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भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. Review/Karnataka/2018/RU-IV

Dated: 25.02.2020

To,

The Chief Secretary,
Government of Karnataka,
Vidhan Soudha,
Bengaluru (Karnataka).

Sub: Review and monitoring of constitutional safeguards and developmental schemes/programmes being run by the Government of Karnataka for the welfare of Scheduled Tribes in the State of Karnataka by the National Commission for Scheduled Tribes.

Sir,

I am directed to refer to the subject mentioned above and to forward herewith a copy of the Minutes of the Review Meeting held on 09.01.2020 under the Chairmanship of Hon'ble Chairperson, NCST on the constitutional safeguards and developmental schemes/programmes being run by the Government of Karnataka for the welfare of Scheduled Tribes in the State of Karnataka at your end.

It is requested that an action taken report on the Commission's recommendations in the matter may be furnished to the Commission within 30 days for placing the same before the Hon'ble Commission.

Yours faithfully,


(Dr. Lalit Latta)
Director

(Encl: as above)



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National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5) (e) OF THE CONSTITUTION ON THE MEASURES TO BE TAKEN BY THE STATE GOVERNMENT OF KARNATAKA FOR THE EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES.

(File No: Review/Karnataka/2018/RU-IV)

Date of Review: 09.01.2020 at Bengaluru

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. As per constitutional provision, the Union and every State Government shall consult the Commission on all major policy/decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President reports upon working of those safeguards and all such reports are to be laid before each House of the Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations. Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State, who shall cause it to be laid before the legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above constitutional mandate, a review meeting was undertaken by full Commission under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes along with Shri H.K. Damor and Shri H.C. Vasava Hon'ble Members, NCST on 09.01.2020 at State's Secretariat, Bengaluru to evaluate the constitutional safeguards, developmental schemes/programmes, being run for the welfare of Scheduled Tribes, implementation of reservation policy and other issues concerning Scheduled Tribes by the State of Karnataka. During the review, Shri A.K. Singh, Secretary, Shri K. Touthang, Joint Secretary, Shri S.P. Meena, Assistant Director, Shri Y.K. Bansal, Research Officer and Shri R.S. Mishra, Senior Investigator were present.

3. The list of participants of the Review Meeting is annexed.

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

STATE LEVEL REVIEW MEETING WITH THE CHIEF SECRETARY, DGP, PRINCIPAL SECRETARY, TRIBAL WELFARE AND OTHER SENIOR OFFICERS OF VARIOUS DEPARTMENTS OF THE GOVERNMENT OF KARNATAKA.

4. At the outset, Shri T.M. Vijay Bhaskar, Chief Secretary, Government of Karnataka welcomed the Hon'ble Chairperson and Members of the Commission and also introduced officers of the State Governments with the Commission. He also briefed about status of the Scheduled Tribes and activities/programs undertaken by the State Government for the welfare of Scheduled Tribes.
5. The Hon'ble Chairperson, NCST in his opening remarks mentioned about the role and responsibilities of the NCST. He also highlighted the mandate of the Commission and asked the Officers of the State Government to provide the information and present status about the welfare schemes and measures being taken for the development of Scheduled Tribes specially Particularly Vulnerable Tribal Groups (PVTGs) among the Scheduled Tribes, benefits provided to them under these schemes, information on the status of Forest Rights claims to the Scheduled Tribes under the Forest Right Act and implementation of Reservation Policy for the Scheduled Tribes in services.
6. Shri G. Kumar Naik, Principal Secretary (Tribal Welfare), Social Welfare Department, Government of Karnataka made a power point presentation on the status of the Scheduled Tribes of the State and various schemes/ programmes being implemented by the State Government for the development and welfare of the STs.
7. In the presentation, it was informed that according to 2011 Census, total population of Karnataka is 6.11 crore out of which ST population is 42.49 lakhs which constitute 6.95% of the total population. Major ST communities in the State are Nayaka, Valmiki, Beda, Naika and Bedar and two PVTGs namely Jenu Kuruba and Koraga. The Integrated Tribal Development Areas (ITDA) having 50% or more STs population are in 5 Districts i.e. Mysuru, Kodagu, Chikkamagaluru, Udupi and Dakshina Kannada. The State has TSP monitoring mechanism. In this regard the Karnataka Scheduled Castes Sub Plan and Tribal Sub Plan (Planning Allocation and Utilization financial resources Act, 2013 and Rules 2017) has been enacted to ensure adequate allocation of funds to SC/STs based on their population. The Hon'ble Chief Minister, Karnataka also periodically reviewed and monitored the TSP funds. During the year 2019-20, Rs. 8847.32 lakhs were allocated out of which 3177.39 lakhs were utilized till the end of November, 2019. The State has launched a Scheme namely Pragathi Colony Schemes which aims at comprehensive infrastructure development of ST colonies. The State has also implemented self-employment programme/ ISB, land purchase, Ganga Kalyana, Micro-Credit (Prerana), Lift Irrigation, Airavatha. Samruddhi and Unnathi (start up) for all over development of the Scheduled Tribes.

