

**COMMITTEE ON PAPERS LAID ON THE TABLE  
(2019-2020)**

**SEVENTEENTH LOK SABHA**

**31**

**THIRTY FIRST REPORT**

**(Delay in laying of the Annual Reports and Audited Accounts of the  
National Commission for Scheduled Tribes, New Delhi)**

**(Presented on 23 September, 2020)**



**सत्यमेव जयते**

**LOK SABHA SECRETARIAT  
NEW DELHI  
SEPTEMBER, 2020/ASVINA, 1942(SAKA)**

## C O N T E N T S

PAGE

<b>COMPOSITION OF THE COMMITTEE ON PAPERS LAID ON THE TABLE (2019-2020)</b>		<b>(iii)</b>
<b>INTRODUCTION</b>		<b>(v)</b>
<b><u>REPORT</u></b>		
Delay in laying of the Annual Reports of the National Commission for Scheduled Tribes, New Delhi.		01
<b>ANNEXURE</b>		
<b>Annexure</b>	<b>Statement showing the dates of laying of the Annual Reports of the National Commission for Scheduled Tribes, New Delhi for the years from 2007-08 to 2018-19</b>	<b>06</b>

<b><i>APPENDICES</i></b>		
<b><i>Appendix-I</i></b>	The Extracts of the Minutes of the sitting of the Committee held on 05 <sup>th</sup> October, 2016.	07
<b><i>Appendix-II</i></b>	The Extracts of the Minutes of the sitting of the Committee held on 22 September, 2020	09

**COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE**

**(2019-2020)**

**Shri Shyam Singh Yadav**

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**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. Shri Kushal Sarkar - Director
3. Smt. B. Visala - Director
4. Shri Munish Kumar Rewari - Additional Director
5. Shri R.K. Chaudhary - Under Secretary
6. Shri K. P. Kashyap - Assistant Committee Officer

## **INTRODUCTION**

I, Chairperson of the Committee on Papers Laid on the Table of the House (2019-20), having been authorized by the Committee to present this Report on their behalf, present this Thirty First Report in respect of delay in laying of the Annual Reports of the National Commission for Schedules Tribes, New Delhi.

2. The Annual Reports of the National Commission for Schedules Tribes, New Delhi are being laid on the Table of the House as per Clause 05(d) and 06 of Article 338A of Constitution of India. However, the Audited Accounts of Commission have also not been laid on the Table of the House since its inception. In terms of the recommendation of the Committee on Papers Laid on the Table contained in its Para 1.17, First Report(5<sup>th</sup> Lok Sabha), presented to the House on 08 March 1976, the Organisations, which are laying only their Annual Reports, have to lay their the Annual Reports within six months of the closure of the respective Accounting Year.

3. Considering the matter of delays in laying of the Annual Reports and not laying the Audited Accounts of the National Commission for Schedules Tribes, the Committee took oral evidence of the representatives of the Ministry of Tribal Affairs and Commission at their sitting held on 5<sup>th</sup> October 2016.

4. The Committee considered and adopted this Report at their sitting held on 22 September, 2020.

5. The Committee wish to express their thanks to the officers of the Ministry of Tribal Affairs and the National Commission for Schedules Tribes for furnishing the written replies, other material/information and for placing their views in the matter before the Committee.

6. The Observations / Recommendations of the Committee have been printed in bold letters at the end of the Report.

**New Delhi**  
**22 September, 2020**  
**31 Bhadrapada, 1942 (Saka)**

**Shyam Singh Yadav**  
**Chairperson**  
**Committee on Papers Laid on the Table**  
**Lok Sabha**

## REPORT

### Delay in laying of the Annual Reports and Audited Accounts of the National Commission for Scheduled Tribes, New Delhi.

