

No. 11/3/Karnataka/2008/RU-IV

**Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Karnataka from 5-11-2012 to 10-11-2012 for field visits, review of various organizations and State level review meeting on the implementation of development programmes and reservation policy for STs**

The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairman, accompanied by Shri B.L.Meena and Smt. K.Kamla Kumari, Hon'ble Members, Smt. K.D.Bhansor, Deputy Director and Shri R.K.Dubey, Assistant Director visited the State of Karnataka from 5-11-2012 to 10-11-2012 in accordance with the programme communicated to the State Govt. vide wireless message No. 11/3/Karnataka/2008/RU-IV dated 1-11-2012 for field visits, review of various organizations and State level review meeting on the implementation of development programmes and reservation policy for STs. Shri Aditya Mishra, Joint Secretary joined the team on 6-11-2012 for the meetings scheduled from 7-11-2012.

**5-11-2012**

**Formal welcome and briefing the Commission about various aspects of tribal development by Secretary, Social Welfare Department, Government of Karnataka.**

2. After arrival at Bangalore Airport, State Protocol Officer received the Commission. Officers of the Social Welfare Department, Government of Karnataka and office bearers of various ST Welfare Associations also welcomed the Commission. At the State Guest House, the Commission was given warm welcome by the Secretary, Social Welfare Department, Govt. of Karnataka, Additional Director General of Police (CRE), Bangalore and Director, Tribal Welfare Department of the State.

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

### Review Meeting of Karnataka Scheduled Tribe Development Corp. Ltd.

3. The Commission held a meeting in the Conference Hall of the State Guest House at 1700 hrs with the Secretary, Social Welfare Department, Government of Karnataka, Managing Director, KSTDC Ltd. and other senior officers of the Corporation to review its working. At the outset, the Secretary, Social Welfare Department welcomed the Hon'ble Chairman, Members and officers of the Commission. Thereafter, a power-point presentation was made to apprise the Commission about various activities and achievements of the Corporation. Following information was furnished to the Commission in the meeting:

i) Karnataka Scheduled Tribes Development Corporation Ltd. was established by the Govt. of Karnataka in the year 2006. It is registered as a Company under 'the Companies Act, 1956'. The main objective of the Corporation is to implement the welfare schemes for the socio-economic development of the Scheduled Tribe in the State. Prior to the establishment of KSTDC Ltd., Dr. B.R.Ambedkar Corporation was looking after the schemes meant for Scheduled Castes as well as Scheduled Tribes in the State. KSTDC Ltd. commenced functioning independently from 22-2-2007 with authorized share capital of Rs. 500 lakh. The action plan of the Corporation for the year 2012-13 was of Rs. 157.03 crores.

ii) The Corporation is implementing the following programmes in the State:


(a) **Self-employment scheme** - There are 4 components in self-employment scheme:

- Self-employment programme: This is a bank-linked scheme in which unemployed Scheduled Tribes are assisted to facilitate them to engage themselves in self-employment activities. The unit cost in this programme is upto Rs. 1.00 lakh out of which 50% (maximum Rs. 25,000/-) will be the subsidy released by the Corporation and the balance will be the bank loan.

  
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- Industries, service and business: This is also a bank linked scheme in which unemployed Scheduled Tribes are assisted to start small-scale industries, purchase of vehicles etc. The unit cost varies from Rs. 1.00 lakh to Rs. 10.00 lakhs. The unit cost comprises of subsidy @ 33% (maximum Rs. 1.00 lakh) released by KSTDC and remaining will be the bank loan.
- Direct loan to the beneficiaries: This scheme is implemented in co-ordination with NSTFDC, New Delhi. Under this scheme, financial assistance is extended to unemployed Scheduled Tribes to establish small-scale industries and also for purchase of transport/goods vehicle, auto rickshaw, animal husbandry activities. The quantum of assistance ranges from Rs. 58,500/- per unit to Rs. 10.00 lakh. The unit cost includes promoters contribution at 5%, margin money at 20% (maximum Rs. 1.00 lakh) from KSTDC and term loan 75% from NSTFDC. Margin money loan component carries interest at 4% p.a. and term loan at 6% p.a. For the units having unit cost less than Rs. 1.00 lakh, subsidy equivalent to 50% of the unit cost (maximum Rs. 25,000/-) per unit is released by the Corporation in place of margin money. The margin money and term loan components are to be repaid along with the interest in 60 monthly-equated installments.
- Training: The Corporation is imparting training to the unemployed Scheduled Tribe youths in various job oriented fields by conducting training programmes through reputed training institutes. The Corporation is also conducting training programme for the beneficiaries under Ganga Kalyana Scheme in repair and maintenance of irrigation pump sets for its optimum utilization. The Corporation out of the grant released by the NSTFDC/ State Government meets the entire expenditure of the training programme.

(b) **Micro credit finance (small loan):** Under this scheme, the financial assistance is provided to the Scheduled Tribes through self-help groups by the Corporation to develop/expand their business activities. In this programme, an assistance of Rs. 10,000/- per member of the SHG is provided in which Rs. 5000/- is subsidy and Rs. 5000/- is margin money. The margin money loan carries interest @ 4% per annum.


  
 डा. रामेश्वर उराव/Dr. RAMESHWAR ORAON  
 अध्यक्ष/Chairperson  
 राष्ट्रीय अनुसूचित जनजाति आयोग  
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(c) **Land purchase scheme:** In this scheme, the ST landless women agricultural labourers are assisted for purchase of either 2.00 acres of dry land or Rs. 1.00 acre of wet/garden land. The land purchased is registered in the name of the beneficiary. The maximum unit cost in this scheme is Rs. 5.00 lakh out of which 50% is subsidy and the remaining portion is the term loan released by the NSTFDC. The term loan component carries interest @ 6% p.a.

(d) **Ganga Kalyana scheme:** This scheme is implemented in two ways:

- Lift irrigation scheme: Under this scheme, irrigation facility is provided to the dry lands held by the ST near river bed/ perennial water source by installing pump sets and drawing pipe line from the point of water source, followed by energization. The unit cost under this scheme is Rs. 2.53 lakh for 8 acres and Rs. 3.59 lakh for 15 acres of land. The entire unit cost is treated as subsidy.
- Individual irrigation bore-well scheme: Under this scheme, irrigation facility is provided to the dry lands held by small and marginal scheduled tribe farmers by dwelling bore-wells in their lands, installing pump sets and energizing the pump sets. The unit cost under this scheme is Rs. 1.50 lakh out of which Rs. 1.00 lakh is the subsidy and the balance amount is the term loan released by NSTFDC. The term loan component carries interest @. 6% per annum.

iii) Since inception, the Corporation has assisted 57,681 ST families under different schemes utilizing a total amount of Rs. 392.29 crores. Lands held by 24,936 small and marginal farmers have been provided irrigation facilities under Ganga Kalyan Scheme with an expenditure of Rs. 328.35 crores. A total of 1,248 landless agricultural families have been assisted under land purchase scheme at a total cost of RS. 13.61 crores. 1,602 families have been assisted with an expenditure of Rs. 17.09 crores under direct loan scheme facilitating them to engage themselves in self-employment activities. Another 12,431 members of self help groups have been assisted with micro credit scheme with an

  
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expenditure of Rs. 5.92 crores. Similarly, under bank linked schemes, 17,344 families have received benefit of Rs. 27.32 crores to take up self-employment activities.

4. The Commission desired to know about the problems being faced by the Corporation in implementation of various schemes and the suggestions for improvement. The Corporation shared following issues in the matter:

(a) The authorized share capital of the Corporation is Rs. 500 lakh. The State and the Central Governments, in the ratio 51:49, share the equity of the Corporation. According to this ratio, Ministry of Tribal Affairs, has to release Rs. 19.05 crores as its share to the Corporation. But the Ministry has so far released Rs. 6.98 crores only leaving a balance of Rs. 12.07 crores. As a result of this, the Corporation could not implement the programmes, as envisaged.

(b) NSTFDC is releasing term loan equivalent to the amount of Government guarantee provided by the Corporation. In view of the management of the Corporation, the quantum of term loan released by the NSTFDC should be at least double the amount of Government guarantee provided by SCAs. This will facilitate the SCAs to implement the scheme effectively so that the benefit reaches more and more needy beneficiaries. The NSTFDC should take necessary decision in this regard.

(c) The present rate of interest charged by the NSTFDC to SCA is 3%. Taking into consideration the increase in administrative expenses and the problems faced in the recovery of the loan installments from the beneficiaries, the Corporation was of the view that the rate of interest needs to be reduced to be 1%. The Karnataka Government is already extending agricultural loans to the farmers through co-operative institutions at the interest rate of 1% per annum.

  
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(d) The period fixed for repayment of term loan by SCA needs to be restructured by increasing the periodicity taking into consideration the poor recovery of the loan installments from the beneficiaries.


(e) The overall lending policy may be revised facilitating the SCAs to draw the funds according to the requirement from time to time, giving liberty to the SCAs to decide the purpose of loan and the unit cost under each scheme.

(f) The SCAs are incurring considerable expenditure towards establishments in implementation of NSTFDC schemes. The present margin in the interest allowed by NSTFDC do not commensurate with the actual expenditure. Hence, establishment grant should be released to SCAs for covering part of the expenditure in implementation of NSTFDC schemes.

