

By Speed Post



**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. HP/Review/Meeting/Service/2008/503/RU-I

Dated: 15 /10/2013

To

**The Chief Secretary**  
Government of Himachal Pradesh,  
Shimla

Sub: Follow-up on the issues emerging from the visit of the National Commission for Scheduled Tribes (NCST) to the State of Himachal Pradesh from 23<sup>rd</sup> to 25<sup>th</sup> August, 2013 to review implementation of development programmes, reservation policy and SCs and Forest Rights Act in respect of STs.

Sir,

A report on the visit of the National Commission for Scheduled Tribes (NCST) to the State of Himachal Pradesh from 23<sup>rd</sup> to 25<sup>th</sup> August, 2013 to review implementation of development programmes, reservation policy and Forest Rights Act in respect of STs is forwarded herewith.

It is requested that the action taken report on the points emerged from the visit of the Commission, as mentioned in the report, may be furnished to the Commission within a month.

Yours faithfully,

**(M.S. Chopra)**  
Director

NOO

Copy to:-

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

**(M.S. Chopra)**  
Director



## NATIONAL COMMISSION FOR SCHEDULED TRIBES

(File No. HP/Review/Meeting/Service /2008/503/RU I dated 25/7/2011)

### **Tour report of the visit of Dr Rameshwar Oraon Chairperson, National Commission for Scheduled Tribes to the State of Himachal Pradesh from 23/8/2013 to 25/8/2013.**

National Commission for Scheduled Tribes visited to the State of Himachal Pradesh from 14/7/2011 to 18/7/2011. Commission vide its letter No HP/Review /Meeting /Service /2008/503/RU I dated 25/7/2011 requested the Chief Secretary Govt. of Himachal Pradesh to send the action taken report on the points/ issues emerged during visit of the Commission. Follow up with the Govt. of H.P. was also made by this Commission, including vide its letter dated 28/3/2013. In response ,Tribal Welfare Deptt . Govt. of Himachal Pradesh, vide its letter No. TBD(F) 5-3/2008 – I dated 9/4/2013 interalia informed to the Commission that requisite information has not been received from all concerned.

Dr. Rameshwar Oraon, Chairperson NCST visited Shimla from 23/8/2013 to 25/8/2013. Shri T.D. Kukreja Private Secretary to the Chairperson accompanied the Chairperson during the said tour. Discussions were held with the Principal Secretary, Tribal Welfare Department and Special Secretary , TWD , Government of Himachal Pradesh.

**Gist of issues with corresponding status as reported by the officials of State Govt. of Himachal Pradesh, is as under.**

**1) Issue : Allowance to the Victims of atrocities-** Para No.3 : State Govt. prescribed for payment of daily maintenance allowance for traveling expenses to the victims of atrocity. Commission suggested that the **State** Govt. may provide payment of allowance not less than minimum wages as may be fixed from time to time.

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**Status :** Matter was reportedly under consideration of the Social Justice & Empowerment Deptt. and Commission will be apprised of the action taken by the Govt. of H. P. in this regard shortly.

**2) HEALTH (PARA NO 4.2) Shortages of doctors:**

Commission desired for submission of status report on shortages of doctors.

**Status :** It was informed that out of 96 posts of doctors sanctioned in tribal areas, 85 are filled up and 11 are vacant. To meet out the shortage of Doctors/Specialist M.Os the state Govt has already sent requisition to HPSSC for filling up of 50 posts of M.Os on regular basis and 112 posts of backlog posts of M.Os are already pending in the commission. On the selection of doctors priority will be given to hard/remote areas. **To attract the Doctors to serve tribal areas, the State Govt. has introduced scheme for providing incentives for Medical Officer linked with the area of posting . Incentive amount for doctors is in the range of Rs. 10000 to 25000 and for the Specialist doctors in the range Rs. 20000 to 40000.**

**2.2.) ISSUE :** Commission desired that study should be conducted in the tribal areas and formulate an action plan for diseases like iodine deficiency, TB and goiter which were reportedly to be prevalent in the State.

**STATUS :** Following was informed ;

- a) Revised National Tuberculosis Control programme is already in implementation in the tribal areas.
- b) Regarding Iodine deficiency and Goitre following activities are being carried out under NIDDCP:-
  1. Salt samples for the availability of Iodine are being tested in the State including tribal areas.

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2. One lab testing of salt samples and urinary excretion of Iodine is functional at Zonal Hospital Dharamshala.

c) No case of Iodine deficiency/Goitre has been reported from tribal areas.

### **3) EMPLOYMENT – (PARA NO.4.2)**

**ISSUE :** Based on BPL data of the State, Commission had suggested that State Govt. should conduct studies to measure effectiveness of various schemes and identify deficient areas for necessary corrective action.

**STATUS :** Study report to evaluate the implementation of rural development schemes in the tribal areas of Himachal Pradesh has already been conducted by the Deptt. of Commerce ,H.P. University Shimla-5.

