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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

By Speed Post

No.Review/Meeting/Service/Uttarakhand/2011/RU-II

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्किट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003

Dated 27-6-2012

To

The Chief Secretary to the
Govt. of Uttarakhand
Dehradun, Uttarakhand

2. The Director General of Police,
Uttarakhand,
Dehradun, Uttarakhand,

Sub: Follow up action on the points emerged from the meeting held by National Commission for Scheduled Tribes (NCST) in the State of Uttarakhand from 5th June to 11th June, 2012 to review implementation of development programmes, reservation policy and SCs and STs (POA), 1989 Act in respect of STs.

Sir,

I am directed to enclose herewith a copy of Report of the visit of National Commission for Scheduled Tribes to State of Uttarakhand on the subject mentioned above.

It is requested that action taken report on the action points mentioned in the Report may please be got furnished to this Commission within a month.

Yours faithfully,

(K.D. Bhansor)Mrs
Deputy Director

Copy alongwith copies of tour report forwarded for information and necessary action to the:-

1. The Principal Secretary to the Govt. of Uttarakhand, Tribal Welfare Department, Dehradun, Uttarakhand.
2. The Director, Social Welfare Department, Govt. of Uttarakhand, Pili Kothi, LIC Building, Kaladhoongi Road, Haldwani, Nainital, Uttarakhand.

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(K.D. Bhansor)Mrs
Deputy Director

Tour report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Uttarakhand from 5th June to 11th June, 2012 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, Chairman, NCST, accompanied by Smt. Kamla Kumari, Member and Shri Bheru Lal Meena, Member, Shri Aditya Mishra, Joint Secretary and Smt. K.D. Bhansor, Deputy Director, NCST Hqrs., visited the State of Uttarakhand from 5th June to 11th June, 2012 in accordance with the programme communicated to the State Govt. vide Message No. Review/Meeting/Service/Uttarakhand/2011-RU II dated 18/05/2012 to review development programmes, reservation policy and implementation of the SCs and STs (PoA) Act, 1989 in respect of STs in the States. During this visit NCST also held review meeting with ONGC, Dehradun.

2. The report concerning the field visits, meetings held at Uttarakhand with the State Govt. officials and other Deptts./organisations is as under.

6th June, 2012

Review of Chamoli Distt. with regard to implementation of reservation policy and development programmes and implementation of SCs and STs (PoA) Act, 1989 held at Distt. Headquarters, Gopeshwar

3. The Commission was informed that according to 2001 Census, out of total population of 3,70,359 in the District, population of STs is 10,484 which constitutes 2.83% of total population. The major tribe is Bhutia and their main occupation is agriculture, weaving etc. The major agricultural products are potatoes, rajma etc. On an enquiry from the Commission, it was revealed that proper marketing outlets in the tribal areas are not available in the District. The Commission desired that marketing centres and also cold storages should be established in tribal areas for storage/preservation of agricultural products and also to attract good price.

Action: District Admin.

4. The Commission noted that the Administration was not fully equipped to apprise the Commission on the status of education, health and details of the various schemes being run for welfare of the STs.

5. The Commission desired to know the method of enumeration of the STs in the District considering the fact that many STs move to plain areas during winter season. He cautioned the Distt. Administration that there was an imperative need to observe abundant caution for proper enumeration of STs under such circumstances. The Deputy Commissioner assured to look into the matter and appraise the Commission of the factual position in this regard shortly.

Action: District Admin.

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6. The Commission noted with concern that the Distt. Admin. had failed to fully utilize the funds allocated under TSP with percentage utilization being 70.83%. This reflected that the schemes under the TSP were not being properly framed as well as monitored effectively. The Commission desired that the Deputy Commissioner should ensure that lapses in this regards don't occur here-in-after. Further it should be ensured that no diversion of funds takes place out of funds earmarked for the TSP.

Action: Distt. Admin

7. The Commission was informed that, at present, there was shortage of teachers as well as of doctors in tribal areas (overall shortage of 309 Assistant Teachers out of which 145 vacancies existed in the tribal areas of Joshi Math. (Primary: 105, upper primary: 25 GIS) Further, 125 posts of science teachers are also remaining unfulfilled. The Commission desired that the vacant posts of teachers as well as doctors should be filled in tribal areas urgently. The District Admin assured the Commission that the vacant posts would be filled by June/July, 2012.

Action: District Admin.


8. The Commission noted that there was no transfer policy being followed by the Distt. Admin. regarding posting of teachers. The Commission observed that it was necessary to implement transfer policy both in respect of teachers and doctors to ensure that the overall deficiencies are shared in a uniform manner and the remotely located tribal areas don't suffer disproportionate shortage of teachers and doctor due to their unwillingness to serve in these difficult areas.

