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**Government of India  
National Commission for Scheduled Tribes**

6<sup>th</sup> floor, 'B' Wing, Loknayak Bhawan  
Khan market, New Delhi-110 003.

File No. IRP/1/2010/STGJK/SEOTH/RU-I

Dated: 07/10/2013

To

**The Chief Secretary**  
Government of Jammu & Kashmir,  
Srinagar

Sub: Discussion on the petition regarding protection of constitutional rights in favor of Scheduled Tribes (Gujjar & Bakrwal) of J&K.

Sir/Madam,

I am directed to refer to this Commission's letter of even number dated 06/09/2013 on the subject mentioned above and to forward herewith a copy of record proceedings of the Sitting taken by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST on 20/09/2013 in the NCST with the Secretary, Social Welfare Department, Government of Jammu & Kashmir.

It is therefore, requested that action taken report on the points raised in the record of proceedings of the Sitting may please be sent to this Commission at the earliest.

Yours faithfully,

(M.S. Chopra)  
Director

Copy forwarded for information/necessary action to :-

1. Shri Ishfaq-ur-Rehman Poswal, State President, Bhartiya Gujjar Mahasabha, Srinagar.

NOO

Copy to:-

1. PS to Chairperson, NCST
2. AD (Coord)
3. SSA NIC

(M.S. Chopra)  
Director

*ol.*

11/10/2013

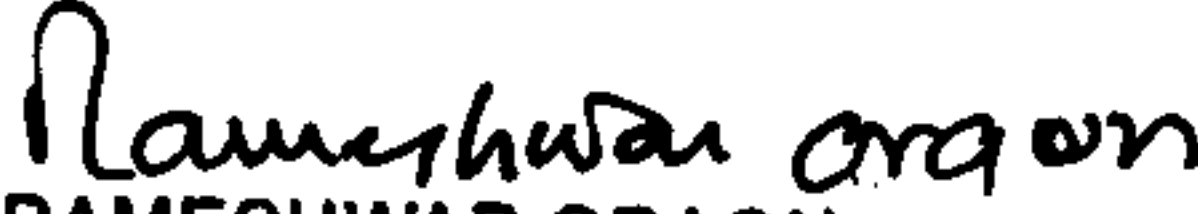
**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Record of the proceedings of the Sitting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 20/09/2013 at 1200 Hrs in the Commission with the Secretary, Social Welfare Department, Government of Jammu & Kashmir on the representation of Shri Ishfaq-ur-Rehman Poswal, State President, Bhartiya Gujjar Mahasabha, Srinagar regarding protection of constitutional rights in favor of scheduled tribals (Gujjar and Bakrawal) of J&K**

A Sitting was taken by Dr., Rameshwar Oraon, Chairperson, NCST in the National Commission for Scheduled Tribes (NCST) on 20/09/2013 with the Secretary, Social Welfare Department, Government of Jammu & Kashmir on the representation of Shri Ishfaq-ur-Rehman Poswal, State President, Bhartiya Gujjar Mahasabha, Srinagar regarding protection of constitutional rights in favor of Scheduled Tribes (Gujjar and Bakrawal) of the State of J&K.

2. The list of the participants is attached. The Petitioner was not present in the Sitting. The petitioner arrived late and Hon'ble Chairperson advised him that he could meet the Secretary, Social Welfare Department, Government of J&K at Srinagar with reference to his representation.

3. In his representation, the petitioner had submitted that the Scheduled Tribes (Gujjar and Bakrawal) of the State of J&K were marginalized community and being ignored with regard to the guarantees provided to them under the Constitution of India. The Gujjar welfare schemes have not been implemented fully and properly. The State Government is diverting the funds meant for their welfare to other schemes. Gujjar and Bakrawal constitute more than 12% population of the State of J&K. According to the directions of the Planning Commission, the State Government should be advised to allocate funds, both Central Grants as well as State Grants, in proportion to the population of the Gujjar and the Bakrawal community in the State. The petitioner also sought reservation of seats in favour of Gujjar and Bakrawal community in the Legislative Assembly and Council in the State of J&K as done in the case of the Scheduled Caste of J&K and also in Lok Sabha and Rajya Sabha.

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

4. Hon'ble Chairperson, NCST explained that the National Commission for Scheduled Tribes does not interfere in the political matters like reservation of seats for Legislative Assemblies, Parliament etc.


