

Tour report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Jharkahnd from 25th to 30th April 2011 to review implementation of development programmes, reservation policy and SCs and STs (PoA), 1989 Act in respect of STs

1.0 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Smt. Kamla Kumari, Member and Shri Bheru Lal Meena, Member, Shri Aditya Mishra, Joint Secretary, Smt. K.D. Bhansor, Deputy Director, NCST Hqrs., Shri R.K. Mishra, Asstt. Director, Regional Office, Bhubaneswar and Shri S.R. Tiriya, Research Officer, Regional Office Ranchi visited the State of Jharkhand from 25th to 30th April 2011 in accordance with the programme communicated to the State Govt. vide Message No.20/3/Jh-1/2008/RU-III dated 18/04/2011 to review development programmes, reservation policy and implementation of the SCs and STs (POA) Act, 1989 in respect of STs.

The report concerning the meetings held at Ranchi with the State Govt. officials and other Deptts./organisations is as under. The report concerning field visits will be issued separately.

29th April 2011

2.0 Meeting with the Home Secretary and DGP to review Implementation of SCs and STs (POA) Act, 1989

The Commission noted that the State Government had not submitted the updated position in respect of the atrocities cases which were referred to them by the Commission and pertained to the year 2008-09, 2009-10 and 2010-11. The State Government assured that the updated information in respect of the cases would be submitted within a fortnight.

Action: State Govt

The Commission observed that the State Government had only submitted partial information in the questionnaire prescribed for review and implementation of the Act. It was also noted that various provisions of the PoA Act and Rules, as mentioned below, were not implemented and as a result, an important objective of the PoA Rules to timely provide relief and rehabilitation to the victims of atrocities was getting defeated.

	Area	Relevant Section
a,	Travelling Allowance, Daily Allowance and Maintenance Expenses	Rule 11 of the POA Rules
b,	Appointment of Special Officer.	Rule-10 of the Rules

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c.	Periodical survey conducted on the working of the provisions of the Act	Sec 21(2)(vi) of the Act
d.	Identification of Atrocities Prone Areas and the measures taken for the removal of disability in such cases.	Sec 21(2)(vii) of the Act
e..	Nomination of Nodal Officer.	Rule-9
f..	Setting up of the S.C., S.T. Protection Cell	Rule-8
g..	Contingency Plan	Rule -15

The Commission noted that Rule 16 of SCs and STs (Prevention of Atrocities) Rules, 1995 provide for constituting State Level Vigilance and Monitoring Committee (SLVMC) to review the implementation of the provisions of the PoA Act and relief and rehabilitation facilities provided to the victims and other matter connected therewith. Head of the Regional Office of the NCST is also a member of the SLVMC The Committee is expected to meet at least twice in a year. Similar Committee has to be constituted at District Level under the provision of Rule 17 of the PoA Rules and this Committee is expected to meet at least once in three months. The Commission was informed that the meetings of SLVMC were not being held. However, the meetings of the DLVMC were stated to be held regularly. The Commission expressed displeasure on not holding the meeting of SLVMC regularly as per the periodicity defined in PoA Rule and advised the State Government to hold the meeting regularly. The Commission also observed that the outcome of the DLVMC were also not being analysed by the State Government to take timely corrective action for effective implementation of the Act. The State Government was advised to take necessary action in this regard.

Action: State Govt

The Commission further observed that Rule 12(4) of the PoA Rules provide for grant of relief and rehabilitation to the ST victims of atrocity. The Commission was informed that the Contingency Plan has been prepared by the State Government with reference to the measures to be taken by the district administration, as prescribed in Rule 12. The relief was also granted to the victims as per the norms prescribed by the Government of India. Rule 11 of the PoA Rules provide for grant of Travelling Allowance, Daily Allowance, Maintenance Expenses and Transfer facilities to the victims of atrocity, his/her dependents and witnesses. It was noted that the State Government had prescribed for payment of daily maintenance allowance, but details were not available. Since the guidelines of the State Government in this regard were not available, the Commission suggested that instead of prescribing a particular fixed amount as the amount of daily maintenance allowance, the State Government may provide for payment of the allowance which may be not less than the minimum wages as may be fixed from time to time.