Action: District Admin.

9. The Commission observed that various schemes being run by the District Administration for income generation were not adequate to address the quantum of unemployment among STs. A large number of tribals were not employable as a result of lack of marketable skills. It was also noted from the record furnished by the Admin that 1720 STs were registered with the employment exchange (Male: 1273, Female: 447). The Commission advised the Dy. Commissioner to formulate innovative schemes to improve employment generation among STs and also periodically review these schemes for their effectiveness.

Action: District Admin.

10. On a query from the Commission regarding implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Commission was informed that no claim has been received under the Act. The Commission desired to know whether the Admin. has made the STs aware of their rights under the Act. The Admn. could not provide satisfactory position to the Commission in the matter. The Commission, therefore, desired that the Admn. should critically review the status of implementation of the Act and apprise the position about settlement of individual and community rights over forest to the Commission within a month.


डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Action: District Admin.

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11. The Commission desired that the Administration should conduct studies in tribal areas to assess whether the limit of 100 days employment to a household in a given financial year under MGNREGA meets the demands/needs of the ST persons. The Administration assured that necessary studies would be conducted and the outcome will be reported to the State Govt. for seeking necessary amendment under the Scheme, if required.

Action: District Admin.

12. The Commission was informed that specialist medical facilities were not available in tribal areas as required. Further in the Ayurveda Deptt., 39 posts belonging to STs were vacant. The Commission desired that urgent action should be taken to fill-up the vacant posts. Further, the State Govt. should be informed of the problems being faced by the Admn. for effective implementation of an NRHM for taking up the related issues with the Union Govt. for corrective actions, if necessary.

Action: District Admin.

13. The Commission noted that, at present, there was no case pending for investigation under the PoA Act. The Commission, however, desired that the District Admin. should sensitise the police personal about various provisions of the Act through periodical interaction/programmes/workshops to equip them to properly implement the Act.

Action: District Admin.

7th June, 2012

Visit to tribal areas in village Mana

14. MANA is a village at 3118 mtrs (10229 ft) above sea level, as the last Indian village before the border with Tibet. The villagers of Mana are semi-nomads. During Winter, they move down to Gopeshwar leaving behind stock and barrel. They are closely linked with the rich religious heritage of Badrinath.

15. The Commission was informed that the Badrinath area was traditionally occupied by the STs, settled at nearby village at Mana. Therefore, local STs have natural aspiration to have proper representation in the Badrinath Trust as well as in seeking employment in Trust's other multifarious activities. The Trust, has, however, not extended such representation to the local STs. The STs, therefore, felt deprived of a reasonable acknowledgement of their traditional attachment with the Shrine. The Commission desired that the District Administration should look into the genuine aspirations of the local STs and interact with the Trust Authorities to provide a reasonable representation to them in the Trust and also in their multifarious activities, in consultation with the Village Panchayat. The Commission may also be apprised of the outcome of the efforts made by the Distt. Administration in this regard.

Rameshwar Oraon Action: District Admin.
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National Commission for Scheduled Tribes
भारत सरकार / Govt. of India

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16. The Commission was informed that in 2007, a bridge over the nearby river had collapsed, and in 2008, tenders for its repair were also processed. However even after lapse of about 5 years, bridge has not been repaired as yet. This has seriously affected movement of the villagers, specially during rainy season, to the other side of the river where their agriculture fields are also located in far-flung areas (about 10-12 Km. away). The local people view the abnormal delay in completion of the bridge as a reflection of apathy of the Administration to their essential needs. The Villagers also informed the Commission that during the rainy season, access to the village adversely affects supply of gas cylinders, kerosene oil etc under the PDS scheme. The villager requested that these essential commodities should be supplied to them before onset of monsoon. Chairman, NCST informed the villagers that the Commission would advise the State Govt. to look into the matter immediately to ensure that no further delay in completion of the bridge takes place. The Commission advised that the District Administration to take necessary action in the matter immediately.

Action: District Admin.

17. The Commission was informed that the area had great potential for cultivation of herbal products. The villagers, however, don't possess necessary skills to produce the same. The Commission desired that the District Administration should conduct necessary studies in the area to augment the yield of herbal products and provide necessary know-how to the villagers to enable them to undertake production of herbal products, which would also contribute in increasing their income.

Action: District Admin.

18. The Village Panchayat informed the Commission that their primary agricultural product was potato which was of very high quality and best suited as seeds. However, the village was not having any facility for storage of potato which was a major restraining factor for its marketing which resulted in avoidable wastages. The Panchayat requested for a cold storage in the Village, which will also enable them to store their produce for marketing on opening of Badrinath Temple and thus, help them in securing better prices of their products. The Commission advised the District Administration should look into the demand of the cold storage and provide it to villagers urgently.