5. Shri M.S. Rather, Secretary, Social Welfare Department, Government of J&K submitted that as per the Census 2011, the total population of J&K State was 1,25,41302, comprising Scheduled Tribe population of 14,93,299 which constitutes about 11.90% of the total population of the State. Two central schemes existed in the State, namely Special Central Assistance to Tribal Sub-Plan (SCA to TSP) and "Article 275(1) of the Constitution of India" under which funds were being provided by the Ministry of Tribal Affairs, Govt. of India on 100% basis in order to fill the critical gaps in the area of employment-cum- income generating activities and infrastructural, incidental thereto, in order to bring the tribal population at par with the rest of the State. Both the schemes are implemented through the District Development Commissioners (DDCs) of the State who are the designated nodal agencies for implementation of the schemes. Secretary, Social Welfare Department, Government of J&K further apprised the Commission of the details of the plan proposals submitted by the State Government to the Government of India for allocation of funds and expenditure incurred under both the schemes during the last four years as under:-

SCA TO TSP(Rs in Lakhs)

S.No	Year	Plan proposal submitted to Gol	Funds available	Expenditure incurred
1	2009-10	1400.00	1077.621	632.045
2	2010-11	1622.00	1635.146	910.161
3	2011-12	1946.00	1867.985	793.306
4	2012-13	2163.00	1074.679	859.758

Article 275(1) of the Constitution of India(Rs in Lakhs)

S.No	Year	Plan proposal submitted to GOI	Funds available	Expenditure incurred
1	2009-10	1160.00	532.566	131.842
2	2010-11	1214.00	1587.724	888.445
3	2011-12	1390.00	2089.279	952.211
4	2012-13	1529.00	1287.409	1045.538

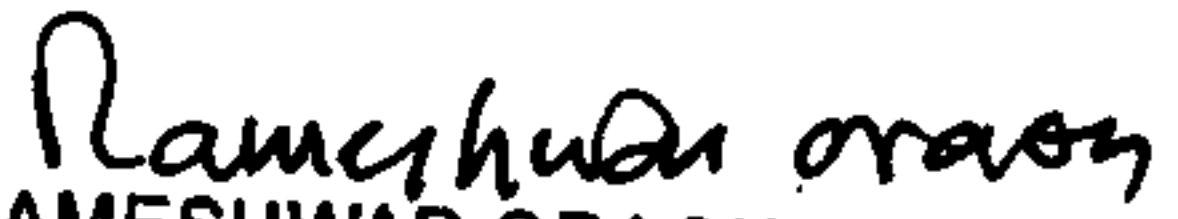
  
**Dr. RAMESHWAR ORAON**  
 Chairperson  
 National Commission for Scheduled Tribes  
 Govt. of India  
 New Delhi

6. Secretary, Social Welfare Department, Government of J&K mentioned that the guidelines regarding utilization of funds under TSP, as suggested by the Planning Commission of India, were being firmed up and a separate Tribal Sub-Plan would be finalized shortly. The Panchs/Sarpanchs in areas, predominantly inhabited by the Gujjar and Bakrawal communities, have been authorized to prepare plan under TSP for submission to the Block Development Council which shall recommend it to the concerned DDCs for approval by the Districts Planning Boards. He further indicated district-wise percentage of ST population in J&K and details of funds utilized under SCA to TSP and Article 275(1) of the Constitution of India (Attached at Appendix).

7. Joint Secretary, NCST pointed out that the funds allocated/utilized under SCA to TSP and Article 275(1) in the Districts Rajouri, Kulgam, Baramulla and Kupwara were not in accordance with the proportion of STs to total population in these districts. Hon'ble Chairperson advised that the State Govt. should ensure allocation of funds under SCA to TSP and Article 275(1) for the welfare of Scheduled Tribes of the State as per their population ratio in the districts. He further emphasized that the officers of the State Govt. Welfare Department should visit districts to hold meetings with the district authorities and ST people to ensure effective utilization of funds meant for STs. The State Govt. may also consider raising demand for sufficient funds from the Central Govt. (Ministry of Tribal Affairs) after scientifically assessed needs of the STs to fill up their developmental deficit vis-à-vis general public. Secretary, Social Welfare Department Govt. of J&K submitted that a meeting with all Dy. Commissioners were being convened shortly to streamline the procedure regarding formulation of proposals and effective utilization of funds under TSP.

