



By Speed
Post

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

23/4/J&K/Review Meeting/2012/RU-I

Date: 4th September, 2012

To

**The Chief Secretary,
Govt. of Jammu & Kashmir,
Srinagar**

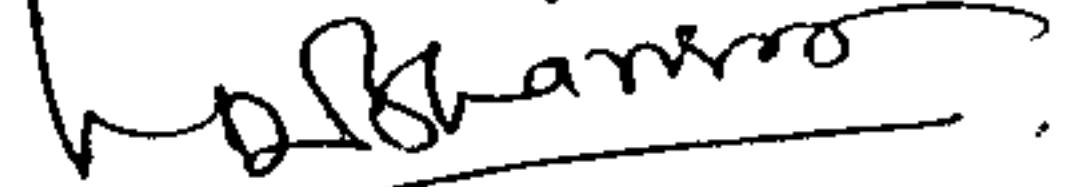
Sub: Follow-up on the Action Points emerged from the visit of the National Commission for Scheduled Tribes (NCST) to the State of Jammu and Kashmir from 27-07-12 to 03-08-12

Sir,

The Commission visited the State of Jammu & Kashmir from 27-07-12 to 03-08-12 to review the implementation of development programmes and reservation policy in respect of STs. The Report of the Commission is enclosed.

It is requested that follow-up action on the Action Points emerged from the discussion may please be communicated within a month.

Yours faithfully,


(K.D. Bhansor) Mrs.
Deputy Director

Encl: As above.

Copy to: -
✓ T- SSA (NIC)

Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Jammu & Kashmir from 27-07-12 to 03-08-12 for field visits and meetings at District and State level to review the implementation of development programmes and reservation policy in respect of STs

1.0 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairman, accompanied by Shri B.L.Meena and Smt. K.Kamla Kumari, Hon'ble Members, Shri Aditya Mishra, Joint Secretary, Smt. K.D.Bhansor, Dy. Director and Shri R.K.Dubey, Assistant Director visited the State of Jammu & Kashmir from 27-07-12 to 03-08-12 in accordance with the programme communicated to the State Government vide wireless message No. 23/2/12-Coord dated 19-7-2012 for field visits and meetings at District and State level to review the implementation of development programmes and reservation policy in respect of STs

27-7-2012

Formal welcome and briefing the Commission about various aspects of tribal development by Dy. Director, Tribal Welfare Department, Government of J&K.

2.0 After arrival at Jammu Airport, Shri Bhumes Sharma, Dy. Director, Tribal Welfare Department and officers of the State Protocol Department, Government of J&K welcomed Hon'ble Chairman and Members of the Commission. Representatives of many tribal welfare Associations and other social groups also welcomed the Commission. Thereafter, the Commission reached the Circuit House, where Shri Sanjeev Verma, District Development Commissioner, Jammu District received the Commission and discussed various issues concerning the development of Scheduled Tribes in the State. In the afternoon, the Commission left for Rajauri District by road.

2.1 In the evening, the Commission reached Circuit House, Rajauri where Shri Saugat Biswas, District Development Commissioner, Rajauri, received it. Shri M.K.Sinha, DIG, Rajauri range also came to Circuit House to welcome the Commission. The programme for field visits of the Commission were also discussed and decided in the meeting.

28-07-2012

Visit to Kotranka, Block in Budhal Taluka

3.0 In the morning, the Commission departed for Kotranka which is the Block headquarter of Budhal Block. This Block is having highest concentration of Scheduled Tribes in the District. The Commission was informed that as per 2001 Census, the Budhal Block was having a population of about 98,000 persons out of which about 52,000 were from the Scheduled Tribe category. Gujjar and Bakarwal community, included in the Scheduled Tribe list of the State, predominantly inhabit the Block. They are mainly engaged in sheep and goat rearing. Some of them also rear buffalo and cows. Many tribal Sarpanch and representatives were invited in the Block office to discuss their problems with the Commission. Tahsil and Block level officers were also present in the meeting. The issues raised before the Commission in the meeting and the views/ recommendations of the Commission thereon are as under:

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

1) There is 60% reservation in allotment of houses under Indira Aawas Yojana for the Scheduled Tribes. However, the units sanctioned for each Gram Panchayat is only two to three houses per year, which is not sufficient in view of the large number of Scheduled Tribe population. Hundreds of families belonging to the Bakarwal community are houseless and they are residing under the trees along with their cattle. The Commission desired that the State Govt./ Distt. Administration should plan/ construct higher level of houses per year commensurate with the demand.

Action: State Government/ Distt. Admin..

2) Most of the Scheduled Tribes in the Block are poor. The Scheduled Tribes of Bakarwal community seasonally migrate from hills to the plains and vice-versa along with their cattle. They have not been provided Permanent Residency Certificates as a result of which they could not avail the benefits of various development schemes run by the government for their socio-economic upliftment. During the census conducted in the past, the enumerators could not count such migrant population. Many of the deserving families from the Bakarwal and Gujjar communities could not be included in the BPL list also. Therefore, they could not get subsidized ration under PDS scheme. The Central Government should undertake special survey for counting the tribal population in the State, as the census figures do not correctly reflect the size of tribal population in the State. The State Government should also ensure that the food security is provided to the tribal population, specially the migrant Scheduled Tribes. It should also provide Permanent Residency Certificate to them so that they could get benefit of other developmental schemes.

Action: State Government.

3) The Scheduled Tribes of the District residing in the Blocks having international border are covered in the Border Block development programme. They also come under the backward area development programme. Thus, they are entitled to get double benefits of development programmes. However, they are not getting the benefits to fill in the gap in development in comparison to the developed Blocks.

Action: State Government/District Admn.

4) The Commission was informed that there is uniform 10% reservation for the Scheduled Tribes in the State services. The population of Scheduled Tribes varies from District to District in the State. In many districts of Kashmir region, it is as low as 2%. In the Districts of Laddakh region, it is more than 80%. Similarly, in Rajauri and Poonch Districts, the tribal population is about 35% to 40%. In view of the above, the percentage of reservation in the services under the State should be made in proportion to the Scheduled Tribes population of the District and District Level Cadres in various services should be operated. Many posts reserved for Scheduled Tribe category in various government departments are lying vacant. The State Government should be advised to launch Special Recruitment Drive for filling these vacant posts. The Commission observed that the State Govt. may examine the demand of the tribals regarding reservation in the services in proportion to the ST population and establishment of Distt. Level Cadres.

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

The Commission further desired that the State Govt. should launch SRD to fill up the vacant posts for STs on an urgent basis.

Action: State Government.

5) The State Government has imposed ban on appointment of Scheduled Tribes in Government services outside their home districts. Thus, they cannot be selected in the posts reserved for them outside their districts. As a result of this ban, many posts reserved for STs in Badgam and other districts of Kashmir are lying vacant. The State Government should remove this ban. The Commission desired that the State Govt. may review the ban on inter-state recruitment with a view to improving the level of representation of STs in services.

Action: State Government.

6) The Gujjar and Bakarwal communities informed that they have faced severe hardship due to militancy in last two decades. They have always helped the Indian Army and para- military forces in the matter of National Security. These communities demanded that a separate regiment in Indian Army should be created to give employment to the educated youths of these communities.

Action: State Government/GOI.

7) The Central and the State Government are not releasing the funds for developmental programmes under the Central Sector Schemes and Article 275 (1). Usually, it is being allocated at the fag end of the financial year as a result of which no time is left for utilizing the funds. It is to be reallocated every year. In Kashmir, no developmental work can be undertaken during the winter season due to snowfall and adverse climatic condition. It can be undertaken only from the month of April to September. Thus, timely release of funds by the Central and the State Government can boost up the developmental activities for Scheduled Tribes. The Commission desired that the State Govt./ MTA may submit a factual position regarding reported delay in allocation of funds.

Action: State Government/MTA

8) There is a huge gap in the demands and the allocation of funds for various developmental activities under the Central grant. The State Government has fixed a monetary ceiling and the demands over and above the ceiling are not entertained during the finalization of programmes.

Action: State Government/MTA.

9) The funds received under these schemes are not being properly utilized particularly for basic infrastructural facilities like construction of roads, providing drinking water, electrification etc and being diverted for purposes, not meant for benefit/development of tribals. There is no road connecting the villages Sanukot Tirala under

3

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Sankari Panchayat where 99% population belongs to the Scheduled Tribe community. The Commission observed that complaints regarding improper utilization of funds, specifically meant for development of tribal areas, should be urgently investigated by the Distt. Admin. Further, road connectivity to all tribal areas should be ensured.

Action: Distt. Admin.

10) There is no reservation for Scheduled Tribes in the Rahbar-e-Taleem scheme for providing education to the children in the villages. Revenue village has been made a unit and the teachers under this Scheme are appointed from the village. However, they do not come to the schools in the tribal hamlets situated away from the main village. For appointment as a teacher in the scheme, the minimum qualification has been made 10+2. The ST candidates having 10+2 qualification are not available. There is no relaxation in qualification for Scheduled Tribe candidates. The Commission desired that the State Govt. should consider relaxations in qualification in respect of ST candidates to facilitate their recruitment at local level, which would also ensure their attendance in the schools.

Action: State Government

11) There is no representation of Scheduled Tribes of Budhal Block in the J&K State Advisory Board for development of Gujjars and Bakarwals. At least one representative from the Scheduled Tribes of this Block should be nominated in the Board.

Action: State Government

12) The elected Sarpanch of the village Panchayat are not being consulted in the planning related to various developmental activities for the Scheduled Tribes. The State Government has issued instructions to the District level officers in this regard but out of 14 departments, only Revenue Department is inviting and consulting them in its activities. No other department is consulting the elected Sarpanch of the district. Even the District Planning Board has finalized the plan without consulting the elected Sarpanch. The representatives also demanded that separate Tribal-sub-Plan should be prepared in the State as being done in other States. The 73rd amendment of the Constitution of India related to PESA Act should also be extended in the tribal areas of J&K State to empower the Scheduled tribes of the State. The Commission desired that the State Govt. should ensure the envisaged role of the Panchayats in the process of planning. The State Govt. may also examine the extension/ applicability of the PESA Act, as demanded by the tribals.

Action: State Government.

13) The mobile schools being run for the migrating population of Bakarwal community have been made stationery, which is resulting in the low literacy among this group. The mobile schools should be reopened and mobile teachers should be posted urgently to improve the situation. Further, provision of spiel-upgradation during mobility of tribals should also be considered. There is no school in many tribal hamlets in the Kotranka Block. Moreover, there is a shortage of teachers in the schools in the Block. All



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

the vacant posts of the teachers should be filled up. Many teachers are on deputation to other departments. Teachers should not be sent to other departments on deputation and those who are on deputation should be repatriated to their parent department to improve availability of teachers. The Commission desired that the Distt. Admin and the State Govt. should take urgent action to ensure availability of requisite number of teachers in schools and also mobile teachers among tribals.