Action: District Admin.

19. The Commission noted that the Administration was providing old age pension, widow pension and also assistance under Indira Awas Yojna to the entitled persons.

20. The Commission noted that the potential to provide non-conventional energy (Solar energy) in the area needs exploration. The Chairman, NCST advised the officials of the Social Welfare Department, Govt. of Uttarakhand to look into the matter. The villagers informed the Commission that one year ago, Rs. 150/- per family was collected for their registration for provision of solar energy. The Commission noted that the Govt. should have pro-actively provided solar energy, being eco-friendly, to the village and collection of

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registration fee for providing it to the village was not appropriate. The Chairman, NCST advised the officials of the Social Welfare Deptt. to return back the advance money to the villagers without any further delay and also inform the Commission as to how the concerned authority failed to honour their commitment in providing solar energy to the village even after a lapse of considerable period.

Action: Govt. of Uttarakhand

21. The Commission was informed that the State Bank of India had earlier adopted the Mana village under their corporate social responsibility. However, apart from an advertisement announcing their adoption of the village, the State Bank had not undertaken any significant activity regarding development of the area. The Commission was also informed that part payment towards construction of toilets has still not being released by the State Bank of India. The Commission desired that the District Administration should urgently interact with the SBI in the matter and ensure immediate payment of the balance amount as per their programme. The District Administration should also urge the SBI to formulate other schemes/ programmes under CSR for development of the village.

Action: District Admin.

22. The Chairman, NCST also desired that the Commission could also hold discussions with the SBI to urge them to implement development programmes in Mana village under their corporate social responsibilities.

Action: State Bank of India

23. The Village Panchayat highlighted that a large number of visitors/ tourists were visiting the village. However, the village has no facility for parking of vehicles which is resulting in haphazard parking and huge traffic jams specially during rain. The Commission desired that proper parking facility should be constructed at the entry of the village as well as other facilities for tourists like drinking water, toilets, ghats etc. should also be established

Action: District Admin.

24. The Village Panchayat informed the Commission that the Officials of the local Admin., belonging to various Deptts. were not visiting the village. As a result, the Administration was not aware of their problems and proper schemes were not being implemented in their area. The Commission also noted with concern that no Official from the local Admin. had attended the review meeting of the Commission with the Village Panchayat. The Officials of the Social Welfare Department, Govt. of Uttarakhand also observed absence of the official from the local Admin. The Commission advised the Officials of the Social Welfare Department, Govt. of Uttarakhand, to look into the matter and advise the local Admin. to be more concerned with the welfare of the STs of the area and to visit village periodically to redress the grievances and problems being faced by the tribals

Action: Govt. of Uttarakhand

Rameshwar Oraon



25. Lastly, the Commission observed that special measures/ innovative welfare schemes were necessary for development of the village, *inter-alia*, taking into consideration the local aspirations and needs and also tourist potential of the area. It is also necessary to urgently complete the construction of the bridge over the river and strengthen other infrastructural facilities in a eco-friendly manner to boost tourism and promote economic upliftment of the local STs. Unless special measures and innovative schemes are drawn for this purpose, local STs will continue to face the danger of loss of their identity and culture.

Action: District Admin.
Govt. of Uttarakhand

10th June, 2012

Meeting with the Representatives of the SC & ST Association of ONGC

26. The Association informed the Commission that the Association was regularly meeting with the management and the management was also responsive to their needs. However, there were certain areas, as under, which require urgent consideration;

- i. Filling of backlog vacancies meant for SCs and STs through special recruitment drive:
 - a. After due verification of Roster at Hqrs. level and regional level.
 - b. Filling of resultant backlog/ shortfall by way of vacancy created due to:
 - (i) Bogus / False certificates.
 - (ii) Regularization through court orders (requiring recasting of rosters).
 - c. Filling up of resultant backlog/ shortfall of vacancies for SC/ST at Rajahmundry Asset.
 - i) 02 no. of SC & 04 no. of ST Posts of Class-IV against absorption on Court Orders in 1998-99.
 - ii) 08 No. of SC & 4 No. of ST Posts of Radio Operators against absorption on Court Orders in 2000.
- ii. Representative of SC/ST community in all recruitment and DPC Board.
- iii. Posting of SC and ST officials in key/ significant positions:
Management may provide data regarding posting of SC and ST officials in key/ significant positions.
- iv. Appropriate representation of SC and ST members for foreign training, seminars and business trips. Data may be provided regarding SC and ST employees deputed for abroad training, seminars and business trips.
- v. Involvement of SC and ST representatives in major policy decisions, affecting the interest of SC and ST community.
- vi. Discrimination against ST candidates in respect of Job Link. Test for the promotion to E-O level.