Action: MTA/NSTDFC/KSTDC/Govt. of Karnataka

5. The Commission appreciated the activities undertaken by the Corporation benefiting the Scheduled Tribes of the State. Hon'ble Chairman, NCST specially appreciated the land purchase scheme and the Ganga Kalyana Scheme which have proved to be more beneficial for the economic development of the Scheduled Tribe beneficiaries. However, after detailed discussion on various issues with the officers of the Corporation and the State Government, the Commission noted following areas of concern and improvement, which needed to be addressed urgently:


a) KSTDC could not implement the sanctioned schemes amounting to Rs. 62.58 crores for want of additional State Government guarantee in favour of the NSTFDC for further release of funds. This caused delay in extending benefits to the Scheduled Tribe beneficiaries besides cost overrun. The Commission suggested that the State Government should find the ways and means to solve this issue either by providing revolving guarantee in favour of NSTFDC or any other mutually agreed mechanism.

  
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b) The unutilized funds of Rs. 23.67 crores released by NSTFDC to KSTDC, are pending utilization for the last two years resulting in timely denial of benefits to the Scheduled Tribes beneficiaries. The reason advanced by the Corporation for non-utilization of funds in 'Land Purchase Scheme' was that the market prices of two acres of dry land or one acre of wet/garden land was more than the approved unit cost of Rs. 5.00 lakh in the scheme. Similarly, in Ganga Kalyana Yojana, the unit cost under Lift irrigation scheme was between Rs. 2.53 lakh to 3.59 lakh and in individual irrigation bore- well scheme, it was Rs. 1.50 lakh only whereas the actual cost of installation of the unit is more than it. The Commission observed that under such circumstances, the amount should have been returned to the NSTFDC in case of non-utilization so that the same could have been utilized for the benefit of Scheduled Tribes in other States.

c) Several financial matters are pending for settlement concerning the KSTDC. Settlement of overdues worth Rs. 542.05 lakh is pending with Dr. B.R.Ambedkar Development Corporation. The Board of the Dr. B.R.Ambedkar Development Corporation had taken decision to repay all the outstanding amount to the KSTDC but the decision has not been implemented so far. An amount of Rs. 7.32 crores was due to be paid to the NSTFDC by the KSTDC. It was noted that the issue of payment of dues by Dr. B.R.Ambedkar Corporation to the KSTDC has yet to be finalized. However, the dues of the NSTFDC have been recently cleared. The Commission advised the State Government to take early decision regarding payment of dues by Dr. B.R. Ambedkar Corporation.

d) The Corporation has not furnished year-wise information for the last 5 years in relation to its physical and financial targets and the achievements under various schemes. The information relating to the status of recovery of loans from the beneficiaries was also not placed before the Commission. The Commission directed the Managing Director of the Corporation to furnish the details within a fortnight.

  
डा. रामेश्वर सराॉण/D. RAMESHWAR ORAON  
राष्ट्रीय आयोग  
National Commission for Scheduled Tribes  
New Delhi

e) The Corporation has very limited staff strength and there are no officers of the level of District Manager for running the activities of the Corporation. The Commission suggested that the State Government should consider strengthening the Corporation by providing adequate manpower at various levels.

Action: MTA/NSTFDC/KSTDC/Govt. of Karnataka

6. In the end of the meeting, the Chairman, NCST offered to extend all possible help to the Corporation for settling the issues pending with the Ministry of Tribal Affairs, Govt. of India and the NSTFDC, New Delhi. Secretary, Social Welfare Department, Government of Karnataka thanked the Commission for valuable discussion and guidance.

7. In the night, the Commission proceeded for Bangalore Central railway station for onward journey to Bellary by Hampi Express.

### 6-11-2012

8. The Commission reached Bellary railway station in the morning where the District Protocol Officer and Social Welfare Department officers of the Bellary District received it. The Commission proceeded for Circuit House where the Deputy Commissioner, Supdt. of Police and other officers of the District welcomed the Commission. Representatives of various social and voluntary organizations working for the Scheduled Tribes were also present to welcome the Commission.

### District level review meeting at the office of Deputy Commissioner, Bellary.

9. The Commission held a meeting at 1030 hrs in the conference room of the O/o the Dy. Commissioner, Bellary to review the implementation of various development programmes being run for the welfare of Scheduled Tribes in the District. At the outset, Shri Amlan Aditya Biswas, Dy. Commissioner, Bellary

डा. रामेश्वर उराव/Dr. RAMESHWAR ORAON<sup>8</sup>  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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welcomed the Commission. Dr. Chandra Gupta, S.P., Shri Manjunath, CEO, ZP, Bellary, Shri Manikanthan, DFO and Shri M.C.Srinivas, Dy. Director, Tribal Welfare Department, Bangalore and Shri Pollaiya, District Tribal Welfare Officer were also present in the meeting along with other officers.

10. A power point presentation was made before the Commission to present the demographic information and the status of developmental programmes being run for the Scheduled Tribes in the District. The Commission was informed that as per 2011 Census, the total population of the District increased to 25,32,383 from 20,27,140 in the year 2001. The Scheduled Tribe population in the District as per 2001 Census was 3,64,638. The major tribes in the District included Valmiki, Nayaka and Medha. The Scheduled Tribe population is found integrated with the general population in the District. The persons of Valmiki community are generally engaged in agriculture and also work as non-agricultural labourer. The same situation exists in respect of the Nayaka. The Medha community is engaged in basket weaving and other bamboo works. Presently, they are facing problem in getting bamboos for their traditional work.

11. After the power-point presentation, discussion were held in respect of major areas concerning STs as under:

### **Education**

12. The Commission observed that education is the most important aspect in the development of the Scheduled Tribes. Chairperson, NCST desired to know the status of literacy among the Scheduled Tribes in the District and the drop out at different levels. The Commission was informed that as per the 2001 Census, the general literacy in the District was 57.40% whereas the Scheduled Tribe literacy was only 41.12%. Further, among the general category, 69.20% males and 45.30% females were literate. On the other hand among the Scheduled Tribes , 53.39% males and only 28.75% females were literate. The Commission directed the District administration to take necessary action to reduce the gap in

the literacy between the general population and the Scheduled Tribes. The Commission also desired more focus on improving the level of education among the Scheduled Tribe, particularly females.

13. The Commission noted with concern that the percentage of drop out at High School level in respect of STs was substantially higher than the general population. Therefore, more efforts are required on the part of District level officers to retain the tribal students in the educational institutions to improve the situation. For this purpose, more hostels should be built to facilitate the tribal students in getting higher education. Dy. Commissioner informed the Commission that the administration is providing pre-matric scholarship to the Scheduled Tribe students and on line applications are received for this purpose. The sanction is also conveyed on line and the amount of scholarship is directly transferred in the accounts of the beneficiaries. The State Government is also sponsoring the ST candidates for education in reputed educational institutions and the improved situation shall be reflected in the 2011 Census figures which are likely to be available shortly.

### Health

14. The Commission desired to know about the availability of doctors and para- medical staff in the medical institutions in the District. The Commission was informed that there are only two PHCs in the District where no Doctor is available. There is a shortage of Doctors (specialists) in the CHCs. On being asked, it was admitted that there is a shortage of lady doctors also. Six mobile health care units are also functional in the District. Besides it, 108 emergency service is also functional. The Commission desired to know about the time-frame of filling the vacant posts of doctors in the District. The Dy. Commissioner informed that the main reason behind the vacancies was that the doctors do not want to work in the rural areas. The powers of the Dy. Commissioners to appoint the doctors in the District were withdrawn by the State Government, which have recently been restored. Now these posts shall be filled up shortly. The

डा. रामेश्वर उरांव/Dt. RAMESHWAR ORAON  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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Commission suggested that more attractive salary, transparent transfer policy and compulsory rural service for the prescribed period could be among the measures to retain the doctors in the rural and tribal areas.

### Occupation & Employment

15. The Commission discussed about the occupation and employment status among the tribals of the District. The Commission was informed that the Scheduled Tribes, who are having agricultural land, are generally engaged in agricultural and allied activities like buffalo, sheep and goat rearing, backyard poultry etc. Some of them also work as labourer in the nearby areas. However, a good number of tribals work as non-agricultural labourers in the nearby towns and cities. It was suggested that the Scheduled Tribes should be given good fertile land for cultivation with bore well irrigation facilities. These farmers should be encouraged to adopt new technologies like integrated farming system, dry land horticulture, organic farming etc. to improve their economic condition. Agricultural and horticultural storage and marketing facilities for small and marginal farmers also need to be improved. They may also be encouraged to take up animal husbandry of exotic high yielding breeds. MGNREGA participation will also improve their status by adding to their income during the lean season or the drought.

16. The Commission noted that there were 2482 educated unemployed Scheduled Tribe persons who had registered their names with the Employment Exchange in the District. These included 2010 men and 472 women. Out of them, 642 men and women were skilled. The Commission advised the Dy. Commissioner to take effective measures for providing self-employment and vocational training to these persons for utilizing their potential and improving their socio-economic advancement.

