

LAID ON THE TABLE OF THE
LOK SABHA ON
26th APRIL, 2013

LAID ON THE TABLE OF THE
RAJYA SABHA ON
2nd MAY, 2013

**ACTION TAKEN MEMORANDUM
ON THE SECOND REPORT OF
THE NATIONAL COMMISSION
FOR
THE SCHEDULED TRIBES
FOR
THE YEAR 2006-07**



सत्यमेव जयते

**Government of India
Ministry of Tribal Affairs**

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Chapter: 1: Organizational Set-up and Functioning of the Commission.

Recommendation No. 1

[Page No. 158]

1. Clause 5 (b) of Article 338A should be suitably amended to provide that where the enquiry discloses clear violation in complying with the safeguards provided to the Scheduled Tribes in the Constitution or under any other order or law by a public servant, the Commission may advise/recommend to the concerned organization for taking corrective remedial measures and that it should be mandatory for the concerned organization of the Central Govt. or the State Govt. to accept such advice/ recommendations. **[Para 1.6.7.1 (i)]**

Action Taken:

It is open to the National Commission for the Scheduled Tribes (NCST) to advise/recommend to the organizations concerned for taking corrective remedial measures, but its recommendations cannot be made mandatory for acceptance and enforcement by the Central Govt./State Govt., as the recommendations of the Commission are advisory in nature. In terms of Clause 6 of Article 338 A of the Constitution, all reports of the Commission are to be laid before each House of the Parliament explaining the Action Taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any such recommendations. Hence, the recommendation of the Commission for amendment of the Constitution is not supportable.

Recommendation No. 2

[Page No. 158]

On the lines of the powers given to the Central Information Commission in the context of the implementation of the various provisions of the Right to Information Act, 2005, the National Commission for Scheduled Tribes should also be given power to impose fine on a public servant for wilful delay or negligence in the discharge of his duties in implementing the instructions of the Government relating to safeguards available to the members of Scheduled Tribes. **[Para 1.6.7.2 (ii)]**

Action Taken:

The NCST is a Constitutional body set up under Article 338 A of the Constitution, whereas the Right to Information Act 2005 (RTI) is an Act of the Parliament of India to provide for setting out the practical regime of Right to Information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The two are not comparable. The recommendations of the Commission are advisory in nature. The existing provisions relating to powers of the NCST are adequate and are comparable to the powers vested in other similar Commissions. Moreover, the recommendation of the Commission for imposition of fine(s) will also tantamount to passing of judgments which is a judicial or at least a quasi-judicial function which can at least be performed by a Court, etc., manned by persons having legal training and/or judicial background or knowledge and training in adjudicating the matters. Such legal background is neither an essential nor a desirable qualification to be a member of the NCST. Hence, the recommendation of the Commission is not supportable.

Recommendation No. 3

[Page No. 158]

The National Commission for Scheduled Tribes has been provided with skeleton staff only due to which it is not able to perform the constitutional obligations assigned to it in an effective manner. There is, therefore, an urgent need for augmentation of its existing strength. **[Para 1.6.7.1(iii)]**

Action Taken:

In pursuance of the recommendations contained in the thirty-third report (14th Lok Sabha) of the Committee on the Welfare of SCs, a proposal was forwarded to IF Division (IFD) of this Ministry for creation of 481 posts and infrastructure thereof and setting up of additional Offices for the NCST. This was considered in a meeting held in April, 2011, with the officers of the Commission and IFD of this Ministry about the funding pattern and modalities. Subsequently, the NCST had proposed that the expenditure be met from non-plan and with that proposal, the issue was again referred to the IFD. Thereafter, IFD made certain observations including the funding pattern under non-plan & accordingly, the proposal was sent back to the NCST on 29.11.2011 for taking necessary decision. The response from the NCST is still awaited. The NCST has been reminded on

27.01.2012 for resubmitting the proposal. Appropriate action will be considered once the file containing the proposal is received back from the NCST.

Recommendation No. 4

[Page No. 158]

Clause 6 and Clause 7 of Article 338A of the Constitution of India should be amended to provide that the President/ Governor of a State shall cause all reports submitted by the Commission to him/her to be laid before each House of Parliament/ State Legislature within three months of such submissions and a memorandum of action taken or proposed to be taken on the recommendations relating to the Union or the State shall be placed before each House of Parliament/ State Legislature within six months of submission of the report to the President/ Governor. **[Paras 1.8.1 to 1.8.5]**

Action Taken:

Effort is being made by Ministry of Tribal Affairs (MTA) to lay the Report(s) in Parliament as promptly as possible. Action required to be taken involves soliciting responses from several agencies. Meanwhile, steps have been taken in the Ministry to streamline the procedure for laying the Reports of the Commission in each House of the Parliament. This is essentially a matter of procedure. Hence, it is not considered necessary to go in for amendment of the Clauses 6 & 7 of Article 338 A of the Constitution. As far as States are concerned, they have already been advised to take prompt action in respect of Clause 7 of Article 338 A of the Constitution.

Chapter-2: Service Safeguards

Recommendation No. 1

[Page No. 158-159]

The Department of Revenue and the Department of Personnel and Training who are Respondent No. 1 and 2 respectively in the W.P. (Civil) No. 244 of 1997 in the case of All India Income Tax SC/ST Employees Federation vs. Union of India and Others pending before the Constitution Bench of the Hon'ble Supreme Court may be advised to request the Hon'ble Supreme Court through their counsels for early hearing of the W.P. which relates to reservation in promotion by selection within Group 'A' in favour of Scheduled Castes and Scheduled Tribes employees.

[Paras 2.3.1 to 2.3.4]

Action Taken:

The recommendation of the Commission was taken up by the Deptt. of Personnel and Training with the Deptt. of Revenue. The Deptt. of Revenue has informed this Ministry that since the matter refers to All India Income Tax SC/ST Employee Welfare Federation, the Central Board of Direct Taxes (CBDT) has been asked to handle the matter. Thereafter, the CBDT has informed the Deptt. of Revenue that as per website of the Supreme Court, the matter was listed on 17.01.2012. Since the matter has not been listed thereafter, the CBDT is making efforts regarding request for early hearing.

Recommendation No. 2

[Page No. 159]

The Department of Personnel & Training should find out a way to resolve the situation arising out of the two conflicting judgments of the two benches of CAT (i.e. Jodhpur bench and Principal bench, New Delhi) and revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by selection, in compliance with the observations of the Hon'ble Supreme Court of Indian in UP Rajya Vidyut Parishad SC/ST Karamchari Kalyan Sangh vs. UP State Electricity Board and in the case of C.D. Bhatia and Ors. vs. Union of India and Ors. **[Paras 2.4.2.2 to 2.4.2.8]**

Action Taken:

The existing guidelines regarding zone of consideration issued vide DoPT OM No.22011/2/2002-Estt(D) dated 6.1.2006 provide that for vacancies exceeding 10 the normal size of zone of consideration will be one & half times the number of vacancies rounded off to next higher integer +3, but shall not be less than the size of zone of consideration of 10 vacancies.

2. For vacancies upto (and including) 10, existing provisions relating to normal size of zone of consideration will continue to be applicable, which is as follows:-

No. of vacancies	Normal zone of consideration
1	5
2	8
3	10
4	12
5 to 10	Twice the number of vacancies +4
Exceeding 10	One and half times the number of vacancies rounded off to the next higher integer plus 3, but shall not be less than the size of consideration for 10 vacancies.

3. The instructions further provide that if adequate number of SC/ST candidates are not available within the normal zone of consideration, field of choice may be extended to 5 times the number of vacancies and the SC/ST candidates (not any other candidate) coming within the extended field of choice should also be considered against the vacancy reserved for them. For example, in the event of say 100 vacancies, the normal zone of consideration is 150+3 whereas the extended zone of consideration is 500.

4. The two conflicting judgments of CAT Jodhpur Bench in OA No.66/2000 in Ram Singh Meena v/s. UOI has been examined in consultation with Department of Legal Affairs and the advice of the Ld. Attorney General of India was sought on the following points:

(i) Whether the extended Zone of consideration to SC/ST officers tantamount to separate zone of consideration for the reason that only the SC/ST candidates falling in the extended zone of consideration are considered for promotion and the general candidates coming in the extended zone are excluded from consideration?

OR

(ii) Whether a separate zone would mean a zone comprising exclusively of the SC/ST candidates as the case may be irrespective of their position in the overall gradation/seniority list?