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- vii. Promotion of Class IV employees who have acquired requisite qualification as per R&P, to Class-III level with pay protection.
- viii. Regularization of term based employees appointed against the backlog.
- ix. Regularization of SC and ST term-based employees

Security Term-based Employees	-11
Attendants Term-based Employees	-05
Sweepers Term-based Employees	-02
Total	-18

Note: The above personnel are working in ONGC for more than 20 years as term based employees and most of them are in the age group of 45 to 50 years. Some of them have died without any benefits. ONGC may consider the above cases sympathetically for regularization. There are around 43 employees in Chennai and 80 people in Karaikal including General categories.

- x. Implementations of Government directives in awarding manpower contract.
- xi. Enhancement of SC and ST component plan funds of ONGC. Allocation of 25% of CSR fund for welfare of SCs and STs.
- xii. Review of scholarship scheme for SCs and STs.

Meeting with the ONGC management

27. ONGC was represented by Shri. K. S. Jamestin – Director (HR) and Shri Sundar Lal-ED-Chief ER

28. Welcoming the Commission it was mentioned by Shri Jamestin that the Chairman, ONGC could not be present in the meeting as he was out of country on official visit.

29. The Corporate division of ONGC made a brief audio visual presentation on the administrative set up, functioning, performance and achievements.

30. The Commission noted that overall representation of STs in the ONGC was 8.8 %. However, the representations of STs was marginally lower in group 'A' (7.11 %) and substantially lower in respect of Safai Karamcharis (4.9 %).

31. The Commission informed the ONGC that the Association had represented regarding absence of SC/ST representative in the various DPCs and also in the process of formulation of policy related issues. The Commission advised the ONGC that SC/ST representative should be included in DPC and the Association may also be consulted on policy related issues affecting ST employees. The Commission also desired that the

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Management may also look into the other demands of the ^{Association} Commission and take appropriate action urgently.

Action: ONGC

32. The Commission was informed by the Association, that no relaxation in qualifying marks was being provided at induction level in respect of STs vis-a-vis general candidates as required in accordance with the government instructions. ONGC Authorities informed that with the cut off marks of 60%, both for the general candidates as well as the STs, full representation of STs was being achieved as adequate number of eligible STs were available. This also reflected increase in the level of the standard among the STs candidates in recruitment. The Commission observed that notwithstanding the position stated by the ONGC, relaxation in qualifying marks in respect of STs candidates as per the Govt. instructions enable more ST candidates to compete on their merit and thus, improves their prospects of success. Moreover, ST candidates selected on own merit in competition with general candidates are not to be counted against vacancies reserved for STs. Commission advised that the Govt. instruction in the matter should be followed by the ONGC.

Action: ONGC

33. The Commission noted from the record made available by the ONGC that there was no backlog of ST vacancies. However, shortfall in Group 'A', 'C', and 'D' category existed. The Commission was assured that the shortfall would be taken care of during 2012 recruitment exercise. The Commission informed the ONGC that the Association has informed that there was a backlog of 159 posts belonging to SCs & STs in Group 'A' category. The Commission advised the ONGC to reconcile the position and conduct special recruitment drive to urgently fill up the vacant posts of STs.

Action: ONGC

34. Chairman, NCST desired to know about the grievance management system in the ONGC. The Commission was informed that ONGC has its own grievance management system where grievances of all employees including SC and ST employees are addressed and heard by Grievance Management Committee at Asset/ Basin/ Work centre level and Appeals Committee at Hqrs. The grievances of SCs and STs are also examined at various levels including SC and ST Cell at Hqrs. Dehradun. CMD/ Director (HR) also listen to the general/ individual/ region-wise grievances of SC and ST employees during their visits to Assets/ Basins/ Work Centres. The Commission desired that ONGC should establish a computerised grievance management system in the organization, to have transparency of actions at various levels and effective monitoring of complaints.

Action: ONGC

35. On a query from the Commission, it was informed that the rosters were being maintained as per the prescribed procedure. The Commission advised the ONGC to establish logic based computerised roster management system, which will help them manage timely filling of reserved vacancies, enable all

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employees to have quick access to the roster information and point out all corrections; if any.

Action: ONGC

36. The Commission was also informed that ONGC had issued internal instructions advising incorporation of a clause in the tender document for implementation of the Govt. directives in respect of reservation for SCs and STs personnel in job contracts. The Commission advised the ONGC that effectiveness of such a provision in the job contract should also be monitored by ONGC.