The State has provided land to the landless STs. Under Land Purchase Scheme, 4519 acres of land has been registered in the name of 2899 ST beneficiaries at the cost of Rs. 187.56 Crores from 2007-08 to December, 2019. Financial Assistance is also being extended to the Scheduled Tribe women members of the self help groups for Income generation Activities. In this regard, the quantum of assistance provided to SHG was Rs. 25,000/- per member consisting of Rs. 15,000/- subsidy and loan of Rs. 10,000/- with interest @ 4% per annum. For the development of the PVTGs, during the year 2019-20, the State has utilized Rs. 18.63 crores against allocated budget of Rs. 43.55 crores for conservation cum development of PVTGs. The action for utilization of rest of allocated funds is being taken.

In the field of Nutrition Diet Plan, the tribals such as Jenukuruba, Kadu Kuruba, Koraga, Soliga, Yerava, Melkudiya, Kudiya, Siddi, Hasalaru and Gond are providing extra ration over and above the PDS quota for 6 months during rainy season. 43171 families are covered under this program and the estimated cost is around Rs. 59.00 crores per annum. The entire expenditure is borne by the Govt. of Karnataka. In Health sector, low cost outreach centre has been set up to serve as "half way home" whenever Adivasi patient needs referral. These outreach centres are proposed to be established in 7 Government Medical Colleges.

Regarding education of the STs, the State Govt. is running 119 Ashram Schools, 255 hostels for girls and boys and 153 ST Residential schools. With regard to award of Scholarship to the ST students, the State Govt. has allocated of Rs. 193.46 crores and released an amount of Rs. 155.14 crores towards Pre-Matric Scholarship to the ST students during the year 2018-19. For Pre-Matric Scholarship (1st to 8th) family annual income ceiling for this Scholarship is Rs. 6.00 lakhs and (9th to 10th) family annual income ceiling for this Scholarship is Rs. 2.00 lakhs. Similarly, for Post-Matric Scholarship, 100% tuition fees (including Medical and Engineering students) and other fee reimbursement is given to the students having family income below Rs. 2.5 lakhs. In addition, financial incentives are being provided to the ST students who secured 60% and above marks in Class – X examination and Post Graduate Degree in University level. Overseas Scholarships are also being provided to the selected students for Graduation, Master level Courses & Ph.D abroad in the Universities / institutions as notified by the Government under the Scheme 'Prabuddha'.

The State Govt. has also launched incentive programmes for ST couples who married under mass marriages under Simple Marriage Scheme and incentive programme for the widow and inter tribe and inter caste marriages.

Regarding implementation of Forest Right Act, the State has received 293540 claims and out of which 16109 claims (involving 57343 acres land) accepted and titles issued. However, 181098 claims have been rejected and presently, 96333 claims are pending for disposal.

Regarding atrocity against the STs, the Director General of Police, Karnataka informed the Commission that there is no major atrocity incident (Murder, Rape, Arson) reported during the year 2018-19 and till December, 2019. However, during the year 2018, 481 (including 160 pending cases of 2017) cases were reported and against which 284 challans have been sent to the Court and 123 cases are pending for investigation.

OBSERVATION OF THE COMMISSION

8. After the presentation, the Commission had detailed discussion on important issues based on the information furnished in the questionnaire and presentation given by the State Government. On analysis of the information, the Commission observed that the population of the Scheduled Tribes in the State is 6.95%. But, only 3% reservation in services and other welfare schemes is being provided to the STs. However, reservation according to population to the STs in the Panchayats and Local Bodies is being made available to the STs. Hence, the Commission recommended that the State Govt. should make provision of 7% reservation to the STs and in this regard necessary Govt. Orders be issued immediately. Regarding verification of genuine claims of Scheduled Tribes, it was noted that the State has pending verification of tribe certificate cases, wherein the fake tribe certificate holders took benefit of employment in the services under the State Government. But, the pending cases have not been decided so far. Hence, immediate action is required to be taken against them. The Commission of the view that the fake tribe certificate holders should not be spared and stringent punitive action should be taken.

The Commission also observed that the State has 726 backlog/shortfall ST vacancies in Gr-A, Gr-B, Gr-C and Gr-D categories of posts. But, these backlog ST vacancies have not been filled up so far and no sincere efforts for filling up of such vacancies have been taken by the State Govt. It is a serious matter and requires immediate and time bound action by the State Govt. (fill up of all backlog ST vacancies) by launching a Special Recruitment Drive.