5. The Ld. Attorney General of India, after examining the two judgments passed by CAT, Jodhpur in Ram Singh Meena and CAT (PB) in Gopal Meena case has opined that the decision of CAT in Gopal Meena's case proceeds on an incorrect interpretation of the Supreme Court orders. The Supreme Court has not categorically laid down that there should be a separate list for SC/ST candidates. In any event, the OM dated 6.1.2006 indicates that if there are lesser SC/ST candidates available in the normal zone of consideration, then the zone of consideration can be extended for SC/ST category candidates alone. In the extended zone, SC/ST category candidates alone are considered. Therefore, even assuming the Supreme Court has required a separate zone of consideration, Attorney General of India has opined that the extended zone of consideration, exclusively for SC/ST category candidates, meets the requirements. The benefit of an extended zone belongs or is peculiar to a particular class of candidates namely, SC/ST candidates alone, and that benefit is not shared with the other candidate. Therefore, the extended zone, partakes the character of a separate zone. Thus, the extended zone of consideration can be equated to a separate zone of consideration, as has been held by the Jodhpur Bench of the Tribunal in Ram Singh Meena's case. The Ld. Attorney General of India has further opined that the limited extension of zone of consideration for SC/ST category candidates would be the most advisable course to follow. The principle has found approval of the Supreme Court in Vinod Kumar Sangal vs. Union of India (1195) 4 SSC 246.

6. In view of the above, the Ld. Attorney General of India has given the following answer with regard to the questions raised by DoPT vide para 4 above:

(i) The extended zone of consideration for SC/ST candidates is substantially equivalent to a separate zone of consideration for SC/ST candidates. This is subject to the rider that in practice the extended zone appears to be more limited than the separate zone.

(ii) Conceptually, an extended zone of consideration would tantamount to a separate zone of consideration for SC/ST candidates as in the extended zone only SC/ST category candidates are considered. However, there has to be a limit how far one can go down in the overall gradation/seniority list.

7. In view of the categorical advice of the Ld. Attorney General of India and with the approval of the competent authority, it has been decided to retain the existing provisions relating to the requirement of extended zone of consideration

for filling up reserved vacancies for selection posts as provided in DoPT OM No. 22011/2/2002-Estt (D) dated 6.1.2006.

Recommendation No. 3

[Page No. 159]

The Department of Personnel & Training should take up the matter with all the Central Ministries/Departments particularly those which are cadre controlling authorities for appointment to various posts/ services and advise them to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes by launching Special Recruitment Drives (SRDs) and/or by making ad-hoc promotions in case eligible ST candidates are not available in the extended zone of consideration in the matter of promotion by selection. **[Para 2.7.1.2]**

Action Taken:

A Special Recruitment Drive was launched in August, 2004 to fill up the backlog of vacancies reserved for SCs and STs in a time bound manner. As per information received from various Ministries/ Departments, including 127 Central Public Sector Enterprises (CPSEs), there was a backlog of 36,356 reserved vacancies of STs out of which 30,592 were filled. A fresh Special Recruitment Drive to fill up the backlog of reserved vacancies of SCs, STs and OBCs was launched on 19.11.2008 which concluded on 31.03.2012. As per information received from various Ministries/Departments, there was a total of 29,037 backlog vacancies reserved for STs out of which 16,842 backlog vacancies have already been filled up (as on 12.03.2013).

The DoPT has issued instructions vide O.M. No. 36012/5/97-Estt.(Res.) Vol.II dated 20/7/2000 to the effect that reserved vacancies for Scheduled Castes and Scheduled Tribes in all cases of direct recruitment and promotion, wherever applicable, which have remained unfilled in the earlier year (s) i.e. backlog and/ or carried forward vacancies would be treated as a separate and distinct group and will not be considered together with the reserved vacancies of the year in which they are being filled up for determining the ceiling of 50% reservation on total number of vacancies of that year. In other words, the ceiling of 50% reservation in a recruitment year would not apply on the backlog reserved vacancies. The instructions also provide to make concerted efforts to fill up the backlog reserved vacancies. As per instructions contained in DOPT's O.M. No.36012/17/2002-Estt. (Res.) dated 6.11.2003, if sufficient number of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt shall be made for recruiting suitable candidates belonging to the categories concerned, in the same recruitment year or as early as

possible before the next recruitment to fill up these vacancies so that there would hardly be any

chance of reserved vacancies remaining vacant. These instructions have been reiterated vide OM No.36033/1/2008-Estt. (Res) dated 15.7.2008. It has also been emphasized that, if even after making such efforts, the reserved vacancies are not filled and backlog reserved vacancies are carried forward to the subsequent recruitment year, concerted efforts should be made to fill up the backlog reserved vacancies as soon as possible.

Recommendation No. 4

[Page No. 159]

The Department of Public Enterprises should advise the Central Public Sector Undertakings to make concerted efforts to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in Group B posts through SRDs to bring their representation to the prescribed level of 7.5%. **[Para 2.7.2.2]**

Action Taken:

The Deptt of Public Enterprises (DPE) has informed that the Deptt. of Personnel & Training (DoPT) is the nodal Department to formulate policy on reservation for SCs/STs, and OBCs. Instructions issued from time to time by DoPT, in regard to reservation of post for STs, have been extended by DPE for compliance to the administrative Ministries/ Departments concerned with the Central Public Sector Enterprises (CPSEs).

As regards filling up the backlog of reserved vacancies of STs in Group 'B' posts through Special Recruitment Drives (SRDs) for bringing their representation to the prescribed level of 7.5%, it is stated that the DoPT in August, 2004 and again in November, 2008 had issued necessary instructions to the Ministries/ Departments to launch SRD to fill up the backlog of reserved vacancies of SCs, STs & OBCs by Government Departments in their establishments, including the CPSEs. The DPE had extended these instructions for compliance to the administrative Ministries/ Departments concerned with the CPSEs.

The Department of Public Enterprises has again advised administrative Ministries/ Departments concerned with CPSEs vide OM dated 18.10.2011 to issue instructions to the CPSEs under their control to fill up all the backlog of vacancies reserved for STs in a time bound manner.

Recommendation No. 5 (i)

[Page No. 159]

(i) The Department of Economic Affairs (Banking Division) should advise the defaulter banks to devise a time bound programme (not exceeding 1 year period) to make up the shortfall/backlog of ST vacancies by launching Special Recruitment Drive or by deputing recruiting teams in the tribal areas or by both. **[Paras 2.7.3.2 & 2.7.3.3]**

Action Taken:

The Department of Financial Services has informed this Ministry that the State Bank of Patiala and Punjab & Sindh Bank where the percentage of ST employees is low would fill up the gap. That Deptt. has also written to all Public Sector Banks to fill up the entire backlog of reserved vacancies existed upto 1.11.2008, by end of 2012 positively through Special Recruitment Drives (SRDs).

Recommendation No. 5 (ii)

[Page No. 159]

(ii) The Department of Economic Affairs (Banking Division) should re-convene a meeting of the Chief Executives of all the Public Sector Banks and Financial Institutions including the Insurance Companies, ask them to recalculate the shortfall/ backlog vacancies reserved for STs in a correct manner as envisaged in the DoPT's above-referred O.M. and launch SRDs to fill them within a maximum period of one year. **[Para 2.7.3.7]**

Action Taken:

The Deptt. of Financial Services has informed that it has written to all Public Sector Banks (PSBs)/ Financial Institutions (FIs) & Insurance Companies(ICs)to re-launch Special Recruitment Drive for filling up backlog vacancies reserved for SCs & STs existed up to 1.11.2008 & that it expects that the backlog vacancies of SC & STs existed up to 1.11.2008 are likely to be filled up by March, 2013 as desired by the Deptt. of Personnel and Training.

Recommendation No. 6

[Page No. 159-160]

The Department of Economic Affairs (Insurance Division) should advise the Life Insurance Corporation of India, Mumbai, National Insurance Company Ltd. Kolkatta, The New India Assurance Company Ltd., Mumbai, Oriental Insurance Company Ltd., New Delhi and United India Insurance Company Ltd., Chennai to launch Special Recruitment Drives and fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in Group 'B' posts within a time-bound manner. On the same lines, the Department of Economic Affairs may also advise the New India Assurance Company Limited to make concerted efforts to increase the level of representation from 3.04% in Grade 'C' to the desired level of 7.5% by launching Special Recruitment Drives. **[Para 2.7.4.3]**

Action Taken:

The Department of Financial Services has already written to all Insurance Companies to launch a Special Recruitment Drive and fill up the shortfall/backlog vacancies reserved for STs in a time bound manner.