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The State Government informed that necessary action in the deficient areas mentioned above would be taken for effective implementation of the Act and the position in this regard would be communicated to the Commission within a month.

Action: State Govt

Chairperson, NCST referred to the representation of Shri Gahsia Oraon regarding land encroachment and registering a false case against him by the Police Authorities and mentioned that the comments of the Police Department in the matter had not been in spite of lapse of more than one and a half month. The State Govt. assured that comments in the matter would be forwarded within a fortnight.

Action: State Govt

3.0 Meeting with the Chief Secretary and other senior officers of the Govt. of Jharkhand to review the implementation of programmes and scheme for development of STs in the States.

The following issues were discussed during the meeting:

3.1 Education

The Commission noted that percentage literacy among STs (40.7%) is considerably lower by 12.9% compared to overall literacy of 53.6%.. The female literacy among STs is only 27.2 %, which is lower by 26.8% compared to the literacy of male (54%) The Commission also noted with concern that literacy of ST women was below 2%. in 4 Districts viz. Garwah, Chalra, Koderma and Deoghar. In this connection, the Commission also desired to know the drop-out rates at Primary, Middle, Secondary and Sr. Secondary Stage. The State Government informed the Commission that requisite details were not available. Considering very low level of Literacy among STs, the Commission desired that the State Govt, should apprise the Commission of their strategy, including short and long term plan and specific measures to (a) improve literacy among ST females and in areas having very low level of literacy, and (b) reduce the drop out rate and also expected level of achievement in literacy among STs (male and female) in the ensuing years. The State Government assured that detailed information in this regard would be submitted to the Commission within a month.

Action: State Govt

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The Commission observed that sufficient and quality teachers were basic requirements to improve level of education among tribals. In this connection, it was noted that in ITDP and MADA cluster as well as in other parts of the States, teacher-pupil ratio was very poor (83:1, 94:1 respectively). The Commission desired to know (a) teacher-pupil ratio in Primary Stage (I to V), Middle Stage (VI to VIII), Secondary Stage (IX to X) and Sr. Sec. Stage XI to XII, (b) extent of shortage of teachers, (c) percentage of teachers out of total strength who were not professionally qualified, and (d) action plan for their training in a time bound manner.

The State Govt informed that shortage of teachers was around 18,000. The break-up of shortages in various stages viz Primary Stage (I to V), Middle Stage (VI to VIII), Secondary Stage (IX to X), Sr. Sec. Stage XI to X, both based on the existing norms as well as based on the norms being followed as per the RTE Act, along with drop out rates at various stages as desired by the Commission, would be submitted within a month.


Action: State Govt

The Commission desired to be apprised of the status of higher education in the State and its adequacy particularly with reference to the STs. who were not in a position to migrate to other States for higher education due to their poor socio-economic conditions. The Commission also referred to the large number of vacancies of about 100 posts reserved for STs, which were lying vacant in the Ranchi University for a long time. The Commission was also informed by the University authorities that since 1981, recruitments had been made in the University only in 1986 and 2008. The Commission desired that the State Government should take necessary steps to fill up the vacant posts, especially reserved for STs, in the Ranchi University as well as in other Universities to ensure that standard of higher education didn't suffer due to shortage of teachers. Further, the infrastructure of these Universities should also be upgraded and benchmarked with other reputed universities to raise the standard of higher education in the State.

The State Government informed that the status of higher education and the perspective planning of the State Government in this regard would also be submitted in the Strategy Document mentioned above. Regarding existing vacancies of about 102 posts reserved for STs in the Ranchi University, the State Government informed that the action was being initiated to fill up these posts in a time-bound manner and the Commission would be informed in this regard within a month.