17. The Commission desired to know about the progress in implementation of MGNREGA in the District. The Commission was informed that 2,31,761 families

had been issued job cards in the District out of which 50,980 belong to the Scheduled Tribe category. They are being paid wages @ of Rs. 155/- per day subject to the conditions laid down in the stipulated provisions. Hon'ble Chairman asked about the percentage of families which got 100 man-days of work in the District. It was informed that about 4,000 such families had got 100 man-days of work ( only around 2% of the total job cardholders). The Commission observed that the scheme could be made more effective in generating the income among the poor by providing employment for a maximum of 100 days, as provided in the Act. The Commission urged the concerned authorities to ensure that the needy job cardholders are provided employment for not less than 100 days. The Commission was informed that this programme has reduced the migration from the District and the participation of Scheduled Tribes in the works under MGNREGA was higher compared to their proportion of population in the District. The timely payment of wages has been ensured in most of the cases and the delay takes place only when the funds were exhausted. A mechanism has been devised to overcome this problem also. The Commission suggested regular checking and updating of the status of job cards to avoid any irregularity by the operators.

### **Forest Rights Acts.**

18. The District Forest Officer informed the Commission that the State Government is implementing this Act only in 8 Districts of the State. Bellary District is not covered in it. The Commission informed that this is a central Act, which is applicable through out the country (except the State of J&K). The provisions of the Act can't be diluted by partial implementation in some of the Districts. It was decided that the matter would be discussed in the State level review meeting scheduled on 9-11-2012.

### **Drinking Water**

19. During the discussion, the Commission was informed that sufficient

  
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ground water was available in the District and all the ST habitations/colonies were being provided water supply facility as per the guidelines of the National Rural Drinking Water Programme. There is problem of high fluoride content in some parts of the District due to which 20 de-fluoridation units are being installed in Kudligi and HB Halli Taluka for drinking water purposes.

### Rural Electrification


20. The Commission was informed that 82 villages of the District didn't have streetlights, which included Danapur village of Hospet Taluk, which is predominantly a ST inhabited village. Hampa Sagar ST colony of HB Halli Taluka also does not have streetlights. Solar streetlights have been installed by the gram panchayat in the Danapur village and action has been initiated for installation of streetlight in Hampasagar, which shall be completed during the current year.

### SC & ST (POA) Act, 1989

21. The Superintendent of Police informed the Commission that there are 37 police stations in the District. As on 31-1-2011, 30 cases booked under this Act were under investigation, 5 cases were reported as other disposal cases, 36 cases as 'B' report cases (as on 30-10-2012) and 66 cases were trial cases. As far as conviction is concerned, out of 139 cases decided since the year 2008, 31 cases turned into conviction of the accused. It was reported to be highest in the State. However, the Commission advised to improve the quality of investigation by way of proper training to the police personnel and for appointing good lawyers to plea the cases in the court to improve the conviction rate. The Commission appreciated that no case was pending for decision relating to grant of monetary relief to the victims as per the POA Rules 1995.

Action: Dy. Commissioner, Bellary/Govt. of Karnataka

22. In the end of the meeting, the Dy. Commissioner thanked the Commission

 13  
डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON  
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राष्ट्रीय अनुसूचित जनजाति आयोग  
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for visiting Bellary and providing an opportunity to discuss the issues relating to the implementation of developmental programmes for the Scheduled Tribes.

**Field visits.**

23. After the District level review meeting, the Commission visited several places to see the implementation of various developmental programmes/schemes being run for the Scheduled Tribes which included the following places:

a) SC/ST Post matric hostel (No. 1 & 2), Bellary: The Commission reached SC/ST Post matric hostel (No. 1 & 2), Bellary in the afternoon which was established during the year 2002-03. Hostel No. 1 is having 104 girls and hostel No. 2 150 girls as inmates. In these hostels, the proportion of Scheduled Caste inmates is 75% and the Scheduled Tribe is 25%. Social Welfare Department, Govt. of Karnataka runs these hostels. The Commission interacted with many inmates and discussed about their educational courses, quality of food and their living conditions. The Commission was informed that most of the girls are studying in PUC and degree courses. Mess was running in these hostels where local food was served to the inmates. The Commission was informed that the beds in these hostels were provided by the NMDC recently. The inmates were satisfied with the facilities available in the hostels.


b) Valmiki Bhawan: The Commission visited Valmiki Bhawan in the Bellary town, which is being built as a community hall for the tribals. It was informed that on completion, this building would be used as marriage house and also for organizing various social functions of the tribal community. The estimated cost of the building is Rs. 8 crores where as an amount of Rs. 4.5 crores has already been spent for the construction of building. The tribal delegates demanded that more funds should be made available for the completion of the ongoing work. The Commission directed the Dy. Commissioner to take necessary action in the matter so that the construction of the building is completed at the earliest. The

  
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Dy. Commissioner assured the Commission to do the needful in the matter. He also informed that there was a plan to establish a library also in the premises of the Valmiki Bhawan.

c) ST college boys hostel, Coal bazar: This hostel is operational from the last two years and the building was completed only a year back. The hostel has a capacity of 150 inmates. Here, 75% inmates belong to ST category and rest belongs to SC category. The Commission observed that the beds for the inmates were procured a few days before the visit of the Commission and there were no mattresses on the beds. The Commission was informed that the beds were provided for the hostel by the NMDC under the CSR scheme and the order for supply of mattresses has already been placed. These are likely to be supplied shortly. Till then, the inmates have been given bed sheets. The Commission directed the Dy. Commissioner to speed up the procurement of mattresses as the students are facing hardship in resting on the iron beds. The Commission also enquired with the inmates about various facilities being provided to them by the District Administration. The inmates were satisfied with the quality of meals provided to them in the hostel. However, they placed the demand for providing computers, library facility and transport facility between the schools/colleges and the hostel. The Dy. Commissioner assured that at least 4 computers shall be made available in the hostel shortly and the connectivity of hostels with the schools shall be improved in due course of time.

d) Gadiganur village, Hospet: The Commission proceeded for Hospet in the evening and on the way, it visited a ST colony in Gadiganur village under Zilla Panchayat, Bellary. In this colony, a 358.20 metre long cement concrete road is being laid with an estimated cost of Rs. 25 lakh from the State pooled fund. The Commission interacted with the tribal population residing in the colony. The local tribals were residing in the houses owned by them and were satisfied with the health facilities and public distribution system. Some of the tribal delegates


  
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National Commission for Scheduled Tribes  
भारत सरकार, नई दिल्ली  
Ministry of Tribal Affairs, New Delhi

demanding for providing more hostel facility in the District for proper education of their children. They also demanded that the percentage of reservation in the services under the State for Scheduled Tribes should be enhanced to 6.5% in proportion to their population. Currently, only 3% reservation is being provided to them. Some of the tribal representatives also objected to the provision of selection of beneficiaries under various developmental schemes for the Scheduled Tribes by the elected representatives like MLAs etc. which in their view, was encouraging partiality and discrimination on political grounds.

e) Post-matric ST girls hostel, Hospet: The Commission reached Hospet in the evening and inspected Post matric ST girls hostel, Hospet. There are 50 inmates in the hostel. The Commission interacted with the inmates of the hostel and desired to know about the status of various facilities being provided to them. The inmates informed the Commission that the hostel building was away from the main road and the colleges were about 5 to 10 kms away from the hostel. There is no transport facility between the hostel and the colleges and they have to walk the distance. The Commission observed that the hostel site was not connected by any means of public transport and directed the Dy. Commissioner to do the needful in the matter. The Commission also noted that the new pillows were provided to the inmates on the date of visit of the Commission. However, the inmates were satisfied with the meals and other facilities being provided to them by the District Administration.

Action: Dy. Commissioner, Bellary/Govt. of Karnataka

24. From Hospet, the Commission returned back to Bellary Circuit house. It proceeded for Bellary railway station at 21.45 hrs in night to return to Bangalore by Humpi Express in the morning.

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




7-11-2012

Meeting with Hon'ble Chairman and Members of Karnataka State Commission for SCs and STs, Bangalore.

25. Hon'ble Chairman and members of Karnataka State Commission for Scheduled Castes and Scheduled Tribes held a meeting with Hon'ble Chairman and members of the Commission in the morning at Kumara Kripa Guest House, Bangalore. At the outset, Shri Nehru C.Olekar, Chairman, Shri Sathyendra Kumar and Smt. Sharadha Hovaneur, Hon'ble Members of the State Commission extended hearty welcome to the Chairman and the Members of the Commission. They briefed about the activities of the State Commission during the year 2011-12. It was informed that the Chairman of the State Commission had already visited all the Districts of the State. He has conducted review meetings of the District Administration and development officers of the District. The State Commission also received petitions in respect of the hardship faced by the SCs and STs. The members of the Commission have also visited many taluks in the State and taken meetings with the local officers and leaders of the deprived community. Besides this, the Chairman of the State Commission visited Rajasthan and New Delhi to study the schemes that were being implemented for the welfare of Scheduled Castes and Scheduled Tribes in those States and also the functioning of the Commission in these States. The State Commission in this regard, has already submitted a report to the Government of Karnataka. It was also informed that the State Commission has submitted an integrated report containing more than 300 recommendations for the welfare of Scheduled Castes and Scheduled Tribes to the Government of Karnataka on 31-12-2009.

26. The Secretary of the State Commission informed that from the year 2007-08 to 2012 (upto October end), 19 grievances were received from the Scheduled Tribe petitioners in which 14 were related to service matters, 02 atrocity cases,

  
डा. रामेश्वर उराव/Dr. RAMESHWAR ORAON<sup>17</sup>  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जातों के आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Government of India  
नई दिल्ली/New Delhi

02 land issues and 01 were related to false caste certificates. Out of these 19 cases, 10 cases were at the enquiry stage, 02 were disposed and 07 were at the state of stay. Chairman, NCST stressed on the need of publicity about the existence of the Commission and spread of awareness among the tribals of the State so that they can come forward with their grievances. He also advised the State Commission to pay more attention towards the problems of PVTGs of the State. He also suggested concentrating on the policies for the protection of tribals of the State.


