



NATIONAL COMMISSION
FOR
SCHEDULED TRIBES

ANNUAL REPORT
2015-16

**NATIONAL COMMISSION FOR SCHEDULED TRIBES
ELEVENTH REPORT (2015-16)**

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D.O. No. 4/2/2016-Coord.

Dated:

2016

The National Commission for Scheduled Tribes has been set up w.e.f. 19 February, 2004 under the provision of Article 338A of the Constitution. Article 338A, inter-alia, provides that it shall be the duty of the Commission to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards available to the members of the Scheduled Tribes and to make in such reports recommendations as to the measures, that should be taken by the Union or any State, for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

2. In pursuance to the above mentioned provision, the National Commission for Scheduled Tribes has so far submitted ten Annual Reports and a Special Report on "Good Governance for Tribal Development and Administration". I have now the honour to submit to you the **Eleventh Report** of the National Commission for Scheduled Tribes upon the working of the Safeguards for Scheduled Tribes during the year 2015-16 and afterwards upto 31st October, 2016. During the period under Report, the Members of the Commission interacted with senior officers and people's representatives at State, district and local levels. The Commission also held sittings with the senior officers of the State Governments, Central Ministries and Departments, Central Public Sector Enterprises and Financial Institutions. The Commission has also deliberated upon various policy measures initiated by the Government. The experiences of the Commission have been reflected in this Report, which comprises of six Chapters **(i) Organizational Set-Up & Functioning of the Commission (ii) Activities of the National Commission for Scheduled Tribes (iii) Service Safeguards (iv) Socio-Economic Development of Scheduled Tribes (v) Atrocities against Scheduled Tribes (vi) Summary of Recommendations.** The last Chapter contains the recommendations taking into account the observation of the Commission in the respective Chapters.

3. The first Chapter on '**ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION**' inter-alia dwells upon (i) various aspects of the functioning of the Commission, (ii) needs and constraints faced by the Commission and (iii) laying of the Commission's reports in Parliament. Having acute shortage of staff, the Commission has managed somehow to take up

matters relating to all duties and functions assigned to it, the outcome of which reflects on the efforts made by the Commission. Requisite manpower was not provided to the Commission in 2004 when National Commission for Scheduled Tribes was set up. About 40% of the total posts allocated to this Commission from the erstwhile National Commission for Scheduled Castes and Scheduled Tribes in December, 2004 were vacant. 54.68% of the total posts and almost 31.86% of the functional posts were vacant till the end of the October, 2016. In the respective years, the Ministry of Tribal Affairs which is the Administrative Ministry for this Commission, the Ministry of Social Justice and Empowerment, National Commission for Scheduled Castes and Department of Personnel and Training which are Cadre Controlling Authorities of various posts in this Commission. The Ministry of Tribal Affairs has posted 32 officers and officials of TRIFED on deputation in the Commission Hqs. and its Regional Offices w.e.f 1.4.2016.

4. The Commission has so far submitted Eleven Reports to the President of India. These include Ten Annual Reports and one Special Report. The Commission expresses its displeasure that the Government, in fulfillment of the provision under Clause 6 of Article 338A of the Constitution, has so far laid in both Houses of Parliament, only five annual Reports and one special report, out of total eleven Reports viz; First Report submitted on 8th August, 2006, Second Report submitted on 3rd September, 2008, Third Report submitted on 29th March, 2010, Fourth Report submitted on 29th August, 2010, Fifth Report submitted on 13th July, 2011, Special Report of the Commission submitted on 18th June, 2012, Sixth Report submitted on 25th October, 2013, Seventh Report submitted on 20th February, 2015, Eight Report submitted on 16th November, 2015, Ninth Report submitted on 24th May, 2016 and Tenth Report submitted on 31st May, 2016. The Commission also has no information whether any of its Reports has been laid in any State Legislature as required under Clause (7) of Article 338A.

5. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes (15th Lok Sabha) in its 11th Report regarding action taken on the 33rd Report (14th Lok Sabha), laid in both Houses of Parliament on 24/03/2011, had mentioned that the **“Committee are disturbed to note that the Ministry of Tribal Affairs have been taking a very long time in consolidating the inputs received from various Ministries/Departments. As such the Committee have no reservation in recommending amendment of clauses 6 & 7 of Article 338A of the Constitution for timely laying of reports of NCST. The Committee, therefore, reiterates their earlier recommendation as also stress for laying of all NCST reports which are long overdue for laying in the Parliament.”**

6. The Commission receives representations pertaining to grievances and violation of safeguards land rights provided for Scheduled Tribes. These representations are referred to the concerned organizations of the Central Government or the State Governments by the Commission, requesting them to furnish full facts within a given time frame. The facts furnished by the concerned Government or the organization are examined by the Commission and in case,

upon enquiry, the Commission feels that there has been violation of the safeguards provided to the members of Scheduled Tribes either in the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures within a given timeframe and apprise the Commission of the action taken. The Commission's intervention brought relief in many cases during the Report period 2015-16. Tours reports on tours, State and District reviews, Ministries and Department reviews, Hearings undertaken by the Commission, successful cases and as per Clause 9 of Article 338A of the Constitution provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes. During the year 2015-16, the Commission communicated its views on several policy-related issues, the details of which have been discussed in Chapter 2 titled **ACTIVITIES OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES**. One more area in which the Commission would like to draw the attention of Central and State Governments is to focus on the skill development of Scheduled Tribe youth which is very important for the overall development of Scheduled Tribes.

