of their effectiveness (with reports of the Parliamentary Committee/ PAC any other monitoring authority) in relation to STs along with a copy each of the Tribal Sub-Plan Document and the Annual Plan Proposal of your Ministry/ Department for the last three years (2009-10, 2010-11 and 2011-12) submitted to the Planning Commission/ Ministry of Tribal Affairs by 31/05/2012.

6. The Department of Personnel and Training has also separately issued instructions for implementation of guidelines relating to service safeguards for Scheduled Tribes and Scheduled Castes, i. e. implementation of reservation policy for them. In this connection, a questionnaire seeking information about implementation of service safeguards for Scheduled Tribes in respect of your Ministry/ Department is enclosed.

7. It is requested that the requisite details, as mentioned in para 5 above and Five (5) sets of the duly filled in questionnaire mentioned in para 6 above, along with copies of enclosures/ attachments referred in the filled in questionnaire may be furnished to this Commission by 15/06/2012. Soft copy of the details/ material through CD may also be furnished by 15/06/2012. It is further requested that similar information in respect of each Organization under the control of your Ministry/ Department may also be furnished to this Commission by 25/06/2012. For your convenience, this letter along with its enclosures is also being sent to you by E-mail (secy-ya@nic.in) so that questionnaire is not required to be retyped and information and material in respect of your Ministry/ Department is received by E-mail (at dircood@ncst.nic.in) also. It is also requested that a Senior Officer in your Ministry/Department may be nominated as NODAL Officer for the purpose of this Review.

8. It is informed that Dr. Rameshwar Oraon, Chairman, NCST has desired to hold a Sitting with the Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports in the last week of June, 2012, to monitor performance and assess effectiveness of the schemes/ programmes and implementation of service safeguards in relation to STs and to reflect the same in the next report of the Commission, to be presented to the Hon'ble President shortly. It is, therefore, requested that the requisite information may please be got furnished positively within stipulated timeframe as mentioned in para 5 and 7 above. The name (with Tel.No., Fax No. and e-mail address) of the NODAL Officer may also be communicated to this Commission URGENTLY by FAX (24603669 or 24624191).

Yours faithfully,


(Aditya Mishra)
Joint Secretary

1. Copy for information to Hon'ble Chairperson/ Member (KKK)/ Member (BLM)/ Secretary, National Commission for Scheduled Tribes, Loknayak Bhawan, New Delhi.

2. Copy with copy of enclosure to the following for taking further follow up action with the concerned Ministry/ Department and for organizing the Sitting:

DD(KDB)/ AD/RO In-charge of (RU-I/RU-II/RU-III/RU-IV), NCST Hq., New Delhi.

ANNEXURE

National Commission for Scheduled Tribes

Questionnaire for evaluation and monitoring of implementation of reservation policy (service safeguards) for Scheduled Tribes and schemes for their socio-economic development in Central Ministries/ Departments/ Organisation.

Name of the Ministry _____

Name of the Department _____

Name of the Organisation _____

1. Organisational Setup

- (i) Please give the organizational chart of your Ministry/Department/ Organisation.
- (ii) Please indicate the Group-wise strength of your Ministry/ Department/ Organisation along with the representation of Scheduled Tribes in the following Tables:

TABLE 1

(As on 02/07/1997)

Group of posts	Total No. of Sanctioned posts	Total No. of Employees in position	No. of ST Employees among them	Percentage of ST to total employees	Remarks
All Group 'A'					
Group 'A' at lowest rung (entry by DR only) @					
Group 'A' at lowest rung (to be filled by promotion)					
Group 'B'					
Group 'C'					
Group 'D' (other than Safai Karamcharies)					
Safai Karamcharies					
Total					

@ Note: In case induction is at the level, other than lowest rung position in respect of all such levels to be indicated.