Action: Karnataka State Commn. for SC/ST

27. In the end, Chairman, Karnataka State Commission for SC/ST thanked the Commission for the discussion and guidance.

**Meeting with Canara Bank SC/ST Employees Welfare Association.**


28. The Commission held a meeting with office bearers of Canara Bank SC/ST Employees Welfare Association at 1100 hrs. to have a feed back on the issues related to implementation of reservation policy and other safeguards provided to them in the Bank. Shri Purushothama Das, Chairman, Shri Guruswamy, President, Shri A. Shivaji, General Secretary, Shri R.N.Munda, Jt. Secretary and Shri Hitler Minz, CC Member were present on behalf of the Association in the meeting. Shri P.Rangaraj, Liaison Officer for SC/ST also attended the meeting.

29. At the outset, the office bearers of the Association welcomed the Commission. The Chairman of the Association informed the Commission that the management of the Bank had invited only 5 office bearers for the meeting. It would have been proper on the part of the management to call at least one representative from all the circles so that the grievances could have been presented before the Commission more effectively. The Commission advised the Liaison Officer for SC/ST to note the request for compliance in the future visits of the Commission. It was also submitted that there is no representation of SC and

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

ST category in the Board of Directors of the bank so far. It shall be in the interest of the bank to have representation of at least one member in the Board of Director from the reserved category. After the opening remarks, the Association submitted a memorandum dated 7-11-12 to the Commission depicting following issues/demands related to the welfare of Scheduled Tribes in the bank:

- i) The Association is not provided with the details of recruitment and the number of posts filled by Scheduled Tribe candidates in terms of reservation policy. If these details are furnished to the Association, they will be able to follow up any shortfall or backlog in recruitment of SC/STs in the bank against the quota and will be able to request the bank to fill such unfilled vacancies.
- ii) The bank provides reservation in promotion only up to promotion for JMG scale-I. The bank may be advised to implement reservation policy in all cadres up to SMG scale-VII in tune with the Government guidelines and Constitutional provisions.
- iii) Non-implementation of reservation policy in promotion to all cadres have left many of the posts in the Sr. Management Grade Scales either without representation or a very poor representation of SC/STs in the bank. The figures are highly poor in case of ST representation.
- iv) Discrimination against performing SCs and STs is continuing in the bank. Non disclosure of marks/grade under OPAS/APAS reveals itself in an unpleasant manner closely at the crucial hour of becoming eligible for promotion. If the disclosure policy is reinstated with a provision for appeal for upward revision of grades/marks, it may provide some relief to all the performing SCs/STs in the matter of promotion.
- v) When there were no seniors in the SC and ST cadres in the initial stage, bank had implemented promotion policy on the basis of seniority. Gradually, when the SCs and STs working in bank acquired seniority over their years of

  
डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON<sup>19</sup>  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जात आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Government of India  
नई दिल्ली/New Delhi

service, the bank has chosen to do away with seniority criteria again adversely affecting the interest of the SC and STs in the matter of promotion. Not giving exposure to SCs and STs in many vital areas of banking has also come in their way. Hence, the banks should be advised to consider seniority of SCs/STs in the matter of promotion in all cadres.

vi) Banks may be advised to have the requirement of minimum qualification for recruitment to the post of clerical cadre for SCs and STs as matriculation or plus two. This would open up employment opportunities to the SCs and STs specially tribals in the rural areas to enter bank services.

vii) Part-time employees working in the Canara Bank have put in decades of service and many of them are nearing superannuating. They were waiting all along for absorption on the scales of subordinate staff on permanent basis. The proposal of the bank to absorb the part-time employees on regular scales of wages as housekeeping peon only defers such absorption and depriving them various benefits. Hence, services of all the part-time employees should be absorbed on the scales of subordinate staff on permanent basis.

viii) The Association has been requesting the bank management to provide the details of zone of consideration extended in each cadre of promotion but this information is not being shared with the association. The bank may also be advised to insure promoting SC/STs who come within the purview of policy on zone of consideration by properly implementing the guidelines.

ix) The participation of SC/ST representatives in the joint conference held in respect of workmen and officers with the bank management should be ensured.

x) The presence of SC/ST representative in all the interview committees should also be ensured.

*Rameshwar Oraon*  
डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



xi) There should be no discrimination in the matter of disciplinary action, nature of punishment etc. against SC and ST employees vis-a-vis unreserved category employees working in the bank.

xii) The bank is facing severe staff shortage. Recruitment should be initiated at all levels to provide job opportunities to many SC/ST candidates in tune with the reservation policy.

xiii) Posting of SC and ST employees/officers to difficult centers, repeatedly away from their native circles should be avoided by the bank management and their requests for transfers to their home state on genuine grounds should be considered sympathetically. The posting of women SC and ST employees in remote rural areas where proper amenities are not available should be avoided.


xiv) The bank should be advised to consider more number of SC and ST candidates for foreign posting/prime posting/external training and foreign training. The bank may also be advised to furnish a list of SC/ST employees/officers sent for foreign posting and in the above mentioned training courses.

xv) The bank should be advised to provide more loans to the tribal people for education, housing, SME, poultry, cattle rearing, purchase of lands for cultivation, animal husbandry etc. to improve generation of income and enhance their standard of living.

Action: Canara Bank

30. In the end, the General Secretary of the Association thanked the Commission for providing them an opportunity to discuss their issues with the Commission.

**Meeting with ED and other Sr. officers of Canara Bank on implementation of reservation policy and other safeguards provided to the STs in the Bank**


  
डा. रामेश्वर प्रसाद / DR. RAMESHWAR PRASAD  
राष्ट्रीय आयोग के अध्यक्ष  
National Commission for the Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

31. The Commission held a meeting at 1200 hrs with the Executive Director and other Senior officers of the Canara Bank to review the implementation of reservation policy and other safeguards provided to the Scheduled Tribes in the bank. The issues raised by the Canara Bank SC/ST Employees Association in the meeting held with them were also discussed. Shri Ashok Kumar Gupta, ED, Shri Shyamalendu Saha, GM (HR), Shri P.Rangaraj, Shri K.S.Prabhakar Rao, Shri H.V.Hebbar and Shri S.S.Bhat, General Managers were present in the meeting from the management side.

32. At the outset, Executive Director, Canara Bank welcomed Hon'ble Chairman, Members and officers of the Commission. Thereafter, a power point presentation was made before the Commission, which included information, related to establishment, development and business activities of the bank. It was followed by detailed discussion on the basis of reply to the questionnaire sent by the Commission to the Bank seeking information on various aspects of reservation policy and safeguards provided to the Scheduled Tribes working in the bank. Following action points emerged out of the discussion in the meeting:

i) At the outset, the Chairman, NCST observed that there was an imperative need of transparency in maintenance and operation of rosters and filling up of the posts for the reserved categories. Joint Secretary, NCST advised the bank management to computerize the rosters and host it on the website of the bank for transparency. This will help in sharing of information with all the stakeholders including the members and office bearers of Canara Bank SC/ST Employees Association.

ii) The Commission also advised the management of Canara Bank to create the computerized grievance management system for redressing the grievances of the employees in the H.Q. and circle offices of the bank.

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

iii) The Commission observed that the Scheduled Tribe employees were getting promotions from level JMG I to II and from JMG II to level III. After this level they are finding it difficult to move ahead in terms of their carrier development. The Commission advised the management of the bank to find out ways and means so that the ST employees working in the bank could develop their skills and knowledge and get higher position in their field of work. Joint Secretary, NCST advised the bank management to prepare a special HRD plan for the ST employees so that they could rise to the level IV and above as they come from a different social background and are hesitant in nature. Their communication skills should also be developed and they should also be given opportunity to work in the core areas of the functioning of the bank.

iv) The Commission also stressed the need for imparting training to the Scheduled Tribe employees in vital areas of banking. As per the information furnished by the bank, two employees of ST category were posted abroad from the year 2008 to 2011. During the same period, 29 ST employees were sent abroad for foreign training. As the bank had not furnished the information regarding total number of employees posted abroad or sent for foreign training, the Commission could not assess the percentage of ST employees trained abroad. The bank management assured to provide requisite information shortly. The Commission advised that whenever training programmes are conducted in the country or abroad, ST employees should also invariably be given opportunity to participate in such training.

v) The Commission noted with concern that only one percent education loan has been given by the bank to the Scheduled Tribe beneficiaries out of total amount of education loan provided by the bank. The Commission observed that there was an imperative need for granting more education loan to the Scheduled Tribe beneficiaries so that they could get higher education and become employable in the job market. Similarly, in the agricultural loans also, the share of Scheduled Tribes is only 3%, which should be brought to 7.5% in proportion to the ST population. Thus, more efforts are required in disbursing loans to the

*Rameshwar Oraon*<sup>23</sup>  
डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON  
राष्ट्रीय आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