Action: ONGC

37. Regarding the special schemes/ benefits available to STs under the CSR, the Commission was informed that Annual Component Plan for the welfare of SC and ST communities is formulated each year in pursuance of Govt. of India No. 25012/13/82-SCT dated 18.05.1985 from Director (Finance), Ministry of Petroleum & Natural Gas, New Delhi. The allocation of funds under this Head has been increased steadily from Rs. 4.25 lacs in 1986-87 to Rs. 20 crores w.e.f. 2011-12. Out of which, an amount of Rs. 14 crores has been kept at Hqrs. Dehradun and is earmarked for Special Projects/ Proposals/ Schemes for the Welfare of areas/ persons belonging to SC and ST Communities.

The distribution of fund under the Component Plan for the last three years is as under:

Year	SC (Rs. Lakhs)	In	ST (Rs. Lakhs)	In	Total Rs. (in Lakhs)
2010-11	175.45		134.55		310
2011-12	342.86		257.14		600
2012-13	342.86		257.14		600

Chairman, NCST desired that ONGC should also adopt few ST habitats/ villages under CSR. Director (HR) assured to look into the suggestion.

Action: ONGC

Field visit to Tribal areas to review implementation of development programmes for STs

Visit to Eklavya Adarsh Awasiya Vidyalaya

38. The Commission was informed that the Vidyalaya was established in August 2010. It is co-educational and fully residential upto class XII. The Vidyalaya is affiliated to CBSE and has 50% seats reserved for girls. The School Authority informed the Commission that 3 hostels and staff quarters are yet to be constructed in Phase-2. In Phase -3, it is proposed to construct Multi-purpose Hall and Play Field.

39. Chairman, NCST noted that essential requirement like construction of staff quarters should have been included in the Phase-1 itself. He also

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observed that, at present, there are only three teachers for 120 students. The reluctance on the part of the teachers to join the Vidyalaya may be on account of non-availability of residential accommodation. He, therefore, desired that the State Govt. should investigate why such essential requirement was not included in Phase-1 itself for a model school like Eklavya Aadarsh Awasiya Vidyalaya.

Action: Govt. of Uttarakhand

40. The Commission closely interacted with the faculty and students and found their knowledge up to the mark. The Commission desired that more emphasis should be laid on personality and skill development of students. The school authority should also bench mark the performance of their students with the other reputed school in the region.

Action: Eklavya Adarsh Awasiya Vidyalaya

Visit to tribal areas

41. The Commission also visited Boxa Janjati Krishak Inter Collage, P.O. Sherpur, District Dehradun, Akhil Bhartiya Buxa Janjati Vikas Samiti, Uttarakhand, and the habitats of the Buxa PTG community and their working centres. The Commission had detailed discussion with them on their socio-economic and educational development. These organisations also gave Memorandums to the Commission on related issues which will be separately forwarded to the Govt. of Uttarakhand for necessary action.

42. During the discussion with these organisations, it was revealed that adequate schemes for their employment of STs were not available. Further educational and medical facilities, specially at higher education level and availability of specialists in hospitals was grossly inadequate. The road connectivity of ST habitats was also found to be extremely poor. The STs belonging to Boxa PTG community specially pointed out that lack of educational facilities in their habitats has seriously affected their education development and also employability to increase their income. Special measures are, therefore required to be taken for their economic development. It was also reported to the Commission that many persons belonging to Buxa PTG were categorised under APL category though their economic condition was extremely poor. The community requested that being a PTG, their community should be considered for all facilities as available to the people under BPL. The Commission was also informed that the people belonging to Buxa community were also facing serious hardships in obtaining cast certificate due to non-availability of relevant revenue records. The Gram Panchayat Sherpur also made a request for setting up of a residential girls hostel at Dehradun and a ITI & a PHC in their area. A request for Buxa PTG Development Bhawan at Tehsil Vikas Nagar was also projected for undertaking their community related activities

43. The Commission desired that the State Government should look into the demands and take necessary actions for fulfilling their demands. The Commission desired these demands should be forwarded to the State Govt.

Rameshwar Oraon

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with the request for their urgent consideration after assessment of the needs of the area and ST persons.

Action: Govt. of Uttarakhand

11th June, 2012

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

44. An audio-visual presentation was made by the Secretary, Social Welfare Deptt. Govt. of Uttarakhand on the various issues pertaining to the STs. It was noted that total population of tribals in Uttarakhand is 25.6 Lakh as per 2001 census, which is about 3% of the total population of the State. A total of 552 villages and 8 wards in urban areas are identified as ST dominated habitations. The State Govt. is providing 3% of their total expenditure for welfare and development of STs and a separate Head has been provided under the Budget to avoid the possibility of diversion of funds.

