

**COMMITTEE ON PAPERS LAID ON THE TABLE
(2021-2022)**

SEVENTEENTH LOK SABHA

73

SEVENTY THIRD REPORT

[Action Taken by Government to the Recommendations/Observations made by the Committee in their Thirty First Report (Seventeenth Lok Sabha)] on the delay in laying of the Annual Reports of the National Commission for Scheduled Tribes, New Delhi)

(Presented on 17 December, 2021)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

December, 2021/ Agrahayana 1943(Saka)

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COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE
(2021-2022)

Shri Ritesh Pandey - **Chairperson**

MEMBERS

2. Shri Shafiqur Rahman Barq
3. Shri Margani Bharat
4. Dr. A. Chellakumar
5. Shri Pallab Lochan Das
6. Shri Chowdhury Mohan Jatua
7. Choudhary Mehboob Ali Kaiser
8. Dr. Amol Ramsing Kolhe
9. Shri Raja Amareshwara Naik
10. Shri Jamyang Tsering Namgyal
11. Smt. Aparupa Poddar
12. Shri T.N. Prathapan
13. Shri S. Ramalingam
14. Shri Saptagiri Ulaka
15. Shri Ashok Kumar Yadav

SECRETARIAT

1. Smt. Suman Arora - Joint Secretary
2. Smt.B. Visala - Director
3. Shri Munish Kumar Rewari - Additional Director
4. Smt. Manjinder Pubbi - Under Secretary
5. Shri K P Kashyap - Assistant Committee Officer

INTRODUCTION

I, the Chairperson of the Committee on Papers Laid on the Table, having been authorized by the Committee to present the Report on their behalf, present this Seventy Third Report on the Action Taken by Government on the Recommendations/Observations contained in the Thirty First Report (Seventeenth Lok Sabha) of the Committee regarding the delays in laying of the Annual Reports of the National Commission for Scheduled Tribes, New Delhi.

2. The Committee considered and adopted this Report at their sitting held on 13 December, 2021.
3. For facility of reference, observations/recommendations of the Committee have been printed in bold type in the body of the Report.

NEW DELHI
December, 2021
Agrahayana, 1943 (Saka)

Ritesh Pandey
Chairperson
Committee on Papers Laid on the Table

REPORT

This Report of the Committee deals with the Action Taken by the Government on the Recommendations/Observations made in their Thirty First Report (Seventeenth Lok Sabha) on the delay in laying the Annual Reports of the National Commission for Scheduled Tribes, New Delhi, which was presented to Lok Sabha on 23 September, 2020.

2. The Action Taken replies have since been received from the Government in respect of all the Recommendations/Observations contained in the aforesaid Report. Accordingly, the Statement showing the action taken by the Government on the Recommendations/Observations contained in the Thirty First Report (Seventeenth Lok Sabha) is given in **Appendix**.

3. **In the Thirty First Report (Seventeenth Lok Sabha), the Committee had recommended to the Ministry of Tribal Affairs and the National Commission for Scheduled Tribes to lay the Annual Reports and the Audited Accounts together on the Table of the House. However, the Ministry, in their Action Taken Reply no. 13 have stated that since the NCST is not a grantee institution/organization receiving funds from the Ministry of Tribal Affairs, therefore, laying the Audited Accounts on the Table of the House of Parliament for such a grantee institution/organization is not applicable. This is notwithstanding the earlier recommendation in Para no. 1.17 of the First Report (Fifth Lok Sabha), wherein the Committee recommended further to the Commission that the Annual Report of the Commission should be laid by the Ministry within six months from the closure of the respective accounting year.**

4. **The Committee in their Thirty First Report (Seventeenth Lok Sabha) examined the reasons for the delay in laying the Annual Reports of the National Commission for Scheduled Tribes for the years 2007-08 to 2015-16. The Committee recommended to the Ministry that if for any reasons, the Annual Reports of the NCST could not be laid on the Table of the House within the stipulated time, a statement explaining the reasons as to why the requisite documents could not be laid within the prescribed period, should be laid strictly within 30 days after 30th September of the relevant accounting year or within seven days after the reassembly of the next Session, whichever is later.**