Action: State Govt

The Commission observed that adequacy of necessary infrastructure in education sector and tribal areas should be critically reviewed by the


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State Government. The Commission observed that hostels were very essential to promote education among tribals. The Commission therefore, desired to know whether any assessment had been made with regard to actual requirement of residential schools in the Scheduled Areas over and above the existing hostels for ST students (165, inclusive of 63 hostels exclusively for ST Girls) to meet the targeted level of literacy in the ensuing years.

The State Government informed that the requirement of residential schools in the Scheduled Areas would be reviewed commensurate with the targeted objectives and the position in this regard would be submitted to the Commission within a month.

Action: State Govt


Chairperson, NCST emphasised that there was a need to impart quality education with a view to improving employability of the tribals. The State Govt. should not be contented with the literacy of the tribals and should strive to see that quality education is imparted to the tribals and more importantly, they are employable. The educational curriculum should be designed to take care of the emerging requirements with focus on personality development, communication skill, computer skill, etc. and job oriented training. The State Government informed that the curriculum has been framed as per the NCERT guidelines.

Action: State Govt.

Joint Secretary, NCST requested the State Government to indicate their plan to meet huge demand for secondary education, which was emerging as a result of a large number of students passing out from upper primary classes due to implementation of the Sarva Shiksha Abhiyan. The State Government informed that the State Govt. had decided to upgrade more than 1200 primary schools to high schools. The schools are being upgraded with the aim of expanding and improving the standards of secondary education from classes VIII to X, as envisaged in the core principles of the newly launched Rashtriya Madhyamik Shiksha Abhiyan (RSMA). The State Government further informed that besides upgradation of the primary schools, the State government had drawn up a parallel plan of action to fill up the vacancies of both teaching and non-teaching staff to support the academic needs of the upgraded schools,

Action: State Govt.

Joint Secretary, NCST mentioned that while the seats reserved for STs in medical colleges and diploma courses were getting fully filled, the seats reserved for STs in Engineering institutions, were getting filled to the extent of about 50% only. Further, while the seats in engineering institutions and diploma courses had been doubled since 2007 for STs,


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number of seats reserved for STs in medical colleges had only been 38. The Commission desired to know the reasons for non-filling of the seats reserved for STs in the engineering colleges and whether the State Govt was conducting any coaching classes for the ST candidates for preparation for the entrance examinations in engineering institutions. The Commission also desired to know the opinion of the State Govt on relaxation of 10% marks for STs for entrance examinations for admission in Engineering Colleges, as available for STs for admission in Medical Colleges and whether this relaxation was expected to improve the level of admission of STs in Engineering Colleges. The Commission advised the State Government to look into the matter and also arrange coaching of ST. candidates for admission into the professional institutions like Engineering Colleges, Medical Colleges, etc. to ensure fuller utilization of the seats reserved for STs. In this connection, the Commission also noted that out of annual turn out of about 2.6 lakh graduates, a large number (about 48,000) belong to STs and there was an urgent need to provide special coaching /training for STs for their admission into professional institutions.

The State Govt assured that the relaxation of 10% marks for STs in Engineering Colleges, as available for admission in Medical Colleges would be considered in respect of Engineering Colleges and the position in this regard would be communicated to the Commission within a month. The State Govt. further informed that special coaching /training for STs was being planned during the current year for admission into professional institutions.

Action: State Govt

Chairman, NCST mentioned that during the field visits of the Commission, a strong demand for opening of Nursing School(s) under the Government sector had been projected. He also emphasised that a large number of ST youths, as a result of absence of lack of seats available for nursing training in the State, had to seek admission in Universities outside the State which put them to great financial burden and also led to their placement outside the State though they were very keen to serve their own people in the State. In this connection, Chairman, NCST also observed that a huge demand of para-medical staff including Nurses existed in the State and ST youths trained in nursing were also likely to be willing to serve in Scheduled Areas and thus, it may also provide permanency in their placement in such places. Chairman NCST, therefore, desired that the State Government should consider opening of Nursing school(s), especially in the Scheduled Areas in the State.

Action: State Govt.