45. The following issues were discussed during the meeting:

(i) **Education**

- (a) It was noted that literacy in respect of ST females was considerably lower by 10.2% compared to the overall (49.4%) female literacy at the State Level (59.6%). Similarly literacy in respect of ST males (76.4%) was lower by (6.9%) than State level (83.3%). The Commission, therefore, desired that educational upliftment of STs should be specially focused by targeting those areas where literacy level was lower by taking initiatives like opening of new schools, with residential facilities wherever required, within the shortest time-frame. The assistance of NGOs may also be obtained in this regard, if considered necessary.

The Chairperson, NCST desired that there was a need to establish exclusive hostels for ST girls in the State Capital (Dehradun). The State Govt. informed that a proposal in this regard has been formulated for submission to the MTA.

Action: Govt. of Uttarakhand/ MTA

- (b) The Commission observed that sufficient and quality teachers were basic requirements to improve level of education among tribals. In this connection, the Commission pointed out that even in Eklavya Adarsh Awasiya Vidyalaya, Kalsi, Dehradun (visited by the Commission), it was noted that a large deficiency of teachers existed as only 3 teachers were positioned for 120 students in the Vidyalaya. The Commission wondered that if this was the state of affairs in a model school meant for upliftment of education among STs, the deficiencies may be much higher in other schools which are remotely located.

The State Govt informed that shortage of teachers existed in the State.

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However, about 1500 teachers have been recently recruited. The Commission desired that the State Govt. should adopt a transfer policy, to ensure that deficiencies are uniformly covered in the State and not restricted to the remotely located schools where the teachers are generally found reluctant for posting. The Commission also desired that the State Govt. should take urgent action to position requisite staff at the Eklavya Adarsh Awasiya Vidyalaya, Kalsi, Dehradun so that the Vidyalaya does not lag behind in achieving its desired standards.

Action: Govt. of Uttarakhand

- (c) The Commission observed that the Eklavya Adarsh Awasiya Vidyalaya, Kalsi, had not been established as per the established norms as the residential accommodation for the teachers was not constructed. It was learnt that another proposal was being mooted by the State Govt. for augmenting the infrastructural facilities at an estimate of about Rs.6 crores. The Commission observed that the matter required investigation by the State Govt. with regard to deficient planning for construction of the school as the school has not been set up as per the prescribed norms and also within the sanctioned amount.

Action: Govt. of Uttarakhand

- (d) 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 State Government informed that the status of higher education and the perspective planning of the State Government in this regard would also be submitted separately to the Commission.

Action: State Govt

- (e) The Commission observed that adequacy of necessary infrastructure in education sector and tribal areas should be critically reviewed by the State Government. The Commission observed that hostels were very essential to promote education among tribals. In this connection, Chairman, NCST observed that during the field visits, an imperative need for a residential school for girls at Dehradun was projected. He desired that an assessment is required to be made by the State Govt. with regard to actual requirement of residential schools in the Scheduled Areas over and above the existing hostels for ST students specifically for 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 as well as the projected need for the residential schools for the girls would be reviewed commensurate with the targeted objectives and the position in this regard would be submitted to the Commission within a month.

Action: Govt. of Uttarakhand

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अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
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- (f) 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 merely increasing the literacy of the tribals but it 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: Govt. of Uttrakhand

- (g) The Commission noted that as per the information furnished by the State Govt. vide their letter No. 1034/XVII-1/2011-01(102)/2011 dated 9th Dec., 2011, the seats reserved for STs in professional institutes were not getting filled. The Commission desired that the State Govt should conduct coaching classes for the ST candidates in an effective manner for preparation for the entrance examinations in engineering, medical and other professional courses to improve their representation in the professional institutes.

Action: Govt. of Uttarakhand

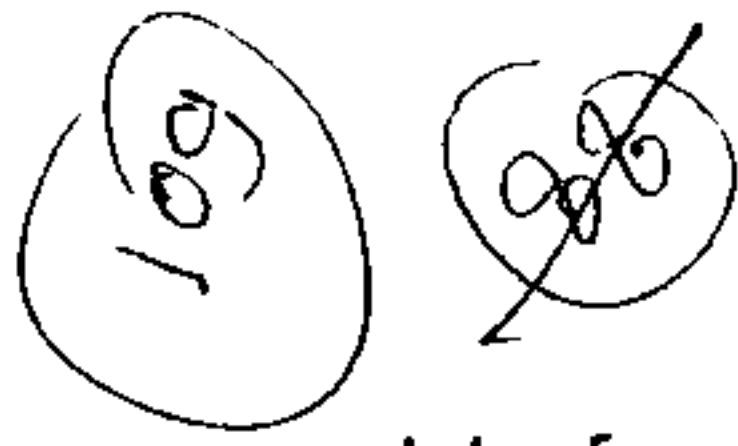
- (h) The Commission observed that the State Govt. should focus on vocational Training to assist STs to enhance their skills and capabilities to make them employable in industries, keeping in view the market dynamics on a continuous basis so that STs were not deprived of the professional acumen demanded 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 within a month for providing vocational training and coaching to STs.

