

Minutes

Discussions on Safeguards & Rights of Scheduled Tribes, Nilgiris District

In the Chair: R. Vijaykumar, PhD, Secretary, National Commission for Scheduled Tribes, Govt of India

Venue & Date: Collectorate, Udthagamandalam; 7.2.2014 at 1030 AM.

Present:

1. Dr. P. Sankar, I.A.S., District Collector, The Nilgiris.
2. Thiru T. Senthil Kumar, Superintendent of Police, Nilgiris.
3. Thiru Srinivasa Reddy, IFS, Project Director, HADP, Ooty.
4. Thiru. A. Selvaraj, Revenue Divisional Officer, Coonoor.
5. Thiru. V. Jagajothi, Revenue Divisional Officer, Gudalur.
6. Thiru. B. Sundaravadivel, District Manager, TAHDCO, Ooty.
7. Thiru. R. Periasamy, Asst. Director, Town Panchayat, Ooty.
8. Thiru. R. Balasubramanian, Asst. Director (P/A), Ooty.
9. Thiru. N. Mani, Joint Director, Horticulture, Ooty.
10. Tmt. Devakumari, District Social Welfare Officer, Ooty.
11. Dr. V. Gunasundari, Joint Director-Health Services, Ooty.
12. Thiru. E.K. Ramachandran, Tahsildar, Gudalur.
13. Thiru. K. Hirian, Tahsildar, Kotagiri.
14. Thiru. M. Innasimuthu, Tahsildar, Pandalur.
15. Tmt. K. Vanitha, Head Quarters Deputy Tahsildar, Kundah.
16. Tmt. B.R. Shanthi, Tahsildar, Coonoor.
17. Thiru. Y. Arun, Asst. Engineer, Tamilnadu Electricity Board, Ooty.
18. Thiru. R. Udhayakumar, Superintendent, DFO-South Division, Ooty.
19. Thiru. P. Ganesan, Forest Range Officer, Gudalur Range & Division.

Based on details provided by the SP, it was noted that of 39 cases booked under POA Act from 2007 to 2014 for both SC and ST victims, eight cases were excluded from POA which suggests need for greater scrutiny to ensure focus on genuine cases. Of 12 cases under trial of which five related to STs and one ST case in 2014, the issues related to juvenile rape and custodial rape of juvenile by school staff in two cases, outraging modesty in one case and others were disputes of tenant eviction, property dispute and abduction by policeman in a community dispute. There were no cases of atrocity against ST for eviction, alienation arising from indebtedness, or bonded labour. The SP said that about five cases arose every year on complaints of abuse for people living in the forest area as 'Kattuvasi'-Forest dweller and these were promptly investigated. In the area of damage to property of Scheduled Tribe, the SP reported one case of an ex-serviceman, in a domestic quarrel, who damaged his father's house which was let out to a Scheduled Caste. Monetary compensation was paid in six cases, sanctioned in four cases and was under process in one case.



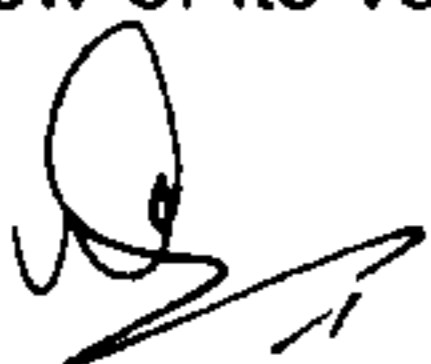
On the functioning of Vigilance Cell, requests for verification are taken up promptly and reports have been sent in all seven ST cases. The Collector said that ST certificates issued were 594 in 2011, 1012 in 2012 and 1265 in 2013 and no certificates were issued to out-State migrants. RDOs were visiting tribal hamlets and collecting applications for prompt issue of certificates. In this regard, Secretary referred to the views of the Commission recorded at Agenda 9 of the 51st meeting of the Commission (on website) which clarified the need to strictly adhere to the description of the community in the Constitution (ST) Order, 1950.

Secretary inquired about the steps taken to recognize forest individual and community rights of tribals and forest dwellers in forest areas under the FRA, 2008. He requested the DFO to take emergent steps to form the Gram Sabhas for the tribals, the distinction between these Gram Sabhas and the Panchayat or VFCs under JFM and urged quick formation of FRCs by which the grant of rights could become a reality. He explained that the FRA was quite clear in conferring the stewardship role of tribals in regard to the forests and that no interference should be made in their collection of forest produce nor in the issue of movement permits. The Forest department should work closely with the tribals to encourage efforts to promote forest wealth keeping the tribals in the lead and through institutions controlled fully by tribals. On the issue of Toda pattas, Secretary mentioned that the original purpose was to grant permits for enabling pasture grazing and not for cultivation or lease. The toda pattas were still in the names of the original pattadar and was contained in the 1870 Settlement register which he had seen ten years back in the Collectorate and which had been digitized in a CD. He requested the Collector to examine the register in this regard for its updating but the illegal on-lease by Todas to Badagas, etc and status of current occupiers would need to be resolved.