8. Chairperson, NCST advised that the State Govt. of J&K to communicate position on the following **within a month**:


- (a) Steps taken by the State Government to ensure allocation of funds under TSP and Article 275(1) in different Districts in proportion to the population of STs in these districts,
- (b) A Statement indicating date of submission of proposals to the Govt. of India for allocation of funds under TSP, date of release of funds by the Government of India in respect of 2009-10, 2010-11, 2011-12 and 2013-14;

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- (c) The reasons for late submission of demands for grants to the Govt. of India and low level of expenditure of TSP funds by the Govt. of J&K with action taken/proposed to be taken to rectify the system in this regard;
- (c) Action taken on the report of the Commission on its visit to the State of J&K from 27/7/2012 to 03/8/2012 and Leh from 03/7/2013 to 08/7/2013.

Action :  
Govt. of J&K

The Sitting ended with vote of thanks to the Chair.

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



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

File No. IRP/1/2010/STGJK/SEOTH/RU-1

**Attendance Sheet**

**Date: 20/09/2013 at 1200 Hours**

**Sitting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 20/09/2013 at 1200 Hrs in the Commission with Secretary, Social Welfare Department, Government of Jammu & Kashmir on the representation of Shri Ishfaq-ur-Rehman Poswal, State President, Bhartiya Gujjar Mahasabha, Srinagar regarding protection of Constitutional Rights in favor of tribals (Gujjar and Bakrawal) of J&K.**

**National Commission for Scheduled Tribes**

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Shri Aditya Mishra, Joint Secretary
3. Shri M.S. Chopra, Director
4. Shri T.D. Kukreja, PS to Chairperson

**Govt. of Jammu & Kashmir**

1. Shri MS Rather, Secretary  
Social Welfare Department

**Petitioner**

## BACKGROUND NOTE OF THE SCHEMES UNDER IMPLEMENTATION FOR THE WELFARE OF SCHEDULE TRIBES IN J&K STATE.

Tribal population of Jammu & Kashmir is among the nascent Tribal Groups joining the main stream of planned development, to which they have brought a distinct and colourful cultural variety. Their economy is closely linked with the forests and they are living a substandard life because of their primitive mode of livelihood. Majority of them are placed below the poverty line, possessing meagre assets and are exclusively dependent on wages, forest produce and farming, that too in a traditional way which leads to non remunerative returns. The peculiar aspect of tribals of our state is their scattered population who inhabit the difficult and remote geographic terrains which poses a severe threat to their speedy development. In J&K state the following communities have been declared as scheduled tribes 1. Balti, 2. Beda, 3. Bot, Bota, 4. Brokpa, Drokpa, Dard, Shin, 5. Changpa, Garran, 6. Mon, 8. Purigpa, 9. Gujjar, 10. Bakerwal, 11. Gaddi and 12. Sippi.

As per census 2011 the total population of J&K State is 12541302 persons out of which the Scheduled Tribe population is 1493299 which comprise about 11.90% of the total population of the state.

### DISTRICT-WISE DISTRIBUTION OF ST POPULATION PERCENTAGE IN J&K

S.NO	District	ST Population	% of ST Population to Total ST Population
1	Jammu	69193	4.63
2	Samba	17573	1.18
3	Kathua	53307	3.57
4	Udhampur	56309	3.77
5	Reasi	88365	5.92
6	Doda	39216	2.63
7	Kishtawar	38149	2.55
8	Ramban	39772	2.66
9	Rajouri	232815	15.59
10	Poonch	176101	11.79
11	Srinagar	8935	0.60
12	Ganderbal	61070	4.09
13	Badgam	23912	1.60
14	Anantanag	116006	7.77

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**SCA TO TSP**(Rs in lakhs)

S. NO	YEAR	PLAN PROPOSAL SUBMITTED TO GOI With date	FUNDS AVAILABLE	EXPENDITURE INCURRED
1	2009-10	1400.00 31/12/2009	i. 783.831 (Balance Available) ii. 263.79 *(fresh) iii. 30.00** 1077.621	632.045
2	2010-11	1622.00 10/1/2011	i. 445.576 (Balance Available) ii. 489.57 (fresh) iii. 700.00*** 1635.146	910.161
3	2011-12	1946.00 27/9/2011	i. 724.985 (Balance Available) ii. 1143.00 (fresh) 1867.985	793.306
4	2012-13	2163.00	i. 1074.679(Balance Available)	859.758

Note (\*) Rs. 263.79 lakhs were released by GOI in lump-sum against the action Plan of 2009-10 which were released in favour of the implementing agencies in proportion to their action Plans.

(\*\*) Rs. 30.00 lakhs were released by Planning & Development Department as an additionality for District Baramulla

(\*\*\*) On the instructions of Hon'ble Chief Minister, Plg&Dev. Deptt. released Rs. 700.00 lakhs in the month of February, 2010 and were kept in the civil deposit head for utilization during 2010-11.