5. **The Committee are, however, not satisfied with the Action Taken replies given by the Ministry that the exercise involved in the compilation of replies received from the Central Ministries/Departments and States/UTs from time to time is a time-consuming process and constitutes a major part of the delay. The Committee note that neither the Annual Reports of the Commission for the years from 2017-2018 to 2019-2020 nor the delay statements as mentioned in their earlier recommendation have been laid on the Table of the House as yet. In the given situation, the Committee strongly reiterate that utmost efforts should be made to adhere to the recommendations made by the Committee in the matter so as to ensure that the Annual Reports of the Commission are laid within the stipulated time in future.**

**NEW DELHI
December, 2021
Agrahayana, 1943 (Saka)**

**Ritesh Pandey
Chairperson
Committee on Papers Laid on the Table**

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE CONTAINED IN THEIR THIRTYFIRST REPORT (SEVENTEENTH LOK SABHA)

National Commission for Scheduled Tribes (NCST)

Recommendation No. 12

The Committee note that the Ministry of Tribal Affairs and National Commission for Scheduled Tribes have not been adhering to the stipulated time frame of nine months of the closure of respective financial year for laying of Annual Reports as recommended by the Committee on Papers Laid on the Table. The Annual Reports of NCST for the years 2007-08 to 2015-16 were laid on the Table of the House with excessive delays ranging from 02 to 07 years. The Committee also note that the documents for the years 2016-17 to 2018-19 required to be laid on the Table of the House by 31st December in their respective financial years have not been laid as yet.

Reply of the Government

Clause 5 (d) of Article 338 A of Indian Constitution requires National Commission for Scheduled Tribes (NCST) to present to the President, annually (and at such other times as the Commission may deem fit), reports upon working of safeguards provided to Scheduled Tribes (STs) under the Constitution of India or any other law for the time being in force or under any order of Government and to evaluate working of such safeguards.

As per Clause 6 of Article 338 A of the Constitution, the President shall cause all such reports to be laid before each House of Parliament, along with a memorandum explaining action taken or proposed to be taken on recommendations relating to Union and reasons for non-acceptance, if any, of any of such recommendations.

For preparation of the Explanatory Memorandum on the Annual Reports of NCST, the concerned Central Ministries / Departments were requested to furnish necessary information / replies. Apart from this, it was also necessary to coordinate with State Governments to take action on the report in terms of clause 7 of Article 338 (A) of the Constitution. The exercise involved compilation of replies received from Central Ministries / Departments and States/UTs from time to time which is a time-consuming process and constitutes the major part of the delay.

In respect of 12th Annual Report of NCST for the year 2016-17, all the concerned Ministries/Departments and State Governments/UTs were requested to provide action taken/proposed to be taken/reasons for non-acceptance on the concerned recommendations made by NCST vide Ministry's letter dated 28.07.2020, 08.01.2021 and 05.07.2021. Further, Secretary, Ministry of Tribal Affairs had taken Review Meetings with the State Governments from 07.06.2021 to 14.06.2021. A substantial progress has been made in regard to preparation of Action Taken Memorandum. However, the Action Taken Reports from the few concerned Central Ministries/Departments and State Governments/UTs are still awaited. The Ministry of Tribal Affairs is taking all out efforts to expedite these reports at the earliest so that the same may be tabled in both the houses of Parliament.

In respect of 13th Report of NCST for 2017-18, concerned Ministries/Departments vide this Ministry's letter dated 30.07.2020, 08.01.2021 and 05.07.2021 and also telephonically were requested to provide action taken/proposed to be taken/reasons for non-acceptance on concerned recommendation made by NCST. Similarly, all the States/UTs vide this Ministry's letter dated 13.08.2020, 08.01.2021 and 05.07.2021 were requested to lay Action Taken Report in their respective legislature and furnish action taken report to this Ministry. The Secretary, M/o Tribal Affairs had taken the Review Meeting from 7th June to 14th June, 2021 in this regard.