Action: Govt. of Uttarakhand

(ii) Health

- (a) 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 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 Govt. couldn't produce requisite details in the meeting. The Commission advised the State



Government to furnish requisite details along with the Action Plan 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: Govt. of Uttarakhand

- (b) The Commission desired to know whether safe drinking water was available in all ST habitats and whether the quality of the water was also being periodically checked. The State Government assured that supply of quality water to all ST habitats was being assured..

Action: Govt. of Uttarakhand

- (c) 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: Govt. of Uttarakhand

(iii) **Housing**

- (a) 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: Govt. of Uttarakhand

(iv) **MGNREGA**

- (a) Joint Secretary, NCST enquired whether the State Govt. had conducted any study in regard to effectiveness of the MGNREGA Scheme in ST predominant 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 ST predominant areas would be looked into and the position in this regard would be communicated within a month.

Action: Govt. of Uttarakhand

- (b) 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: Govt. of Uttarakhand



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(v) **Rural Electrification and road connectivity to the Tribal Areas**

- (a) Chairperson, NCST mentioned that during the field visits of the Commission to the Tribal 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 in the Tribal Areas.
- (b) Chairperson, NCST also observed that the State Govt. should focus on proper infrastructure development in the Tribal 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.
- (c) 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.

(vi) **Land Alienation of STs**

- (a) Chairman, NCST raised the issue regarding reported alienation of land belong to STs in Udham Singh Nagar and mentioned that the Commission had suggested setting up of Land Banks comprising lands resumed by the Govt. in cases of mortgage default; and such lands may be leased to the previous ST owners with the opportunity/ right to re-purchase the same at any subsequent stage of time, beside rights to additional potential compensation due to change in land use pattern in future. State Govt. was informed that the views of the Commission in the matter were available on NCST website. The Chairman, NCST observed that the State Govt. should address the problem relating to alienation of land of STs on an urgent basis, *inter-alia*, taking into consideration the views of the Commission. It was decided that the State Govt. would review the position and communicate it to the Commission within a month.

Action: Govt. of Uttarakhand

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

- (a) The State Govt. submitted following position regarding implementation of the Act:

Name of the Committee	Claims received	Disposal of claims	Pending claims
Village level Committee	588	176	412



Sub-Divisional level Committee	176	86	90
District level Committee	86	38	48

- (b) The Commission noted with concern that the progress with regard to implementation of the Act has been very slow. The Chairperson desired that the State Govt. should review the matter immediately and set a time-frame by which the 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, and (iii) also ensuring that that 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 to the NCST. 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, 2006.

Action: Govt. of Uttarakhand

- (c) 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.

(viii) **Utilization of Funds for development of Forest Villages**

- (a) The Commission noted that an amount of Rs.566.96 Lakh was provided to the State Govt. in 2006-07 for forest villages out of which Rs.361.70 lakh was returned back in 2008-09 after a gap of about 2 years. Out of remaining 205.20 Lakh, Rs.100 Lakh was transferred to the Forest Deptt. Thus, in an amount of 105.26 Lakh is still remaining unutilized.
- (b) The Commission observed with concern that the above position reflects unplanned projection of requirement of funds for development of forest villages, financial management with substantial amount remaining unutilised for a considerable period. The case should be investigated by the State Govt. to ensure that such cases don't occur in future. The State Govt. should also examine how the demand for Rs.566.96 lakh for allocation of funds was projected to the MTA when there were no firm schemes available for its utilization. The State Govt. should also fix up the responsibility for poor monitoring of utilization of funds by the concerned Deptts. and apprise the Commission of the action taken in this regard within a month.

The Chairperson, NCST observed that MTA should also review their present system of allocation of funds for development of forest villages and its utilization by the State Govt.

Action: Ministry of Tribal Affairs.

- (c) Chairman, NCST mentioned that the Commission was informed during the field visit, that the State Govt. have decided to formulate specific schemes for educational and socio-economic development of Buxa Tribe and in this connection, an Order No. 1576/Meeting/Admn.No./2006 dated 12th December, 2006 was also issued by the Administration. However, further progress in this regard was not reported to be satisfactory. Chairman, NCST desired that the State Govt. should apprise the Commission of the action taken in the matter with details of the schemes and their effectiveness and future programmes for socio-economic development of Buxa Tribe to the Commission within a month.