The Commission observed that the State Govt. should focus on vocational Training to assist STs to enhance their skills and capabilities to make them employable in industries, keeping in view the market dynamics on a continuous basis so that STs were not deprived of the

professional acumen demanded by the changing market needs and opportunities for employment at domestic as well as international levels. The vocational training should cover free coaching for admission in various technical and professional courses like IT and business management, medical engineering, law, competitive examinations for recruitment to government posts, including police, security forces, public sector undertakings, railways, banks and insurance companies etc. The State Govt. assured to look into the suggestions of the Commission and provide complete details of the programmes to provide vocational training to STs within a month.

Action: State Govt

Chairman, NCST mentioned that during the field visits, the tribal students had reported abnormal delay in payment of post-matric scholarships. The State Govt. assured the Commission that the matter would be looked into and the position in this regard would be communicated to the Commission within a month.

Action: State Govt

Regarding implementation of the 'Right of Children to free and Compulsory Education Act, 2009', the State Govt. Informed that an action plan had already been formulated and was being followed for implementation of the Act.

Action: State Govt.

3.2 Health

The Commission desired to know the extent of shortage of doctors and other para-medical staff in the Scheduled Areas. The State Government informed that the requisite details were not readily available.

The State Government, however, informed that large number of shortage of doctors (about 600), para-medical staff and specialists existed, majority of which was pertaining to the Scheduled Areas. The deficiency in respect of Specialists is being addressed by way of securing additional PG seats in medical colleges and engagement of Specialists against contract under NRHM.

The Commission desired to know the extent of support through NRHM in regard to positioning of doctors, specialists and other para-medical staff in Scheduled Areas. The Commission also desired to be apprised of the report of the NRHM monitors. The State gov't. couldn't produce requisite details in the meeting. The Commission advised the State Government to furnish requisite details along with the Action Plan to

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cover the deficiencies in respect of doctors, para-medical staff and specialists in a time-bound manner. The State Govt. assured that the requisite details and the Action Plan would be submitted to the Commission within a month.

Action: State Govt

The Commission also noted that out of 14 Meso Hospitals only 9 were operating in remote areas. The State Government was advised to indicate the time-frame of commencement of operations of the remaining 5 Meso Hospitals.

Action: State Govt

The Commission noted from the information furnished by the State Govt. that though the medical facilities were available in the tribal areas, a large number of trained personnel in the medical dispensaries were not educated as per the Indian Public Health Standards (IPHS). The Commission desired that the State Government should take immediate action to ensure placement of requisite manpower in the medical dispensaries as per the IPHS and communicate its plan to the Commission within a month.

Action: State Govt

The Commission desired to know whether safe drinking water was available in all ST habitats and the quality of the water was also being periodically checked. The State Government was also informed that as per the target set by the Planning Commission in the 11th Five Year Plan., all rural habitations were required to be covered with supply of drinking water by 2012. The State Government could not confirm availability of safe drinking water in all ST habitats and assured that requisite details would be submitted to the Commission within a month.

Action: State Govt

The Commission noted that the diseases like TB, goitre, hypertension due to alcoholism were commonly noticed among tribals. The Commission desired that the State Government should conduct a study to identify prevalent diseases in the tribal areas and formulate an action plan to eradicate the same.

Action: State Govt

The Commission expressed its serious concern at the high level of mal-nutrition (Total mal-nutrition- 59.2%, Malnutrition (children)- 54%,) Anaemia (6-35 month babies- 77.7%, 15-49 year Male-37.4%, 15-49

Years Female- 7.4%, Pregnant women- 68.04%) and high mortality rate (Infant mortality rate- 93/1000, Rural-46/1000 live birth, Urban-30/1000 live birth). In this connection, the Commission desired that the State Govt. should properly implement Mid-Day Meal Scheme in Scheduled Areas by ensuring regular supply of mid-day-meals, timely lifting of food grains from FCI godowns and timely transportation to Block godowns and school and the fair average quality of the food grains supplied

Action: State Govt

The Commission observed that 41.1% of ST families were below the poverty line as per the Census 2011, out of total of 54% below the poverty line families in the State, while the percentage of ST population in the State was 26.30 % only. The State Govt. may therefore, need to apprise their strategy for generating employment among STs and effectiveness of current schemes being implemented in this regard. In this connection, the Commission suggested that studies should be conducted by the State Govt. to measure effectiveness of various schemes, being implemented for STs and to identify deficient areas in these schemes for necessary corrective actions. The State Govt. assured to look into the matter and apprise the position in this regard to the Commission within a month.