Action: Distt. Admin/ State Government.

14) In many hamlets, the tribal population depends on waterfalls (chashmas) for their drinking water requirement. There is no drinking water facility provided by the State Government. The Public Health Engineering Department officials of the Block informed that only Rs.6 lakh were allocated to them for providing drinking water in the villagers against a demand of Rs.22.9 lakh. The allocation made for the purpose was not sufficient to cater the needs of the people. The Commission desired that the Distt. Admin/ State Govt should ensure allocation of funds towards drinking water supply, commensurate with the needs in the tribal Areas.

Action: Distt. Admin/ State Government

15) There is one Community Health Centre at Kotranka and three PHCs in the Block. In the district Rajauri, there is a district hospital at the District Headquarter. Seven CHCs, 21 PHCs, 11 new type PHCs and 140 Sub Centres are there in the District. However, in many of the PHCs, Doctors are not available. There is no doctor in the sub centres in Targai Labar Panchayat and Chakbadli sub centre under Parodi Panchayat. Physicians, Gynecologist and other specialist are also not available in the CHCs. NHRM scheme is also not attracting the Doctors to work in the difficult areas. The Commission observed that the deficiencies of doctors and para-medical staff should be uniformly shared, rather than being more in tribal areas due to unwillingness of the doctors and para-medical staff to ~~save~~ ^{serve} in remote and difficult tribal areas. Further, the availability doctors/ specialists should be improved through better recommendation and facilities under MHRM.

Action: State Government/GOI.

16) There is an Ambulance available at each Block headquarters, which takes the patients to the referral hospitals. The patients referred to the referral hospitals have to pay ambulance charges to the Health Department., Which are comparable ^{higher} higher than prevailing hiring charges for vehicles/ taxies etc. There is no mobile health unit in the district. The Block Medical Officer informed the Commission that critically sick patients of BPL category are given ambulance facility from the un-tied funds available with them. However, the tribal representatives informed that in no single case, such facilities were made available to the needy tribal families below poverty line. The Commission desired that the Distt. Admin should ensure availability of ambulances at reasonable charges. Further, free ambulance facility should be provided to these below BAL.

Action: Distt. Admin/ State Government.

17) There is no electrification in many tribal villages and hamlets. There is a post of

Rameshwar Oraon ⁵

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Assistant Engineer (Electrical) at Kotranka but no officer is available for discussing the problem faced by the villagers.

Action: Distt. Admin/ State Government.

18) No Anganwadi centre is working properly in the Block and the District. Anganwadi workers are not residing in the village and many of them are residing at the District Headquarter or far away places. They do not come to the Anganwadi Centres to distribute nutritious food to the children and medicines to the expecting mothers. The officer present in the meeting informed the Commission that there are 310 Anganwadi centres in the Block and the children are being given nutritious meals. A certificate is obtained from all the Sarpanch regarding proper working of Anganwadi Centers and then only the honorarium is released to the Anganwadi workers. The Sarpanch and other tribal representatives present in the meeting strongly opposed this contention and challenged the concerned officer to show any such certificate in this regard. The Commission advised the W & CD Department officer to hold the meeting with all the Sarpanch to improve the working of Anganwadi Centers in the Block and the District. The Commission also suggested taking action against those Anganwadi workers who are not performing their duty.

Action: Distt. Admin/ State Government

19) Old age and widow pensions are not being distributed in the District since the year 2007. The Commission was informed by the BDO that the survey could not be done due to militancy and no central grant was provided for the purpose. The Commission desired that the State Govt. should urgently look into the matter.

Action: State Government

20) Banking facilities are very poor in the District, specially in the tribal areas. The Banks are not coming up to open the branches in the Block and the District due to security reasons. The number of post offices is also limited. As a result, there is a problem in arranging timely payment to the beneficiaries under various developmental and welfare schemes. New ATMs should be established at various places in the Block and the District. The Commission desired that the State Govt. should interact with Banks/ Postals Authorities to address the issue.

Action: State Government/GOI.

21) Though, about 20,000 job cards were issued under MG NAREGA in the Block and about 15,000 job card holders were given work, many persons do not turn up for working due to lower wages which is presently Rs. 131/- per day. There is delay in payment due to poor banking facilities and security reasons and therefore, the workers prefer to work in private sector due to higher wages and timely payment. The Commission advised to consider making payments through the smart cards as being

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

adopted in some other States to improve the effectiveness of the Scheme.

Action: State Government/GOI.

22) A State level Commission for Scheduled Tribes should be constituted to advise the State Government on the policy matters and working of various welfare measures and to settle the grievances of the Scheduled Tribes of the State.

Action: State Government.

Visit to Baba Ghulam Shah Badshah University, Rajouri.

3.1 The Commission visited Baba Ghulam Shah Badshah University, Rajouri in the afternoon on a short notice where the Registrar of the University and other faculty members welcomed it. The Registrar briefed the Commission about the academic activities and courses offered by the University and issues related to the welfare of the students. This University has come into existence by an Act of the J&K Legislative Assembly, Act No. XVI of 2002. The University imparts quality education in job oriented technical courses. At present, teaching is imparted in Business Management, Financial Management, Computer applications, Information Technology, Arabic, Applied Mathematics and B.Tech. in Electronics & Communication, Computer Sciences, Civil, Electrical and Renewable Energy, Information Technology & Telecommunication. The academic session of the University started in the year 2005. The jurisdiction of the University is all over the State of J&K. Almost half of the faculty and students stay in the University campus. As on date, there are 91 faculty members and supporting staff in position. About 2000 students are studying in various courses offered by the University out of which 950 students are residing in hostels. About 250 female students have taken admission in various courses of the University. This includes 100 students from ST category. The University is recognized by UGC and the courses offered by the University are also recognized by the AICTE.

3.2 The Commission desired to know the status of reservation for Scheduled Tribes in admission and appointments. The Commission was informed that there is 10% reservation for STs in admission and appointment to the teaching posts. In non-teaching posts the reservation for Scheduled Tribes is 20%. The Commission expressed its appreciation that the State Government has established this University in the region, which is having substantial tribal population. The Commission advised the University authorities to make special efforts to fulfill the prescribed percentage of reservation for Scheduled Tribes both in admissions and appointments.

Action: BGSB University

3.3 The Registrar of the University informed the Commission that the University has demanded funds for construction of girls hostel in the campus but it could not be materialized so far. The Commission advised him to route the proposal through the State Government, with a copy to the Commission. The Commission also advised the University to include the issues concerning the development and welfare of Scheduled Tribes in its curriculum. The University may also include some courses in Social Science



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

subjects in this regard. The Commission also advised the faculties to identify the weakness deficient areas of the tribal students and undertake special support programme for them.

Action: BGSB University

Meeting with Tribal Delegates

4.0 The Commission held a meeting with the representatives of All India Confederation of SC/ST and OBC organizations, District Unit, Rajouri. Following issues were shared with the Commission.

1) The population of the Scheduled Tribe in the State is about 11%. Hence, 11% budget of each Department from the State Budget should be allocated for the tribal population. Presently, each district is being allocated only Rs. 1 crore to 1.25 crore per year which is not sufficient to meet the requirement. Funds from the general budget of each department should also flow for the development of tribal areas.

Action: State Government.

2) The villages having substantial tribal population are also lacking road connectivity, electrification and drinking water facilities. Especially, there is big problem of drinking water in Budhal Block. Even the villages where electrification has been done, only a few houses are having electric connection and most of the houses still remain in dark.

Action: State Government.

3) The Directorate of Tribal Welfare in the State is not working properly. They do not have officers in the Districts and Blocks in tribal areas, as a result of which, there is no monitoring of development activities and welfare measures for Scheduled Tribes. The budget is allocated only at the fag end of the financial year and developmental activities are badly effected due to this reason.

Action: State Government.

4) Scholarships are not being distributed in time to the tribal students as a result of which the tribals are facing hardship.

Action: State Government.

5) The Scheduled Tribe candidates selected on their own merit in government jobs are not being shown in the rosters against the unreserved points. This problem is more prevalent in the Education Department.

Action: State Government.

6) There is a restriction imposed on the Scheduled Tribes in applying for the reserved posts in other districts. Due to this reason, many posts reserved for Scheduled


8
Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Tribes are lying vacant. There is no such ban for Scheduled Castes. The State Government should withdraw it and reservation based on the district level percentage of STs should be imposed.

Action: State Government.

7) There is no reservation and relaxation for Scheduled Tribes in the Rahbar-e-Taleem scheme of the State Government. Selection is based on the merit and a revenue village is being treated as a unit. Only the resident of that village can apply for the post. Due to this reason, there is a shortage of teachers in the tribal villages and hamlets and Scheduled Tribe candidates are not getting appointment as a teacher. An example was quoted in respect of Thandi Kasi, a Scheduled Tribe habitat near Peer Badeswar, where there is no facility of education after elementary level and there is no high school upto a distance of 20 kms. It was also reported that there is no electricity, road connectivity and drinking water or hospital facility in the habitat. As it is a border area, it was requested that the developmental activities should be undertaken urgently.

Action: State Government.

District level review meeting at Rajouri

5.0 The Commission held a meeting with the District Collector and other District level officers at Rajouri to review the developmental programmes and welfare measures for Scheduled Tribes in the District. Three members of J&K State Advisory Board for development of Gujjars and Bakarwals were also present in the meeting. Many tribal Sarpanch and delegates also attended the meeting as witness. They raised the issues related to development of villages, status of implementation of welfare schemes, allocation of funds and implementation of reservation policy for the Scheduled Tribes in the State. The discussion was based on the reply to the questionnaire sent by the Commission to the District Development Commissioner, observations of the Commission during field visits and feed back of the tribal representatives. Following action points emerged out of the discussion held in the meeting:

1) The Commission was briefed that during the financial year 2011-12, against the ceiling of Rs. 267.14 lakhs under SCA to TSP and Rs. 188.13 lakhs under Article 275 (1), the Social Welfare Department has raised funds respectively to the tune of Rs. 159.18 lakhs and Rs. 133.28 lakhs. Besides this Rs. 62.31 lakhs under SCA to TSP and Rs. 80.30 lakhs under Article 275 (1) were also received against the plan proposals submitted during the financial year 2010-11. The funds were further released to the executing agencies and utilized accordingly. During the current financial year, Social Welfare Department has communicated ceiling for formulation of action plans under SCA to TSP amounting to Rs. 284.07 lakhs and Rs. 163.37 lakhs for Article 275 (1) of Constitution of India. While formulating the action plan under SCA to TSP, 70% of the allocation to be kept for beneficiary oriented schemes while 30% is for the development of infrastructure and in case of Article 275(1) of the Constitution of India the proposals are to be kept for infrastructure development. The proposed ceiling is further bifurcated into CD Blocks as per the percentage of ST population. The Commission noted that the SCA to TSP was not a significant amount specially keeping in view the fact that the district is having about



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

35% Scheduled Tribe population. The TSP allocation is not in proportion to the Scheduled Tribe population of the district. SCA is also grossly inadequate, which should be enhanced. The share of Scheduled Tribes in the normal planning and budget allocation is not being given. Moreover, this amount is being released very late.