Recommendation 7 (i)

[Page No. 160]

(i) The Ministry of Human Resource Development (Department of Higher Education) and the University Grants Commission should issue strict instructions to all the Central Universities to ensure that 7.5% reservation is provided to the Scheduled Tribes in such posts of Professor and Reader, which are filled up, as per recruitment rules, by direct recruitment. These Universities should further be asked to work out the shortfall / backlog vacancies reserved for Scheduled Tribes in such posts of Professor and Reader which are filled up by direct recruitment and to chalk out a time bound programme to fill up these vacancies. **[Para 2.7.5.2.2]**

Action Taken:

The UGC is issuing various instructions from time to time for (i) implementation of SC/ST Reservation Policy of Govt./ UGC; and (ii) filling up of backlog reserved vacancies of teaching and non- teaching posts in Central Universities as well as other Universities, Colleges and other grant-in-aid

institutions and Centers receiving grant-in-aid from the Public funds except in Minority institutions under Article 30 (1) of the Constitution of India.

The UGC has also taken a decision in its meeting held on 6th November, 2008 to adopt reservation policy for SC/ST and to fill up backlog reserved vacancies for STs within 6 months. Accordingly, all Vice-chancellors of Central Universities as well as Institutions have been requested by UGC that the advertisement for the backlog vacancies may be issued immediately and a compliance report, along with the copy of the advertisement may be sent to the Commission within one month and that a portion of grant will be withheld until a status for full implementation of reservation policy is received from the respective Universities (vide UGC's letters dated 24.2.2009 & 8.4.2011).

Category- wise back-log Position of teaching posts in Central Universities : 2010-11 is given as under :-

Post	Total no. of posts sanctioned	No. of ST posts required to be filled	No. of ST posts filled	No. of backlog of ST posts
Assistant Professor	4921	369	170+2*	197
Associate Professor	3298	248	26	222
Professor	1688	130	5	125

*Excess representation in Tripura University.

Recommendation No. 7 (ii)

[Page No. 160]

(ii) The Ministry of Human Resource Development (Department of Higher Education) should also issue stringent instructions to all the Central Universities to fill up the shortfall/ backlog vacancies reserved for Scheduled Tribes in the grade/post of Lecturer within a specified period. [Para 2.7.5.2.3]

Action Taken:

The Ministry of Human Resource Development (Department of Higher Education) has written to the University Grants Commission (vide letter dated 15.5.2012) for strict compliance with reservation policy, display of reservation

roster in the respective websites, etc., and filling up of remaining identified backlog vacancies for SC/ST/OBC, etc., as on 1.11.2008 and that it would be closely monitored by UGC for strict compliance by the Central Universities. Simultaneously, the UGC has been requested to bring to the notice of the defaulting universities that failure in compliance with reservation norms, not displaying the reservation rosters on website and not filling up the backlog of reserved vacancies could entail withholding of grants by UGC, particularly plan (non salary) grant.

Recommendation No.8

[Page No. 160]

The Ministry of Human Resource Development (Department of Higher Education)/ University Grants Commission should issue stringent instructions to all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Group 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit. **[Para 2.7.5.3]**

Action Taken:

The UGC has already addressed all the defaulter Central Universities to identify the backlog vacancies reserved for Scheduled Tribes in the non-teaching posts in respect of Groups 'A', 'B', 'C' and 'D' and to launch SRDs to fill them within a specified time limit.

Status of Back-log Position of Non-Teaching Posts reserved for STs in Central Universities : 2010-11 is given as under :-

Post	Total no. of Posts sanctioned	No. of ST Posts required to be filled	No. of ST posts filled	No. of backlog of ST posts
Group A	1345	102	28 +3*	74
Group B	2109	158	58+80@	100
Group C	9200	691	261+334#	430

Group D	7821	588	293+185 \$	295
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* Excess representation in Tripura University.

@ Excess representation in NEHU, Nagaland and Tripura Universities.

Excess representation in Manipur, NEHU, Mizoram, Nagaland and Tripura Universities.

\$ Excess representation in Central University of Gujarat, Manipur, NEHU, Nagaland and Tripura Universities.

Chapter-3: Specification of Communities as Scheduled Tribes and Subsequent Revision of the Lists of Scheduled Tribes.

Recommendation 1 (i) (a)

[Page No. 160]

(i). There is need to advise the State Govts. that

(a) they should issue instructions to provide that the families and children of the in-voluntarily migrated ST parents due to the resettlement in another State following displacement from his State of origin will continue to enjoy the same status in the State where they are resettled after displacement in case the community/ communities to which they belong has/ have already been notified as Scheduled Tribe/ Scheduled Tribes in that State and avail the benefits admissible to the Scheduled Tribes in that State. **[Para 3.9.7(i)(a)].**

Recommendation 1 (i) (b)

[Page No. 160-161]

(b) In case the community/ communities to which the resettled tribals belong has/ have not been notified as Scheduled Tribes in the State of resettlement, they (i.e. the State Govts.) should immediately initiate action to get that/ those community/ communities notified as Scheduled Tribe/ Scheduled Tribes effective from the date of resettlement and also ensure that pending the issue of said notification, the resettled tribals are allowed to avail the benefits admissible to Scheduled Tribes in that State **[Para 3.9.7(i)(b)].**

Action Taken:

Article 342 of the Constitution does not stipulate Scheduled Tribes' status on all India basis. The lists of Scheduled Tribes notified under Article 342 of the Constitution is State/Union Territory specific and persons belonging to the notified Scheduled Tribes are eligible to get the benefit meant for such Tribes only in the State/Union Territory in respect of which it has been notified. A community notified as Scheduled Tribe in a State/Union Territory need not necessarily be so in other State/Union Territory.

In the circumstances, the Ministry is of view that the concerned State Govts. should sort out the issues involved as per provisions of the Constitution and other rules/regulations issued by Govt. from time to time.

Recommendation 1 (ii)

[Page No. 161]

(ii) There is also need to advise the State Govts. that they should issue instructions to provide that in the context of creation of new States or transfer of territories from one State to another State following re-organisation of States, the Scheduled Tribes notified for the undivided State will continue to enjoy the same status in the successor State depending upon the place of their residence in the new State on the date of the notification of the State Reorganisation Act **[Para 3.9.7(ii)]**

Action Taken:

The Ministry of Home Affairs has informed this Ministry that it would keep in view the recommendation of the National Commission for the Scheduled Tribes, while framing the law for creation of new States in future. The states' reorganization legislations have already been enacted.

Recommendation No. 2

[Page No. 161]

In view of the Hon'ble Supreme Court's judgment dated 11.02.2005 in the case of Smt. Pushpa and Ors. vs Sivachanmugavelu and Ors. in Civil Appeal No. 6-7 of 1988 in which the Hon'ble Court held that the Union Territory of Pondichrrey having adopted a policy of Central Govt. whereunder all SCs or STs, irrespective of their States were eligible for posts which were reserved for SC/ ST candidates, no legal infirmity could be ascribed to such as policy and the same could not be held to be contrary to any provision of law, consider the applicability of the judgment of the Hon'ble Supreme Court of India in case of other Union Territories particularly the Union Territory of Chandigarh, where there is no notified list of Scheduled Tribes and issue necessary instructions/ directives to that effect. **[Paras 3.10.1 & 3.10.2]**

Action Taken:

The Ministry of Home Affairs(MHA) has intimated its comments on the matter as under:-

a) The Andaman & Nicobar Administration:

For the present, the matter is sub-judice because the matter is pending before the Supreme Court of India.

b) The Government of the National Capital Territory of Delhi:

For the present, the matter is sub-judice because the matter is pending before the Supreme Court of India.

c) Chandigarh Administration:

There is no change in the stand taken by the Chandigarh Administration already communicated and agreed to by the Ministry of Tribal Affairs. The Ministry of Tribal Affairs had informed the Ministry of Home Affairs (vide O. M. No. 12014/1/2005-C&LM, dated 01.02.2007) to the effect that no Presidential Order has been issued notifying any community as Scheduled Tribe under Article 342(1) of the Constitution in respect of the Union Territory of Chandigarh and that this Ministry is in agreement with the stand taken on the matter by the Senior Standing Counsel, Chandigarh Administration.

d) Daman & Diu and Dadra & Nagar Haveli Administrations:

The Groups 'A' & 'B' posts are filled through the Union Public Service Commission in accordance with the guidelines of the Central Government. In respect of Groups 'C' & 'D' posts, the SCs/STs are considered as per notified lists. Therefore, no change in this policy is proposed.

