

Most Immediate  
By Special Messenger



No.20/1/NCST/2009-Admn.  
Government of India  
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,  
Loknaya Bhawan,  
Khan Market,  
New Delhi-110003

Dated: 07-07-2009

To

The Secretary,  
Ministry of Tribal Affairs,  
Shastri Bhawan,  
New Delhi-110001

(Kind Attention: Dr. Bachittar Singh, JS)

**Subject: Constitution of separate cadre for the posts of Investigator, Sr. Investigator, Research Officer, Assistant Director, Dy. Director and Director under NCST.**

Sir,

I am directed to refer to the subject mentioned above and to say that the erstwhile National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) was bifurcated into two separate Commissions, viz., National Commission for Scheduled Castes and National Commission for Scheduled Tribes under the Constitution (89th Amendment) Act, 2003 which came into effect from 19-02-2004. The posts of Director, Deputy Director, Assistant Director, Research Officer, Sr. Investigator and Investigator under the Ministry of Social Justice and Empowerment and the erstwhile NCSCST were part of a Joint Cadre of the Ministry of Social Justice and Empowerment and erstwhile NCSCST. Prior to the bifurcation of NCSCST, the Ministry of Social Justice and Empowerment was the cadre controlling authority for Group 'A' posts of Director, Deputy Director and Assistant Director whereas NCSCST was managing the cadre upto Research Officer level i.e. for the posts of Research Officer, Sr. Investigator and Investigator. After the bifurcation of the erstwhile NCSCST, a total number of 35 posts belonging to the joint cadre were allotted to NCST. A statement showing the number of posts in each grade of joint cadre under the NCST and the incumbency position is enclosed as **Annex.-1**.

2. The issue of filling up of the joint cadre posts and other posts under the Commission was discussed in the Commission's meeting held on 07-11-2008 in the context of the discussion on the Report of Study on the performance of NCST by Centre for Policy Research entrusted by Department of AR & PG. It was, inter-alia, observed by the Commission that NCST should function as cadre controlling authority for various posts under its control after additional posts as per requirement of the Commission were sanctioned by the Government. The matter again came up for discussion in the Commission's meeting held on 22-01-2009 during the course of discussion on the Thirty-third Report (14th Lok Sabha) of the Committee on the Welfare of SCs & STs. The Commission desired that immediate action for framing the new recruitment rules for the posts of Sr. Investigator and Investigator should be taken so that NCST should have its own cadre for these posts. It was further desired that the posts of Research Officer may continue in the joint cadre so as to provide for adequate promotion avenues for Senior Investigators and to provide for more opportunities to the officers of this grade to seek posting at the stations of their choice.

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3. In compliance of the decision taken by the Commission, new recruitment rules for the posts of Sr. Investigator and Investigator under the Commission were framed and sent to MTA on 26-02-2009 for further necessary action for notifying the same. MTA returned the file stating that 'NOC' from NCSC and Ministry of Social Justice and Empowerment should be obtained before new RRs for the above posts under the Commission are processed further. The matter was examined in the Commission and it was found that 'NOC' from NCSC and the Ministry of Social Justice and Empowerment was not necessary as Clause (4) of the Constitution (89th Amendment) Act, 2003 lays down that the Commission shall have the power to regulate its own procedure. However, copies of the draft RRs for the posts of Sr. Investigator and Investigator were sent to NCSC on 09-04-2009 for their comments, if any. The Ministry of Social Justice and Empowerment was also informed about the proposals of the Commission of having its own cadre for the posts of Sr. Investigator and Investigator and continuing the post of Research Officer in the joint cadre. In response, NCSC informed that it does not agree to the bifurcation of the joint cadre at the level of Sr. Investigator and Investigator as it would create problems of cadre management and that the cadre controlling authority should be centralised only. A copy of NCSC's ID Note, dated 16-04-2009 is enclosed as Annex.II.