**It was mentioned that copy of the report may be provided to the Commission.**

### **4) HOUSING (PARA NO.4.3)**

**ISSUE :** Information sought vide questionnaire for State review was not furnished.

**STATUS :** It was informed that the Housing Department, Govt of H.P. has been asked by the State Govt. to send the updated information

**It was assured that information to the Commission will be supplied shortly.**

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#### **5) MNREGA – (Para No. 4.4)**

**ISSUE :** Conducting of study to measure effectiveness of the scheme in tribal areas.

**Status :** It was informed that study has been conducted to measure effectiveness of the scheme in the tribal areas through Tribal Research Institute, Himachal Pradesh University, Shimla-5.

**Copy of the study report shall be provided to the Commission.**

#### **6) Road connectivity: (Para No 4.5)**

**Issue :** Commission desired that Stat Govt. should ensure better road connectivity to tribal areas.

**Status :** It was informed that all the ITDPs/Scheduled areas have been connected with National Highways and State Highways roads. Out of total 151 panchayats 123 have been connected with motorable road as on 30.6.2013 and the remaining 26 panchayats are being connected with roads. Adequate provision of funds under TSP has been made for linking the left out panchayat/ motorable roads.

#### **7) Land Alienation (Para No 4.7)**

**ISSUE :** Commission had advised **for action to ensure** implementation of relevant laws and restoration of land alienated illegally ,if any.

**STATUS :** It was informed that H.P. Transfer of Land (Regulation) Act, 1968 is already implementation in Scheduled Areas. No case of land alienation has come to the notice of Govt.

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**8) Implementation of Scheduled Tribes and other Traditional Forest Dwellers (Recognition Forest Rights) Act 2006 : (Para no 4.7)**

**Status** : it was informed that FRA is being implemented throughout State and State level/District level/Sub Divisional level committees of FRA have been constituted. It was also apprised that Community rights of Scheduled Tribes residing in the Scheduled Areas have already been defined and recorded in the Wazib-ul-urz. The latest status of claims is as under:-

Claims	Filed	Accepted	Rejected	Pending	Titled issued
Individual	5409	238	2117	3054	7
Community	283	108	45	130	-
Total	5692	346	2162	3184	7

Further it was informed that the last meeting of SLMC was conveyed on 22.05.2013. Since District Level and Sub divisional Level Committees have recently been formed, it was expected that the claims will be settled shortly.

**9) Rehabilitation of project affected STs (Para No. 4.8)**

**ISSUE** : The Commission received representations from the tribals belonging to Kinnur district for payment of compensation and other related issues ,including the following and advised the State Govt to look into it.

- i) Compensation was inadequate
- ii) Diversion of acquired land for purpose other than intended use.
- iii) Non fulfillment of conditions of MOU regarding employment of local tribals and CRS.

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**STATUS:** It was informed that R&R policy of the State has been fully implemented and compensation of land and houses as well as Forest Rights has been paid to the people of project affected families of this district. Similarly, all type of benefits like employment, education, medical facilities, drinking water supply, community centers, roads etc. are being provided as per terms and conditions laid down in the Resettlement & Rehabilitation policy. No person has become houseless, landless and displaced due to construction of different type of project in the tribal district. Besides this, all tribal rights of the people are secure as rights given in the Wazib-ul-urz.

**10) ISSUE :** Furnishing of information on Mining policy of State Govt. in relation to STs by the State Govt. of H.P .

**STATUS :** It was informed that the Govt. of Himachal Pradesh has issued Notification No.Ind-II(Chh)6-28/96 dated 15.11.2001, wherein two Sub Committees i.e. State Cabinet Sub Committee and Committee of Secretaries have been constituted to examine the feasibility of granting of mining leases to non tribals in Scheduled Areas. It is further stated that no mining lease under major mineral has been granted in Scheduled Areas, however, few mining leases for minor minerals under the provisions of H.P. Minor Minerals (Concession) Revised Rules, 171 have been granted to local people. Moreover, at present there is no displacement due to any mining project. In Scheduled areas, the mineral concessions are granted only to the persons belonging to the Tribal Areas after getting the resolution from the Gram Sabha or Panchayat as per the following provisions made in ibid rule for the grant of mining leases, short term permits and auction of the quarries:-

i).Rule 5(4): No mining lease shall be granted to a person in a scheduled area without the prior recommendation of the Gram Sabha or Panchayat concerned.

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ii).Rule 24(1):- Provided further that the Director or any other officer authorized by him in this behalf shall grant short term permit to any person in the scheduled areas of the State only after receiving due recommendations of the Gram Sabha or Panchayat concerned.

iii).Rule 28(3):- Provided that no tender or auction or contract, as the case may be, regarding exploitation of minor minerals in scheduled areas of the State shall be considered by the Govt. for acceptance unless recommended by the Gram Sabha or Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be.