National Commission for Scheduled Tribes (NCST) was established on 19.2.2004 upon the bifurcation of the earlier, National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) through Constitution (Eighty-Ninth Amendment) Act, 2003. Funds are allocated to NCST annually by Ministry of Tribal Affairs (MoTA) under Non-Plan Head. Details of funds allocated to NCST since 2012-13 vis-à-vis expenditure incurred is given as under:

2012-13		2013-14		2014-15		2015-16		2016-17
RE	Exp	RE	Exp	RE	Exp	RE	Exp	BE
4.51	4.84	4.89	5.21	7.08	6.03	7.20	6.13	8.54

2. In terms of the recommendation of the committee on Papers Laid on the Table contained in its First Report, Second Report (5<sup>th</sup> Lok Sabha) and Second Report (6<sup>th</sup> Lok Sabha) presented to the House on 08March 1976, 12 May 1976 and 22 December 1977 respectively, the Annual Report and Audited Accounts of the Organization /company are required to laid on the Table of the House within nine months of the closure of Accounting Year. To comply with this requirement proper time schedule should be laid down for compilation of Annual Report and Annual Accounts and their auditing, The committee felt that normally a period of 3 months would be sufficient for compilation of Annual Accounts and their submission for Audit; the next 6 months might be given for auditing of accounts; printing of the Report and sending it to Government for laying. If for any reason, the Annual Reports and Audited Accounts of the Instituted could not be laid within the prescribed period of 9 months, the Ministry concerned should lay a Statement within 30 days of the expiry of the aforesaid period or as soon as the House meets whichever is later, explaining the reasons as to why the documents could not be laid.

3. Clause 5(d) of Article 338-A of the Constitution provides that it shall be the duty of the Commission, inter-alia, to present to the President, annually and at such other times, as the Commission may deem fit, reports upon the working of the safeguards provided to the Scheduled Tribes. As per Clause 6 of Article 338, 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 any of such recommendations. **However, no time limit for laying these Reports have been specified.**

4. Ministry in their written submission dated 3.10.2016 have stated that NCST is a constitutional body and funds are provided to it by MoTA under Non-Plan Head. Further, NCST do not implement any plan schemes /programmes. Thus, audited statement of accounts of NCST is not required to be laid before both Houses of Parliament.

5 The Rule position relating to Grantee institutions under Rule 236(1) of GFR, 2017 is as under :-

*“The accounts of all Grantee In Institutions or Organisations shall be open to inspection by the sanctioning authority and audit, both by the Comptroller and Auditor-General of India under the provision of CAG(DPC) Act 1971 and internal audit by the Principal Accounts Office of the Ministry or Department, whenever the Institution or Organisation is called upon to do so and a provision to this effect should invariably be incorporated in all orders sanctioning Grants-in-aid.”*

As per Rule 237 of General Financial Rule (GFR), the Annual Reports and Audited Accounts of the organizations are required to be laid on the Table of the House within nine months of the closure of respective Accounting year.

6. The Committee examined reasons for delay in laying of the Annual Reports and Audited Accounts of NCST for the years 2007-08 to 2015-16.

7. The Committee note that the Annual Reports of the NCST for the years 2007-08 to 2009-10 were laid on the Table of the House on 08.08.2016 with delays ranging from 70 to 84 months. The Committee expressed their deep concern for not laying Annual Reports and Audited Accounts of NCST for the years 2010-11 to 2015-16 on the Table of the House.

8. On being asked the reasons for delay in laying the Annual Reports of NCST, the Ministry in their written reply had stated that;-

*" Reports of NCST along with a memorandum explaining action taken or proposed to be taken on recommendations and reasons for non – acceptance, if any, of such recommendations are to be laid before both Houses of Parliament, As recommendations contained in the Reports cut across issues being dealt with by various Central Ministries/ Departments, it took time to obtaining requisite information/ replies / views / action taken from all concerned for framing suitable explanatory memorandum, This process has resulted in delay in laying Reports along with action taken memorandum before both Houses of Parliament."*

9. As regards streamlining of the process for timely laying of the Annual Report and Audited Accounts of the Commission, NCST, the Ministry in its written note had submitted as under:-

*" With a view to avoid undue delay in laying Reports of NCST before both Houses of Parliament, MoTA has taken a view that in case, requisite information is not received within reasonable time and after issuance of reminders, ATR ma be finalized based on available information and Report along with ATR be laid before both Houses of Parliament so that Hon'ble Members of Parliament are informed about various recommendations made by NCST in time. AS a Result, MoTA laid 3 (Three) Annual Reports of NCST during last Monsoon Session of Parliament. MOTA intends to lay next three Reports i.e. 6<sup>th</sup> (2010-11), 7<sup>th</sup> (2011-12) and 8<sup>th</sup> (2012-13) Reports during Winter Session of Parliament, 2016. Remaining Reports i.e. 9<sup>th</sup> ( 2013-14) and 10<sup>th</sup> (2014-15) Reports are expected to be laid before both Houses of Parliament in Budget Session of current financial year. "*

10. The Committee took evidence of the representatives of the Ministry of Tribal Affairs and NCST on 05 October, 2016 in this connection.