Action: State Government/Distt. Admn..

2) The Commission noted that the information related to the literacy among the Scheduled Tribes was not available in the reply to the questionnaire. However, as per the feed back received from the tribal delegates, it was much low especially among the Bakarwals. The female literacy was also very low. The percentage of drop out rate among general category at elementary school level, middle school level and high school level was 1.75, 2.65 and 2.12 respectively where as among Scheduled Tribes, it was as high as 5.00, 5.75 and 3.60. The Commission directed the District Authorities to take necessary steps urgently to reduce this gap and retain the tribal students in the schools.

Action: State Government/Distt. Admn..

3) There were 66 mobile schools in the District out of which 41 were made stationery and 25 of them are still working. These schools were very useful in imparting education to the tribal students who seasonally migrate with their families and cattle. In view of the demands made by the tribal community, the Commission advised the State Government to consider re-opening of mobile schools in the District and the State.

Action: State Government/Distt. Admn..


4) The Commission noted that there was only one girls and boys hostel at high school level for STs in Rajouri District where all the 125 seats were occupied by the boys. There is no separate girls hostel. Also, there is no college hostel for the college going girls and boys. The Commission advised the District Administration to take necessary steps for setting up of at least one high school hostel for girls and also a college level hostel based on the actual requirement.

Action: State Government/Distt. Admn..

5) The Commission also discussed about the status of health facilities in tribal area of the District. The concerned officer informed the Commission that health department had not received any funds under the TSP. Health facilities are being made available from the general budget of the department. There are 4 Primary Health Centers and two sub-centers in Budhal Block. There are doctors in each PHC. As per thenorms, their should be two Doctors (Asstt. Surgeons) in each PHC whereas only one Doctor is available. There is shortage of Doctors in Allopathic Dispensaries and new type PHCs at many places, pharmacists are taking care of the patients. There is shortage of ANMs also. NRHM is also not attracting the qualified Doctors. The Commission advised the District Collector to take up the matter of shortage of Doctors and para medical staff with the higher authorities in the State.

Action: State Government/Distt. Admn..

10


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

6) On being asked, the Commission was further informed that mal-nutrition, anemia, TB and bronchitis are the diseases prominently found among the tribals. The tribals of the district do not take adequate green vegetables in their meals, which is the main cause of mal-nutrition and anemia. Normally, they take milk and milk products and meat which are always available with them as they are occupied in cattle rearing. Many of them suffer from TB because they reside under the same roof along with their cattle. Anemic patients are being provided folic acid and iron tablets through a network of 410 ASHA workers. The Sarpanch and other tribal representatives present in the meeting informed the Commission that these ASHA workers are not performing their work in the tribal villages and their existence is only on papers. The ANM/ ASHA workers do not stay in the villages. The Doctors posted in the PHCs also do not stay at their headquarter. The tribal representatives strongly demanded for operating mobile health units in the tribal areas of the District and State. The Commission advised of the District Development Commissioner to review the working of the Health Department in the District in view of the feedback given by the tribal representatives. The Commission also advised him to take up the matter regarding running mobile health units in tribal areas with the State Government.

Action: State Government/Distt. Admn..

7) The Commission noted that there are 356 Anganwadi centers in the ST habitations. 98 ST habitations do not have any Anganwadi center. 3920 ST children of 0-6 year age group do not have access to Anganwadi center. The Anganwadi centers are not working effectively in the District. As per the feed back given by the Tribal representatives, the Anganwadi workers usually do not stay in their villages. Nutritious food and medicines are also not being distributed to the children and expecting mothers. The number of Anganwadi Centers in the tribal areas is also inadequate. The DDC also agreed with the observations of the Commission and assured that he will review the working of all the Anganwadi Centers in the District in view of the complaints from the tribal representatives.

Action: State Government/Distt. Admn..

8) The Commission noticed that there are 268 tribal habitations in the District which do not have potable drinking water and the allocation under SCA to TSP for providing drinking water was only Rs. 9 lakhs which was grossly inadequate. The Commission observed that the allocation for the drinking water schemes is also only one third of the demand and the demand too is very less in comparison to the requirement. All the ST habitations cannot be provided potable drinking water with this meagre budget allocation in near future. The Commission desired that the State Govt. should allocate funds commensurate with the requirement.

Action: State Government/Distt. Admn..

9) The Commission also enquired about the status of electrification of tribal villages check and hamlets. The Commission was informed that 687 habitations in the districts are yet to be electrified and the target for electrification of these habitations is December



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

2012. Under the TSP, meagre allocation has been made in the last year, which is not sufficient for completing the electrification work. The houses of tribals are scattered in the village. This involves huge amount in electrification work. The tribal representatives informed the Commission that most of the tribal hamlets are uncovered and the villages in which electrification work has been done, only electric poles are standing. No electric supply is made. They demanded that more funds should be made available under TSP to the Peer Panjal Power Company Ltd. for electrification of tribal villages.

Action: State Government/Distt. Admn..

10) The Scheduled Tribe and other Forest Dwellers (Recognition of rights) Act is not applicable in the State of J&K. The Scheduled Tribe delegates informed the Commission that they are facing hardship as the Forest Department officials do not allow them to graze their cattle in the forest. They also stop their movement through the forest area, which is their traditional route. They demanded that either this act should also be extended in the State of J&K or similar Act should be promulgated in the State to recognize their individual and community rights. The Commission observed that the demand of the tribals is very genuine and advised the State Government to do the needful in the matter.

Action: State Government

11) The Commission also reviewed the working of MG NAREGS in the district. The Commission was informed that there is no TSP element in the Scheme. Under Article 275(1) an amount of Rs. 1 crore was allocated. This amount was shared for various developmental activities in tribal areas among the village panchayats and only Rs. 20,000/- per panchayat could be released. Thus, this amount is not sufficient for undertaking special schemes for the development work in the tribal areas. The Commission was further informed that during the year 2011-12, action plan of Rs. 7045.48 lakhs was prepared. The total number of individuals registered for employment in the District was 83,590. They were given work of 20.19 lakh man-days. The tribal representatives demanded that the TSP component should be included in the MG NAREGS and the number of man-days per family should be enhanced to 200 days. They also demanded that wages should be enhanced and new branches of banks should be opened in the tribal areas for facilitating timely payment to the workers. The Commission also agreed with these demands and advised the State Govt. to examine GOI, wherever necessary.

Action: State Government/GOI

12) During the discussion on horticulture in the district, the Commission was informed that during the year 2011-12, 16.50 hectares of land was added under the orchards. Many tribal beneficiaries have been provided walnut, apricot, apple, pear, plum, keenu and orange trees. However, the tribal representatives informed the Commission that the benefit of this scheme has not been extended to any of the tribal beneficiaries. In view of the contrary submissions, the Commission advised the District Development Commissioner to investigate the complaints of the Tribals and also ensure

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

that the benefits under the horticulture development scheme are also extended to the Scheduled Tribes beneficiaries.

Action: State Government/Distt. Admn..

13) The Commission was informed that a total of 31,000 individuals were registered in the District Employment Exchange. However, as per the reply given to the Commission in the questionnaire, only 350 ST educated unemployed individuals were registered in the Employment Exchange in the District. This was very low in comparison to the fact that almost 35% population of the District belongs to the ST category. This figure included 200 males and 150 females. Out of 350 individuals, there were 39 skilled, 50 unskilled, 40 Arts Graduates, 85 Science Graduates and 136 technically qualified persons registered in the Employment Exchange. Keeping in view the fact that Science Graduates, skilled workers and technically qualified persons are unemployed, the Commission advised the District authorities to take necessary steps for providing employment to them. The Commission also advised to check the correctness of the figures of unemployed persons provided to the Commission.

Action: State Government/Distt. Admn..

14) The Commission also noted that there are 20 tribal villages, which do not have link roads. Many ST habitations also lack proper road connectivity, as reported by the tribal delegates. The Commission advised the District administration to speed up the work under Pradhan Mantri Gram Sadak Yojana to provide road connectivity in these villages and hamlets.

Action: State Government/Distt. Admn..

The District Development Commissioner thanked the Hon'ble Chairman and Members of the Commission for the valuable guidance and assured the Commission that the District Administration shall take necessary steps on the issues discussed in the meeting to improve the conditions of Scheduled Tribes of the District.

District level review meeting of Poonch District at Rajouri

6.0 The Commission also reviewed the welfare programmes and developmental schemes being run for the Scheduled Tribes of the Poonch District at Rajouri in the evening. The ADDC of the Poonch District attended the meeting. The following action points emerged out of the discussion:

1) The ADDC, Poonch briefed the Commission about the general information related to the Poonch District. There are 4 tahsils, 6 blocks, 189 panchayats and 178 Revenue villages in the District. There are 77 ST habitations in the District. The total population of the district was 3,72,615 persons out of which 1,49,418 persons (40%) belong to the Scheduled Tribe category. The district is having international boundary with Pakistan in the western side. The Gujjars and Bakarwals are the main Scheduled

*Rameshwar Oraon*¹³

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Tribes residing in the district and their socio-economic condition is same as in the Rajouri district.

2) There are 488 Anganwadi centers in the ST habitations in Poonch District. Many centers are not working effectively. Most of the Anganwadi workers do not reside in the village/hamlets resulting in the fact that the children are not getting nutritious food. Many of them take away the material supplied for the children to their homes. Though the authorities occasionally check the working of these centers, still many centers are not functional. The ADDC assured the Commission that the District administration will review the working of the Anganwadi centers in the district and necessary steps shall be taken to improve the situation.

Action: Distt. Admn..

3) The Commission was informed that the Scheduled Tribes of the District lag behind in education. The enrolment among the Scheduled Tribes was as low as 40% in the District.. The results of many schools running in tribal areas were as low as zero percent. The quality of education imparted in the school was also not satisfactory. The main reason for this poor condition was attributed to the militant activities prevailing in the district during last 20 years. Now the situation has improved and the district administration is taking steps to improve the situation. The Commission advised the district authorities to re-open the mobile schools which were made stationery during the militancy period and improve the quality of education being imparted to the tribal students.

Action: State Government/Distt. Admn..

4) During the discussion, the Commission observed that there is only one high school level hostel for ST boys in the District. There is no college level hostel. The Commission suggested the District Administration to open at least one more boy's hostel and one girl's hostel in the district.

Action: State Government/Distt. Admn..