Action: State Govt

3.3 Housing

The Commission desired to know the number of homeless STs and the time- frame to provide housing to all of them. The State Govt. confirmed that requisite details would be submitted within a month.

Action: State Govt

3.4 MGNREGA

Joint Secretary, NCST enquired whether the State Govt. had conducted any study in regard to effectiveness of the Scheme in Scheduled Areas and its impact on socio-economic status of the STs. The State Govt. assured that the suggestion to conduct studies to measure effectiveness of the Scheme in the Scheduled Areas would be looked into and the position in this regard would be communicated within a month.

Action: State Govt

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The Commission advised the State Govt to conduct a study on sample basis to identify whether the provision of minimum 100 days work under the MGNREGA is sufficient for the tribal people considering the fact that they do not have any alternative source of livelihood during the remaining period or the stipulated provision of minimum 100 days needs to be enhanced to meet their requirements. The State Government assured to take necessary action in the matter and provide feedback to the Commission in the matter within a month.

Action: State Govt

The Commission desired that the State Government should also design and implement a system for maintenance of assets being created and mechanisms for convergence with the various line Departments..

Action: State Govt.

On a query from the Commission regarding timely payment of wages under the Scheme, the State Government informed that wage were found to be mostly on time wherever bank accounts were being used. However, wherever post offices were being used, some delay was taking place in this regard. The State Government informed that necessary interaction was being held with the Postal Authorities to curtail the time involved in payment of wages.

Chairperson, NCST, observed that the position indicated by the State Govt. in regard to payment of wages was contradictory to the actual assessment by the Commission based on the field visits, which inter-alia, indicated abnormal delay in payment, as reported by the tribals. The delay in payment of wages was also pushing Scheduled Tribes to financial hardships and leading to their dependence on much harder options for their livelihood. Chairman, NCST further emphasised that delay in payment of wages to the workers also discourages them to be engaged under the Scheme. The State Govt. should, therefore, conduct a survey to assess reasons of delay in payment of wages and take effective measures to ensure timely payment under the Scheme.

Action: State Govt

The State Government informed that out of 49 lakh registered job cards, 15 lakh (40%) pertain to STs. On an average basis, 30 man days were being engaged against the scheme. The Chairman observed that the indicated level of engagement was required to be critically examined specially in the context of STs. who had limited livelihood options and, therefore, much higher level of their engagement under the Scheme was expected. In this connection, Chairman NCST also observed that timely planning of works under the Scheme, and payment of wages were also very critical considerations for effective implementation of the scheme. The Commission, therefore, desired that the State Govt.

should take necessary action in the matter.

Action: State Govt.

The Commission desired to know the action taken by the State Govt. on the reports of the social audit of the Scheme. The State Government informed that requisite details would be submitted within a month.

Action: State Govt

3.5 Rural Electrification and road connectivity to the Scheduled Areas

Chairperson, NCST mentioned that during the field visits of the Commission to the Scheduled Areas, it was emerged that many ST habitats had no or poor electricity connection. Further, the villages also had poor road connectivity. At many places, the condition of the roads had also been found to be of extremely poor standard. The focus of the PMGSY was found to be missing on the Scheduled Areas also.

Chairperson, NCST also observed that the State Govt. should focus on proper infrastructure development in Scheduled Areas as the tribals residing in these areas had developed a feeling that the State Govt. was not responsive even to their basic needs and the resources meant for them were being diverted to other areas not related to them. Chairperson, NCST further desired that a survey should be conducted in these areas by an independent agency to ascertain actual conditions and a firm action plan should be drawn to improve the situation. The State Govt. was also required to properly monitor actual expenditure against the PMGSY.