TABLE 2

(As on 01/04/2003)

Group of posts	Total No. of Sanctioned posts	Total No. of Employees in position	No. of ST Employees among them	Percentage of ST to total employees	Remarks
All Group 'A'					
Group 'A' at lowest rung (entry by DR only) @					

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Group 'A' at lowest rung (to be filled by promotion)						
Group 'B'						
Group 'C'						
Group 'D' (other than Safai Karamcharies)						
Safai Karamcharies						
Total						

@ Note: In case induction is at the level, other than lowest rung, position in respect of all such levels to be indicated

TABLE 3

(As on 01/04/2012)

Group of posts	Total No. of Sanctioned posts	Total No. of Employees in position	No. of ST Employees among them	Percentage of ST to total employees	Remarks
All Group 'A'					
Group 'A' at lowest rung (entry by DR only) @					
Group 'A' at lowest rung (to be filled by promotion)					
Group 'B'					
Group 'C'					
Group 'D' (other than Safai Karamcharies)					
Safai Karamcharies					
Total					

@ Note: In case induction is at the level, other than lowest rung, position in respect of all such levels to be indicated

1 (iii) Please indicate separately the List of

- (a) Attached Offices
- (b) Subordinate Offices
- (c) PSUs and Autonomous Organisations

under the administrative control of your Organisation/ Department/ Ministry.

- (iv) Please indicate in a separate sheet/ sheets the Group-wise strength of each Attached/ Subordinate Offices/ PSUs and Autonomous Organisations under the Ministry/ Department/ Organisation if any, in the Performa as per TABLE 1, 2 & 3 given above.
- (v) Please furnish details in the following Tables about the Services/ Posts in respect of each Attached/ Subordinate Offices/ PSUs and Autonomous Organisations with respect to which your Ministry/ Department/ Organization is the Cadre Controlling Authority.

TABLE 4

(a)	Name of the Service(s)	Name of Cadre Controlling Authority	Role of the Administrative Ministry
i)			

ii)			
iii)			
iv)			
v)			

TABLE

(b)	Name of the post/ posts	Scale of pay of the post.	Appointing Authority
i)			
ii)			
iii)			
iv)			
v)			
vi)			
vii)			

2. Recruitment and Representation of STs. with reference to posts being controlled by the Ministry/ Department/ Organization

- (i) Please give a brief note on the recruitment and promotion policy of all Grade/ posts indicating the available concessions/ relaxations for STs in direct recruitment and promotion. Copies of Recruitment Rules may also be attached.
- (ii) Please furnish the information in the following TABLE with respect to sanctioned posts, number reserved for STs and unfilled reserved posts for the last three calendar years i.e. 2009, 2010 and 2011 in the format given below (TABLE 6) separately for Group 'A', 'B' 'C' & 'D' posts in direct recruitment and promotion.

TABLE 6

(Attach separate statement if necessary)

Year	Total No. of sanctioned posts	Percentage under.		No. of vacancies occurred under		No. of vacancies actually filled under		No. of vacancies reserved for STs under		No. of ST candidates appointed (number of selections on own merit to be indicated in brackets) under		Shortfall		Backlog	
		DR	Pro	DR	Pro	DR	Pro	DR	Pro	DR	Pro	DR	Pro	DR	Pro
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Group 'A'														

2009																			
2010																			
2011																			
	Group 'B'																		
2009																			
2010																			
2011																			
	Group 'C'																		
2009																			
2010																			
2011																			
	Group 'D'																		
2009																			
2010																			
2011																			

DR: Direct Recruitment

Pro: Promotion

- (iii) Please also indicate whether any special efforts were made to fill up the unfilled reserved vacancies through Special Recruitment Drive(s) and the results thereof taking into consideration DoPT's guidelines contained in DoPT OM No. 36028/17/2001-Estt.(Res.) dated 5.08.2004 and A12027/1/2007-Estt(Pt) dated 4.11.2004 and F.No.36038/1/2008-Estt (Res.) dated 19/11/2008 and any further communication on the subject

3. Maintenance of Rosters

- (i) Whether separate rosters are being maintained for each post or group of posts separately for
- (a) direct recruitment
 - (b) for posts filled by promotions (where reservation is applicable)?

Please furnish details.

- (ii) Whether rosters are being maintained separately for
- (i) permanent appointment and temporary appointments likely to become permanently or continue indefinitely
 - (ii) Ad-hoc appointments and purely temporary appointments of 45 days or more duration?
 - (iii) Appointments made through outsourcing /contracts

Please furnish details.

- (iii) Whether steps have been taken to computerize the roster system? If yes, what difficulties are being faced and if not, the time-frame by which it will be established?
- (iv) Whether summary of the carry forward/ shortfall/ backlog/ excess of reserved vacancies is given in the roster register at the end of each recruitment year?