5) The Commission was informed that there were 609 unskilled land-less labourers in the District who are being provided employment under the MG NAREGS. Now they don't have to go to Punjab for working in the fields. The Commission suggested that at least 100 days employment be given to the labourers and timely payment of the wages be ensured to them.

Action: State Government/Distt. Admn..

6) The Commission was briefed that 14,754 individuals were registered in the Employment Exchange in the Poonch District out of which 4711 belong to the Scheduled Tribe category. The Commission advised to promote self-employment through various developmental schemes and facilitate easy bank loans to them.

Action: State Government/Distt. Admn..

Rameshwar Oraon 14

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

7) The Commission was informed that under the sanitation scheme, 586 families were benefited by making toilets. Under this scheme, the Government paid an amount of Rs. 2700/- to the beneficiary. The beneficiary incurs the remaining expenditure. Now the scheme has been modified and the Government is paying Rs. 5000/- per beneficiary.

8) The Commission also reviewed the status of agriculture and horticulture schemes in the district. The Commission was informed that maize is the main crop sown in the district and the farmers were provided good quality seeds on 50% subsidy. The State Government is also promoting horticulture in the district. The Commission suggested the ADDC to ensure that seed, fertilizer and pesticides are timely made available to the Scheduled Tribe farmers.

Action: State Government/Distt. Admn..

9) During the discussion, the Commission was informed that 54 ST habitations in the Poonch District do not have link roads. The Commission desired that the district administration should speed up the work under PMGSY to link these villages/habitations with near by markets and towns.

Action: State Government/Distt. Admn..

In the end, ADDC, Poonch thanked the Commission and assured that the district administration shall take necessary steps to implement the suggestions made by the Commission for the welfare of Scheduled Tribes.

29-7-2012

The Commission departed for Srinagar at 09:00 hrs by road and reached Srinagar in the evening.

30-7-2012

Meeting with J&K State SC/ST/BC Development Corporation Ltd.

7.00 The Commission held a review meeting with the officers of J&K State SC/ST/BC Development Corporation Ltd. at State Guesthouse, Srinagar in the morning. Shri J.L.Gupta, Commissioner/Secretary, Social Welfare Department, Government of J&K, Ms Sukhwant Kaur, FA & CAO, Shri Mohammad Iqbal Kataria, Manager (Projects) and Shri Arshad Majid Bhat, Divisional Manager in the Corporation attended the meeting.

7.01 Shri J.L.Gupta, Commissioner/Secretary, Social Welfare Department, Govt. of J&K briefed the Commission about the activities of the Corporation. This Corporation was established in the year 1986 which is a wholly owned Corporation of the J&K Government registered under Companies Act, 1956 as a non-profit making entity, being a welfare objective of the Corporation. The authorized limit of share capital is Rs. 30.00 crores, contributed by the State Government and the Central Government (Ministry of

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

SJ&E) in the ratio of 51:49 and the paid up share capital as on 30-6-2012 has reached upto Rs. 24.50 crores.

7.02 The broad objective of the Corporation is to work for socio economic upliftment and educational growth of its target group people. This includes the Scheduled Castes, Scheduled Tribes, Backward Classes, Notified National Minorities (Male members), Safai Karmacharis/scavengers and handicapped (male members). The Corporation works for self-employment of these communities so that they can become economically independent and self-reliant members of the society.

7.03 There are two types of schemes undertaken by the Corporation for the socio-economic upliftment of the Scheduled Tribes in the State- (i) Bank tie up scheme (in collaboration with banks) and (ii) direct financing scheme (in collaboration with National Sch.Tribes Finance and Development Corporation, New Delhi). Under the bank tie up scheme, the Corporation identifies the beneficiaries belonging to the Scheduled Tribes who are living below the poverty line and sponsors their cases to various banks for financing, enabling them to establish income generating units with bank assistance. The Corporation provides subsidy upto 50% of the project cost subject to a maximum of Rs. 10,000/- per beneficiary under SCA to TSP. Under this scheme, so far the Corporation has establish 12,265 income generating units for the Scheduled Tribes in the State with the bank loan assistance of Rs. 1973.65 lakhs and subsidy component under SCA to TSP of Rs. 643.49 lakhs. Under the direct financing scheme, the Corporation provides loan to the Scheduled Tribes who are living below double the poverty line (i.e. Rs. 39,500/- for rural areas and RS. 54,500/- for urban areas) in collaboration with National Sch.Tribes Finance and Development Corporation, New Delhi. The NSTFDC provides loan assistance to the State Corporation to the extent of 85-90% of the project cost against the State Government guarantee. The Corporation is contributing 5-10%. Remaining 5% cost is paid by the beneficiary. The activities include transport sector, agriculture and allied activities, small business/trade, small cottage industry and service activity and artisan and traditional activities. So far the Corporation has provided loan to the tune of Rs. 1814.03 lakhs to 892 beneficiaries of ST category under this scheme.

7.04 The Commission was informed that there were many incidents of irregularities committed by the officials of the Corporation, which has resulted in the financial loss to the Corporation. The recoveries of loans could not be made from the beneficiaries. Now the procedure of sanctioning loan to the beneficiaries is being minutely verified which is resulting in higher percentage of recovery of loans. The Corporation had taken a loan of Rs. 12 crores from the National Corporation out of which 8.5 crores have been repaid.

7.05 The Commission was also informed that many loans disbursed to the beneficiaries, specially minorities during 1994-95 and subsequent years, could not be recovered by the Corporation. Due to the militant activities in the State, the beneficiaries who had started their work/business with the assistance of the Corporation could not run it. Many of them shifted to other places. Thus, there was huge loss to the Corporation. The Commission advised the Corporation authorities to refer the matter to the National Corporation to write-off the loses incurred by it as this loss did not occur due to theft, fraud or negligence on the part of beneficiary or the Corporation.

Action: State Government

Rameshwar Oraon

16

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

7.06 The Commission observed that the number of ST beneficiaries sanctioned loan under direct financing scheme from the year 2003-04 to 2011-12 was from 10 to 160 only. This was very low in comparison to the size of Scheduled Tribe population of the State, which is about 11 lakhs (10%). The Commission opined that there is lack of awareness among the Scheduled Tribes about the schemes of the Corporation. Loan is available to them for self-employment on an interest rate as low as 6% but the tribals are not aware of it. The Commission advised the Corporation to spread awareness among the tribal community about various schemes of the Corporation.

Action: State Government

7.07 During the discussion the Commission was informed that the tribals especially Bakarwals prefer to take benefit of schemes related to animal husbandry. But the Insurance Companies do not provide insurance cover to the cattle as the Bakarwals migrate on seasonal basis from high hills to lower areas and vice-versa. The Insurance Companies want to specify the travel routes of this community for providing insurance cover to the cattle. The Commission advised the Corporation and the State Government to come out with a solution to this problem as the Bakarwals are always likely to suffer loss of their sheep, goats and other cattle during migration in high altitude areas.


Action: State Government

7.08 The Commission also observed that the number of beneficiaries in the bank tie-up schemes of the Corporation from 2003-04 to 2011-12 ranged from 473 to 41 only. There was a decreasing trend in the number of beneficiaries every year except the year 2011-12. The Corporation was not getting the grants under SCA to TSP against its annual action plan as a result of which it is not in a position to provide the financial assistance to all the identified ST beneficiaries. The year-wise grant received under TSP by the Corporation was Rs. 40.00 lakhs in the year 2003-04 and Rs. 50.00 lakhs in the next two years. No funds were received in the year 2006-07, 2008-09 and 2010-11. An amount of Rs. 50 lakhs was received in the year 2007-08, 25.00 lakhs in 2009-10 and 34.00 lakhs in the year 2011-12. It was a meager amount to run the activities of the Corporation.

7.09 The Commission desired that the activities of the Corporation should be made more effective for the economic upliftment of the Scheduled Tribes of the State. It should increase the share capital with the help of Ministry of Tribal Affairs. At present, the MTA is not providing its contribution towards the share capital of this Corporation and only Ministry of SJ&E, Govt. of India is contributing in the share capital of the Corporation only for the Scheduled Caste category. The Corporation should also study the working of Scheduled Tribe Finance & Development Corporations of other States who are performing well.

Action: MTA/State Government

7.10 The Commission also noted with concern that the grants under SCA to TSP are not being received by the Corporation in time and as per approved action plan, as a result of which the Corporation could not release the subsidy in favour of all sanctioned cases.


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

It should be released to the Corporation in the beginning of the financial year to meet the requirement timely. Moreover, the subsidy benefit can also be extended, under the schemes of NSTDSC to BPL beneficiaries so that adequate fund under the scheme may be made available to the Corporation for upliftment of poorest of poor ST beneficiaries.

Action: MTA/State Government

7.11 The Commission also noticed that the Corporation is designed to be a non-profit making organization as it fulfills the social welfare mandate. The State Cabinet, vide its decision No. 18.5 dated 16-2-2008, has declared this Corporation as Service Institute as it is not engaged in any commercial activity and as such have no means to generate its resources. Therefore, the State Government should provide adequate financial/budgetary support to the Corporation to the extent of its administrative expenses including salary bill which is about Rs. 3.50 crores per annum. At present, the State Government is providing annual budgetary support to the Corporation from Rs. 50.00 lakhs to Rs. 1 crore annually which is quite insufficient.

Action: State Government

7.12 During the discussion, the Commission was informed that being a service institution, the Corporation has no resources of its own for office automation and other expenditure like implementation of the programmes/schemes of the Government/NSTFDC, recovery of loan etc. It was demanded that grant-in-aid scheme, at the pattern of Ministry of Minority Affairs, for strengthening the SCA of National Corporation may be introduced and funds under grant-in-aid scheme may be provided to the Corporation for strengthening it.

Action: MTA/State Government

7.13 The Commission also noticed that the State Government so far has issued the Government guarantee to NSTFDC, New Delhi to the tune of Rs. 953.72 lakhs in different years against which the NSTFDC has released the funds to the tune of Rs. 1202.62 lakhs up to 31-3-2012. The operative limit of the State Government guarantees (already provided) has been exhausted and the NSTFDC is stressing for providing addition Government guarantees to the extent of Rs. 10.00 crores for releasing of future funds. The Commission advised the State Government to give additional guarantee so that the Scheduled Tribe development schemes of the Corporation are not affected adversely.

Action: State Government

7.14 The Commission also noted with concern that out of 137 sanctioned posts, 34 posts of different level are lying vacant in the Corporation. Senior positions of Managing Director, General Manager (1), Secretary (1) etc. are also vacant. The Commission advised the State Government to fill up the vacant posts by applying rule of reservation as per the existing orders.

Action: State Government



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

In the end of the meeting the Commissioner/Secretary, Social Welfare Deptt. Govt. of J&K thanked the Commission for suggestion and requested the Commission to use its good officers for strengthening the activities of the Corporation.