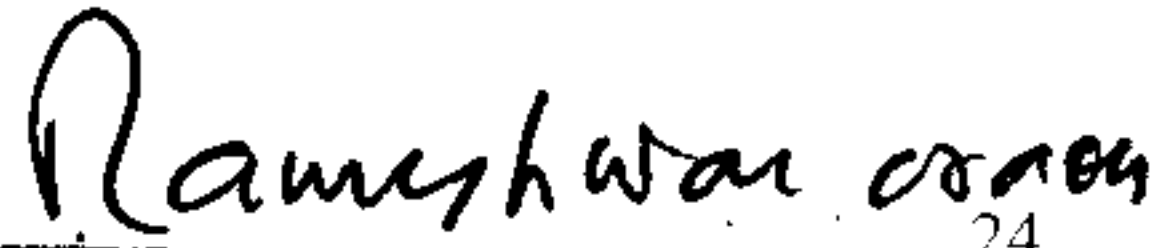
Scheduled Tribes keeping in view the huge gap between the socio-economic status of Scheduled Tribes and the general population.

vi) Hon'ble Chairman, NCST also desired that the bank management should come forward in imparting training under CSR activities preferably in the field of computer training and promoting the sports like hockey, football and archery in the tribal areas. The Scheduled Tribe candidates should be provided pre-examination training before the competitive examinations for various posts in the bank. They should also be trained for facing interviews so that they can come out of the shyness and hesitation which exists in their nature.

vii) The Commission observed that there was no relaxation for providing education loan to the bank employees for their own education or education of their family members and a uniform criteria of 60% marks has been fixed for them. The Commission advised that at least 5% relaxation should be given to the SC/ST employees and their family members in providing education loan to them.

viii) The Commission noted with concern that 25 cases of caste certificates, declared fake/invalid by the Scrutiny Committee, were pending in the bank. In 13 cases, employees were terminated and subsequently reinstated as per the court orders and in 10 cases, action could not be taken due to the restraint order from the court/ back reference to the committee for verification. In one case, the termination order was challenged by the employee and is pending in the High Court. In one case, the matter was referred to IBA/Ministry of Finance for clarification. Thus, in all the 25 cases termination process could not be completed. The Commission advised the bank management to take effective measures for speedy disposal of the cases in accordance with the law so that the persons who had obtained employment on the basis of false caste certificates do not continue in the service.

Action: Canara Bank

  
डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON<sup>24</sup>  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

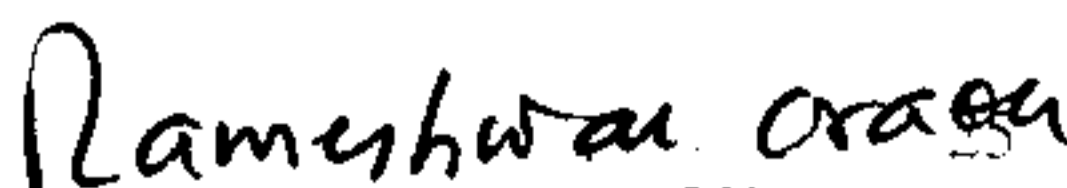


33. The Executive Director of the Bank assured the Commission that action would be initiated on the recommendations of the Commission with positive mindset. Regarding appointment of a Director, belonging to ST category, the Commission was informed that a uniform policy is being followed by all the Banks in this regard. He assured that the bank would take care of the promotion of sports in the tribal areas. He also agreed for providing 5% relaxation in marks for providing education loan to the SC and ST employees, their families working in the bank. The rosters shall be placed on the website of the bank and effective grievance redressal mechanism shall be devised to solve the problems of SC and ST employees. The bank shall take steps to sanction more agricultural and education loan to the Scheduled Tribes. As far as the matter of transfers and postings is concerned, the Bank management will continue its sympathetic attitude towards weaker sections and no discrimination shall be made at any level. He thanked the Commission for coming to the Bank and advising the Bank management on the issues related to the development of Scheduled Tribes.

34. In the afternoon, the Commission left Bangalore by road for Mysore and reached there in the evening. On reaching Government house, Mysore, the Dy. Commissioner and other officers welcomed the Commission. Vice Chancellor, University of Mysore and other senior faculties also gave a warm welcome to the Commission.

**Meeting with Vice Chancellor, University of Mysore, Registrar and other senior faculties to review implementation of reservation policy and other safeguards for STs in services and admissions in the University.**

35. The Commission held a meeting with Vice Chancellor, Registrar and faculty members of the University of Mysore at the Government house, Mysore at 1800 hrs to review the implementation of reservation policy and other safeguards provided to the Scheduled Tribes in services and admissions in various courses in the University. The discussion was based on the reply to the questionnaire

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

furnished by the University to the Commission. The Vice Chancellor of the University welcomed the Commission.

36. The position emerged from the information provided by the University is as under:

i) The University of Mysore is a University set up by the Government of Karnataka and is under the control of the Department of Higher Education of the State. His Excellency, the Governor of Karnataka is the Chancellor of the University and Hon'ble Minister for Higher Education, Govt. of Karnataka is the pro-Vice Chancellor of the University. The Vice Chancellor is the administrative and academic head of the University who is assisted by the Director, Planning Monitoring and Evaluation Board and the Director of Research. The Registrar Evaluation, the Registrar and Finance Officer assist him in running the University. This is the sixth oldest University established in 1916 by his highness Maharaja of Mysore Shri Nalvadi Krishnaraja Wodeyar. Presently the jurisdiction of the University is spread over 4 Districts viz. Mysore, Mandya, Hassan and Chamarajanagara. As per the provisions of section 27 of the Karnataka State Universities Act, 2000, the Syndicate, the Academic Council, Finance Committee, the Board of Studies, the faculties and the Planning, Monitoring and Evaluation Board are other authorities in the University.


ii) The percentage of reservation in direct recruitment applicable in favour of SC and STs is 15% and 3% respectively. Being a State University, the reservation is followed since its inception as per the Government orders from time to time. The vacant posts are filled as per 100-point cycle system of reservation as provided by the State Government Order dated 20-6-1995. In promotion also, same percentage of reservation is applicable. The promotion of non-teaching staff is made as per the 33-point cycle system of reservation as provided by the State Government vide order dated 27-4-1978 and 30-8-1979.

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

iii) Teaching Posts: As on 1-1-2011, the sanctioned strength of Professors in the University was 79, out of which 51 Professors were in position under BOA and 90 were under CAS. Among BOA Professors, 05 belong to ST category and among CAS, 03 belong to ST category. 28 posts of Professors were vacant. In Associate Professors, the sanctioned strength was 124. Under BOA category 31 and under CAS category, 62 Associate Professors were in position. Out of them 02 and 01 candidates belonged to BOA and CAS category respectively. 44 posts were vacant. Among Assistant Professors (PG), the sanctioned strength was 252 and 100 Assistant Professors were in position under BOA. Out of them, 18 belong to ST category and there was a backlog of 2 in the ST category. 49 posts were vacant. The University was having 93 Associate Professors (UG) under CAS category out of which 09 belonged to ST category. The sanctioned strength of Assistant Professor (UG) was 211 out of which 78 were working under BOA category and 08 of them belonged to ST category. 40 posts of Assistant Professor (UG) were vacant. Thus, out of total working position of 505, the number of ST candidates was 46 (9.1%) which was satisfactory.

iv) Among non-teaching posts the sanctioned strength in Group 'A' was 4 and all of them were in position. Among Group 'A' officers, 1 post was filled from ST category. In Group 'B' posts, the sanctioned strength was 62 and all the posts were filled. There were 4 ST officers in position. In-Group 'C' category, the sanctioned strength was 519 out of which 502 posts were filled. Among them 27 employees belonged to ST category. In-Group B, the sanctioned strength was 888 out of which 357 were in position. 46 of them belonged to the ST category. The Commission observed that the prescribed percentage have been maintained in the matter of appointment/promotion by the University.

v) The Commission observed that there was no backlog under ST category except the post of Assistant Professor (PG) which was having a backlog of 2 posts. The Commission advised the Vice Chancellor to clear this backlog urgently.

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

vi) The University is having a special SC/ST cell headed by the Dy. Registrar and assisted by supporting staff to look into the grievances of SC and ST employees and students. The Dy. Registrar acts as Chief Liaison Officer for them. The Commission advised the University to maintain a grievance register under the Chief Liaison Officer to enable the SC and ST employees and students register their grievances. The Vice Chancellor agreed to the advice.

vii) The Commission also noted with appreciation that one member from SC/ST category is present in the recruitment boards/selection committees/DPCs to watch and protect the interest of SC/STs.

viii) The Commission also enquired about the roster system followed by the University, as it was impressed that the vacancy based roster is being followed in the University and the State. The Commission decided that the issue would be discussed in the State Level Review Meeting as the University was following the orders issued by the Government of Karnataka on the subject.


Action: University of Mysore/Govt. of Karnataka

37. In the end, the Vice-Chancellor of the University of Mysore thanked the Commission for providing an opportunity to discuss various issues concerning the Scheduled Tribes.

**8-11-2012**

### **Field Visits in Mysore District**

38. The Commission visited several places in Mysore District to have a first hand information on implementation of various developmental programmes being run for the welfare of Scheduled Tribes and see the living conditions of Scheduled Tribes.