The State Govt. assured to look into the matter and apprise the Commission of the action taken on the observations of the Commission.

Action: State Govt.

3.6 Land Alienation of STs

The Commission noted that according to Section 46 (1) proviso-A of the Chotanagpur Tenancy (CNT) Act 1908, the land of a tribal occupancy raiyat can be transferred only with the prior permission of the Deputy Commissioner. It was also noted that that the Act also had a provision that in case, the transferee has constructed a substantial structure or building on such holding or portion thereof before coming into force of the Bihar Scheduled Areas Regulation, 1969, he may, notwithstanding any other provisions of the Act, validate such transfer where the transferee either makes available to the transferor an alternative holding or portion thereof as the case may be, of the equivalent value of the

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vicinity or pays adequate compensation to be determined by the Commissioner for rehabilitation of the transferor: The Commission observed that such provisions of the CNT Act, which could be exploited for transfer of land belonging to tribals, needed to be carefully looked into /reviewed to arrest land alienation of STs to protect interest of the tribal in the State. The Chairperson further observed that laws about land alienation should be implemented with greater sincerity and all pending cases should be settled on priority and illegally alienated land should be physically restored to the tribals.

Action: State Govt.

3.7 Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The State Govt. submitted following position regarding implementation of the Act:

No. of claims received by Gram Sabhas	No. of claims approved by DLC for title.	No. of titles distributed.	Total No. of claims rejected
34,936	14,380	13,357	15,143

The Commission noted that out of 34,936 individual claims received by Gram Sabha, titles have been issued in respect of only 13,357 cases and a large number of cases had been rejected (15,143) The Commission desired to know the time-frame by which the remaining titles would be issued. The Commission advised that State Govt. should evolve a strategy for (i) disposal of all the claims within a prescribed time frame, (ii) ensuring that genuine claims are not rejected, (iii) title deeds are distributed to all the approved claimants within the set time frame, and furnish its plan with full details in respect of individual claims as well as community claims separately. The Commission desired that the State Government should carefully examine the rights of the affected tribal people, including their community rights and settle these in accordance with the provisions of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.

Action: State Govt.

The Commission informed the State Govt. that the Commission had also recommended that land holdings regularized under The Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 must not be alienated/acquired except in the case of emergency, wherein equivalent land must be provided in the forest with similar rights.

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3.9 TSP

The Commission noted with concern that the percentage utilisation of TSP fund in the year 2008-09 and 2009-10 has been 94 % and 81% respectively. Similarly, in respect of SCA to TSP in the year 2008-09, utilisation of fund is to the extent of 50% only. In the year 2009-10, there is no allocation of SCA to TSP. Further, there is under-utilisation of the allocated funds by Rs.45 crores (45%) in 2008-09 and no allocation has been made during 2009-10. The Commission also desired to know the actual expenditure in 2010-11 against allocation of Rs. 85.92 crores under SCA to TSP.

The State Govt. informed that under-utilisation of funds under TSP was mainly attributed to delay in submission of the Utilisation Certificate and time taken in streamlining the system. A detailed note in the matter with requisite details would be submitted to the Commission within a month.


Action: State Govt

Chairperson, NCST informed that there was under TSP an imperative need to streamline the system for incurring expenditure under TSP as per the pattern being followed by the Maharashtra Govt., which had also been adopted by many State Govts. He also expressed his concern over inordinate delay occurring in streamlining the system in the Jharkhand as per the Maharashtra pattern though the State had significant percentage of STs, while the other States with much lesser percentage of ST population had already adopted the Maharashtra pattern for effective implementation of TSP. The State Govt. assured that action to streamline the system on the Maharashtra pattern was under consideration of the State Govt and necessary action in the matter would be taken expeditiously.

Action: State Govt

Chairperson NCST observed that appropriate outlays for TSP should be earmarked in respect of all departments to ensure that Scheduled Areas don't continue to be hamstrung by poor infrastructure/services. Further, unless the earmarking of TSP outlays exceeds the relative share of incidence of residual problems e.g. drinking water, primary health care and education, nutritional support, unemployment etc., the relative gap in physical quality of life is likely to persist. Each Department should also have a separate budget sub-head for TSP. The State Govt. assured to consider views of the Commission while reviewing the system.