In the field of Forest Right Act (FRA), the Commission observed that out of 2.94 lakh claims received, 1.81 lakhs claims have been rejected and 0.96 lakhs claims are pending for disposal. The Commission took a serious note on this matter and asked the State Govt. to review all the rejected claims with positive note and take immediate action to dispose of all pending FRA applications in the interest of the Scheduled Tribes.

The Commission further noted that the income ceiling limit for Pre-Matric and Post-Matric Scholarship to the ST students is at lower level and due to which, a large number of ST students are being deprived from benefit of Pre-Matric and Post-Matric Scholarship. The Commission was informed that in case of OBC and EWS students, the income ceiling is Rs. 10 lakhs. But, in the case of ST students, it is limited upto Rs. 2 lakhs only. Hence, the income ceiling limit has to be enhanced in the line of OBC students i.e. upto Rs. 10 lakhs. In this regard

the Commission has also decided to have a meeting with Ministry of Tribal Affairs to take up this issue for enhancement of the income ceiling limit for ST students.

The Chief Secretary, Govt. of Karnataka has informed the Commission that in the matter of enhancement of percentage of reservation for STs in the State, one member Committee has been constituted. The Committee was asked to submit a report within 06 months and on receipt of the Committee's report, necessary action will be taken by the State Government.

RECOMMENDATIONS OF THE NCST

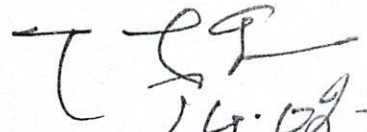
9. After detailed discussion with the Chief Secretary, DGP, Principal Secretaries/ Secretaries/Directors of the various Departments of the Govt. of Karnataka, the Commission recommendations are as follows:

- The State Govt. should take immediate action for enhancement of percentage of reservation from 3% to 7% in accordance with State's ST population. The benefit of the extended reservation percentage should also be provided to STs in services, all welfare schemes and other schemes/programmes.
- The State Govt. will take time bound action to fill up all shortfall/backlog vacancies meant for STs. In this regard, pending 726 ST vacancies, as reported by the State Govt., should be filled up immediately by launching Special Recruitment Drive. The reservation rosters in direct recruitment and promotion should have been maintained and vetted by the Liaison Officer for SC/ST of the concerned Departments.
- All rejected individual claims under Forest Rights and Community Rights under Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be reviewed in positive way to protect the interest of STs. In addition, all pending FRA claims should be decided and issued in favour of eligible STs without any further delay, within three month's time.
- The State Govt. should take immediate action on pending verification of ST certificate cases speedily preferably within a period of 3-4 months so that innocent ST people may not face the difficulties for getting reservation benefits in education, employment and service. In this regard DLSC and SLSC should be suitably instructed for early disposal of the case. In addition, the State Govt. should issue necessary instructions to the Community Certificate Issuing Authority to be careful while issuing the community certificates. The State Govt. should also take punitive action against fake ST certificate holders.
- Special attention towards Prevention of Atrocity cases against the Scheduled Tribes should be given and all pending cases be investigated in time bound manner. It should also ensure that the culprit who committed atrocity against the ST should not be given opportunity to get relief from the Court.

- The State Govt. should take up the issue of enhancement of income ceiling limit for award of Pre-Matric and Post-Matric Scholarship to the ST students to the extent of Rs. 10 lakhs with the Central Govt. and take action accordingly.
- Rule/ Law should be enacted/ prepared for protecting land alienation of ST from clutches of non ST in the State of Karnataka.
- Mobile van be arranged/ introduced for primary education and health facilities in the PVTG areas. Moreover, the facilities for drinking water for the PVTG areas should be arranged without any disruption.
- Skill Development programmes should be launched for ST youth for self employment. In this regard a special skill development training should be provided to the STs.
- The Tribal Development Department of Govt. of Karnataka will monitor all the developmental activities for the welfare of Scheduled Tribes and will address all the issues concerning the Scheduled Tribes of the State.
- An action taken report on the Commission's recommendations should be submitted before the Commission within 30 days.

10. The Commission also met the Hon'ble Chief Minister, Karnataka and Hon'ble Governor of Karnataka and apprised the issues concerning the STs and implementation of programmes/schemes being run by the State Govt., which have been observed by the Commission during the review meeting held with the Officers of State Govt. The Hon'ble Chief Minister, Karnataka also assured the Commission that the issue of enhancement of ST reservation in proportionate with ST population (7%) will be considered and implemented after receipt of the Committee's report constituted for this purpose.

The review meeting ended with thanks to the Chair.