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- (v) Is the procedure of grouping the posts in the direct recruitment adopted for maintaining rosters? If so, please give details indicating the posts with their pay scale covered under the grouping procedure. Also, please indicate the authority who approved the grouping of posts.

4. (a) Relaxations and Concessions in Direct Recruitment and Promotions

- (i) Please indicate the provision of concessions available to STs in the matter of Direct Recruitment and while making promotion to posts in groups 'C', 'B' and 'A' and within Gp 'A'.
- (ii) Whether up-to-date instructions contained in Chapter 9 of the DoPT brochure on reservation in services is being followed?. A copy of the internal instructions issued in this regard may be enclosed.

(b) Seniority

- (iii) Please indicate the problems if any, being faced in implementing the provision under Article 16 (4b) of the Constitution, relating to seniority of ST employees promoted earlier, for which instructions have also been notified vide DoPT O M dated 21.01.2002.in persuasion of the Constitution (85th) Amendment Act, 2001

5. Monitoring System for implementation of reservation policy

- (i) What are the checks devised by your Ministry/ Department/ Organization to ensure that the reservation policy for STs is implemented properly in the Ministry and the Organisation/ PSUs under the control of the Ministry?
- (ii) What is the procedure prescribed for redressal of grievances of Scheduled Tribes employees?
- (iii) Is a complaint register being maintained in order to register and monitor the grievances of ST employees?
- (iv) Whether Computerized Grievance Management System is being implemented or not?, if not, time frame for its establishment.
- (v) Has a Scheduled Tribes Cell been set up under the direct control of Liaison Officer? If so, please indicate the composition of this cell.
- (vi) Please indicate the name, designation, phone/ FAX number and e-mail addresses of the Chief Liaison Officer/ Liaison Officer in the Hq. Office and in the Attached/ Sub-Ordinate Office/ PSUs under the control of your Ministry/ Department/ Organization.
- (vii) Does your Ministry/ Department/ Organization hold periodical meetings with Scheduled Tribes employees/ ST Employees Welfare Association to sort out their problems and grievances? Please furnish details/ frequency of such meetings. The minutes of the last meeting with the Association may be enclosed.
- (viii) Please furnish details in the following **TABLE 7** about the number of complaints received and disposed in respect of discrimination or violation of rights of ST employee:

TABLE 7

Year	Nature of complaints received during the year							TOTAL
		Promotion	Seniority	Transfer	HRD including Training	Other type of harassment		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
2008	No.							
	Disposal							
2009	No.							
	Disposal							
2010	No.							
	Disposal							
2011	No.							
	Disposal							
TOTAL	No.							
	Disposal							

(ix) Has any case of sexual harassment of ST women employee been brought to the notice of the Ministry/Department? If so, please furnish the details thereof and action taken.

6. Dereservation of posts reserved for STs

- (i) Please furnish the details of the posts reserved for STs inter-changed with SCs and vice-versa since 2003-04.
- (ii) Please furnish the details in the following **TABLE 8** regarding proposals for dereservation of various posts, (under the Control of the Ministry/ Department/ Organisation under review) in promotion and direct recruitment, if any, sent to the Deptt. of Personnel & Training & the National Commission for Scheduled Tribes for approval during last three years . In case dereservation proposal was not submitted to the National Commission for Scheduled Tribes, and post were dereserved, please explain the reasons thereof and the authority who had de-reserved the posts

TABLE 8

S.No.	Name of post	Grade and Pay Scale	Calendar year when ST vacancy arose	No. of ST reserved vacancies	Whether specific approval both of DoPT and NCST was received or not	If answer under Col. (6) is no, please indicate the Authority which approved dereservation and the grounds thereof.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1						
2						
3						

4						
5						
6						
7						

7. Selection procedure for appointing ST candidates

- (i) Please indicate whether the Scheduled Tribe candidates are interviewed on separate dates i.e. other than the days on which the general candidates are interviewed for various posts? A copy of the internal instructions issued in this regard may be enclosed.
- (ii) Please indicate whether any representative of Scheduled Tribes is included in various Recruitment Boards/ Selection Committees/ DPCs for the posts wherein reservations/ concessions for Scheduled Tribes are applicable? If, so, the level of ST representative as compared to the other members of the Recruitment Board/ Selection Committees/ DPCs may please be indicated? A copy of the internal instructions issued in this regard may be enclosed.
- (iii) Please also indicate whether at any occasion the ST representative(s) recorded note of dissent in the proceedings?
- (iv) Please state whether the number of posts reserved for ST is clearly indicated in the advertisements for direct recruitment? Please state whether copies of advertisements are sent to Welfare Association and Organisations of Scheduled Tribes?