31-7-2012

Visit to Mir Bazar, Village Bumithan, District Kulgam

8.0 The Commission left Srinagar in the morning and visited Mir Bazar in Bumithan village of Kulgam District to see the condition of tribals living there. This is a place where the tribals of Bakarwal community are residing in the temporary tent houses with their cattle. The Commission interacted with the local tribal men & women to know their problems. Following points emerged out of the discussion with them:

1) These tribals migrate from higher regions to the lower parts along with their cattle. They do not have permanent houses and land. As they don't have permanent resident certificate, they don't get ration and other benefits from the Government. They demanded issuance of permanent residency certificate, allotment of land and monetary assistance for construction of houses.

Action: State Government/Distt. Admn

2) The children of the community are not getting formal education. Some of them go to school for two to three months when they stay in Jammu region during winter. The Government has closed most of the mobile schools, which were very useful for their children. There were 494 mobile schools in the State and at present only 80 schools are functional. These 80 schools are also not working well. They demanded re-opening of mobile schools. The number of schools should also be enhanced. Many posts of teachers are lying vacant. These posts should be urgently filled.

Action: State Government/Distt. Admn

3) These people are staying in unhygienic condition along with their cattle. They don't have any health facility. The cattle also do not get any facility of veterinary doctors. They demanded that these facilities should be made available to them.

Action: State Government/Distt. Admn

4) These tribals want to purchase horses, pony, goats and sheep but they don't have money. The banks also demand guarantee for sanctioning the loan. As they don't have any permanent address, they are not getting any loan from the Bank(s). They demanded that keeping in view their acute poverty; the State Government should take the guarantee, as they are the residents of the State.

Action: State Government/Distt. Admn

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Visit to Dandipora, Matti bidhar and Daksum villages in Anantnag.

8.1 The Commission visited Dandipora, Matti Bidhar and Daksum villages in Anantnag District and interacted with the tribal delegates to have a feed back on the status of developmental programmes being run for them and to see their living conditions. Following points emerged out of the discussion with the tribal delegates:

1) The condition of houses of tribals in Dandipora of Kokarnag Block was very pitiable. Most of the houses were in the damaged condition and required immediate repairing. The local tribals demanded for providing wood from local forest for repairing of their houses.

Action: State Government/Distt. Admn

2) The educational facilities to the tribal boys and girls should be improved. Mobile and seasonal schools should be started for the education of school going children.

Action: State Government/Distt. Admn

3) The tribals are not getting bank loans for purchase of cattle, as the banks are demanding guarantee. The migrating population does not have permanent resident certificate as a result of which they are not getting the benefits of developmental schemes.

Action: State Government/Distt. Admn

4) Land for construction of houses should be distributed to the houseless migrant population.

Action: State Government/Distt. Admn

5) Orders related to Reservation of posts for Scheduled Tribes in Government services/PSUs/Corporations is not being followed in the State.

Action: State Government/Distt. Admn


6) The health facilities in the villages should be improved. Mobile health care units should be started in the State.

Action: State Government/Distt. Admn

7) The tribals should be given benefits of various schemes under horticulture department. They should be encouraged to grow orchards of apple, walnut, apricot etc.

Action: State Government/Distt. Admn

8) The Forest Department officials are not allowing them to go the forest areas with their cattle for grazing. Their community rights should be restored.


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Action: State Government/Distt. Admn

9) The tribals had deposited money for obtaining solar lights. The State Government has procured these solar lights but they have not been distributed so far. The State Government should be requested to distribute them urgently.

Action: State Government/Distt. Admn

Meeting with tribal representative and Sarpanch at Anantnag Circuit House

8.2 The Commission met the tribal representatives and Sarpanch of the tribal villages in the afternoon. Following issues were raised in the meeting:

1) There are many tribal villages/hamlets without road connectivity. For reaching many of them, one has to pass through forest area. Forest department is not allowing free movement of the tribals. The Forest Department should be allowed construction of roads under MG NAREGS. Food path, land leveling and check dam schemes should also be started in tribal areas under this scheme.

Action: State Government/Distt. Admn

2) Educational facilities in tribal areas should be improved and mobile schools should be re-opened. More seasonal schools should be opened.

Action: State Government/Distt. Admn

3) The health facilities in the tribal areas are poor. There is shortage of Doctors, para-medical staff and medicines. Mobile dispensaries should be opened in the tribal areas.

Action: State Government/Distt. Admn

4) Land-less and houseless tribals should be settled by allotting land pattas. Monetary assistance should be given for construction of houses. Permanent resident certificates should also be given to them.

Action: State Government/Distt. Admn

5) The tribals are dependent on the waterfalls for their water requirements. No drinking water scheme is there for them. Electrification has also not been done in most of the villages/hamlets. The places where electrification has been done, the electric supply is not proper.

Action: State Government/Distt. Admn

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

6) There is delay in release of funds under TSP by the Central and the State Government. The share of Scheduled Tribes from the normal plan is not given to them in developmental activities.

Action: State Government/Distt. Admn

7) There is no reservation for Scheduled Tribes in Rahber-e-Talim Scheme. The J&K Bank is also not following the orders related to the reservation for Scheduled Tribes. The enforcement board headed by the Chief Secretary to review the implementation of reservation policy is not functional. It is not reviewing the implementation of reservation policy for Scheduled Tribes in the Government departments/PSUs and Corporations. Hence, there is a huge backlog of posts everywhere but no serious attempts have been made to clear the backlog.

Action: State Government

8) The J&K SC/ST/BC Finance and Development Corporation are not working effectively for the upliftment of the Scheduled Tribes. It's headquarter is in Jammu. There is a delay in sanctioning of loans due to lengthy procedure. The amount of loan under direct finance scheme of the Corporation should be enhanced from the present Rs. 1 lakh to Rs. 5 lakh. The State Government is not giving guarantee against the loans in cases of Scheduled Tribe beneficiaries.

Action: State Government

9) The village Panchayat Sarpanch is not being invited and consulted in the planning process. Out of 14 departments, which are receiving funds under TSP, only Rural Development Department is consulting them.

Action: State Government/Distt. Admn

10) The village panchayats do not have their own building. Building should be made for running the panchayat office in each village panchayat.


Action: State Government/Distt. Admn

11) The DGP of the State has powers for on the spot recruitment of police personal during his visits. In many districts, he exercised such powers and many constables were recruited. The Scheduled tribe youths should also be recruited in the similar manner.

Action: State Government

12) The working of Directorate of Tribal Welfare in the State should be improved. Director, Tribal Welfare should be strengthened by providing adequate funds and field officers in the district under his direct control.

Action: State Government


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

13) The Employment Exchanges in the State are not registering the Scheduled Tribe youths. Only 10 persons were registered in the exchange for employment.

Action: State Government

14) Political reservation should be provided to the Scheduled Tribes in the Legislative Assembly of the State and Panchayati Raj Institutions.

Action: State Government

15) The Eklavya School could not be made functional due to delay in the allocation of budget.

Action: State Government

16) Separate Tribal Development Ministry should be set up in the State for focused attention on the tribal development. State level Commission should be set up to settle the grievances of the Scheduled Tribes in the State.

Action: State Government

District level review meeting at Anantnag.

8.3 The Commission held a district level review meeting at the Circuit House, Anantnag to review the status of implementation of various developmental programmes being run for the Scheduled Tribes. The District Development Commissioner and other district level officers attended the meeting. The discussion in the meeting was based on the feedback given to the Commission by the tribal representatives, the reply to the questionnaire sent by the Commission and the information shared by the District level officers. Following action points emerged out of the meeting:

1) Education:

i) The Commission was informed that there were 13 mobile schools in the District out of which 5 were made stationery during the last few years. 88 seasonal schools are running under the Sarva Shiksha Abhiyan. One Eklavya model school is also under construction. The Commission noted that as per the information furnished to the Commission, the percentage of enrolment of Scheduled Tribes at elementary school level was only 22.46% against 77.54% in general category. It was 24.74% at the middle school level against 75.26% in general category. However, the drop out among the Scheduled Tribes was much less than the general category people. The Commission advised the State Government and the District Administration to re-open the mobile schools, which were reported to be very useful in imparting education to the tribal boys and girls. The Commission also stressed the need to bring more and more ST children to the schools as the percentage of enrolment of Scheduled Tribe students were very low in the District.

Rameshwar Oraon

23

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India

The Commission also requested the District Development Commissioner to monitor the working of mobile schools and seasonal schools in the district.

ii) The Commission was informed that there is no reservation for appointment as teachers in the State runs Rahber-e-Talim Scheme. It was informed that earlier, revenue village was treated as the unit but now habitation/hamlets are being treated as a unit. The qualification for appointment as teachers under this scheme was class XII and the appointments are based on merit. There was no relaxation for the Scheduled Tribes. Similarly, under education volunteer's scheme, the minimum requirement for appointment is Class X. The Commission stressed the need of improving the quality of education in the tribal areas.

iii) The Commission noted with concern that there was complaint of delay in distribution of scholarship to the tribal students. It was admitted that there is a delay in it. Sometimes it is due to delay in release of funds. At many times, it is due to the reason that the tribal families migrate seasonally and there is nobody to receive the scholarship. Generally, the settled tribals are paid scholarship in time. The Commission advised to find out the ways and means of timely distribution of scholarships to the tribal students.

Action: State Government/Distt. Admn


2. Employment

The Commission noted with concern that as per the information furnished to the Commission by the District authorities, the number of ST educated unemployed who have registered their names with the Employment Exchange was only 10. The district level officer of the concerned department in the meeting confirmed this figure. These persons were benefited by the income generating schemes. The Commission also observed that the names of non-matriculate unemployed youths are not being registered in the Employment Exchange and only such persons are being registered, who prefer self employment schemes. During detailed discussion, the District Development Commissioner informed the Commission that the Employment Exchange is registering the unemployed youths in four categories -(1) Voluntary service allowance for Class XII pass persons (2) Overseas employment (3) Income generating schemes and (4) General registration. He also informed the Commission that today only; the banks have agreed to provide assistance of Rs. 490 crores for self-employment schemes. He assured the Commission that names of the less qualified unemployed youths would also be registered in the Employment Exchange and its working shall be improved in view of the complaints made by the tribal delegates.

Action: State Government/Distt. Admn

Drinking Water

8.4 During the discussion on availability of drinking water in the tribal areas, it was admitted that there are 50 ST habitations where there is problem of drinking water. It was


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

informed that these habitations are required to be covered by the year 2014. The Commission observed that the tribals are dependent for water requirements on the waterfalls in the hilly areas. The Commission has received complaints that water distribution schemes are implemented in the lower areas only and the tribals residing in higher altitude are being deprived of it. The DDC assured the Commission to improve the situation of drinking water, especially in the Kokarnag Block of the District in view of the complaints made by the tribal representatives.