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



a) **Visit to O/o Karnataka State LAMPS Co-operation Federation, Mysore**

39. In the morning, the Commission visited 'The Karnataka State LAMPS Co-operative Federation Ltd., Mysore. The Commission was informed that the area of operation of the Federation extended to the revenue limits of Mysore, Chickmangalur, Kodagu, Chamarajanagar, South Canara, Mandya, Uduppi and North Canara Districts. It commenced its activities from July, 1998 with membership of 19 LAMPS societies and now it has 23 members under the Federation. The paid up share capital is Rs. 4.25 lakh from member societies and Rs. 8.00 lakh from Government of Karnataka. The main objectives of the federation are as follows:

(i) To organize, plan the growth and development of natural products and their trade on rational, scientific, commercial basis in the interest of the tribal population in the area of operation of the federation;

(ii) To strive to ensure higher earning and larger employment opportunities for the tribal population by information of suitable economic schemes based on natural products;

(iii) To ensure full utilization of natural products available in the tribal areas including farm and forest product by exploring new uses for the products and by improving their marketability through organized efforts;

(iv) To boost up the economic and commercial viability of the LAMPS dealing with procurement, processing and marketing of natural products of providing marketing support to them with a view achieve the above objectives;

(v) To arrange finances for itself, its members and its supported activities with the above end in view; and


*Rameshwar oragan*

(vi) To identify items of minor forest product (MFP) in different areas to be through under the ambit of the cooperative marketing and make recommendation of fixation of minimum prices of MFP in the tribal areas procured by LAMPS societies.

40. The Federation is providing marketing facilities for MFP collected by primary LAMPS like honey, soapnut powder, gooseberry, tree moss, dalcheeni, rampatre etc. The Federation also advances loans to its members of the societies to undertake procurement of MFPs. The Federation is also imparting leadership training to Directors of the LAMPS societies through Karnataka State Co-operative Federation. Output income training is imparted to tribal members at the LAMPS level in collaboration with the Karnataka State Co-operative Federation. It is involved in imparting training to tribal members in honey harvesting by Tribal Marketing Development Federation, New Delhi. The Karnataka State LAMPS Co-operative Federation has planned to establish a honey and soapnut processing unit at Mysore for which provision of Rs. 1.32 crores has been made. The Department of Co-operation and Tribal Welfare Department, Govt. of Karnataka are providing financial assistance for the implementation of plan schemes for the purpose of marketing of MFPs, purchase vehicles, purchase of storage items like steel drums, equipment etc. It is also assisting in construction of marketing premises and establishment of processing units.

41. The Commission was informed that the Federation and primary LAMPS are facing following problems in their functioning:

- (i) As per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of rights) Act, 2006, Rules, 2008 and amendment dated 6-9-2012, Co-operatives, LAMPS and Federation are allowed to collect and transport the MFPs, but in reality, it is not in practice as in many areas, they are not being permitted to collect MFPs by the Forest Department officials.


  
डा. रामेश्वर उराव/Dr. RAMESHWAR URS  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

- (ii) Lack of marketing facility for MFPs collected by LAMPS.
- (iii) High taxes of State Government i.e. VAT and the State Transparency Act, which is not permitting the LAMPS for direct marketing.
- (iv) Though there are LAMPS, which are already functioning in some areas, separate Village Forest Committees (VFCs) have been formed in the same area in which non-Scheduled Tribe persons are also members. These VFCs have become competitors for LAMPS in collection of MFPs. As a result of this, there is conflict between the tribals and the non-tribals over the issue of collection of MFPs.

42. The Federation made following demands/requests before the Commission to improve their working:

- A free and open entry into forests for collection of MFPs for tribes
- Assured marketing facilities and support prices for MFPs
- Keeping in view the fact that many MFPs are having medicinal values, these MFPs particularly honey, soapnut and tamarind may be purchased by Ayurveda hospitals, hostels and various food processing units run by the Central/State Governments.
- Relaxation from transparency act and exemption from taxes
- Unhealthy competition between LAMPS and VFCs should be stopped.
- The State Government should provide financial assistance for infrastructure development at LAMPS and Federation level.
- The Federation and the LAMP societies should be provided marketing place to open business outlet at business places in all the districts where the Federation is operating its activities.
- Continuous training programmes for tribes in collection of MFPs.

43. Chairman, NCST directed the Director, TWD, Govt. of Karnataka to take note of the problems being faced by the Federation and the LAMP societies for taking suitable measures to solve their problems

  
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 भारत सरकार/Govt. of India  
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b) **Visit to Morarji Desai Residential School, Dharampura**

44. The Commission visited Morarji Desai residential school, Dharampura to inspect the living condition of tribal students in the school. The Commission interacted with the teachers and students in the residential school. The Commission was informed that the students were admitted in class VI<sup>th</sup> and they continue their education upto class X<sup>th</sup> in the school. The strength of the school was 250 out of which 48 students belonged to the Scheduled Tribe category and rests were from the Scheduled Caste category. The Commission was informed that in every taluka of the State, the State Government had been opening 2 to 3 such residential schools. There are 11 teachers and 1 permanent nurse posted in the school. The Commission noted that the school is having a very good building, girls and boys residential hostel building, kitchen, dining hall and staff quarters. The Commission also checked the quality of education being imparted to the students and found it satisfactory.

c) **Visit to Madaiahna Katte Hadi village**

45. The Commission visited Madaiahna Katte Hadi village inhabited by Jenu Kuruba tribes, which are included in the PVTG. The Commission interacted with the local population and saw their living conditions. The members of the community informed the Commission that they were provided small houses and settled in this village by the State Government. There is 60 acres revenue land in the village and 30 families are cultivating the land. The Government has not given them ownership rights of the land. The main livelihood of this community is agriculture and labour work. On being asked, the Commission was informed that they get 2-3 days work in a month under MGNAREGA. They demanded that they should be given ownership rights over the land, which they have been cultivating. The Commission noted that drinking water facility, ration school and other facilities are available to these PVTGs. For improving the nutritional status of this community, supplementary nutritional food (15-kg ragi and 1 ltr. edible oil) is provided to them for six months in a year. Streetlights have been provided but



the houses have not been electrified so far. The Dy. Commissioner assured the Commission that electricity connection would be provided to the houses shortly. The Commission was informed that the mobile hospital visits the village once in a month and free medicines are provided to them. However, the Commission observed a case of non-institutional delivery in a house in the village and directed the authorities to ensure that more health care is provided to the ladies of the community.

d) Visit to H.D.Kote

46. The Commission visited Ambedkar Bhawan at H.D.Kote where large number of tribals welcomed the Commission in their traditional way. The tribal delegates informed the Commission about various problems being faced by them. The main issues presented before the Commission are as below:

- (i) The Forest Department officials are harassing the tribals and not allowing them to collect MFPs. The Commission was informed that one tribal person was reported to be killed and buried by the forest department officials who had gone to the forest to collect honey. Another tribal named Bhimsena of Hunse kuppe hadi, who had gone to the forest to catch fishes, was injured in the firing by forest officials as a result of which he has become lame. There was a case of rape also by the forest department officials. Stern action against the culprits should be ensured.
- (ii) The Forest Rights Act is not being implemented in the Mysore District properly as a result of which, the tribals are suffering a lot. The Forest Department officials do not understand the provisions of this Act and book them in false cases under Forest Conservation Act and Wild life Protection Act. This should be stopped immediately. They are not allowing the tribals to collect and sale honey, stoneflower etc. The rights of the tribals should have been recognized before shifting them to the other places. They

should have been compensated before shifting from the reserved forests but it was not done.


- (iii) Road connectivity is poor in the tribal villages of the District. Many villages do not have electricity and the solar lights have not been provided to them so far. The Doctors and ANMs do not visit the tribal villages and hamlets. The tribals are not getting benefit under MGNAREGA.

47. Keeping in view the strong sentiments of the tribal population, the Commission decided to recommend the Ministry of Tribal Affairs and Ministry of Environment and Forest, Government of India to send a team to HD Kote Taluka of Mysore District to study the implementation of provisions of Forest Right Act. The Commission also directed the State Government (ADG, CRE cell) to speed up the process of investigation and chargesheet the accused government servants found committing offences against the Scheduled Tribes mentioned above and to send a report to the Commission in this regard. The Commission also directed the State Government to provide monetary compensation to Shri Bhimsena injured in the firing by the forest department officials. The Commission requested the ADG (CRE cell) to review the cases booked by the forest department officers against the tribals on allegedly false offences and withdraw them on merit. A report in this regard should be submitted to the Commission within a period of three months.

Action: Govt. of Karnataka  
:Ministry of Tribal Affairs, Govt. of India


48. In the end, the tribal representatives thanked the Commission for visiting the district and giving them an opportunity to interact with the Commission. After the meeting, the Commission left H.D.Kote for Mysore district HQ.

**District level review meeting, Mysore**

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

49. The Commission held a meeting at Government house, Mysore at 1630 hrs to review the status of implementation of various developmental programmes for the Scheduled Tribes in the Mysore District. Dy. Commissioner, Mysore, Director, Tribal Welfare Department, Govt. of Karnataka and other senior officers of the District were also present in the meeting. Following action points emerged after the discussion in the meeting:

- (i) The Commission observed during the field visits that there was a need to educate and impart training to the forest department officers and officials on the provisions of Forest Right Act. The district level officers are not aware of the provisions of the Act and are working against the rights provided to the Scheduled Tribes and other forest dwellers in the Act. The Commission informed the forest department officers present in the meeting that the Forest Rights on ancestral lands and their habitat were not adequately recognized in the consolidation of state forest during the colonial period as well as in independent India. This was a historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers. By bringing this Act, the Government of India has recognized their individual and community rights. The provisions of this Act have over riding effect on the provisions of all the previous Acts, Rules and legislation related to the conservation of forest and wild life as it shall be the duty of the forest dwellers, whose rights have been recognized, to protect the forest and wild life.
- ii) The Commission directed the concerned officers to ensure that the tribals are allowed to collect and sell MFPs without any hindrance. This will help in generation of income, which will result in the economic development of the Scheduled Tribes.
- iii) The Commission also directed the concerned officers to take effective action on the complaints made by the tribals against the forest department officials related to the atrocities.