8. HRD and Training

- (i) Whether Ministry/ Department/ Organization has any HRD policy to provide extra support/ training to ST employees to enable them to cover up their deficiencies?. The details of such provisions may be spelt out for each category of employee.
- (ii) Please give the number of employees sent for specialized training abroad during the last three years and the number of Scheduled Tribes employees among them in each year.

9. Amendment of Recruitment Rules

Para 3 A (iv) of the DoPT OM No. 36012/17/2002-Estt.(Res) dated 6th November, 2003 provides that if vacancies reserved for SCs/STs/OBCs cannot be filled up and are carried forward as backlog vacancies and remain unfilled in the following recruitment year also, they will be carried forward as backlog vacancies for subsequent recruitment year(s) as long as these are not filled by candidates of the category for which these are reserved. Similarly, Para 4 of the same OM stipulates that if reservation quota is not complete, efforts would be made to complete the reservation quota whenever the recruitments are made in the cadre. Thus, reservation would not lapse in case of post based reservation for the reason that reserved posts could not be filled for a specified number of years. The DoPT instructions regarding Post Based Roster also provide for exchange of reserved point from promotion to Direct Recruitment and vice-versa, if suitable candidates are not available from a particular mode of recruitment. In view of these directives it becomes necessary to amend the Recruitment Rules of various posts to facilitate Induction of ST candidates against vacancies reserved for Scheduled Tribes. Please indicate the steps taken to amend the Recruitment Rules, to meet this objective in respect of various posts under the control of the Ministry/ Department/ Organisation, after induction of the Post Based Rosters.

10. **Socio-economic development**

- (i) Please give the details of the each scheme/activity undertaken by your Ministry/ Department/ Organization for the welfare and socio-economic development of Scheduled Tribes under the Tribal Sub-Plan of the Ministry/ Department/ Organization like development in tribal areas. Whether this information is also incorporated in the Annual Report of your Ministry/ Department/ Organization and subordinate offices and PSUs respectively?
- (ii) Please indicate the allocation and expenditure of the funds allotted under the Tribal Sub Plan of the Ministry for the last 3 years in the following **TABLE 9**:

TABLE 9

(Rs. in Crores)

Year	Total Outlay	Amount allotted under Tribal Sub Plan	Expenditure incurred under		Percentage of expr. under TSP to total expr.
			Total Plan	Tribal Sub-Plan	
(1)	(2)	(3)	(4)	(5)	(6)
2009-10					
2010-11					
2011-12					

11. **Displacement due to implementation of various projects**

- (i) Is there any project under the Ministry/ Department/ Organization which has involved or is likely to involve displacement of Scheduled Tribes? If yes, details thereof with the number of ST persons displaced/ to be displaced and scheme for their relief and rehabilitation may be furnished.
- (ii) Information about the projects at conceptual stage may also be furnished.

12. **Other related issues**

- (i) Please furnish a set of transfer policy and Memorandum of agreement with the Employees Union or SC/ ST Employees Associations on the subject.
- (ii) Whether instructions issued by DoPT regarding protection to ST employees in the matter of transfer and postings are being followed?. A brief note on the transfer policy and the cases dealt in the last four years may be furnished.
- (iii) Please also state whether instances have come to the notice where persons have obtained employment in your organization on the basis of false caste certificate? If so, please indicate the number of such cases, action taken and present position of each case. Also, please indicate the steps taken to avoid the occurrence of such cases.
- (iv) Whether a separate Chapter/ paragraph relating to representation of Scheduled Tribes (as also of Scheduled Castes) in services/posts in your organization and also in the attached and subordinate offices and PSUs is being incorporated in the Annual Report of your Ministry/ Department/ Organization and subordinate offices and PSUs respectively?
- (v) Please indicate the number of Scheduled Tribes who have been allotted Government accommodation against the total number of employees provided such facilities.