Action: State Government/Distt. Admn

Housing

8.5 The Commission was informed that under Indira Awas Yojana, there is 60% reservation for the Scheduled Tribes. However, the number of units sanctioned per year for each block is very less and it cannot meet the requirement of houses by the poor people including the Scheduled Tribes. The Commission observed that there is a need for more allocation of funds so that more number of units can be made available to the houseless tribal population.

Action: State Government/Distt. Admn

Public distribution system

8.6 The Commission took note of the situation in Mir bazar of Kulgam district where the tribal population had informed the Commission about non-availability of ration from the PDS. The Commission observed that the situation of the migrant tribal population couldn't be different in the District. It was informed that in the District, 2496 migrant families were registered in the Department for providing ration. The Commission advised the district level officer to survey the migrant population in the district so that no such person is in non-receipt of the ration and other items distributed through PDS. The DDC and the concerned departmental officers of Kulgam District should also be included in the process.

Action: State Government/Distt. Admn

Other issues

8.7 The Commission was concerned to note that the solar lights procured by the District Administration have not been distributed though the beneficiaries had deposited their share of money much earlier. The DDC assured the Commission to settle this complaint shortly.

Action: Distt. Admn

8.8. The tribals were facing hardship in getting wood for construction of houses, as the Forest Department was not allowing them to fell trees. They were also facing problem in-grazing their cattle in the nearby forest, as reported by the tribal representatives to the

Rameshwar Oraon 25

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Commission. The DDC assured the Commission to take up the matter with the Forest Department to settle the grievances.

Action: State Government/Distt. Admn

8.9 The issue of false caste certificate in the District was also discussed in the meeting. It was admitted that there are many complaints in this regard. This was attributed to the reason that certain groups whose parents had obtained caste certificates used similar surnames to that of tribals. Their descendents have also obtained such caste certificates claiming to be Scheduled Tribes. SRO 294 issued by the State Government is permitting the concerned officers to issue caste certificates to them on the basis of the certificates obtained by their parents. The Commission advised the DDC and the State Government to be vigilant in the matter as non-STs are taking the benefits of various developmental programmes meant for Scheduled Tribes.

Action: State Government/Distt. Admn

At the end, the DDC thanked the Commission for detailed discussion, valuable guidance and for visiting Anantnag District and assured that necessary action shall be taken on the issues discussed in the meeting.

1-8-2012.

Meeting with the Chairperson, J&K State Social Welfare Board.

9.0 The Commission held a meeting in the morning with Smt. Khem Lata Wakhlu, Chairperson, J&K State Social Welfare Board to discuss about the activities taken up by the Board for the welfare of Scheduled Tribes. Secretary of the Board was also present in the meeting.

9.1 Smt. Khem Lata Wakhlu, Chairperson, J&K State Social Welfare Board informed the Commission that there are 33 State Social Welfare Boards in the country. The J&K State Social Welfare Board is working under the umbrella of Central Social Welfare Board. This Board was constituted in the year 1955 and has a sanctioned strength of 15 regular, 6 ad-hoc and 2 contractual staff members. The expenditure on the State Board Office establishment is met by the State Government and the Government of India through Central Social Welfare Board on 50:50 basis. The State Government provides the budget on the salary and other perks of Chairperson and her staff.

9.2 The Commission was further informed that the Central Social Welfare Board issues allocations of the programmes every year. After receipt of allocation, the State Board invites application from voluntary organizations of the State. During the current financial year, the voluntary organisations were asked to apply for the advertised programmes on line through e-AWEDEN (electronic application for Women Empowerment and Development action by NGOs) for uncovered districts. Central Social Welfare Board makes 100% funding in respect of all schemes. For decentralized programme, State Board provides funds to the voluntary organizations and for centralized programmes, funds are transmitted by the CSWB to the NGOs directly.

 26

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

9.3 The main schemes dealt by the Central/State Social Welfare Board is:

- i) Rajiv Gandhi National Crèche Scheme
- ii) Awareness generation Programme
- iii) Condensed course of education
- iv) Family Counseling centers
- v) Short stay homes for women
- vi) Swadhar shelter home
- vii) Innovative Scheme.

9.4 The Commission was informed that since 2007, no authority of the Board had visited Leh and Kargil district, which are tribal dominated districts of the State. The Chairperson along with team of officers visited many Chreche centers and had interaction with the District authorities and voluntary organizations in both the districts. The representatives of the voluntary organizations were provided awareness about the Boards programmes so that they come forward and submit the proposals under various schemes. It was felt that establishment of Chreche/condensed course centers holding awareness programmes and addressing many fruitful activities under the innovative schemes will yield best results. Under innovative scheme many activities were deliberated upon in both the Districts separately. Bitter kernels of apricot, Pashmina shawls, Pattu making and establishment of vocational training centers activities were chosen for consideration after receiving the proposals under innovative scheme from the voluntary organizations. Chairperson, J&K State Social Welfare Board requested the Commission to recommend for introduction of these above said innovative schemes for Ladakh region

9.5 The Commission was also informed that the State of J&K has undergone tremendous stress during last two decades of turmoil and unrest. Chairperson, J&K State Social Welfare Board requested that additional funds should be made available for establishment of additional centers under various programmes in the State including 1,000 new chreches. She also requested that mobile chreches should be added under MG NAREGS, which will be very useful for the Scheduled Tribes like Gujjar and Bakarwal community. She also requested for introduction of Integrated Schemes for Women's Empowerment (ISWE) in the State of J&K.

9.6 The Commission advised the Board to spread its activities in the tribal areas of the State. The activities of the Board should be more visible in Leh, Kargil, Rajouri and Poonch Districts that are having large tribal concentration. It was also suggested that the Ministry of Textile, Govt. of India could be approached for providing assistance for pashmina shawls and related activities under TSP.

Action: State Government/JKSSWB

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Smt. Khem Lata Wakhlu, Chairperson, J&K State Social Welfare Board thanked the Commission for the discussion and assured that more activities for the welfare of tribal community of the State shall be taken up by the Board.

State level review meeting with the Chief Secretary & other Senior officers of the State Government

10.0 The Commission held a meeting to review the implementation of reservation policy and other development programmes for the Scheduled Tribes at 11.00 hrs in the conference room of the Secretariat at Srinagar. Shri Madhav Lal, Chief Secretary and other senior officers of the State Government were present in the meeting. At the outset, the Chief Secretary welcomed Hon'ble Chairperson, Members and officers of the Commission. Thereafter, a power point presentation on the status of tribal development was made in which following information was furnished before the Commission:

- 1) In the State of J&K, 12 social groups have been notified as ST under Article 342 of the Constitution of India comprising Gujjar, Bakarwal, Balti, Boat, Puragapa, Gaddi, Sippi, Brokpa, Changpa, Mon, Garra and Bedda. The population of the State was 1,01,43,700 as per 2001 census and the population of STs at that point of time was 11,05,979 (10.9%). The STs are predominantly rural as 95.3% tribal population reside in the villages. Kargil District (88.3%) has the highest proportion of STs in the State followed by Ladakh (82%), Poonch (40%) and Rajouri (33.1%). Out of the 12 Scheduled Tribe communities, Gujjar is the most popular tribe having a population of 7,63,806, thus forming 69.1% of the total ST population of the State. Bot is the second major tribe having a population of 96,698 (8.74%) and Bakarwal is the 3rd major tribe having a population of 60,724 (5.49%) of the ST population of the State. Berda is the smallest group with a population of 128.
- 2) Gujjars have the highest concentration in Poonch and Rajouri District, followed by Anantnag, Udhampur and Doda district. Bot, Bakarwal and Brokpa tribes have the highest concentration in Leh, Anantnag and Baramulla districts respectively. Balti and Puragapa are mainly concentrated in Kargil district and Gaddi tribes are found in Kathua district.
- 3) The Commission was also briefed about the distribution of workers, allocation and utilization of funds under SCA to TSP and Article 275 (1), education, distribution of scholarships to tribal boys and girls and setting up of hostels for tribal boys and girls. Information on recruitment of Scheduled Tribes in services, achievements under Indira Awas Yojana, participation of Scheduled Tribes in MG NAREGS and service/education safeguards provided to the STs in the State was also furnished in the meeting.

After the power point presentation, a detailed discussion was held on the basis of the information furnished in the above presentation, field visits, interaction with the tribal representatives and the observations of the Commission on various issues concerning STs. Following action points emerged out of the discussion:

Rameshwar Oraon

28

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

i) The Commission noted with concern that the literacy among Scheduled Tribes was only 36.85% against the general literacy of 55.5%. The Scheduled Tribe male literacy was 48.2% against the general male literacy of 63.67% in the State. Similarly, the Scheduled Tribe female literacy was only 25.5% against the general female literacy of 36.33%. The Commission stressed the need of opening mobile schools, seasonal schools and hostels for tribal students in the state and suggested improving the quality of education among the Scheduled Tribes. The vacant posts of teachers in the tribal areas should be filled urgently and vocational opportunities, skill development training and adequate infrastructure (residential schools) should be provided to the tribal students.

Action: State Government

ii) The Commission observed that health facilities in tribal areas need special attention, as there was shortage of doctors particularly specialist. Shortage of the paramedical staff and medicines was also reported during the field visits of the Commission. The migrant tribal population has no access to the health facilities offered by the State Government. There were demands of running mobile dispensaries from the tribals during the field visits of the Commission. The Commission felt that mobile dispensaries have proved to be very useful in tribal areas of some other States and advised the State Government to take urgent steps to improve the situation. The Commission also directed the State Government to ensure that ambulance facilities are made available to the BPL tribal families free of cost and on reasonable rates to APL families.

Action: State Government

iii) The Commission was very much concerned about the poor working of the Anganwadi centers in the State. During the field visits in the Rajouri and Anantnag districts, the tribal representatives informed the Commission that these centers are not working properly. The Anganwadi workers are not residing at the center and they are not taking care of children and expecting mothers. The Commission advised the State Government to review the working of these centers in every District with a view improving their performance.

Action: State Government

iv) The Commission observed that the issuance of Permanent Residency Certificates (PRCs) to the migrant tribal population, especially to the Bakarwals, is urgently required. In absence of any records/documents like ownership of land etc., they are not being issued permanent residency certificates. They are not able to get ration through PDS and other benefits for want of permanent residency certificates. Appropriate mechanism should be established in the State to address the issue.