4. The matter was again placed before the Commission and discussed in the Commission's meetings held on 30-06-2009. In order to have effective Administrative control over the management and filling of these posts in the Commission, **the Commission reiterated its decision to have separate cadre for the posts of Investigators and Sr. Investigators of National Commission for Scheduled Tribes; and, if necessary, for higher level posts also.** Taking into account this decision, NCST can now have its own cadre including the posts of Research Officer. This may also further result in taking out the Group 'A' posts of Assistant Director, Deputy Director and Director also out of the Joint Cadre as the post of Research Officer in the Joint Cadre is promotion post for the post of Sr. Investigator and is the feeder post for the grade of Assistant Director in the joint cadre. The Commission would then have a separate cadre for the posts from the level of Investigator to the level of Director.

5. The following procedure will be followed for implementing the decision of having separate cadre of the posts of Investigator to Director under NCST:-

- (i) The posts of Investigator, Sr. Investigator and Research Officer are Group 'B' posts and presently the NCSC is the cadre controlling authority for these posts. The Ministry of Social Justice and Empowerment is the cadre controlling authority in respect of the posts of Asstt. Director, Deputy Director and Director which are Group 'A' posts. This Commission would like to adopt the same pattern and function as cadre controlling authority for Group 'B' posts i.e. upto the level of Research Officer. The Ministry of Tribal Affairs may function as cadre controlling authority for Group 'A' posts in case some Group A posts in the Ministry are also manned by the same cadre.
- (ii) The NCSC and Ministry of Social Justice and Empowerment may not allow all the Joint Cadre officers/ staff presently working in NCST to get absorbed in the new cadre of NCST. If some of the officers/staff of Joint Cadre working under NCST may not be willing to get absorbed in the new cadre of NCST, the Commission would take up the matter with NCSC and Ministry of Social Justice and Empowerment to allow such officers of the Joint Cadre (who are not permitted or who are not willing to get absorbed in the new cadre) to continue with the NCST (on deputation) till NCST selects substitutes. As the finalisation and notification of new RRs and the filling up of the posts under new RRs will take a considerable time, the NCST would approach DoPT and UPSC through the Ministry of Tribal Affairs for a special one time dispensation to fill up the posts of the new cadre on deputation basis till the same are filled up as per the new RRs.

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(iii) Draft recruitment rules for the above posts will be framed by NCST and sent to Ministry of Tribal Affairs for the approval of concerned authorities before notifying the same.

6. In view of the above, Ministry of Tribal Affairs are requested to process the draft RRs for the posts of Sr. Investigator and Investigator for notifying the same after obtaining the approval of the concerned authorities. The relevant file (F.No.20/2/NCST/09-Admn.) of the Commission is being sent to the Ministry of Tribal Affairs again with reference to this letter.

7. Copies of this letter are being endorsed to the NCSC and Ministry of Social Justice and Empowerment for information and appropriate action at their end.

8. This Issues with the approval of Secretary, NCST.

Yours faithfully,

  
(Aditya Mishra)  
Joint Secretary  
Tel/Fax: 24603669

Copy forwarded for information and appropriate action to:-

1. The Secretary, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
2. The Joint Secretary, National Commission for Scheduled Castes, 5th Floor, 'B' Wing, Loknayak Bhawan, Khan Market, New Delhi.

  
(Aditya Mishra)  
Joint Secretary  
Tel/Fax: 24603669

*Issued on 9-7-09  
through Ben Book.*

*Done  
9/7/09*

Annex.I

Sanctioned strength and the incumbency position of the joint cadre posts under National Commission for Scheduled Tribes.

S. No.	Designation	Sanctioned Posts	Post filled	Posts Vacant	Remarks
1.	Director	4	3	1	M/SJE is the cadre authority
2.	Dy. Director	2	1	1	-do-
3.	Assistant Director	5	5	-	-do-
4.	Research Officer	6	6	-	NCSC is managing the cadre
5.	Sr. Investigator	8	2	6	-do-
6.	Investigator	10	1	9	-do-
<b>Total</b>		<b>35</b>	<b>18</b>	<b>17</b>	