Action: State Govt


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Chairperson, NCST also suggested that representatives of NGOs may also be included in the District and Block Level Monitoring Committee for TSP,. The State Govt. assured to look into the suggestion.

Action: State Govt

3.10 Reservation in posts

State Government could not furnish the position with regard to representation of STs. in the State Govt. There was no information about the backlog vacancies of posts secured for STs too. Chairman, NCST desired that the State Govt. should furnish detailed information in the regard in respect of all Deptts.. within a month and all efforts should also be made to fill up the backlog vacancies against the posts reserved for STs through special recruitment drive. Further, the position regarding vacant posts of STs and the action taken by the State Govt. to fill up these posts may also be considered for hosting on the web site of the Govt. of Jharkhand.

The State Government assured that the Department-wise data and action taken by the State Government to fill up the vacant posts reserved for STs would be furnished within a month.

Action: State Govt

3.11 Role of NGOs

The Commission noted that a large number of NGOs were involved in implementation of various programmes for welfare and development of STs. The Commission desired to know whether there were any guidelines which clearly defined criteria for monitoring and checking their performance, accountability and credibility. The Commission also desired to know whether the State Government had removed any NGO based on their poor performance. The State Govt. assured that requisite details would be submitted within a month.

Action: State Govt

3.12 Setting up of a State S.T. Commission

Chairman, NCST observed that considering the large population of STs in the State and their complex problems relating to literacy, health, socio-economic conditions etc. there was an imperative need to open a State ST Commission to address their grievances relating to various development schemes, provide protection for their safeguards and also to monitor, effectiveness of various schemes being run by the State Government for welfare of the STs. The State Govt. informed that a proposal in this regard was already under consideration. Chairman, NCST desired that the proposal should be expeditiously processed for

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setting up of the State ST Commission on an urgent basis.

Action: State Govt

4.0 Meeting with Mr. A.K. Khan, Vice Chancellor and other officials of Ranchi University

The Commission reviewed implementation of reservation policy in the Ranchi University. It was observed that large number of teaching posts were lying vacant, affecting the education of the students. It was further observed that as rosters in respect of all categories had not been maintained, it was difficult to ascertain actual position with regard to backlog vacancies. However, a SC and/ ST Cell is functioning in the University. Chairman, NCST advised the University authorities to complete the rosters within 6 months and inform progress in this regard to the Commission within 3 months

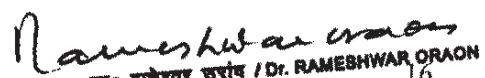
The faculty members of the Ranchi University represented that the teachers and employees of the University had not received salary as per the recommendation of 6th Pay Commission. They also brought to the notice of the Hon'ble Chairman the norms relating to land for setting up new colleges in rural and urban areas and demanded for relaxation in the norms so that more colleges could be opened in rural and urban areas. It was also brought to the notice of the Commission that the Post-metric stipends were are not being paid to the students in time. There was inordinate delay in payment, which defeated the very purpose of the scheme.

The Commission desired that the State Govt should respond to the issues raised by the University and apprise the position to the Commission in the matter within a month.

Action: State Govt.

5.0 Meeting with the Director, Tribal Research Institute, Director, Jharkhand Tribal Development Society and Regional Manager, TRIFED

At the outset, Director, TRI informed the Commission that many key posts like Deputy Director, Assistant Director and Research Officers were lying vacant in the TRI affecting the functioning of the TRI. These posts need to be filled up on priority basis for effective functioning of the TRI. Chairman NCST desired that the State Government should adequately strengthen the TRI, both in terms of manpower strength and infrastructure, for its effective functioning to enable it to meet its outlined objective.