In respect of 14th Annual Report of NCST for the year 2018-19, the Ministry had received Report on 05.06.2021. All the concerned Ministries/Departments and State Governments/UTs have been requested to provide Action Taken Report on the concerned recommendations made by the NCST vide this Ministry's letter dated 03.07.2021.

A special Report on the status of Rourkela Steel Plant on Rehabilitation and Resettlement of Displaced Tribals was received on 12.02.2020. The comments of concerned State Government of Odisha were sought vide this Ministry' letter dated 22.06.2020 and 18.11.2020, 28.12.2020 and DO letter dated 03.06.2021 from Secretary, Ministry of Tribal Affairs to Chief Secretary, Government of Odisha. The inputs/comments from State Government of Odisha is still awaited. The comments from Ministry of steel have been received on 30.12.2020.

A special Report on Indira Sagar Polavaram Project Affected Tribal People was received on 25.05.2021. The process for preparation of Action Taken Memorandum is under way. The comments/ATR of State Govt of Andhra Pradesh was sought vide Ministry's letter dated 22.06.2021. The inputs/information is still awaited.

Despite the difficult time of pandemic during the year 2020 and first half of 2021, a substantial progress has taken place for the preparation of Action Taken Memorandum on the Reports of NCST for the year 2016-17 and 2017-18. However, the process for the preparation of Action Taken Memorandum for the year 2018-19 and for two special reports has immediately been initiated after the receipt of the same.

(Ministry of Tribal Affairs; F. No. 16015/01/2021- NCST; Dated 20.07.2021)

Recommendation No. 13

The Committee also note that the Ministry of Tribal Affairs and the National Commission for Scheduled Tribes have not been laying the Audited Accounts and have not adhered to the General Financial Rules 236(1) and 237.

Reply by the Government

National commission for Scheduled Tribes (NCST) is a constitutional Body set up under Article 338A of the Constitution of India. There is no separate Budget Head for NCST and the funds are allocated to the Commission in the main Budget Demand of the Ministry of Tribal Affairs under Major Head (2225) "Welfare of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Minorities" Sub Major Head (02) Welfare of Scheduled Tribes" Direction and Administration (001). The NCST is not a grantee institution /organization receiving funds from the Ministry of Tribal Affairs. Hence, laying of Audited Accounts on the Table of the House of Parliament like a grantee institution/ organization is not applicable. The audit of accounts of NCST, like other Government Departments, is done by the Internal Audit Wing, Principal Chief Controller of Accounts (PCCA), Ministry of HRD as well as statutory audit by office of the Director General of Audit (CAG), Central Expenditure, Indraprastha Estate, New Delhi. The internal audit for the period April, 2006 to March, 2017 was conducted from 10.08.2017 to 18.08.2017 and the statutory audit for the period from 01.04.2017 to 31.03.2019 was also conducted from 03.12.2019 to 12.12.2019.

(Ministry of Tribal Affairs; F. No. 16015/01/2021- NCST; Dated 20.07.2021)

Recommendation No. 14

Thus Ministry has apparently not been able to put in place an effective monitoring to ensure laying of documents of NCST on the Table of both the Houses of Parliament within the stipulated time. The Ministry must make all out efforts to ensure that the pending Annual Reports and Audited Accounts of NCST are laid on the Table of the House without further delay and henceforth these documents should be laid within the stipulated time. The Committee shall be informed of the compliance of these directions and also measures taken by the Ministry to avoid delays in future.