**ARTICLE 275 (1) OF THE CONSTITUTION OF INDIA** (Rs. IN Lakhs)

S. NO	YEAR	PLAN PROPOSAL SUBMITTED TO GOI	FUNDS RELEASED BY GOI WITH DATE	EXPENDITURE INCURRED
1	2009-10	1160.00 31/12/2009	i. 249.826 (Balance Available) ii. 282.74 * (fresh) 532.566	131.842
	2010-11	1214.00 10/1/2011	i. 400.724 (Balance Available) ii. 607.00 (fresh) iii. 580.00(**) 1587.724	888.445

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	2011-12	1390.00 27/9/2011	i. 699.279 (Balance Available) ii. <u>1390.00</u> (fresh) 2089.279	952.211
	2012-13	1529.00	i. 1137.068 (Balance Available) ii. <u>150.341</u> (fresh) 1287.409	1045.538

**Note(\*)** Rs. 282.74 lakhs were released by GOI in lump-sum against the action Plan of 2009-10 which were released in favour of the implementing agencies in proportion to their action Plans

**(\*\*)** On the instructions of Hon'ble Chief Minister, Plg&Dev. Deptt released Rs. 580.00 lakhs in the month of February, 2010 and were kept in the civil deposit head for utilization during 2010-11.

The District wise detail of funds utilized during the last four years under both the schemes is given as under:

**District-wise details of funds Utilized under SCA to TSP & Art.275(1) of Constitution of India during 2009-10, 2010-11, 2011-12 & 2012-13.**

S.No	District	Funds utilized (Rs. in lacs)							
		2009-10		2010-11		2011-12		2012-13	
		SCA To TSP	Article 275 (I)	SCA To TSP	Article 275 (I)	SCA To TSP	Article 275 (I)	SCA To TSP	Article 275 (I)
1	Jammu	17.315	0.00	21.541	28.040	34.58	46.81	29.584	19.192
2	Samba	6.99	0.00	8.640	8.720	5.17	12.33	10.87	3.43
3	Kathua	21.04	0.00	24.970	25.271	27.44	34.63	21.327	19.654
4	Udhampur	23.30	0.00	14.950	30.424	18.76	49.04	38.462	21.172
5	Reasi	36.533	0.00	56.575	62.350	35.269	85.08	<u>62.686</u>	18.42
6	Doda	7.43	1.00	11.708	19.490	17.862	8.74	25.023	29.98
7	Kishtawar	8.975	0.00	18.810	17.760	22.10	19.58	17.273	19.78
8	Ramban	19.295	4.634	24.470	25.010	17.20	36.62	36.574	22.181
9	Rajouri	95.82	21.21	111.890	108.580	138.59	130.54	90.19	94.71
10	Poonch	99.71	23.573	46.750	56.670	139.69	154.82	<u>88.364</u>	99.98
11	Srinagar	1.26	11.42	0.430	1.710	1.39	0.85	1.239	1.23
12	Ganderbal	16.62	0.00	24.300	30.442	37.20	23.451	29.996	56.40
13	Budgam	6.315	0.00	11.920	16.120	10.66	19.11	7.61	7.317

Sl. No.	District	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
14	Anantnag	41.245	0.00	11.088	68.720	48.312	64.79	72.036	35.262
15	Kulgam	24.353	29.02	18.432	46.540	47.58	68.01	13.94	272.92
16	Pulwama	7.019	1.725	2.836	3.860	6.87	6.89	6.09	4.60
17	Shopian	6.485	1.95	7.907	7.850	5.54	6.70	11.975	11.93
18	Baramulla	21.00	6.06	21.400	16.614	18.07	0.00	23.379	61.61
19	Bandipora	31.62	0.00	45.400	49.110	15.93	25.04	35.385	50.74
20	Kupwara	19.40	0.00	23.370	11.510	21.64	28.84	52.217	48.73
21	Leh	17.01	19.84	48.640	19.160	25.823	30.90	77.357	90.73
22	Kargil	44.85	10.54	48.250	52.660	63.63	87.19	83.18	50.38

It is pertinent to mention here that in view of discussions in the meeting of the Gujjar and Bakerwals Advisory Board on 12-04-2012 under the Chairmanship of Hon'ble Chief Minister and decision taken to fast track implementation of schemes under SCA to TSP and Art. 275(1) of the Constitution of India, State Planning and Dev. Department in anticipation of release of approved allocation by the Central Ministry released an amount of Rs. 1250.00 lacs during the year 2012-13 in favour of Social Welfare Department and the same was released in favour of the implementing agencies during the year for implementation of the programmes.