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Director, JTDS. informed the Commission about special features of the the Jharkhand Tribal Development Programme and its impact on the target group. The programme which started in the year 2003 with an estimated cost of Rs. 54.72 crores is planned to be completed in 2011. So far, Rs. 39.87 crores have been spent. Under this programme, 35,000 tribal households covering 1,69,988 population have been covered. Chairman, NCST desired that an impact assessment study of the programme may be conducted and submitted to the Commission.

Action: State Govt. (Director/JTDS)

30th April 2011

6.0 Meeting with Hon'ble Chief Minister Shri Arijun Munda

Hon'ble Chairperson, NCST briefly apprised the Hon'ble Chief Minister about the discussion held with the Officers of the State Government on the matter concerning STs.

Chairperson, NCST expressed the need for the State Govt. to have a strategic plan covering both short-term and long-term measures to address low level of literacy among STs, especially females and also to fill up large number of vacancies of the teachers (about 18,000) and upgrade quality of education with strong support to vocational training, to make it employable. Chairman, NCST also emphasised that the State Government should conduct studies to ascertain effectiveness of various schemes, both in education and health sector, to identify deficient areas for timely corrective actions. The State Govt. should also take urgent steps to fill up the vacant posts of doctors and para-medical staff in Scheduled Areas and formulate an action plan to eradicate the prevalent diseases among tribal areas for which specific studies should be conducted to identify them.

Chairman, NCST highlighted the need to open Nursing Schools and Academy of Tribal Languages, which were strongly demanded by the tribals during the field visits of the Commission to the Scheduled Areas. In this context, Chairman, NCST particularly mentioned that availability of trained Nurses in the State would help the State to a large extent to meet shortage of Nurses in the Scheduled Areas as the ST nurses were likely to prefer to work in the Scheduled Areas rather than looking for jobs outside the State.

Chairman, NCST also emphasised the need to re-orient implementation of the TSP scheme on the Maharashtra pattern, specially considering the fact that the existing system had been found to be deficient and not sensitive with regard to its focus on the requirement of the STs. Further, the State of Jharkhand, inspite of having a large number of ST

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population, had not adopted the Maharashtra pattern while many other States with much smaller population of STs had been effectively implementing the Maharashtra pattern. Similarly, the resources under the PMGSY have not been found to be having desired focus on the Scheduled Areas with the result that many ST habitats have extremely poor connectivity by road.

Regarding forest rights of the tribals, Chairman, NCST emphasised the need to review large number of rejection of claims and settlement of accepted claims including community rights at the earliest.

Chairman, NCST sought the intervention of the Chief Minister to increase the level of engagement of Scheduled Tribes under the MGNREGA as the existing level of engagement of 30 mandays on an overall basis was certainly not a true reflection of the actual demand of the STs who had very few other options of their livelihood during a year. Further the State Govt. should look into the reported problems relating to delay in payment of wages and other deficiencies in regard to implementation of the schemes, as emerged from the Social Audits. The Commission also advised the State Govt to conduct a study on sample basis to identify whether the provision of minimum 100 days work under the MGNREGA is sufficient for the tribal people considering the fact that they do not have any alternative source of livelihood during the remaining period or the stipulated provision of minimum 100 days needs to be enhanced to meet their requirements.

Chairman, NCST also highlighted that, as emerged from the discussion held with the officials of the State Govt., the existing CNT Act (1908) needed to be reviewed to arrest land alienation of STs, especially in the context of the loopholes emerged from implementation of the existing Act. Further, the State Government should ensure early disposal of all pending cases with physical restoration of land to tribals, wherever required.

Chairman, NCST mentioned that the actual position in regard to vacant posts reserved for STs in the State Govt. was not available with the State Govt. as the rosters were not being maintained by all the Departments. He emphasised that the post reserved for STs were required to be urgently filled through Special Recruitment Drive (SRD) after identification of backlog vacancies based on the rosters to be finalised by the various departments.

The Commission also impressed upon the Chief Minister to strengthen local governance by further empowering Panchayats.

Hon'ble Chief Minister assured to look into the issues raised by the Commission and indicated that reforms in regard to implementation of TSP and MGNREGA were underway and the Commission would be apprised of the progress in this regard at the earliest.

Action: State Govt .

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