  
डा. राजेश्वर उरावे/Dr. Rajeshwar Urs  
आयुक्त  
राष्ट्रीय आदिवासी  
National Commission  
भारत सरकार  
सई दिल्ली

- iv) The Commission observed that as per the information provided by the office of the Dy. Commissioner, Mysore 5387 individual and 107 community claims were received under the Forest Right Act in the District. The FRCs forwarded 5387 claims to the SDLCs. The SDLCs rejected 4832 claims and forwarded 555 claims to DLCs. So far 574 title deeds have been distributed which include 555 individual and 19 community claims. A total of 187.27 acres of land was involved in the recognition of rights of the Scheduled Tribes. The Commission noted that a large number of cases were rejected in the process and directed the Dy. Commissioner to review the same.
- v) The Commission observed that the general literacy in the District was 63.5% whereas it was only 46.40% among the Scheduled Tribes. There was a huge gap in the female literacy among general and Scheduled Tribes, which was 55.8%, and 37.5%. The Commission appreciated the steps like opening of residential schools and hostels to improve the literacy percentage among the Scheduled Tribes, particularly females.
- vi) The Commission also requested the district level officers to pay more attention towards the problems being faced by the PVTGs in the District as they were placed on a much lower stage of development. They need the Government assistance more than any other social group.
- vii) The Commission appreciated the health facilities being provided to the Scheduled Tribes as many tribals, who met the Commission, informed that they were being provided medicine in the hospitals and dispensaries. They also reported about the visit of mobile medical vans in their villages once in a month. The Commission suggested that the frequency of the visit of the mobile medical vans should be made twice a month to facilitate healthcare more effective for the tribals.



Action: Dy. Commr. Mysore/Govt. of Karnataka

50. In the end of the meeting, the Dy. Commissioner, Mysore thanked the Commission for visiting the District and assured that the Administration will take appropriate action on the recommendations made by the Commission in the meeting.

51. The Commission left Mysore for onward journey by road to Bangalore in the evening and reached there in the night.

**9-11-2012**

**Meeting with the Committee on the welfare of Scheduled Castes and Scheduled Tribes of Karnataka Legislature in Vidhan Soudha, Bangalore**

52. The Committee on the Welfare of Scheduled Castes and Scheduled Tribes Legislature held a meeting at Vidhan Soudha, Bangalore to welcome Hon'ble Chairman and Members of the National Commission for Scheduled Tribes.

53. The Commission was informed that there were 20 members in the Committee including the Chairman. 15 of them are the members of the Legislative Assembly and 5 members of the Committee are from the Legislative Council of the State. The Committee is regularly monitoring the funds allocated under the TSP/SCP and looking after the implementation of developmental programmes for SCs and STs. It is also reviewing implementation of reservation policy in various departments under the State.

54. Hon'ble Chairman, NCST thanked the Committee members for welcoming the Commission and informed them about the Constitutional provisions and duties assigned to the Commission under Article 338 A of the Constitution of India. He also briefed them about the tour programme of the Commission

डा. रामेश्वर दत्त  
National Commission for Scheduled Tribes  
Rameshwar Datta  
National Commission for Scheduled Tribes

covering Bellary and Mysore Districts and Commission's observations regarding implementation of various programmes for STs. On the basis of the feedback received by the Commission during field visits and meetings in the District, Chairman, NCST appreciated the working of Morarji Desai residential school, mobile medical vans, LAMPS and the schemes of providing land to land less tribals and Ganga Kalyan Yojana. Chairman, NCST further mentioned following issues, which needed to be addressed urgently for the welfare of STs in the State:

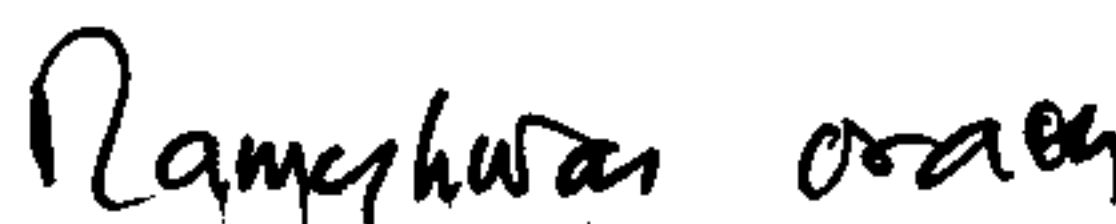
- i) Percentage of reservation in services of the State for STs was not in proportion to the ST population of the State.
- ii) More efforts for the development of PVTGs required.
- iii) Improvement in implementation of Forest Right Act and its implementation throughout the State.

Action: Govt. of Karnataka

55. In the end of the meeting, the Chairman of the Committee thanked the Commission for the valuable discussion and guidance.

**State level review meeting with Chief Secretary, Govt. of Karnataka and other senior officers on the implementation of development programmes and reservation policy for the Scheduled Tribes.**

56. The Commission held a meeting with Chief Secretary and other senior officers of the State Government to review the status of implementation of developmental programmes and reservation policy for Scheduled Tribes. The review was based on the reply to the questionnaire furnished by the State Government to the Commission, the review meetings taken by the Commission in the Districts and the feedback received from the Scheduled Tribe delegates during the field visits.



RAMESHWAR ORAON

Chairman

संविधान आयोग

Scheduled Tribes

Commission


India

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57. At the outset, the Chief Secretary, Government of Karnataka welcomed the Commission, which was followed by a power point presentation on various initiatives taken by the State Government for the welfare of Scheduled Tribes of the State. Thereafter, the Chief Secretary, Govt. of Karnataka requested the Hon'ble Chairman, NCST to begin discussion on various issues.

58. Initiating the discussion, Hon'ble Chairman, NCST focussed on the role and functions of the Commission under the Constitution of India and the details of the visits of the Commission to various places in the State during the current tour. He appreciated the steps taken by the State Government in the field of education of Scheduled Tribes. He particularly praised Morarji Desai Residential Schools, which, in the opinion of the Commission, were providing quality education to the Scheduled Tribes of the State. He also appreciated the health facilities being provided to the Scheduled Tribes through mobile medical vans in the State despite shortage of Doctors and para-medical staff in many parts of the State. The Scheduled Tribes had also informed the Commission that the State Govt. was providing them free medicines. The public distribution system is also effective in providing food security to the Scheduled Tribes of the State. Chairman, NCST also appreciated the distribution of supplementary nutritional food to the Scheduled Tribes to mitigate the mal-nutrition among forest based tribes covering 42,000 families. As far as economic development and income generation is concerned, the Commission observed that the Ganga Kalyana Yojana and land purchase schemes have been very successful in the State. However, during the field visits and in the review meetings of the Commission, several issues were raised by the Scheduled Tribes, which needed to be addressed urgently. In the information furnished by the State Government to the Commission, the Commission has observed some areas where more effort and action is needed to improve the living conditions of the Scheduled Tribes of the State.

59. After detailed discussion in the review meeting, following points emerged for action on the part of the State Government:

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

(i) The Commission observed that during the last five financial years, the size of State's total plan outlay increased from Rs. 17,226.91 crore in 2007-08 to Rs. 38,070.00 crore in the year 2011-12 (more than double). But the TSP outlay, which was 1160.87 crores (6.73%) in 2007-08 increased to Rs. 1867.00 crores (4.90%) only. Thus, the increase in TSP outlay was much lesser in comparison to the Total State Plan Outlay and there was decrease in terms of percentage of TSP outlay out of State's total plan outlay. Further, the percentage of Scheduled Tribe population in the State was 6.55% whereas the TSP outlay during the last two years was only 4.33% and 4.90%. As the Scheduled Tribes in the State are living in a lower state of development, more funds should be poured over and above their percentage of population to fill the gap line between the general population and the Scheduled Tribes. The Commission also noted that out of the TSP outlay, the percentage of utilization remained from 68.57% in the year 2007-08 to 80.15% in the year 2011-12. Though there is a growth in percentage of utilization of TSP outlay during the last five years, still there is a necessity to enhance the utilization of funds available for the Scheduled Tribes under this Head.