Two EKLAYA Model Residential Schools under Article 275 (1) of the Constitution of India (CSS), one at Salia Anantnag with estimated cost of Rs. 1453.61 lacs and another at Tangmarg Kulgam with estimated cost of Rs. 1416.00 lacs are under construction. Besides, one Gaddi Sippi Hostel at Udhampur Jammu recommended by the Special Task force at an estimated cost of Rs. 196.50 lacs is nearing completion.

There is another Centrally sponsored Scheme viz. Post Matric Scholarship to ST students whereunder funds are provided by Ministry of Tribal Affairs on 100% basis. The objective of the scheme is to provide financial assistance to the students belonging to Scheduled Tribe Category studying at post Matric or Post secondary Stage to enable them to complete their education. The scholarship is available to the students whose parents/ guardians income from all sources does not exceed 2.50 lacs per annum. The degree and post graduate Courses are divided into four groups for purpose of eligibility of maintenance allowance or hostellers and day scholars beside reader allowance



for blind scholars . The physical and financial achievements during the last three years are as under:

(Rs. in lacs)			
S.No	Year	Expenditure	Physical Achievement
1	2010-11	765.00	11000
2	2011-12	1398.00	10332
3	2012-13	1141.85	14930

In order to have focused attention towards the development of Gujjar Bakerwal community State Government have constituted Advisory Board for the Dev. of Gujjar Bakerwals. The main objective of this Board is to identify the factors which are responsible for Socio Economic backwardness of Gujjar Bakerwals and simultaneously advice suitable measures.

In order to uplift the above community, special emphasis is on the educational empowerment of G&B community and in this direction the Govt. has opened 499 Mobile schools and 19 G&B hostels with an intake capacity of 1750 inmates. The Hostel inmates are being provided free of cost facilities like diet, uniform, books and medicines.

The State Government is also providing sufficient funds through State Advisory Board for the Dev. of G&B for providing scholarship to the needy ST students studying at Pre- Matric level. The physical and financial achievements during the last three years are as under:

S.No	Year	Expenditure	Physical Achievement
1	2010-11	1649.68	220000
2	2011-12	1396.00	240000
3	2012-13	1500.00	240000

Besides, J&K SC,ST& BC Dev. Corporation is implementing the following financing schemes for the upliftment/development of STs in the State.

- Bank Tie-up Scheme-** under the scheme the corporation provides subsidy under SCA to TSP to ST beneficiaries up to 50% of the cost unit subject to maximum uptoRs. 10,000/- per beneficiary and rest cost of the unit is meet out from bank loan provided by concerned bank.
- Direct Financing Scheme:-** the scheme is in implementing in collaboration with Nation Level Scheduled Tribes Finance and Development Corporation.

The number of beneficiaries benefitted under above mentioned financing schemes is given as under:-

S. No.	Year	No. of STs Benefitted
1	2010-11	632
2	2011-12	284
3	2012-13	506

In addition to above, due care is being taken under other State as well as Centrally Sponsored Schemes for the upliftment and development of Scheduled Tribes in the State. The Social Welfare has taken the following initiatives for development of Scheduled Tribes:-

1. The guidelines on the lines suggested by the Planning Commission of India are being firmed up and the separate Tribal Sub-Plan of 2013-14 will be finalized shortly.
2. The Panchs/Sarpanchs belonging to Gujjar and Bakerwal communities have been authorized to prepare Action-Plan in pre dominantly Tribal habitations under Tribal Sub-Plan and Art. 275(1) of the Constitution of India for submission to the Block Development Councils who shall recommend these to DDCs concerned for approval by District Planning and Development Boards. The concerned DDCs will forward the Action Plan to the Social Welfare Department for its consolidation at the State level for submission to the GOI. However, till the Block Development Councils for constituted the plans would be framed in consultation with HalqaPanchayat, Members of the Advisory Board for welfare of the Gujjar and Bakerwals and concerned MLAs/MLCs.
3. The intake capacity of Gujjar and Bakerwal Hostels have been increased by 25 inmates each in 07 hostels of the State. Social Welfare Department is exploring the possibility of engaging computer teachers in Gujjar and Bakerwal Hostels across the State.



4. PG Hostels for Gujjar and Bakerwals are being established in Jammu and Srinagar.

NCST 5

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