Chapter-4: Development of Primitive Tribal Groups (PTGs).

Recommendation No. 1

[Page No. 161]

(i) The Govt. of Bihar should conduct a quick survey to enumerate the population of the Hill Kharia PTG in different districts of Bihar so that correct information about their dispersed population is available to help the State Govt. and the Ministry of Tribal Affairs in making available to the members of this PTG the benefits of various schemes/ programmes meant for them. **[Para 4.3.1]**

(ii) The Govt. of Bihar should take immediate steps to set up special schools including residential schools in the areas predominantly inhabited by PTGs with the same facilities which are being extended to the tribal students in general. **[Para 4.3.4]**

(iii) The Govt. of Bihar should take immediate steps to provide safe drinking water to the PTGs to improve their health conditions. The State Govt. should also open primary health centres in and around the settlements of PTGs with a view to protect them from seasonal diseases of serious nature and also to save some of the fast dwindling PTGs such as Birjias, Asurs, Sawars and Birhors from extinction. **[Para 4.3.5]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Bihar for consideration and appropriate action.

2. The State Govt. is required to initiate action to complete the baseline survey of PTGs and then submit a revised Conservation-cum-Development (CCD) Plan to the Ministry of Tribal Affairs.

Recommendation No. 2

[Page No. 161-162]

The Commission reiterates the recommendation given in the first Report that the people belonging to Maleru community (already recognized as a Scheduled Tribe)

by virtue of their being hunters and living in forests and on hills and subsisting on forest produce including roots and leaves, the Maleru community from Karnataka may be included in the list of Primitive Tribal Groups (PTGs). [Para 4.7.11.2]

Action Taken:

For identification of PTGs, the recommendation/ justification from the State Government / UT administration concerned is necessary. No proposal has been received from any State Government to identify Maleru community as PTGs.

Recommendation No. 3

[Page No. 162]

The Ministry of Tribal Affairs may look into the proposal submitted by the State Govt. of Manipur for construction of road, bridges and to provide facilities of drinking water, minor irrigation, housing, electrification etc. and expedite their clearance to enable the State Govt. to address the problems of Maram Nagas PTG. [Para 4.11.2]

Action Taken:

Under the programmes implemented by the Ministry of Tribal Affairs, funds under the Special Area Programme of Article 275 (1) of the Constitution and the SCA to TSP are released to the State Governments on the proposals formulated by them on annual basis. If for any reasons, the State does not get funds released in a particular year, the proposal/funds for that particular year lapses. Funds were released to the State of Manipur in 2003-04 on the proposal submitted by the State Government for that year. However, funds under SCA to TSP and Grant under Art. 275 (1) of the Constitution of India, are not released for the Welfare of a specific and particular Scheduled tribe but for the Welfare of ST population, as a whole. Funds released are for employment-cum-income generation activities as well as for building of infrastructure like roads & bridges, drinking water, minor irrigation, sanitation, marketing sheds, etc. The funds released to the State Govt. of Manipur from 2000-01 to 2012-13 are indicated below in brief :-

(As on 07.01.2013)
(Rs. In lakh)

	Programme	
Year	Art. 275 (1)	SCA to TSP
	Released	
2001-02	230.00	NA
2002-03	424.55	761.96
2003-04	230.00	725.55
2004-05	253.00	685.76
2005-06	0.00	685.76
2006-07	411.00	796.00
2007-08	311.96	879.00
2008-09	324.44	989.00
2009-10	352.50	527.80
2010-11	819.00	1187.00
2011-12	937.00	705.00
2012-13	1031.00	1230.10

2. But, under the Scheme for development of particularly Vulnerable Tribal Groups, the Government of Manipur was requested to attend the meeting on 28/10/2010 to present its Conservation-cum-Development (CCD) Plan before the Expert Committee. Since no representative attended the meeting, its CCD Plan could not be discussed and finalized. Since the cost estimates given in the CCD Plan were not realistic, the State Government was requested to re-submit the CCD Plan. However, the rectified CCD Plan was not submitted by Manipur. Hence, no grant was released to it during its XI Plan.

Recommendation No. 4

[Page No. 162]

The Govt. of Rajasthan have stated that they have sent a proposal to the Govt. of India for opening two more residential schools - one each of boys and girls, 12 Ashram Hostels (6 for girls and 6 for boys) and 42 Maa-badi Centres/ Bhawans under 11th Five Year Plan for educational development of Saharia children.

Ministry of Tribal Affairs may consider the proposal favourably and communicate their approval to the Govt. of Rajasthan at the earliest. [Para 4.13.3.2]

Action Taken:

Under the Scheme for Development of Particularly Vulnerable Tribal Groups, grant is released to the State Governments on receipt of complete proposals as per the Conservation-cum-Development(CCD) Plan of the State. Accordingly, based on the demand made by the Government of Rajasthan for carrying out various activities including opening of new hostels, residential schools, Maa Barri Centres etc., an amount of Rs. 51.94 crore was released to the State Government during the 11th Plan Period.

2. During the 11th Five Year Plan, 116 Hostels for boys and girls were funded by the Government of India and an amount of Rs. 68.68 Crore was released for this purpose with reference to the proposals received from Government of Rajasthan under the Scheme of Hostels for girls & boys.

3. For construction of 9 Ashram School buildings for Scheduled Tribes boys/girls, an amount of Rs. 6.35 crore was released to State Government of Rajasthan during the 11th Five Year Plan under the Scheme of Establishment of Ashram Schools in Tribal Sub Plan Areas.

Recommendation No. 5

[Page No. 162]

It has been brought to the notice of the Commission that Kattunayakans PTG in the State of Tamil Nadu have been facing difficulties in getting community certificates from the district authorities. The State Govt. of Tamil Nadu is advised to look into their problems relating to non-issue of community certificates and issue instructions to the district authorities to ensure that Kattunayakans are issued the community certificates after verifying the genuineness of their claims. [Para 4.14.5]

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Tamil Nadu for consideration and appropriate action.

Recommendation No. 6 (i)

[Page No. 162]

(i) The population of Rajis has been decreasing at alarming pace. Their population which, as per 1991 Census was 1728 came down to 680 as per 2001 Census. The State Govt. of Uttrakhand is advised to look into this aspect with a view to find out the reasons behind the diminishing population of the Rajis and take concrete steps to reverse the trend to save them from extinction. **[Para 4.16.7]**

(ii) The Commission further finds that while there is one Ashram type Govt. school at Pithoragarh (Uttrakhand) to take care of the educational needs of the 136 families residing in that district, there is no such school in Champavat district where 26 PTG families are residing. The State Govt. of Uttrakhand is advised to open one such school for PTG children in Champavat district also. **[Para 4.16.8]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Uttarakhand for consideration and appropriate action.

Recommendation No. 7 (i) (a) to (c)

[Page No. 162-163]

General recommendations of the Commission for enhancing the level of development of PTGs in respect of all States/ UTs having PTGs:

(i) The Primary schools are located in areas distant or far distant from the PTG hamlets/villages and, therefore, the PTG children face difficulties in attending schools regularly especially in rainy season. The Commission recommends **[Para 4.19.1(i)]** that:-

(a) In order to increase the attendance and also to decrease the drop-out rates of PTGs students in the schools, one Primary school for each village may be opened in each PTG village/hamlet.

(b) As far as possible local eligible youth/women should be appointed as Teacher in such schools to ensure proper functioning of the schools.

(c) Incentives in the form of school dress, kid bags etc. and monetary assistance @ of Rs.100/- to Rs. 300/- per year to the students depending upon the classes in which they are studying as also to parents @ Rs.200/- to 400/- per year may be

provided for encouraging them to come to schools/ to send their children to schools.