### **11) Reservation in jobs :**

**ISSUE :** Shortfall in job reservations ,with reference reservations @ 7.5 % , was noted by the Commission. Further State Govt. was advised to intimate the status of Cabinet Sub Committee constituted by State Govt. For reservations of posts (Para No 4.10) Chairperson, NCST mentioned that whenever there is backlog of post meant for STs, filling up of such 100% backlog by ST candidate is permissible and therefore the State Govt. should take action accordingly.

a) Actuals employment of STs.

- Class-I            5.05 %
- Class- II         6.48 %

b) In the Boards/ Corporation, representation of STs 4.5% was reported against minimum required reservation of 5%.

**Status: It was informed that matter was sub-judice in the Hon'ble Supreme Court of India.**

### **12) Himachal University Shimla (Para No 5.0 )**

**ISSUE :** Commission observed that present method of maintaining roster of reservation does not ensure a fair representation of STs in

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the faculties, shortfall and backlog. **Commission suggested for maintaining of the roster as per DoPT OM.s**

**STATUS :** It was informed that prior to 1990 there was no policy for providing reservation to the category of SC/ST/OBC in the direct recruitment of teaching posts in the university. The University extended reservation to the SC/ST in the direct recruitment to the posts of lectures/assistant professors only @15% and 7.5% subject wise and wing wise as per instructions circulated by the State Govt. vide notification No. PER(AP)-C-B(12)-1/98 dated 20-08-1998 further adopted for implementation and notified vide No.3-1/78-HPU(Estt.)VII vis-à-vis decision taken by the Executive Council vide item No.59(26) of its meeting dated 16-01-1990 and item No.11 of its meeting held on 28-12-1991 respectively.

**Latest position regarding direct recruitment of teachers in the University as per suggestion given by the Hon'ble Commission is awaited from the University authority and will be supplied to the Commission.**

### **13) HOSTEL FOR TRIBAL BOYS ( PARA NO.6)**

**ISSUE:** Authorities assured to provide adequate/additional staff in the mess to overcome the inadequacy of mess staff at Himachal University.

**STATUS :** University Authorities since have not supplied information.

**Hon'ble Chairman, NCST reiterated that latest status may be supplied by the HPU authorities immediately.**

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#### **14) ISSUES relating to District Kangra**

**Issue:** Shortages of teachers, doctors, Para Medical Staff was reported by the District Authority. However data on shortages of teacher was contrary to the information furnished by State Govt. Therefore, Commission had advised the State Govt. to reconcile the information and take steps to fill the deficiencies.

**Status:** It was informed that State Government of H.P. has approved/notified SMC policy in July, 2012 vide Notification No. EDN-C-A(4)-1/2011 dated 17<sup>th</sup> July, 2012 "to engage Teacher(s) through School Management Committee purely on period basis in Elementary /Higher Education Departments of H.P.in tribal /difficult areas" which was applicable only for one academic session i.e. 2012-13. Govt. has decided and notified the same policy basis by the SMC in the tribal/difficult area on the same terms and conditions for the academic session 2013-14.

#### **15) Issues relating to village Naddi- Dharamshala.**

**Issue :** Drinking water , Shortage of doctors , teachers and road connectivity

**Status :** It was informed that Drinking water in the village Naddi is provided from spring source. Quality of water is being monitored regularly as per the prescribed norms and is found within the permissible limits. The field test kits have already been provided to the respective panchayats to monitor day to day quality of water.

**Latest position regarding teachers, doctors and road condition being collected by the Govt. of H.P and the same would be supplied to the Commission**

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**16) Central University Himachal Pradesh, Shahpur.  
(Para No 10).**

**Issue:** Undertaking of study concerning rehabilitation and resettlement project affected/displaced STs.

**Status :** It was informed that the University will explore possibility of undertaking such research study in due course of time.

**B) Courtesy meet with the Hon'ble Chief Minister Govt of Himachal Pradesh :**

Chairperson, NCST had meeting with the Hon'ble Chief Minister, Govt. of Himachal Pradesh.

During the interaction, the Hon'ble Chief Minister, Govt. of Himachal Pradesh mentioned that the State Govt. of H.P. require financial assistance from the Central Government to set up a Coaching Centre Cum Residential Hostel at Delhi so as to meet the growing demand from the students undertaking higher studies/competitive exams etc.. These arrangements would facilitate the students belonging to the weaker section of the society (STs/SCs/OBCs). Further on the above, it was informed that Govt. of Himachal Pradesh would be sending a proposal to the Govt. of India for providing Govt. Grant. Chairperson, NCST assured that, upon receipt of such proposal by the Commission, matter would be taken up with the concerned authorities.

C) A copy of printed Compendium of Instructions and guidelines on Tribal Development in Himachal Pradesh was presented to the Chairperson. On the above, Chairperson mentioned that such steps are helping tool for the development of the tribals.

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