Action: Govt. of Uttarakhand

- (d) Chairman, NCST mentioned that the persons belonging to Buxa Tribe have complained during the field visits that they were facing serious problems with regard to issue of caste certificates due to absence of availability of relevant revenue records. He observed that under such a scenario, proper procedures and mechanisms are required to be evolved so that the genuine ST persons don't develop a feeling of being harassed as a result of procedural requirements. The State Govt. should look into such cases for timely redressal of the grievances.

Action: Govt. of Uttarakhand

(ix) **TSP**

- (a) The Commission noted with concern that the percentage utilisation of TSP fund against outlay was considerably lower during the last five years (2007-08, 75.76%, 2008-09, 63.20%, 2009-10, 60.46%, 2010-11 53.05%, 2011-12, 50.26%). Similarly, the utilization of TSP funds compared to the budgetary allocations has also been very low. The Commission observed that the position was reflective of lack of concern for proper utilization of resources specifically meant for STs.
- (b) The Commission also noted from the presentation made by the State Govt. that even adequate works were not planned and covering sanction commensurate with the budgetary allocations not issued by many Deptts. viz. Village Development Deptt., Energy Deptt., Public Works Deptt., Transport Deptt., Tourism Deptt., Higher Education, Technical Education, Homeopathy, Ayurveda, Drinking Water, Training Service Programme etc. The Commission observed that the State Govt. should take necessary corrective action to ensure fuller utilization of funds allocated under TSP by close monitoring of progress of works vis-a-vis budgetary allocation.

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- (c) The State Govt. mentioned that in real terms the expenditure under TSP has registered increase. The Chief Secretary assured that necessary measures would be taken so that the funds allocated under TSP don't remain unutilized.

Action: Govt. of Uttarakhand

- (d) Chairperson NCST also observed that appropriate outlays for TSP should be earmarked in respect of all departments to ensure that Scheduled and Tribal 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. The State Govt. assured to consider views of the Commission while reviewing the system.

Action: Govt. of Uttarakhand

(x) **Reservation in posts**

- (a) State Government could not furnish the exact position with regard to shortfall/ backlog vacancies of posts reserved for STs under the service of the States.
- (b) The State Govt., however, informed that the Chief secretary had issued a Circular dated 15th May, 2012 to all Departments to fill up backlog vacancies through Special Recruitment Drive (SRD) within a period of two months and also communicate the position in this regard to the Personnel Department of the State Govt. The Commission desired that the Chief Secretary should ensure that the stipulated time-limit is strictly adhered to. 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 website of the Govt. of Uttarakhand.

Action: Govt. of Uttarakhand

(xi) **Role of NGOs**

- (a) 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 the proposed guidelines would be framed by the State Govt.

Action: Govt. of Uttarakhand

(xii) **Tribes Advisory Council**

- (a) The Commission enquired about the working of the Tribes Advisory

Council (TAC) . The State Govt. informed that the Tribes Advisory Council had not been formed in the State so far. However, the action to constitute a Tribes Advisory Council had recently been initiated and the decision in this regard is expected shortly. The Commission desired that the State Govt. should constitute the TAC without any further delay and communicate its confirmation to the NCST within a month.

Action: Govt. of Uttarakhand

- (b) The Commission also informed the State Govt. that that the Commission has recommended that the TAC for all States with Scheduled Areas as well as tribal areas may be headed by the Governor as Chairperson of the Council, while Secretariat support may continue to be provided by the Tribal Development Deptt. of the State, till requisite machinery is created in the Governor's Sectt. The Chief Minister of the State may act as Vice Chairperson of the TAC. The TAC should be reconstituted regularly as per the provisions and the meetings of the TAC should be held at least twice in a year or as expedient, as provided in the Constitution. The agenda of the TAC should inevitably include the subject of adaptation/ applicability of Central or State laws enacted during the interregnum of its meetings so that the same are not routinely extended to Scheduled Areas/Tribes. A similar mechanism (like TAC) should be established for Schedule VI States also.

Action: Govt. of Uttarakhand

(xiii) Implementation of SCs and STs (POA) Act, 1989

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 desired that the outcome of the DLVMC should also be analysed by the State Government to take timely corrective action for effective implementation of the Act.

Action: Govt. of Uttarakhand

(xiv) Effective functioning of State ST Commission

The Commission noted that a SC/ST State Commission was constituted in the State. During the discussion with the Vice Chairman, SC/ST Commission, it was revealed that the State Commission was primarily

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looking after monitoring of safeguards concerning STs and was not reviewing development programmes for welfare of STs. Chairman, NCST desired that the State SC/ST Commission should also monitor effectiveness of various schemes being run by the State Govt. for welfare and development of the STs on the pattern of the NCST and should also submit its report on the emerging issues to the Governor and also to the NCST.

Action: Govt. of Uttarakhand
ST State Commission

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