Reply by the Government

The Ministry of Tribal Affairs had initiated immediate action for the preparation of Action Taken Memorandum on the recommendations of NCST contained in Annual Reports of NCST for the year 2016-17, 2017-18 and 2018-19. The concerned Central Ministries/Departments and State Governments/UTs were requested by the Ministry from time to time. A substantial progress has also been made in this regard. The NCST Division of the Ministry has been mandated for the work of preparation of Action Taken Memorandum and also to lay the Annual Report of NCST along with the Action Taken Memorandum in both the houses of Parliament which monitors the progress and does follow up with the concerned Central Ministries/Departments and State Govts. However, this preparation of Explanatory Action Taken Memorandum on the recommendations of NCST involves compilation of the replies received from Central Ministries/Departments and this process of receiving replies from all the concerned Ministries/Departments and State Governments/UTs takes time and hence results in delay. However, the Ministry ensures to expedite the replies from all the concerned by a written communication as well as the Review Meetings undertaken by Secretary, Ministry of Tribal Affairs which were recently held with the concerned State Governments from 07.06.2021 to 14.06.2021. The necessary follow up with all the concerned Central Ministries/Departments and State Governments/UTs will be taken with utmost priority to avoid the delay in future.

(Ministry of Tribal Affairs; F. No. 16015/01/2021- NCST; Dated 20.07.2021)

Recommendation No. 15

The Committee also impress upon the Ministry that if due to unavoidable reasons, the Annual Reports and Audited Accounts of the NCST could not be laid on the Table of the House within the stipulated time; a statement explaining the reasons as to why the requisite documents could not be laid within the prescribed period should be laid on the Table of the House within 30 days or as soon as the House meets, whichever is later.

Reply by the Government

The Ministry as a matter of fact lays the delay statement giving reasons along with the Action Taken Memorandum and Annual Report of the NCST in both the Houses of Parliament where the delay takes place.

(Ministry of Tribal Affairs; F. No. 16015/01/2021- NCST; Dated 20.07.2021)

**THE EXTRACT OF THE MINUTES OF THE SITTING OF
THE COMMITTEE ON PAPERS LAID ON THE TABLE
(2021-2022)**

The Committee sat on Monday, 13th December, 2021 from 1500 hours to 1630 hours in Committee Room "C", Parliament House Annexe, New Delhi.

PRESENT

Shri Ritesh Pandey - **Chairperson**

MEMBERS

2. Shri PallabLochan Das
3. Choudhary Mehboob Ali Kaiser
4. Shri Raja Amareshwara Naik
5. Shri Saptagiri Sankar Ulaka

SECRETARIAT

1. Smt. Suman Arora - Joint Secretary
2. Shri Munish Kumar Rewari - Additional Director
3. Smt. Manjinder Pubbi - Under Secretary

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2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee.
3. Thereafter, the Committee took up the Ten (10) draft Reports/Action Taken Reports regarding the delay in laying the Annual Report and Audited Accounts of the following organisation for the consideration :-
 - i. Educational Consultants India Limited (EdCIL), Noida;
 - ii. National Institute for Entrepreneurship and Small Business Development (NIESBUD), Noida;
 - iii. Jawaharlal Nehru University (JNU), New Delhi;
 - iv. Central Tibetan School Administration (CTSA), Delhi;
 - v. Food Corporation of India, New Delhi;
 - vi. Council of Scientific and Industrial Research (CSIR), New Delhi;
 - vii. V.V. Giri National Labour Institute, Noida;
 - viii. Visakhapatnam Special Economic Zone (VSEZ) Authority; Cochin Special Economic Zone (CSEZ) Authority; Kandla Special Economic Zone (KSEZ) Authority; and Madras Special Economic Zone (MEPZ) Authority.;
 - ix) Action Taken by the Government on the recommendations made by the Committee in the Thirtieth Report (17th Lok Sabha) regarding the delays in laying the Annual Reports and Audited Accounts of the Port Blair Municipal Corporation (PBMC), Port Blair; and
 - x) Action Taken by the Government on the recommendations made by the Committee in the Thirty First Report (17th Lok Sabha) regarding the delays in laying the Annual Reports and Audited Accounts of the National Commission of Scheduled Tribes (NCST), New Delhi.
4. After deliberations, the Committee adopted the all Ten (10) draft Reports/Action Taken Reports without modifications.
- .5 The Committee authorized the Hon'ble Chairperson to present these Reports to the Parliament

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The Committee then adjourned.