11. During the evidence, Secretary, Ministry of Tribal Affairs admitted the delays in laying of the Annual Reports and Audited Accounts of the Commission and informed that the matter was required to be taken up with concerned Central Ministries/Departments for preparation of Explanatory Memoranda on the recommendations made in the Annual Report of the Commission and obtaining comments/views on the recommendations from the concerned Departments has been taking considerable amount of time. The committee were not satisfied with the reasons explained by the Secretary.

12. The Committee subsequently note that Annual Reports for the years 2010-11 to 2012-13 were laid on the Table of the House on 10.04.2017 and for the years 2013-14, 2014-15 & 2015-16 were laid on the Table on 31.12.2018, 11.02.2019 & 25.11.2019 respectively with delay ranging from more than 02 years to 07 years. The Annual Reports for the years from 2016-17 to 2018-19 have not been laid on the Table of the House yet. The dates of laying and extent of delay in laying of the Annual Reports of the NCST have been given at **Annexure**.



**Observations/Recommendations**

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 delay ranging from more than 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 are not laid as yet.

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.

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 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.

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 prescribed period should be laid on the Table of the House within 30 days or as soon as the House meets, whichever is later.

New Delhi  
22 September, 2020  
31 Bhadrapada, 1942 (Saka)

Shyam Singh Yadav  
Chairperson  
Committee on Papers Laid on the Table  
Lok Sabha

**Statement showing the dates of laying of the Annual Reports of the National Commission for Scheduled Tribes, New Delhi for the years from 2007-08 to 2018-19**

<b>Year</b>	<b>Due Date</b>	<b>Date of laying of Annual Reports</b>	<b>Extent of delay</b>
2007-2008*	30.09.2008	08.08.2016	07 years 11 months
2008-2009*	30.09.2009	08.08.2016	06 years 11 months
2009-2010 <sup>#</sup>	30.09.2010	08.08.2016	05 years 11 months
2010-2011 <sup>#</sup>	30.09.2011	10.04.2017	05 years 06 ½ months
2011-2012 <sup>#</sup>	30.09.2012	10.04.2017	04 years 06 ½ months
2012-2013 <sup>#</sup>	30.09.2013	10.04.2017	03 years 06 ½ months
2013-2014 <sup>#</sup>	30.09.2014	31.12.2018	04 years 03 months
2014-2015 <sup>#</sup>	30.09.2015	11.02.2019	03 years 01½ months
2015-2016 <sup>#</sup>	30.09.2016	25.11.2019	02 years 11 months
2016-2017 <sup>#</sup>	30.09.2017	Not Laid	-
2017-2018 <sup>#</sup>	30.09.2018	Not Laid	-
2018-2019 <sup>#</sup>	30.09.2019	Not Laid	-

\* Period under examination by the Committee

# Current Status

**THE EXTRACTS OF THE MINUTES OF THE SITTING OF  
THE COMMITTEE HELD ON 05 OCTOBER, 2016**

The Committee sat on Wednesday, 05 October, 2016 from 14:30 hrs to 16:00 hrs. in Committee Room 'B', Parliament House, Annexe New Delhi.

**PRESENT**

Shri Chandrakant Khaire - **Chairperson**

**MEMBERS**

2. Shri Dushyant Chautala
3. Shri P.C Gaddigoudar
4. Shri Laxman Giluwa
5. Shri Choudhary Mohan Jatua
6. Shri Virendra Singh
7. Shri P.R Sundaram

**SECRETARIAT**

1. Smt. Rita Jailkhani - Director
2. Smt. Maya Lingi - Additional Director
3. Shri T.R Nauriyal - Deputy Secretary

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**THE MINISTRY OF TRIBAL AFFAIRS**

1. Shri Shyam S. Agarwal, Secretary
2. Shri Rajesh Aggarwal, Joint Secretary
3. Shri Manoj Kumar Pingua, Joint Secretary
4. Smt Sarita Mittal, Joint Secretary
5. Shri Lalsanglur, Economic Advisor
6. Smt Vishu Maini, DDG
7. Shri S.Das Director

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

1. Shri G.Ramesh Kumar CMD (NSTFDC).
2. Mrs K.D Bhansor, Director

At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

2. to 5 XX XX XX XX

6. The representatives of the Ministry of Tribal Affairs and the National Commission for Scheduled Tribes were then ushered in.