(ii) The Commission observed that during the visit of Bellary District, the Commission was informed in the District level review meeting that the Forest Rights Act was being implemented in only 8 districts of the State. The Commission desired to know the reasons of non-implementation of the provisions of this Act in remaining Districts of the State. The Commission also informed that there were serious complaints from the Scheduled Tribes relating to the implementation of this Act in Mysore District and many incidents of alleged atrocities on Scheduled Tribes by the forest department officials were also reported to the Commission. The Commission advised the State Government to enquire into the cases of alleged atrocities against the Scheduled Tribes and to pay monetary compensation to the victims on the basis of findings of the inquiry. The Commission also noted that the Scheduled Tribes were not being allowed to collect minor forest produces by the forest department officials due to their


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



different interpretation of provisions of the Indian Forest Act and Wild Life Protection Act. There is a necessity to train the forest department officers and officials about the provisions of the Forest Rights Act for proper implementation of the Act to check the discontentment among the tribals. If there is any doubt in the interpretation of provisions of Forest Rights Act vis-à-vis provisions of Indian Forest Act and the Wild Life Protection Act, clarification should be sought from the Ministry of Tribal Affairs/Ministry of E&F, Govt. of India. The Chief Secretary, Government of Karnataka submitted that the position regarding implementation of the provisions of this Act in 8 Districts of the State would be reviewed. The position shall be checked and the Commission shall be informed in the matter. As far as the complaint of atrocities is concerned, an enquiry was being held in these cases and the Commission shall be informed about the outcome of the same.

(iii) The Commission has observed that many seats reserved for STs in Dental, ISMH and Architecture course remained unfilled during the last five years and desired to know the reasons for the same. The Commission was informed that the seats remained unfilled due to non-selection of seats by the Scheduled Tribe candidate and also due to non-availability of seats and colleges of student's choice. The Commission advised the State Government to create more hostel facilities for the Scheduled Tribe students pursuing professional courses so that they could come forward to secure professional qualification for their carrier development.

(iv) The Commission also noted that during the last five years, the percentage of allotment of rural house site and the urban house site came down from 10% to 4.75%. The Commission advised that out of the total house sites allotted in rural and urban areas, the percentage of house sites allotted to the Scheduled Tribes should not be less than 6.55%. (Percentage of ST population to total population) In fact, it should be more than the percentage of ST population of the State to fill in the gap of poverty among Scheduled tribes and as per their requirement.

  
डा. रामेश्वर उराँव/Dr. RAMESHWAR ORAON  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

(v) The Commission pointed out that there was a demand from the Scheduled Tribes of the State to establish a separate Commission for Scheduled Tribes in the State. Presently, the State is having a common Commission for the Scheduled Caste and Scheduled Tribe. The Scheduled Tribes of the State have requested for a separate Commission for the Scheduled Tribes in the State to focus attention on their problems and monitoring of implementation of various developmental programmes being run for them. The State Government should consider this demand in the light of the fact that at the national level also, the National Commissions for Scheduled Castes and the Scheduled Tribes have been constituted separately.

(vi) The Commission pointed out that the percentage of reservation in services under State for the Scheduled Tribes was only 3% whereas the population of Scheduled Tribes was 6.55%. Many tribal groups have demanded that the percentage of reservation for STs should be made 6.55% and the Commission also agrees to this demand. The State Government should consider the demand sympathetically in view of the fact that the Central Government and other State Governments are also providing reservation to the Scheduled Tribes in proportion to their population in the State. The Commission also desired to know whether the grouping of posts in direct recruitment in small cadres is being done in the State and the rosters, which are being followed in the State, are vacancy based roster or the post based roster. The Commission, while reviewing the implementation of reservation policy in University of Mysore got the impression that rosters being maintained as per the State Government orders are vacancy based rosters. The Chief Secretary, Govt. of Karnataka assured the Commission that the State Government would review the matter and revert back to the Commission in the matter later.

(vii) The Commission has noted that the Karnataka Scheduled Tribe Development Corporation Ltd. is not having officers and staff for implementation of its schemes in the Districts. This is resulting in delay in implementation of various schemes for the development of Scheduled Tribes. The Commission

desired that the issues related to the additional State Government guarantee to NSTFDC and the transfer of funds from Dr. B.R.Ambedkar Deveopment Corporation to KSTDC should be settled urgently in the interest of the Scheduled Tribes of the State.

(viii) The Commission stressed the need of paying more attention towards the socio-economic development of the PVTGs of the State. The Commission observed that more money should be poured for bringing them at par with the other social groups failing which the gap in development will more widen leaving them far behind in development.

ix) The Commission also pointed out the problems being faced by the Medha tribals who are facing problem relating to their livelihood due to the reason that they were not getting bamboo from the forests in several Districts. The Commission was informed that these tribes were traditionally engaged in making several items from bamboo and the forest department officials were not allowing them to procure bamboo from the other adjoining Districts. The Commission requested the State Government to look into the matter and take necessary steps in solving their problems.

(x) The Commission informed that there were several demands related to the construction of roads and for providing bus facilities in the tribal villages of Mysore district. The Commission advised the State Govt. to pay more attention in construction of roads, transportation, electrification and housing in the tribal areas so that the living condition of the Scheduled Tribes could be improved in the State.

(xi) The Commission reviewed the implementation of SC/ST (POA) Act 1989 and Rules 1995 in the State. On the basis of the information furnished by the State Government, the Commission observed that in the year 2009, 108 cases, in 2010, 173 cases and in 2011, 197 cases were registered in the Act. There was an increasing trend in the number of cases registered under the Act. As far as



the disposal by courts is concerned, 60, 162 and 283 cases were brought forward from the previous years during the period. The cases, which ended in conviction during the three years mentioned above, were 5, 0 and 2. On the other hand the cases which ended in acquittal were 16, 19 and 9 respectively. The Commission observed that the rate of conviction was on a lower side in the cases booked under the SC/ST (POA) Act, 1989 and advised the State Government to take effective steps in improving the quality of investigation and to provide security to the witnesses. The Commission also advised the State Government to speed up the investigation of cases of alleged atrocities by the forest department officials.

(xii) The Commission reviewed the implementation of MGNAREGA in respect of tribals. The Commission was informed that 52 lakhs job cards had been issued in the State out of which 4.5 lakhs job cards had been provided to the Scheduled Tribes. On a query, the Commission was informed that the average number of man-days generated per job cardholder was around 23 man-days only. The Commission informed that during the field visit to one village of Mysore District inhabited by Jenu kuruba PVTG, the Commission was informed that the villagers were getting only two-three days employment in a month under this scheme. The Commission observed provisions of the Act give guarantee to the job cardholders for 100 days employment in a year. As the Scheduled Tribes are small and marginal farmers and landless labourers, this scheme has been introduced to generate income particularly in the lean season but in case they are being provided employment for only 23 man-days, the Commission could not appreciate the implementation of the scheme. The State Government should try to improve the situation.


(xiii) The Commission also reviewed the health scenario in the State. The Commission desired to know about the availability of Doctors in the PHCs, CHCs and District hospitals. The Commissioner (Health) Government of Karnataka admitted that there was shortage of doctors in the State particularly in the rural areas and small towns. There is a shortage of 350 doctors and 1150 specialist in



the State. To improve the availability of doctors, the Deputy Commissioners of the Districts have been given power to appoint them locally. The specialists are being paid Rs. 85,000/- per month as salary. The doctors prefer to work in urban areas where they get high remuneration. The State Government has imposed a provision for one-year compulsory rural service for medical graduates and increased the penalty to Rs. 10 lakh for non-compliance. Transfer Act, 2011 has also been introduced in the State having provision of six years compulsory rural service for the doctors. It is expected that these steps will help the Government in retaining the doctors in the PHCs and CHCs throughout the State. The Commission advised the State Government to ensure that the posts of doctors are filled up in the tribal dominated areas of the State. The Commission also advised the State Govt. to impart nursing training to the tribal women, as is being done in many other States. They could be nurtured as a very dedicated nursing professional.

(xiv) The Commission informed that during the field visits, many tribal representatives met the Commission and demanded for opening up of more hostels for the tribal students. The tribal development is not possible without focusing on the field of education, particularly the tribal females. The Commission advised the State Government to open more college hostels so that the tribals could come forward to get professional education and higher education. The Commission also pointed out that at many places, hostels have been constructed at far off places and the inmates were facing problem in reaching to various educational institutions for their studies. Proper transport facility should be made available to connect these hostels from the educational institutions.

(xv) The Commission also reviewed the pendency in verification of caste certificates in the State. The Commission was informed that 305 cases have been registered in the State on the complaints of false caste certificate. The State Government has set up district caste verification committee for verification of such complaints. The Commission observed that there is a necessity to speed

  
डा. रामेश्वर उराँव  
राष्ट्रीय अनुसूचित जात आयोग  
National Commission for Scheduled Castes  
भारत सरकार, Dept. of India  
नई दिल्ली/New Delhi

up the process of verification of caste certificates, as there were complaints that these committees are taking years in disposal of the cases.

Action: Govt. of Karnataka

60. In the end of the meeting, the Chief Secretary summarized the action points and assured the Commission that the State Government shall consider the recommendations of the Commission seriously and take action on the issues discussed in the meeting. He thanked the Commission for visiting the State and discussing the issues pertaining to the Scheduled Tribes of the State.

### Press Conference

61. The Commission held a press conference at Kumara krupa Guest House, Bangalore in the evening and briefed the media about the observations of the Commission after the field visits, district and state level review meetings and the recommendations of the Commission for the effective implementation of welfare schemes for the Scheduled Tribes of the State.

### Meeting with H.E. Governor of Karnataka

62. The Commission met Shri Hansraj Bharadwaj, H.E. Governor of Karnataka in the evening at Raj Bhawan, Bangalore and briefed him about various observations of the Commission pertaining to the issues related to the Scheduled Tribes based on the field visits and review meetings undertaken by it during the tour of the State of Karnataka.

### 10-11-2012

63. The Commission commenced its return journey from Bangalore by AI 505 at 10:10 hrs and reached Delhi at 12.25 hrs.