Action Taken:

Educational development of ST children, including children from Particularly Vulnerable Tribal Groups (PTGs) is one of the major priorities of the Department of School Education and Literacy. The RTE Act, 2009 guarantees right to elementary education of 8 years' cycle to every child. The framework of implementation of Sarva Shiksha Abhiyan (SSA) pursuant to the passage of RTE Act provides for special attention to education of ST children in remote, hilly, and heavily forested areas. SSA provides for a primary school within 1 Km. of the habitation. For more difficult and remote areas where setting up of primary school may not be viable, there is a provision for hostel facilities in the premises of the existing

primary/ upper primary schools or setting up a residential school where primary, upper primary schools do not exist. The transportation or escort facilities also form part of the SSA for children in remote habitations with sparse population. The Department has identified 109 tribal districts for special focus. In these districts, States have been requested to further unpack layers of exclusion that exist within these districts to identify out of school children and bring them to school. The infrastructure needs of these districts in terms of opening primary and upper primary schools; recruitment of new teachers; construction of primary; upper primary, additional class rooms; construction of additional class rooms in lieu of primary and upper primary schools and construction of separate girls' toilet are met on priority basis. In addition, other programmes of the Department such as Kasturba Gandhi Baika Vidyalaya (KGBV), National Programme for Education of Girls at Elementary level also provide special attention to the needs of the children.

The SSA-RTE supports free textbooks and bridge materials for transition from the home language to the medium of instruction in early primary grades. As per the RTE Act, as far as practicable, education should be imparted in the mother tongue. The academic authority notified by the State Governments has to decide on the medium of instruction in elementary schools. School uniforms and text books for ST children are a part of the SSA framework and are provided to tribal students as well across the country. An important initiative of the Department to promote retention in school as well as improve the nutritional status of children is the provision of hot cooked meals in the primary and upper primary schools.

Department of School Education and Literacy does not have any provision to provide scholarship to ST children at primary and upper primary level. Similarly, the Department also does not provide any monetary assistance to parents.

Recommendation No. 7 (ii)

[Page No. 163]

(ii) One mini deep tube well for each PTG village/hamlet may be installed to make safe drinking water available to the PTGs throughout the year. In areas where there is no supply of electricity, hand pumps may be installed. The Commission further recommends that till such time the facilities of tube well/hand pumps are provided in the PTGs villages/hamlets, arrangements should be made for disinfecting of drinking wells during rainy seasons. **[Para 4.19.1(ii)]**

Action Taken:

The Ministry of Drinking Water & Sanitation has intimated that it implements the National Rural Drinking Water Programme (NRDWP) through which assistance is provided to State Governments to provide safe and adequate drinking water to all rural habitations in the country. The Ministry has an Integrated Management Information System (IMIS) through which data are obtained from State Governments on the coverage status of habitations of the country including habitations with Scheduled Tribes concentration. That Ministry does not have any information specifically on villages/ hamlets having PTG concentration.

As per information provided by State Governments as on 1.4.2012, out of 16,66,075 rural habitations in the country, 3,56,949 rural habitations are identified as habitations with ST concentration. Out of this, 2,44,831 habitations are reported to be fully covered with 40 liters per capita per day of safe drinking water and 88,227 habitations are partially covered. In addition, 23,891 ST concentrated habitations are reported to have at least one drinking water source which has reported chemical contamination.

Under the NRDWP, all rural habitations are to be provided with a minimum of 40 litres per capita per day(LPCD). This is proposed to be increased to 55 LPCD in the current plan period. States are required to implement the water supply schemes in the form of piped water supply, handpumps, tubewells and other improved sources. Universal coverage of ST concentrated habitations is prioritized, by providing 10 per cent of the national allocation of NRDWP under the STSP. In the year 2012-13, out of national allocation of Rs. 10,500.00 crs, Rs. 1050.00 crs. is to be spent on ST concentrated habitations.

Under NRDWP, the Water Quality Monitoring Surveillance Programme (WQSP) provides for periodic testing of the Water quality of drinking water sources in all habitations including tribal habitations to identify the cases of chemical and bacteriological contamination and take corrective measures.

For habitations where power supply is a problem, the Ministry proposes to implement in the current year, a dual power piped water supply scheme based on Solar Energy in 10,000 rural habitations in 82 Integrated Action Plan (IAP) districts of the country. These habitations are remote and mostly in areas with ST concentration. The Scheme proposes to install a solar powered submersible pump inside the hand pump pipe which shall fill an overhead water reservoir, from where pipe water supply shall be provided to rural population through household connection or stand posts.

Through this focus on coverage of habitations with tribals' concentration, PTG habitations shall also be covered.

Recommendation No. 7 (iii)

[Page No. 163]

(iii) In order to provide emergency and regular treatment facilities to the PTGs, one Medical Mobile Van equipped with primary treatment facilities and medicines along with minor surgical equipments should be arranged for each block in the interior areas. The State Govts. having PTGs should also make special arrangements to provide nutrition-rich items like ragi, minor millets, tubers etc. to lactating and expectant mothers to combat malnutrition.

[Para 4.19.1(iii)]

Action Taken:

The Department of Health and Family Welfare has informed that the Primary vision behind the launch of National Rural Health Mission (NRHM) was to provide accessible, affordable and quality health care to the rural populations, especially the vulnerable sections which cover the Scheduled Tribes and also the Particularly Vulnerable Tribal Groups. Over the years various initiatives have been taken by NRHM to overcome difficulties with regard to 'hard to reach areas' through services such as Emergency Response Services and patient transport system and Mobile Medical Units (MMU).

Emergency Response and Patient transport system:

The term Emergency Medical Transport Service (EMTS) evolved to reflect a change from a simple transportation system (ambulance service) to a system in which actual medical care occurred in addition to transportation. The transportation is coordinated by a state-of-art emergency call response centre, which is operational 24 hours a day, 7 days a week.

“108 Ambulance Service” is Public Private Partnership model to provide complete pre-hospital emergency care from occurrence of event to evacuation to an appropriate hospital. Moreover, the call to the number ‘108’ is a toll free service accessible from landline or mobile. Emergency response services ambulance fleet includes Basic Life Support Ambulances (BLS) and Advanced Life Support Ambulances (ALS). The ALS ambulances are available with cardiac monitor and defibrillator in addition to the basic provision of a BLS ambulance. The concept of “108 Ambulance” aims at reaching the patients/sites within 20 minutes in urban areas and 40

minutes in rural areas and that the aim is to drop the patient to the nearest hospital within 20 minutes after reaching him/her.

In Financial Year 2012-13 State is being given more than Rs. 600 crores under this Initiative and States have been provided with 7218 Emergency Response Services/ patient transport ambulances and 7167 other ambulance services as on 31.3.2012. Also, in this Financial Year 1900 new ambulances are being sanctioned in various States.

Mobile Medical Units (MMUs):

Under NRHM, 35 States/UTs have been provided financial assistance of Rs. 275 crore for approximately 2013 MMUs with the objective to take healthcare to door steps of the public in the rural areas, especially in the underserved areas and provision of Mobile Medical Units at the district level based on the need with a cap of 5 MMU/district (for hilly/tribal/deserted areas. Further relaxation can be given on a case to case basis. Suggested composition of team in MMUs is Medical Officers: Two, one of whom will be a Lady Medical Officer, Radiologist, Nurse, Laboratory technician, Pharmacist, helpers, three drivers and specialist. The MMUs provide following services- Referral for complicated cases, Early detection of Tuberculosis, Malaria, Leprosy, Kala Azar and other Locally endemic non-communicable disease such as Hypertension, Diabetes and cataract cases, Minor surgical procedures and suturing, Ante-natal check up and related services, Promotion of institutional deliveries, Immunization Clinics , X-ray, ECG etc. In

Financial Year 2012-13 financial support of Rs. 275 crores for approximately 2013 MMU is being given in various States.

Types of vehicle for NE States, HP and J&K: Three vehicles are provided for the purpose with the NRHM logo. One is ten seater passenger carrier to transport medical and para-medical personnel. The other vehicle is for carrying equipment/accessories along with basic laboratory facilities. In addition to these two, a mobile van with diagnostic equipment such X-ray, ultrasound, portable ECG machine and generator is provided. For remaining States: two vehicles are provided for the purpose with the NRHM logo. One will be a ten seater passenger carrier to transport medical and para-medical personnel. The other vehicle will be for carrying equipment/accessories and basic laboratory facilities.

In Financial Year 2012-13 financial support of Rs. 275 crore for approximately 2013 MMUs has been contemplated for various States.