Action: State Government

v) The Commission raised the issues related to percentage of reservation applicable in the services under the State for the Scheduled Tribes and suggested for implementation

29

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

of 3 tier reservation policy providing district, division and State level reservation to the Scheduled Tribes of the State in proportion to their population. The present system providing uniform reservation of 10% has not been beneficial for the STs. The reservation in districts having large concentration of tribal population was only 10% whereas the districts having low concentration of the tribal population also have the same percentage of reservation. This is resulting in non-filling of the posts reserved for them and subsequent diversion of reserved posts for STs to persons belonging to general category. Moreover, the tribals of one District are not considered for appointment in services outside their districts. This restriction was not there for the Scheduled Castes of the State. The Commission advised to consider removal of restriction on inter-district recruitment in respect of Scheduled Tribes also. The Commission also stressed the need of regular review with regard to implementation of reservation policy for the Scheduled Tribes through the Enforcement Board constituted by the State Government and to take up special Recruitment Drive (SRD) to fill up the backlog posts reserved for the Scheduled Tribes.

Action: State Government

vi) The Commission suggested enacting legislation in the State on the lines of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 in the State. During the field visits of the Commission, various ST Associations had demanded for the implementation of provisions of this Act in the State. The Commission also opined that the Forest Department should fulfill the demands of the tribal population for providing wood for construction of houses, permission for grazing their cattle and collection of minor forest produces.


Action: State Government

vii) The Commission also suggested considering enactment of legislation in the State in tune with the PESA Act. The tribal delegates, Associations and Sarpanch made this demand during the field visits of the Commission. The Commission also informed that though the State Government has issued orders to consult the Sarpanch of the revenue villages in the planning process and implementation of programmes, the Sarpanch have informed the Commission that out of 14 Departments, only Revenue Department is consulting them. The Commission advised the State Government to improve the work of the Panchayats through capacity building at official and non-official level.

Action: State Government

viii) The Commission also took note of the complaints made before the Commission related to the issuance of ST caste certificates to the non-STs. It was also reported that many of such false caste certificate holders had obtained employment in the State Government. The Commission suggested to devise proper procedures and mechanism to stop issue of false caste certificates while facilitating timely issue of caste certificate to the genuine ST persons.

Action: State Government


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

ix) The Commission also noted that there is abnormal delay in finalization of programmes/proposals for seeking approval of the Tribal Sub Plan (TSP), resulting in delayed allocation of funds by the Ministry of Tribal Affairs (MTA) and subsequent release by the State Government at the fag end of the year, which in term adversely affects the planned programmes. The funds for the year 2011-12 were released by the State Government only on 29th March 2012 with only two days left for closer of the financial year. The Commission advised that the State Government should urgently review the existing system to ensure timely projection of demand on MTA for release of funds under TSP. Further, there is an imperative need to allocate funds under TSP in proportion to the population of STs, over and above there reasonable share under the normal plan outlay.

Action: MTA/State Government

x) The Commission also noted that there is no separate Tribal Welfare Department in the State despite 10.9% ST population. In order to have special focus on the STs, the State Government should set up a separate Tribal Welfare Department. Pending this, the administrative set up of the Directorate of Tribal Welfare may be strengthened both at Headquarters level as well as District level. The Commission also suggested the State Government to consider setting up of a State ST Commission to address grievances of the STs and monitor safeguards and development programmes concerning them, as also existing in other States and demanded by the tribals during the visit of the Commission.

Action: State Government

xi) The Commission also reviewed the performance of the State Government under Indira Awas Yojana. During the year too8-09, the total number of beneficiaries under the scheme was 19,010, which included 7,700 beneficiaries from the ST category. In the year 2009-10, the total number of beneficiaries reached to 29,265, which included 10,511 ST beneficiaries. In the year 2010-11, the total number of beneficiaries was 27,521, which included 10,510 ST beneficiaries. In the subsequent year, the total number of beneficiaries reduced to 26,856, which included 8,751 ST beneficiaries. The Commission was informed during the field visits that 60% reservation was provided to the Scheduled Tribes in this scheme. However, this target could not be achieved. The number of units sanctioned per village per year was roughly between two to two and a half units per village. Keeping in view the large number of houseless poor families in the ST category, more number of units per village should be sanctioned for the tribal districts to fill the huge gap between the tribals and the general category people.

Action: State Government

xii) The Commission also suggested the State Government to come up with new schemes like milk collection centers, dairy based industries, sheep, goat, poultry schemes which could be more useful to boost the economic activities among the tribals of the State. The Commission also advised the State Government to facilitate easy finance on



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

low interest to the tribals by providing state guarantee to the Banks to develop and promote economic activities among them.

Action: State Government

xiii) The Commission discussed the problems related to delay in release of funds by the State Government to the Leh Autonomous Development Council, which was adversely affecting implementation of various development programmes. As the released amount lapses after close of a financial year due to the delayed allocation, it has to be reallocated /revalidated every year. The Commission was assured that the State Government will take necessary steps to sort out this problem.

Action: State Government

xiv) The Commission also reviewed the performance of the State Government under MGNAREGA. At end of the financial year 2011-12, there were 10,24,198 job cardholders in the State, which included 2,53,104 ST job cardholders. Total man-days provided to the job cardholders was 1,99,92,916 which included 30,67,214 man-days provided to the Scheduled Tribes. During the field visits of the Commission, the tribal Associations had demanded that the upper limit of 100 man-days of work in this scheme should be raised to 200 days in the tribal areas to improve the economic condition of the poor tribals. The Commission emphasized a need-based approach in the Scheme, and advised the State Government to assess the demand and submit a proposal in this regard to the Ministry of Rural Development.

Action: State Government/ Ministry of Rural Development

In the end of the meeting, the Chief Secretary thanked the Commission for detailed discussion and valuable advises and assured that the State Government will consider the recommendations sincerely.

Meeting with the Vice-Chairman, Gujjar and Bakarwal Advisory Board

11.0 The Commission held a meeting with the Ch. B.A. Naaz, Vice Chairman, Gujjar and Bakarwal Advisory Board at 13.00 hrs. at State Guest House to discuss the objectives, activities and functions of the Board. In the beginning, Vice Chairman, Gujjar and Bakarwal Advisory Board welcomed the Commission. Thereafter detailed discussion was held with the Commission. Following information and issues were presented before the Commission by the Vice Chairman of the Board:

1) The Gujjars and the Bakarwals are the two sections of the State population who have been declared as a Scheduled Tribe in terms of article 342 of the Constitution of India. They together constitute about 75% population of the total Scheduled Tribe population of the State. They have their pre-dominant concentration in the District of Poonch, Rajouri, Udhampur, Doda, Anantnag, Kupwara and Baramulla Districts. As per the 2001 Census, the tribal population was 11,05,979 which was almost 11% of the total


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

population of the State. Out of these, the Gujjar population was 7,63,806 (69.10% of the total ST population) and the Bakarwal population was 60,724 (5.49% of the total ST population) of the State. These communities are educationally, socially and economically backward with the other social groups and other communities, included in the Scheduled Tribes category.

2) In order to have focused attention towards the development of Gujjar Bakarwal community, State Advisory Board for the development of Gujjar Bakarwal was constituted in the year 1975. It is being chaired by the Hon'ble Chief Minister. It has one Vice Chairman, Secretary and 42 Board Members. The main objective of the Board is to identify the factors, which are responsible for socio-economic backwardness of the Gujjar Bakarwal, and simultaneously to advise suitable measures and economic interventions for rapid socio-economic development of Gujjar and Bakarwal. The Board implements four major schemes under the Gujjar Bakarwal Sub-Plan viz. management of boys hostel, management of girls hostel, grant of pre-metric scholarship and development of Gujari language/culture. In order to uplift the Gujjar Bakarwal community educationally, 16 number of Gujjar and Bakarwal (GB) hostels with an intake capacity of 1425 inmates have been established in various Districts of the State (13 boys and 3 girls hostels). The Government has opened 227 mobile schools in Jammu division and 272 mobile schools in the Kashmir division. The Government has also sanctioned 12 medical aid centers in various Districts, which are mainly located on the routes of the nomadic people. The State Advisory Board has also raised the issues of the nomadic Gujjar Bakarwal community with the Government for their upliftment. There is a need of opening 1006 more mobile schools. The Board has requested the State Government and the SSA authorities but the demand has not been fulfilled so far.

Action: HRD/State Government

3) The Board has also desired to continue schemes like management of Saraies at Jammu and Srinagar and opening of medical aid centers in the tribal routs for the nomadic people of the Gujjar Bakarwal community. It also aims to build two PG hostels and proposes enhancement of intake capacity of GB hostels for which more funds are required. The Board also intends to introduce new scheme of construction of collection centers (milk/products/livestock sale purchase outlets) for Gujjar Bakarwal community. The basic aim of the scheme is to provide reasonable rates to the producers and to provide quality product, cheap price of milk, milk product like, cheese, ghee etc. to the consumers. Sale purchase prices of the products like milk, ghee, cheese, goat, sheep, horses for transportation shall be maintained on normal rate, as there will be no loop pool of any mediation. These centers will perform as per the analogy of fruit mandis, which are presently operational in the State. For this purpose, the Board has proposed an amount of RS. 127 lakhs for construction of 10 collection centers under the 12th five-year Plan at different tahsil Hqrs.

Action: State Government



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

4) The Vice-Chairman of the Board submitted following demands before the Commission with the request to recommend to the Ministry of Tribal Affairs, Govt. of India and the State Government to take necessary steps in the matter:

- i) The funding under SCA to TSP and Article 275 (1) should be routed through the Board as the Board is dealing with the issues of Gujjar Bakarwal community, which is about 75% of the total ST population of the State. Presently the Board has no control over these funds and even it is not being appraised of the receipt and distribution of these funds resulting in alleged misappropriation/misuse.
- ii) Management of Ekalavya Model Schools may be vested with the Advisory Board as it is already managing 16 Gujjar Bakarwal hostels.
- iii) Opening of new Gujjar Bakarwal (GB) hostels for boys and girls in the remaining districts and increase in intake capacity of these hostels.
- iv) Establishment of laboratories and libraries in all the GB hostels.
- v) Opening of Vocational Training Centers (cutting and tailoring, crafts, knitting, fruits and vegetable canning etc.) for women of GB community.
- vi) Construction of Gujjar Bhawan at Jammu & Srinagar.
- vii) Opening of more Mobile Schools, medical aid centers, mobile skill development, formation of women SHGs, financial assistance and marketing support to SHGs.
- viii) Construction of PG hostels at District Headquarters, sheds in all districts on migratory roots of GB community.
- ix) Development of Gujari language, research and surveys, motivation campaign programme, educational tours for hostel inmates.
- x) Reimbursement of examination fee for GB community.
- xi) Enhancement of scholarship rates in favour of GB students at par with SC and other scholarship.
- xii) Allocation of more funds for roads, water supply, electricity., health care facility and placement funds at the disposal of State Advisory Board with the consent of Planning and Development Department.
- xiii) Benefit of reservation to ST officers upto the rank of Dy. Secretary level
- xiv) Filling up of backlog quota of ST officers in Kashmir Administrative Services and special recruitment drive in all the Government departments for filling up the posts reserved for STs.