 14.08-20

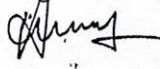


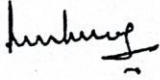



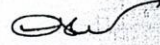
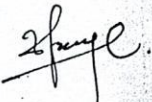
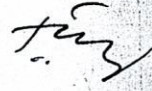

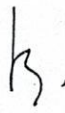




डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
 अध्यक्ष/Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
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 नई दिल्ली/New Delhi

भारत सरकार
राष्ट्रीय अनुसूचित जनजाति आयोग

ANNEXURE

List of participants in the Review Meeting with the Chief Secretary, DGP and Other Sr. Officer of Govt. of Karnataka, Bengaluru held on 09/1/2020 at 10:00 Hrs under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairman, NCST regarding Constitutional Safeguards for STs in the State of Karnataka.

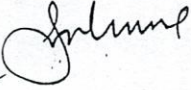

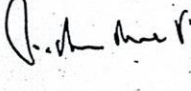

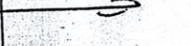

Sr.	Name and Designation	Address & Ph. No.	Signature
I. National Commission for Scheduled Tribes			
1	Shri H.K. Damor, Hon'ble Member		
2	Shri H.C. Vasava, Hon'ble Member		
3	Shri A.K. Singh, Secretary		
4	Shri. K.Touhang, Joint Secretary		
5	Shri S.P. Meena, Assistant Director		
6	Shri Y.K. Bansal, Research Officer		
7	Shri R.S. Misra, Senior Investigator		
10			
II. Govt. of Karnataka			
Sr.	Name and Designation	Address & Ph. No.	Signature
1	T.M. Vijay Bhaskar, Chief Secretary		<i>T.M.</i>
2	V. Manjula ACS PCS		<i>Manjula</i>
3	P. Hemalatha, Secretary, RPAR		<i>Hemalatha</i>
4	N. Manjunatha Prasad, Principal Secretary, Revenue Department		<i>N.M.</i>
5	Anjum Parwez, P.S., UDD	9448378644	<i>Anjum</i>
6	L. K. ATHEEQ Pr. Secy RDP	9148156757	<i>L.K.</i>
7			
8	SMITA BIJJUR, Pr. Secy (Forest)	9449077711	<i>Smita</i>
9	AJAI MISRA - PCF (Dev.)	9449863876	<i>Ajai</i>
10	Santosh Kumar, JMD, KFDC	7992911465	<i>Santosh</i>
11	ABHIYU SINGH, MP, KSFC	9008449333	<i>Abhiyu</i>
12	N.R. Eshakuppi Deputy Secretary, IFA	9648541100	<i>N.R.</i>
13	K. Chiranjivi Dy Secy, H3FW	9717479795	<i>K.Chiranjivi</i>
14	Anthony MERT, Addl. Dir. Agri	8277929817	<i>Anthony</i>

Sl	Name and Designation	Address & Phone	Signature
15	Srinivas, AGM	19MVSTDC,	
16	Dharmni Kumar, Research Chair, Coffee Board	Coffee Board Bangalore	
17	S.S. Nagesh, GRM	KMVSTDC	
18	Dr. Shantabekumar Banthog DD Blood Cell	Health Dept	
19	ಶೇಖರಶಂಕರ್. ಶಿ. ಅ. ನಿ., ಶಿ. ಅ. ಅ	" "	
20	ಶೇಖರ್ ಎಂ. ಶಂಕರ್ (Director Secondary)	Edn. Dept	
21	ಶೇಖರ್. ಎಂ. ಎಂ.	Edn. Dept	
22	ಶೇ. ಹೆ. ಎಂ. ಶಂಕರ್, ಶಿ. ಶಾಖಾ	Edn. Dept	
23	ಶೇ. ಶ್ರೀ, ಸರ್ಕಾರಿ, ಶಿ. ಶಾಖಾ	Edn. Dept	
24	ಶೇ. ಎಂ. ಎಂ. ಶಂಕರ್ (ಶಿ. ಶಾಖಾ)	Edn. Dept	
25	ಶೇಖರ್ ಶಂಕರ್, Commissioner College Edu.	Higher Edu.	
26	Manoj Kumar Manu. Secretary, Housing Department	212, VIKASA SOUDAHA	
27	Pc Jaffer - Secretary Finance Dept	-	
28	K. Rama Chandra Rao ADGP DCR	-	
29	Dr. Anur Kumar Pandey ADG (Law & Order)	9945179024	
30	Neeharani Raju DGP	9480800001	

Rajivendra Goud
Secretary

994470 39029

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Sl.	Name and Designation	Abroad phone no	Signature
32)	Sangappa Director Tribal welfare dept-	9731930970.	
33)	Prof. T.T. Basappa Gowda Director, Tribal Research Institute, Mysuru.	9844368250	
34)	G. Kumara Naik. Principal Secretary Social Welfare Department.	9846077940.	
35)	E. Venkatesh Advisor. Scsp / TSP. Social Welfare Department.		
36)	Sanjai Nihem Principal Chief Conservation of Forest (wild life)	934024947	
37)	Shivakumar - C Project Coordinator integrated tribal development	9141004584	