Recommendation No. 7 (iv)

[Page No. 163]

(iv) The State Govts. should be advised to arrange distribution of consumer items available under PDS through mobile vans in respect of such PTGs who live in inaccessible forest/hilly areas where PDS outlets within reasonable distance are not available. The Commission further recommends that the State Govt. should make arrangements for organizing weekly markets (haat bazaar) where PTGs could come, sell the products crafted by them and purchase the items of their needs.

[Para 4.19.1(iv)]

Action Taken:

This is for the State Govts. concerned to consider this recommendation.

However, the Deptt. of Food & Public Distribution has informed that it is implementing “Targeted Public Distribution System” (TPDS) for distribution of foodgrains at affordable prices, especially to the poor. Under TPDS, foodgrains are being allocated at highly subsidized prices by that Department to States/UTs for distribution to the accepted number of 6.52 crore Below Poverty Line (BPL) families, including 2.43 crore Antyodaya Anna Yojana (AAY) families

@ 35 kg per family per month. That Department has also stated that the criteria for identification of poorest of the poor i.e. AAY families, which is to be undertaken by States/UTs, includes amongst others, special provisions for inclusion of all primitive tribal households.

2. Further, under the guidelines issued by that Department for strengthening of PDS, States/UTs are to ensure that no consumer/card holder has to travel more than 3 kms to reach his Fair Price Shop. It was also suggested that in some rural areas, particularly in Tribal Areas, sale centres at weekly Haats to provide essential commodities at fixed prices, will be a great boon to consumers of these areas.

3. The Department of Food & Public Distribution has also advised (vide letter No. 18(19)/2011-PD-III, dated 7th Aug, 2012) all State Govts./UT administrations to take necessary action on the recommendations of the Commission.

Recommendation 7 No. (v)

[Page No. 163]

(v) The State Govts. are advised to provide financial assistance to the PTGs families to enable them to construct houses as per their needs [**Para 4.19.1(v)**]

Action Taken:

1. This is for the State Govts. concerned to consider the recommendation of the Commission for implementation.

2. The Ministry of Tribal Affairs under the Central scheme of development of PTG release grants to State Govt. to focus on areas that they considered is relevant to PTGs and their socio-cultural environment. Activities under it includes housing besides others such as land distribution, land development, agriculture development, cattle development, construction of link road etc. The proposals from the State Govt. are submitted as per the CCD plan of the State prepared for Five Year Plan Period. The expert committee on CCD Plan in the Ministry headed by Secy. (TA) examines and approves the CCD Plan. Allocation, however, is subject to availability of funds under the scheme.

3. The Department of Rural Development has informed that it is implementing Indira Awaas Yojana(IAY), a centrally sponsored scheme, in the rural areas of the States/UTs with an objective to provide financial assistance to BPL rural households for construction of houses. Inclusive development in the tribal regions of the country is one of the main objectives of the Scheme. As per scheme guidelines, 60% of the funds is to be utilized for the benefit of Scheduled Castes and Scheduled Tribes and a maximum of 40% can be utilized for non-SC/ST rural households.

4. However, during the year 2008-09, as a part of Economic Stimulus Package, Rs.3050.00 crore were allocated exclusively for IAY for construction of 22.39 lakh houses in addition to the normal allocation under IAY. Out of this, Rs.35.25 crore were released as first installment for construction of 61064 additional houses for Primitive Tribes Groups of four States namely: Andhra Pradesh, Jharkhand, Rajasthan and West Bengal and the second installment of the same was released to these States during the years 2009-10 and 2010-11.

Recommendation 7 No. (vi)

[Page No. 163]

(vi) Almost all the PTG families are BPL families and, therefore, there is an imperative need to involve them in income generating activities. Efforts should be made to encourage them to take to settled agriculture (by supplying them improved seeds, agricultural kits, plough bullocks, bullock carts etc.), horticulture and animal husbandry (by supplying them crossbreed cows, she buffaloes, sheep/piggery units etc.). They should also be provided training in cane and bamboo craft, carpentry, LMV driving, tailoring and coir craft to generate self-employment among them.
[Para 4.19.1(vi)]

Action Taken:

These recommendations of the Commission are for the State Govts. concerned to consider. However, some of the programmes implemented under various schemes of the Central Ministries/Depts. for the welfare of the Scheduled Tribes are as under :

(a). **Deptt. of Animal Husbandry, Dairying & Fisheries:**

The Deptt. of Animal Husbandry, Dairying & Fisheries has informed this Ministry that it is not involved in supplying cross breed cows, buffalos, sheep, piggery units etc., but it runs a number of schemes with the objective to ensure development in the dairy sector, live stock health sector, fodder development, poultry development, development of small ruminants and rabbits, pig development, etc.

2. The Dairy entrepreneurship development programme is being administered through NABARD and provides financial assistance to commercially bankable projects with loans from commercial banks with a capital subsidy of 25% (33.33 for SC & ST beneficiaries) as Central assistance. The scheme in-er-alia entails promoting setting up of small dairy farms, generating employment, up-gradation of quality and traditional technology to handle milk on commercial scale. Similarly, under the intensive dairy development programme, the developments of dairy infrastructure in hilly and backward areas are encouraged on 100% grant-in-aid basis from Central Government to State Government. Centrally Sponsored Schemes for poultry development in the form of assistance to State Poultry Farms, Rural backyard poultry development, and poultry estates are also being administered by that Department.

3. The States, which have potential for sheep/goat rearing may also participate in the Central sector schemes of Integral Development of Small Ruminant and Rabbits (IDSRR). IDSRR provides for setting up cluster of small rearing units for farmers for which subsidy to the extent of 25% - 33% are available. A Central sector scheme for pig development provides for setting up of Pig Rearing Units and Pig Breeding Farms for farmers for which subsidy to the extent of 25% (33% for NER) are available. NGOs are involved in the project and NABARD plays the funding role for some of the schemes.

(b). Department of Agriculture & Cooperation:

The Department of Agriculture and Cooperation has informed that prior to 2011-12, no separate provision for ST component was provided in the detailed Demand for Grants. While releasing funds and issuing sanctions under various schemes, condition of spending at least 8 % of the amount for the benefit of STs was used to be imposed. However, after instructions from Ministry of Finance and Planning Commission, separate provisions for Tribal Sub Plan (TSP) have been provided in relevant Minor Head (796) in the detailed Demand for Grants from 2011-12 onwards.

2. The total allocation under various Centrally Sponsored Schemes and Central Sector Schemes and funds allocated for TSP during the 11th Five Year Plan and the current year i.e 2012-13 is as follows:-

Sl. No.	Year	Total Allocation under Centrally Sponsored and Central Sector Scheme of DAC# (RE)	Allocation under TSP*
1	2007-08 (RE)	5887.94	471.03
2	2008-09 (RE)	6933.98	554.72
3	2009-10 (RE)	7218.16	577.45
4	2010-11 (RE)	10492.00	839.36
5	2011-12 (RE)	8654.18	692.33*
6	2012-13 (BE)	10991.00	882.59*

This total allocation excludes allocations under the RKVY, which is a State Plan scheme, and Shifting Cultivation scheme.

* Allocations made for TSP under the separate head i.e Minor Head (796).

Recommendation 7 No. (vii)

[Page No. 164]

(vii) The State Govts. (other than the Govt. of Madhya Pradesh) which have PTGs should be advised to formulate schemes for recruitment of candidates belonging to PTGs in Group C & D posts and contract posts of Teaching category in various grades without subjecting them to go through the recruitment process provided they possess the minimum qualification prescribed for the posts on the line of the scheme formulated by the Govt. of Madhya Pradesh. **[Para 4.19.1(vii)]**

Action Taken:

The State Governments have been requested to take appropriate action with regard to the recommendation of the NCST and the view of the NCST shall be taken into consideration while examining the CCD Plan of State/UT.

Recommendation 7 No. (viii)

[Page No. 164]

The Govt. of Karnataka has set up District Level Committees to oversee the effective implementation of the programmes for development of PTGs through various departments. The Deputy Commissioner of the respective district is the Chairperson of the Committee. The Committee meets once in three months to review the impact of the development programmes. The Commission feels that this is a very good step to ensure the development of the PTGs and needs to be replicated by other States and, therefore, all the other States having PTGs may also be advised to set up District Level Monitoring Committees on the line of the Karnataka model. **[Para 4.19.1(viii)]**

Action Taken:

State Govts. have been advised to take appropriate action with regard to the recommendation.