7. The Chairperson welcomed the representatives of the Ministry and the Commission to the sitting of the Committee and explained to them that the meeting has been called to discuss the reasons for delays in laying of the Annual Reports National Commission for Scheduled Tribes, New Delhi for the year 2007-08 to 2015-16.

8. Admitting the delays in laying of the Annual Reports of the Commission for the aforesaid years, the Secretary informed the Committee that Clause 5(d) of Article 338A of the Constitution provides that it shall be the duty of the Commission, inter-alia, to present to the President, annually and at such other times, as the Commission may deem fit, Reports upon the working of the safeguards provided to the Scheduled Tribes and as per Clause (6), 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 recommendation(s) relating to Union and the reasons for the non-acceptance, if any, of any such recommendations. The Secretary further submitted that the matter was required to be taken up with concerned Central Ministries/Departments for preparation of Explanatory Memoranda on the recommendations made in the Annual Report of the Commission. It was also explained that obtaining comments/views on the recommendations from the concerned Departments has been taking considerable amount of time. However, the Committee was informed that due to remedial measures taken or proposed to be taken by the Ministry/Commission the Annual Reports of the Commission 2009-2010, 2010-11 and 2011-12 will be laid on the Table of the House during the Winter Session, 2016 and Annual Reports for the years 2012-13 and 2013-14 will be laid on the Table of the House during Budget Session 2017. The Committee impressed upon the Ministry/Commission to take every corrective measure to curb delays in laying of the documents in the House.

9. Thereafter, the Hon'ble Chairperson thanked the representatives of the Ministry and the Commission for furnishing information that the Committee desired-in connection with examination of the subject and also for frankly replying to the queries raised by Members of the Committee.

10. The witnesses then withdrew.

11. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

**The Committee then adjourned.**

**THE EXTRACTS OF THE MINUTES OF THE SITTING OF  
THE COMMITTEE HELD ON 22 SEPTEMBER, 2020**

The Committee sat on Tuesday, 22<sup>th</sup> September, 2020 from 11:00 hrs to 13:00 hrs. in Committee Room 'B', Parliament House Annexe Building, New Delhi.

**PRESENT**

**Shri Shyam Singh Yadav**

-

**Chairperson**

**MEMBERS**

2. Shri Shafiqur Rahman Barq
3. Shri Raja Amareshwar Naik
4. Smt. Aparupa Poddar
5. Shri T. N. Prathapan

**SECRETARIAT**

1. Smt. Suman Arora - Joint Secretary
2. Smt. B.Visala - Director
3. Shri R.K.Chaudhary - Under Secretary

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X X X X X

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee and explained the purpose of convening the meeting.

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4. The Committee then took up for consideration Eight Draft Reports (Original) regarding delay in laying of the Annual Reports and Audited Accounts of the :-

- (i) The Agricultural and Processed Food Products Export Development Authority (APEDA), New Delhi;
- (ii) The Maulana Azad Education Foundation, New Delhi;
- (iii) The Commission of Railway Safety, Lucknow, Uttar Pradesh;
- (iv) The National Legal Services Authority (NALSA), New Delhi;

- (v) The National Institute of Pharmaceutical Education and Research, Raebareli, U.P;
- (vi) The Ujala Society, Jammu;
- (vii) The Port Blair Municipal Council (PBMC), Port Blair; and
- (viii) The National Commission for Scheduled Tribes, New Delhi.

After deliberations, the Committee adopted these Eight Reports (Original) without modifications.

5. The Committee then took up for consideration draft Report regarding Action taken by Government on the recommendations/Observations made by the Committee in their 21st Report (16th Lok Sabha) in respect of delay in laying of the Annual Reports and Audited Accounts of the All India Institute of Medical Sciences, New Delhi.

After deliberations, the Committee adopted the Draft Action Taken Report without modifications.

6. The Committee authorized the Hon'ble Chairperson to present both the Original Reports and the Action Taken Report to the Parliament.

X                    X                    X                    X                    X

**The Committee then adjourned.**

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