In regard to the tribals, etc living in tiger reserve areas, it was explained that most of the residents wanted to move and this was being encouraged. Secretary inquired about the compensation and if community rights for MFP/NTFP were also being compensated. The Collector clarified that Rs 10 lakh was being to each adult in the family in addition to land holding compensation. The issue of community rights being included would need to be resolved.

Secretary also briefed the Collector on his discussions with the DFO, Coimbatore on shops to be put up by villagers in Kunjapannai next to the temple and that the DFO was willing to permit villagers but not NGOs and they should accordingly apply.

On developmental programmes, Secretary inquired about the funds and proposals under TSP and it was learnt that funds are awaited. The Collector said that TAHDCO loans to 53 unemployed ST youth had been arranged and agreed to seek assistance from the National Scheduled Tribes Finance Corporation in view of its very low interest rates. This was a follow-up on the Commission's visit



and was much appreciated by the Secretary. These include funds for culturally adapted housing of Rs 4.24 crores under CSS for the PVTGs and 212 beneficiaries had been selected. Secretary requested quick completion and to develop a presentation for wider distribution to build awareness of the difficulties and benefits of this scheme across the country. During the discussion, the officials were urged to locate sources of smokeless chulas in Dharmapuri, etc and after educating the tribals on its advantages, introduce them on a saturation basis. It was learnt that with the failure of the motorcycle ambulance scheme in providing ambulance access to villages away from the main road, a new system of keeping one stretcher in every off-road village had been developed so as to safely bring the patient to the road and from there by 108 Ambulance to the Hospital. While the State's Backward Grant Fund was to be allotted late in the district's turn, the Village Poverty Reduction Committee (VPRC) under NRLM had been formed in 80 locations, 46 of which are for Scheduled Tribes and training for starting small businesses was being provided. Hostel facilities are available and funds have now been provided for a new hostel for ST girls.

On the follow-up on the Commission's visit and observations, it was noted that the complaint of a Kotha of eviction in Iduhatty village was decided against the Kotha (ST) by a civil court since the transfer had been effected after the period of condition imposed in the assignment order of ten years. The DRO had also convened a meeting with the concerned persons and villagers and explained the situation. Secretary observed that normally the conditions imposed were twenty years and in the case of SC/ST, the transfer was usually restricted to the same community. The Collector was asked to inquire into the circumstances of such conditions being imposed in this assignment which apparently deviated from usual practice. The district has advised of some small steps toward employing the skilled ST youth but much more needs to be done especially for low skill jobs such as conductor, etc for which district reservation in relation to population would be a better reference. It was understood that the Director, Tribal Welfare has addressed Government in this regard. The Secretary appreciated the effective action taken on the Commission's suggestions but added that road access permission from the Forest department and small extensions by way of house site pattas in forest villages that encroached into hitherto forest land would need to be permitted and he requested the Collector to find some solution.

A brief discussion also took place on the need to follow a single-unit roster system to enable more tribals admission into university programmes but also to promote appointments within the district itself.


The meeting concluded with the Chairman thanking the participants.



Meeting on 7th Afternoon

Thiru V.T. Kandasamy, IFS, Conservator of Forests, Coimbatore Circle.

A discussion was held with Thiru Kandasamy, Conservator in regard to the situation of implementation of Forest Rights Act in regard to Coimbatore, Erode and Nilgiris districts. The chief problems brought out in the implementation as reviewed during the visits to these districts were highlighted. It was urged that the formation of Gram Sabhas, quite distinct from the existing Panchayati Raj Gram Sabhas and the VFCs formed under JFM or Tribal VFCs, should be formed immediately by the RDOs with the active cooperation of the Forest department. Following this and the election of FRCs by these Gram Sabhas, the receipt of claims would ensure that the figure of claims and disposal would reflect the correct situation rather than the wrong picture presented now. The problem of MFP/NTFP collection and movement was also linked to this and the Conservator was advised of how some sale of the tribals' MFP was done by foresters in Bargur three years back and of which a complaint had been made against the DFO, Salem recently. Such interference and sale of tribal property essentially amounted to theft and could be considered an offence under the POA Act which would have serious consequences. He was requested to guide the DFOs suitably so as to conform with the law.


(R. Vijaykumar)
24/2/14