Chapter- 5: Educational Development of Scheduled Tribes.

Recommendation No. 1 (i) to (iv)

[Page No. 164-165]

1. Andhra Pradesh

The State Govt. of Andhra Pradesh is advised to make special efforts.

(i) to improve the female literacy rate in districts Mahebnagar, Medak and Nizamabad to bring the same at par with the State's ST literacy rate (of females) to 26.10%. **[Para 5.2.1.1]**

(ii) to increase the female literacy rate in respect of the Kolam and Kondh tribes (which are also PTGs) by providing various kinds of incentives. **[Para 5.2.1.2]**

(iii) to raise the income ceiling of Rs. 18,000/- per annum in respect of the parents of the tribal children under the Best Available School Scheme aimed at

imparting quality education to ST children to cover more tribal children and to ensure that the revised income ceiling under all circumstances is fixed above the poverty line. **[Para 5.2.3]**

(iv) to reduce the drop-out rate which is 74.7 in Classes I to VII by providing various types of incentives to the tribal girls and boys and their parents. **[Para 5.2.6.1]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Andhra Pradesh for consideration and appropriate action.

Recommendation No. 2 (i) to (iv)

[Page No. 164]

Chhattisgarh

The State Govt. of Chhattisgarh is advised:

(i) to make special efforts to increase the female literacy rate in districts like Sarguja, Kawardha, Mahasamund, Bastar and Danterwada and the

literacy rate among the PTGs namely Abujhamadia, Baiga and Birhor. **[Para 5.3.1]**

(ii) to take immediate steps for improvement of infrastructure in respect of the Hostels which are without electricity connections and boundary walls. **[Para 5.3.2.1]**

(iii) to take necessary steps for appointment of one more teacher in all the single teacher Schools in the educational interest of STs. It is suggested that while making appointments, efforts should be made to appoint the teachers from amongst the local tribal youths. **[Para 5.3.2.3]**

(iv) The Commission notes that 2295 posts of teacher in seven tribal districts of the State are lying vacant. The State Government is advised to chalk out a time bound programmed to fill up 2295 vacant posts of teachers in the primary Schools in the State. **[Para 5.3.2.4]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Chhattisgarh for consideration and appropriate action.

Recommendation No. 3

[Page No. 165]

Himachal Pradesh

(i) To improve the attendance in school, the State Govt. provides poverty stipend scholarship at the rate of Rs. 4/- per month per tribal student. The amount of such scholarship for girl students is at the rate of Rs. 2/- per month per student. The Commission recommends that the State Govt. should take immediate steps to revise the quantum of these scholarships to raise it atleast to Rs.50/- per tribal student (both boys and girls). The State Govt. is further advised to raise the income ceiling of Rs.11,000/- under this scheme with a view to provide attendance incentives to more ST boys and girls and also to ensure that the revised income ceiling under all circumstances is fixed above the poverty line. **[Para 5.4.3.2]**

Action Taken:

The Recommendation of the Commission has been conveyed to the State Govt. of Himachal Pradesh for consideration and appropriate action.

Recommendation No. 4

[Page No. 165]

Karnataka

(i) The State Government is advised to make all-out efforts to reduce the drop-out rate by providing incentives to the tribal girls and boys and their parents. **[Para 5.5.3]**

Action Taken:

The Recommendation of the Commission has been conveyed to the State Govt. of Karnataka for consideration and appropriate action.

Recommendation No. 5 (i) & (ii)

[Page No. 165]

Madhya Pradesh

The State Govt. of Madhya Pradesh is advised:

(i) to make special efforts to increase the female literacy in Jhabua, Sidhi and Satna Districts and also to improve the overall female ST literacy which is low compared to the State female literacy rate. [Para 5.6.1]

(ii) to take steps to ensure that the full quota of 50% seats earmarked for girl students in 11 Ekalavya Model Residential Schools in the State is filled up from amongst ST girls only in the overall interest of the female education in the State. [Para 5.6.2.2]

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Madhya Pradesh for consideration and appropriate action.

Recommendation No. 6

[Page No. 166]

Manipur

(i). The State Government should take immediate steps for improvement of infrastructure in all the five Hostels for ST girls and subsequently for the hostels for ST boys. The State Government is also advised to ensure supply of electricity in all the Hostels and Ashram Schools. The State Govt. should

also draw up a time-bound programme for filling up of the vacant posts in Ashram Schools to ensure better education to ST children residing and reading in them. [Para 5.7.2.1]

Action Taken:

The Recommendation of the Commission has been conveyed to the State Govt. of Manipur for consideration and appropriate action.

Recommendation No. 7

Orissa

(i). The Government of Orissa is advised to make special efforts to increase the female literacy rate among the tribals and the literacy rate of the Primitive Tribal Groups by organizing awareness Camps in the tribal and PTG areas and also by providing incentives to children and their parents to induce them to attend schools. **[Para 5.8.1]**

(ii). In Orissa, there are 2181 single-teacher Schools in tribal areas. The State Government have decided to appoint more number of teachers in such Schools i.e. one additional teacher in Schools having a minimum of 40 students. The State Govt. is advised to take immediate steps for appointment of one additional teacher in other single-teacher Schools also. Preference should be given for appointment of local tribal youth as Primary teachers. **[Para 5.8.2.3]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Orissa for consideration and appropriate action.

Recommendation No. 7 (iii)

(iii). It has been stated by the State Govt. that due to non-receipt of financial assistance from Govt. of India, some of the ITDAs (Integrated Tribal Development Agencies) have stopped providing vocation training to ST boys and girls. The Ministry of Tribal Affairs is advised to look into this and ensure that the necessary funds are released to the ITDAs/ State Govt. at the earliest. **[Para 5.8.8]**

Action Taken:

Release of funds depends upon receipt of complete proposal including Utilization Certificates and physical progress report in respect of earlier releases. Government of Orissa (Odisha) has neither been able to utilize the grant released during the year 2000-01 & 2002-03, nor has it furnished the utilization certificate. Therefore, no further grant could be considered under the scheme of Vocational Training in Tribal Areas.

Chapter-6: Health and Nutrition.

1. Andhra Pradesh

Recommendation No. 1 (i) to (v)

[Page No. 166-167]

(i) The State Govt. should consider extending the benefits of the scheme introduced by them from the year 2006-07 with an objective of preventing death of new-born babies from hypothermia and outside infections to non-institutional births also. This scheme in its present form encompasses the babies born in the Govt. institutions only. **[Para 6.2.1 (ii)]**

(ii) There is a need to organize more camps by the State Govt. in the tribal areas of the State involving specialist doctors to create awareness among the tribal women about the ill effects of anemia and malnutrition. Arrangement should also be made in these camps for providing medicines, medical examinations and tests free of cost for the tribals below the poverty line. **[Para 6.2.7]**

(iii) The State Government should take effective and time bound measures to fill up the vacant posts of Doctors and other paramedical staff to ensure that the benefits of various schemes and programmes reach the tribals residing in remote and isolated areas. **[Para 6.2.8]**

(iv) The State Govt. is advised to consider providing facilities of residential accommodation in the CHCs and PHCs located in tribal areas. **[Para 6.2.9]**

(v) The State Government should concentrate on the tribal villages and hamlets situated in remote areas to combat the problem of malnutrition among children and expectant and lactating mothers. Base line community surveys are also required to be undertaken at grass root level. **[Para 6.2.10]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Andhra Pradesh for consideration and appropriate action.

2. Chhattisgarh

Recommendation No. 2 (i)

[Page No. 167-168]

(i) The State Govt. should take steps to launch widespread awareness campaigns in tribal areas to educate them about Government programmes and facilities available for them. The State Government should also make efforts to collect reliable data on various health indices related to tribal of the State to enable them to fashion their programmes in the tribal areas accordingly. **[Para 6.3.1]**

(ii) The State Government should make more efforts to extend its immunization programme in remote and isolated tribal areas and strengthen the delivery system through mobilizing the ground staff available with them. **[Para 6.3.2]**

(iii) As most of the deliveries in tribal areas are non-institutional deliveries due to non-availability of maternity services in the vicinity, the State Government should make more efforts to popularize institutional deliveries and about incentives available under the 'Janani Suraksha Yojna' in tribal belts of the State. The tribals of the State should also be educated to marry their daughters after attaining the age of 18 years as early marriage too often results in health hazard for the mother and the child resulting in higher rate of IMR and MMR. **[Para 6.3.3]**

(iv) The State Government has made several efforts to create awareness among tribals about the importance of the modern system of medical treatment in the view to wean them away from the age old traditional system of medicine. The Commission appreciates the efforts made by the State Govt. and feels that much more efforts are required to be made by the State Govt. in this direction as many incidents of 'Jhar-Phoonk', 'Jadu Tona' etc. among tribal and other communities are still reported in media. The State Government should also take effective measures against such practices besides educating the community as a whole. **[Para 6.3.6]**

(v) Having regard to the geographical conditions obtaining in the State, medical mobile units (Vans) can be more effective in the State to provide medical services to the tribals and, therefore, more stress should be given by the State Government to establish Medical Mobile Units equipped with necessary facilities and manpower. **[Para 6.3.7]**

(vi) The State Govt. should take immediate time-bound and effective measures to fill up a large number of vacant medical, nursing and paramedical posts to ensure delivery of health care facilities in tribal areas.