34
Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

xv) Relaxation of qualification from Xth passes to Middle pass for GB community candidates in selection for the police and other para military forces.

xvi) Providing of adequate food grains to the nomadic Gujjar Bakarwal population as most of the people of these communities reside in hilly areas, which are often badly affected by the weather conditions.

Action: State Government

In the end, he thanked the Commission for visiting the State to see the condition of the tribals and requested to consider and take up the demands of the Board with the Central and the State Government.

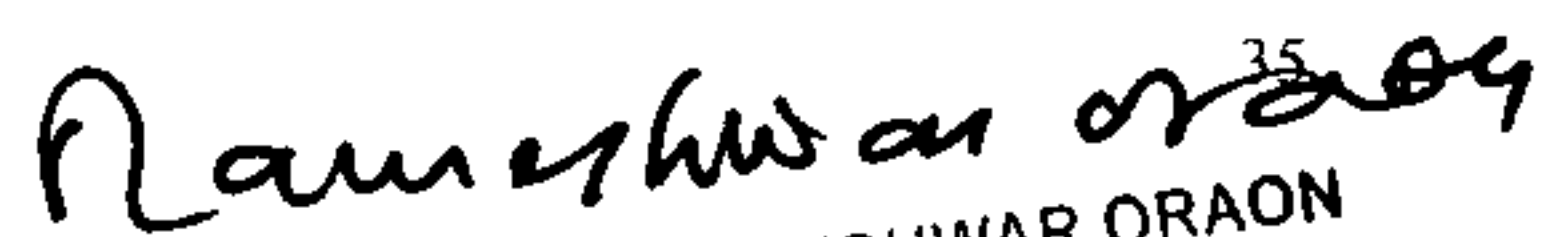
Meeting with the Vice Chancellor, University of Kashmir.

12.0 The Commission held a meeting in the University of Kashmir, Srinagar with the Vice Chancellor, faculty members and other officers to review the implementation of reservation policy for the Scheduled Tribes in services and admissions in various courses and welfare schemes taken for the benefit and development of its students. The Vice Chancellor of the University welcomed the Commission in the meeting. He informed that the University of Kashmir is a premier institution of higher education and research, enjoying "A" grade status from the National Assessment and Accreditation Council (NAAC). The University is continuing its march towards excellence in teaching, research and extension activities, and stands committed to providing access to higher education particularly to under privileged sections of society through satellite campuses and a network of affiliated colleges. He informed that the University is all set to make its presence felt in remote regions like Leh, Kargil and Kupwada by starting need based science, management, computer and engineering courses while taking into account social demand, manpower and employability of the students. Thereafter, two faculty members made a power point presentation regarding the courses offered by the University and other academic activities being undertaken in different departments. It was followed by detailed discussion and the following action points emerged from it:

1) The Vice Chancellor informed the Commission that UGC regulations -2010 was adopted by the University in 2011 governing the appointments to the faculty positions under open and reserved categories and the mechanism is being devised by the University to make appointments under the reserved categories. The Commission noted with concern that adequate representation as per the rules has not been provided to the Scheduled Tribes in the teaching and non-teaching posts in the University and directed the University administration to take urgent steps in this regard.

Action: University of Kashmir

2) The Commission was informed that 8% reservation is being provided to the Scheduled Tribe students in admission to various courses offered by the University. Among the Scheduled Tribes, the Gujjars and the Bakarwals are being given separate reservation (5%) in the admissions. They are being given scholarship and hostel


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

accommodation is also being provided to them. As on date, 30 boys and 18 girls from Leh and Ladakh belonging to ST category have been accommodated in the University hostel. The Commission noted that no hostel or any block of the hostel has yet been constructed especially for the SC/ST students with Central Assistance or under any Centrally Sponsored Scheme. The Commission advised the University administration to assess the requirement and to seek the financial assistance from Ministry of Tribal Affairs for construction of separate hostel for tribal students in the University.

Action: University of Kashmir

3) The Commission was impressed with the research being conducted in various social science subjects related to the tribal issues and suggested that the University should come up with a Center of Tribal Studies. Various studies on the traditions, arts, cultures and development of Scheduled Tribes could be undertaken in such center. The studies on the impact of various development and welfare programmes for Scheduled Tribes could give a very important feedback to the planners and the policy makers. The Vice Chancellor assured the Commission to take a lead in the matter.

Action: University of Kashmir

2-8-2012

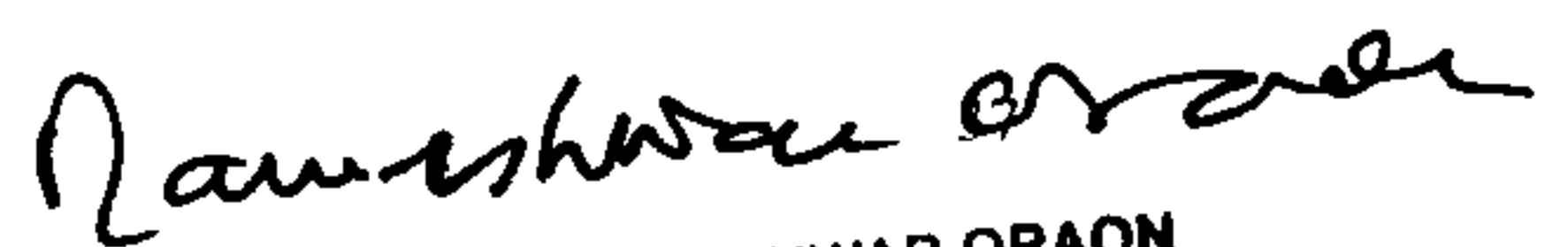
Meeting with the office bearers/representatives of Tribal Research & Cultural Foundation, United Tribal Welfare Forum (Kalakot, Rajouri unit) and J&K Gujjar and Bakarwal conference

13.0 The office bearers/representatives of the above mentioned tribal welfare associations met the Commission and discussed various issues concerning the socio-economic development of Scheduled Tribes and the problems being faced by them. Following demands were made by the tribal representatives before the Commission:

- 1) Political reservation is being given to the Scheduled Castes. The Scheduled Tribes of the State should also be given reservation in Legislative Assembly and other political institutions. Reservation of seats should be made for them in the Panchayati Raj institutions also and an Act identical to PESA Act should be in acted in the State of J&K.
- 2) The Scheduled Tribes and other forest dwellers (Recognition of Rights) Act should also be extended to the State of J&K or similar Act should be introduced in the State.
- 3) A branch of National Tribal University should be opened in the State.
- 4) The forests of J&K State have a variety of herbs having medicinal value. A Research Center on herbal medicines should be opened in the State.


Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

- 5) The officers of Scheduled Tribe category, especially the Gujjars and Bakarwals, should be given posting on important posts and assignments. Presently they are being denied of such opportunities.
- 6) The point of Scheduled Tribes in the roster starts from S.No. 5. As per the ST population of the State, it should be at S.No. 3.
- 7) A Gujjar and Bakarwal regiment should be established in the Indian Army.
- 8) Milk plants and milk collection centers should be established in the areas dominated by the Gujjars and the Bakarwals. As they are involved in animal husbandry, this will boost their economy.
- 9) More mobile schools and seasonal schools should be opened for the seasonally migrating tribal population. The working of existing schools should be regularly monitored. Mid-day meal should also be provided in these schools.
- 10) The primary education should be given to the Gujjars and Bakarwals in Gujari language. This language should be protected and it should be included in the VIIIth Schedule of the Constitution. Doordarshan and Radio Kashmir should encourage the daily news items and other programmes in Gujari language.
- 11) The rule of reservation in services is not being followed in the University of Kashmir and Baba Ghulam Shah Badshah University. In Jammu University, only 4% reservation is being provided. In Mata Vaishno Devi University, the reservation is not being provided to the Scheduled Tribes.
- 12) There is 8% reservation for Scheduled Tribes in admissions to various courses in the Kashmir University. Separate reservation (5%) is being given to the Gujjars and Bakarwals. However, only 2 to 3 percent seats are being utilized from the tribals. Rest of unfilled seats reserved for them are diverted and filled from unreserved candidates. There is no reservation in M.Phil and Ph.D. courses in the Kashmir University. Reservation has been prescribed in these courses in the Jammu University. It should be implemented in the Kashmir University also.
- 13) False caste certificates are being issued to the persons not belonging to the ST category. Such persons are obtaining employment in government services.
- 14) House sites, ration, permanent resident certificate, solar lights, health and education facility should be provided in the tribal villages.
- 15) There is no representation of Bakarwal community in the Advisory Board for the welfare of Gujjars and Bakarwals. Their representation should be ensured.
- 16) The J&K bank is not providing reservation in services to the STs. Last year, vacancies for 600 posts were advertised without any reservation for STs.



Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

17) There is delay in grant of budget from the Central and the State Government for the activities undertaken for the tribal development. The State Government sent proposal to the Central Government very late (some times in the month of February). The funds should be allocated at the start of the financial year to facilitate better planning of works and effective utilization of funds.

18) The Director General of Police is empowered for on the spot appointment of the police personnel during his visit to various parts of the State. He has exercised it during his visits to various Districts. However, the Scheduled Tribes, especially the Gujjars and the Bakarwals have not been able to get appointment in this manner. This benefit should also be extended to them.

Action: State Government

Meeting with Hon'ble Chief Minister, Government of J&K, Srinagar.

14.0 The Commission met Hon'ble Chief Minister, J&K and discussed about the assessment of the National Commission for Scheduled Tribes with regard to implementation of various schemes and safeguards concerning the ST's in the State of J&K pursuant to the visit of the Commission to the State. The Commission expressed satisfaction with the various development related measures initiated by the State Government. However, the Commission apprised him about certain observations/points in critical areas, which had emerged during the field visits to the tribal areas in Rajouri and Anantnag District and the discussion held with tribal delegates, Associations and senior officers of the State Government. These included the issues related to abnormal delay in finalization of programmes/proposals for seeking approval of the TSP, delay in allocation of funds by the MTA and subsequent release by the State Government. The Commission also shared the aspiration of tribal people for political reservation in the State assembly and Panchayats, setting up of separate Tribal Welfare Department and unsatisfactory working of Anganwadi in tribal areas. The demands of reopening of mobile schools, seasonal schools and mobile dispensaries, improvement in quality of education, setting up of tribal hostels and reservation related issues were also briefed in the meeting. The Commission stressed upon the need to consider enactment of legislation in the State to protect the rights of the tribals as available under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and PESA Act. The Commission also raised the issue pertaining to false caste certificate and suggested for proper procedure and mechanism to stop issue of false caste certificate, while facilitating timely issue of caste certificate to the genuine ST persons.

3-8-2012

The Commission left Srinagar in the afternoon by AI 826 for New Delhi and reached there in the evening.

Rameshwar Oraon

Dr. RAMESHWAR ORAON
Chairman
National Commission for Scheduled Tribes 38
Govt. of India
New Delhi