The State Government is also advised to provide attractive special incentives to the Doctors and paramedical staff posted in tribal and naxalite affected areas besides providing them accommodation in Hospital campus. **[Para 6.3.10]**

(vii) The Commission notes that the benefits of various programmes introduced by the State Govt. to ensure nutritious diet to the school going children is not reaching the many tribals specially residing in forest and naxal-affected areas. The State Government should educate the tribals in their local language and dialect so that they become aware of the importance of nutritional food. **[Para 6.3.11]**

(viii) The State Govt. should keep surveillance in the tribal districts about reports of fever incidence as several pockets in the State are still prone to malaria. It should make all efforts to eliminate filariasis, which is to be achieved by year 2015. More emphasis needs to be given to 9 filaria endemic districts. Surveys for filariasis morbidity are required to be undertaken in other districts as well. The State health machinery should also be prepared to fight dengue and Chikengunia which are emerging problems in all parts of the State. **[Para 6.3.13]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Chhattisgarh for consideration and appropriate action.

3 Himachal Pradesh

[Page No. 168-169]

(i) As most of the deliveries in tribal areas are non-institutional deliveries due to non-availability of maternity services in the vicinity, the State Government should make more efforts to popularize institutional deliveries and incentives available under the 'Janani Suraksha Yojna' in tribal belts of the State. The tribals of the State should also be educated to marry their daughters after attaining the age of 18 years as early marriage too often results in health hazard for the mother and the child resulting in higher rate of IMR and MMR. **[Para 6.4.1]**

(ii) The State Govt. should organize training programmes for local dais and provide them with necessary kits for ensuring safe deliveries in tribal areas which can help in reducing IMR and MMR in the State. **[Para 6.4.2]**

(iii) The State Govt. should organize more medical camps in tribal areas of the State as it may be very difficult for all tribals to reach in medical camp being organized in the same district due to terrain and harsh climatic conditions prevailing almost 5 to 6 months in a year. **[Para 6.4.3]**

(iv) The State Govt. should take immediate steps to provide more medical mobile vans in the tribal areas of the State such as Lahaul, Spiti, Pangi and Bharmour. **[Para 6.4.5]**

(v) The State Government should take urgent steps to fill up the vacant posts of Specialist Doctors in a time-bound manner. The State Govt. is also advised to consider appointing Specialists/ Surgeons from fresh post-graduates from Medical Colleges of the State as well as from outside. The Government should also consider enhancing the incentives for serving in tribal areas by providing accelerated promotion besides making arrangements of residential accommodation for Doctors and para-medical staff posted in tribal areas. **[Para 6.4.6]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Himachal Pradesh for consideration and appropriate action.

4. Manipur

Recommendation No. 4 (i)

[Page No. 169]

(i) The State Government should take immediate steps to fill up the vacant posts of Doctors and para medical staff from the available candidates in the State or outside and make the incentives more attractive. Appointment of Specialists/ Doctors on contract basis (from amongst fresh medical graduates and post-graduates) should also be considered by the State Government to improve the situation. The Commission further recommends that the State Govt. should make arrangements to provide more and more Medical Mobile Vans equipped with necessary facilities to take care of the health problems in the tribal areas. **[Para 6.6.3]**

Action Taken:

The Recommendation of the Commission has been conveyed to the State Govt. of Manipur for consideration and appropriate action.

5. Orissa

Recommendation No. 5 (i) to (vi)

[Page No. 169-170]

(i) The State Government should conduct studies to find out the IMR and MMR among the tribals and take more effective measures to reduce infant mortality and maternal mortality rates in tribal areas of the State in view of the fact that the tribals largely reside in remote, inaccessible, forested and forest fringed areas where the health and family welfare department finds operational difficulties.

[Para 6.7.1]

(ii) The State Government should provide more monetary incentives to the Doctors and paramedical staff posted in tribal areas of the State besides providing residential accommodation at the place of posting to retain them in the job. **[Para 6.7.4]**

(iii) The State Govt. should take steps in phased manner to create posts of Specialists in medicines, surgery, orthopedics and ENT in the CHCs located in the tribal area of the State. **[Para 6.7.5]**

(iv) The Commission feels that there is need for capacity building of the health functionaries by organizing training programmes for medical staff posted in tribal areas. **[Para 6.7.6]**

(v) The Commission finds that though the State's prevalence rate of leprosy has presently reduced to 0.92 against the national rate of 0.84 per 10,000 population, in 7 districts viz. Sundergarh, Deogarh, Bolangir, Jharsuguda, Sambulpur, Angul and Boudh, the prevalence rate is below 2 per 10,000 population and in two districts namely Sonapur and Baragarh, the prevalence rate is above 2 per 10,000 population. The Commission is of the view that as many of these districts have large ST population, there is need for the State Govt. to give further emphasis to leprosy eradication efforts in these districts. **[Para 6.7.7]**

(vi) The State Govt. has informed that presently 90 Mobile Health Units are in operation in KBK districts. This is not sufficient to cover all the pockets and, therefore, the State Government should take steps to provide more Mobile Health Units. **[Para 6.7.8]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Orissa for consideration and appropriate action.

6. Rajasthan

Recommendation No. 6 (i) to (iii)

The State Government of Rajasthan is advised:

(i) to undertake a study to find out the reasons for higher mortality among tribal infants and take effective measures to reduce it. The programme should involve the people from the tribal community apart from the health functionaries. **[Para 6.8.1]**

(ii) to open more health institutions in tribal areas and also introduce Mobile health units for inaccessible pockets which are far away from the medical institutions. **[Para 6.8.2]**

(iii) to take urgent steps to fill up the vacant posts in the various Health institutions in a time-bound manner. **[Para 6.8.3]**

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govt. of Rajasthan for consideration and appropriate action.

7. Sikkim

Recommendation No. 7

[Page No. 170]

The State Government of Sikkim should make necessary efforts to fill up the vacant posts of doctors and other paramedical staff either through regular appointment or through contractual appointment to provide health services to the people. Specialist Doctors should also be appointed besides upgrading the medical infrastructure in tribal areas to provide easy access to the tribal people. **[Para 6.9.4]**

Action Taken:

The Recommendation of the Commission has been conveyed to the State Govt. of Sikkim for consideration and appropriate action.

8. West Bengal

Recommendation 8

[Page No. 170]

The State Government should take urgent steps to fill up the posts of doctors and paramedical staff in CHCs/ PHCs and SHCs in the tribal areas either through regular appointment or on part time/ contract basis. **[Para 6.10.2]**

Action Taken:

The Recommendation of the Commission has been conveyed to the State Govt. of West Bengal for consideration and appropriate action.

Chapter-7: Land Alienation

Recommendation No. 1

[Page No. 171]

1. The State Government of Andhra Pradesh should take urgent action to frame the rules for implementing the provisions of amendment Act No. 7 of 1998. [Para 7.2.6]

Recommendation No. 2

[Page No. 171]

2. Section 4 of The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Lands) Act, 1978 and Rules, 1979 framed thereunder prohibits transfer of lands granted to a member of Scheduled Castes or Scheduled Tribes. The Act covers only the transfer of the land assigned/ granted by the State Govt. and not other lands. The Commission is of the opinion that the scope of the Act should be extended to cover all types of land held/owned by the Scheduled Tribes. [Para 7.5.1]

Action Taken:

The Recommendations of the Commission have been conveyed to the State Govts. of Andhra Pradesh and Karnataka for consideration and appropriate action.