7. The Constitution of India has made specific provisions for upliftment of the Scheduled Tribes and other weaker sections of the society. These include provisions for reservation for Scheduled Castes and Scheduled Tribes in civil posts and services of the Government. There are several instructions and guidelines relating to implementation of policy of reservation by Govt. Departments and Public Sector Enterprises under them, including Banks, Insurance Companies and Central Universities, etc. Chapter 3 on '**SERVICE SAFEGUARDS**' discusses some important aspects having vital bearing on the service safeguards available to the members of the Scheduled Tribes. Although de-reservation of posts in direct recruitment is banned since 1989 yet non-availability of ST candidate in various feeder cadre posts has been noticed and consequently, several Ministries and Departments have been seeking de-reservation in promotion, which is still permissible. Government has to take strict measures to ensure implementation of reservation at the time of direct Recruitment in each cadre and service.

8. The Tribal Sub-Plan approach for development of the STs and the Scheduled Areas and other areas of tribal concentration is being implemented since the Fifth Five Year Plan. As per the guidelines for the Tribal Sub-Plan, each State Government has to set apart funds out of State Plan, in proportion to the population percentage of the Scheduled Tribes in the State, under the TSP; and submit a Tribal Sub-Plan document showing utilization of those and other funds received or to be received from various sources including those as Special Central Assistance besides Central Assistance under Central Sector and Centrally Sponsored Schemes and Institutional Finance. Similarly, each Ministry and Department of the Central Government is required to set apart certain funds for tribal development and prepare Tribal Sub-Plan document along with the plan proposals for the Annual Plan and the Five Year Plan of the Ministry/ Department. The Commission has observed that these guidelines are not being followed by almost all the States and the Central Ministries/ Departments. The position in respect of each State and some of the Ministries for which information

is available in the Commission, has been discussed in Chapter 4 on **SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED TRIBES**. The Commission also feels that the unspent amount of the funds so earmarked under Tribal Sub-Plan of the State as well as Central Ministry/ Department may be treated as non-lapsable pool to be utilized for infrastructural development schemes incidental to the Scheduled Tribes and the Tribal Sub-Plan areas. The State level unspent TSP funds may be placed under the control of the Tribal Welfare Department of the concerned State. Similarly, unspent TSP fund in each Central Ministry/ Department may be placed under the control of the Ministry of Tribal Affairs.

9. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 & Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 has been framed to protect the members of these communities from social denigration. There is, however, no substantial reduction in the number of incidents of crimes against Scheduled Tribes. In this regard, the Parliament has passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015 which was assented by the President on 31.12.2015. The detail regarding incidence of crimes against Scheduled Tribes and their disposal by Police and Courts have been discussed in Chapter 5 on **ATROCITIES AGAINST SCHEDULED TRIBES**.

10. The recommendations of the Commission on various aspects as highlighted in the respective Chapters have been summarized in Chapter 6 on **SUMMARY OF RECOMMENDATIONS** to facilitate convenient identification for the purpose of taking up follow up action on them by the Government.

11. In this Report, the Commission has persevered to highlight the basic problems of Scheduled Tribes and has made recommendations to improve the efficacy of existing measures to safeguard their rights and the problems being faced by the Commission in fulfilling the mandate assigned to it by the Constitution. **The Commission sincerely hopes that the recommendations and suggestions made in this Report will be given due attention by the Government in the overall interests of the Scheduled Tribes.**

Yours sincerely,

(Dr. Rameshwar Oraon)

Shri Pranab Mukherjee,
Hon'ble President of India,
Rashtrapati Bhavan,
New Delhi.

CHAPTER 1

ORGANIZATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

1.1 Creation and composition of the National Commission for Scheduled Tribes

1.1.1 The National Commission for Scheduled Tribes (NCST) was established by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003¹. By this amendment the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST) w.e.f. **19 February, 2004****.

1.1.2 The National Commission for Scheduled Tribes has a Chairperson, a Vice-Chairperson and three other Members. The term of office of Chairperson, Vice-Chairperson and each member is three years from the date of assumption of charge. The Chairperson has been given the rank of Union Cabinet Minister, and the Vice-Chairperson that of a Minister of State and other Members have the ranks of a Secretary to the Government of India.

1.1.3 The first National Commission for Scheduled Tribes (NCST) was constituted in March, 2004 and comprised Shri Kunwar Singh, Chairperson (who assumed office on 15.3.2004), Shri Tapir Gao, Vice-Chairperson (who assumed office on 3.3.2004), Shri Lama Lobzang, (who assumed office on 2.3.2004), Smt. Prem Bai Mandavi, (who assumed office on 4.3.2004) and Shri Buduru Srinivasulu, (who assumed office on 11.3.2004) as Members. The office of Vice-Chairperson had fallen vacant w.e.f. 31.3.2004 consequent upon resignation of Shri Tapir Gao and was vacant till 29.5.2006 on which date Shri Gajendra Singh Rajukhedi joined the office of Vice-Chairperson. While Shri Kunwar Singh, Chairperson resigned from his office on 14.2.2007 (A/N), the Members of the first Commission demitted their office in the month of March, 2007 from the date of completion of their three years tenure. Shri Gajendra Singh Rajukhedi also resigned from the office of Vice-Chairperson on 15.05.2007.

1.1.4 The second Commission comprised of Smt. Urmila Singh, as Chairperson, Shri Maurice Kujur as Vice Chairperson, Shri Tsering Samphel, and Shri Oris Syiem Myriaw, as Members (Smt. Urmila Singh assumed office on 18.06.2007 and resigned on 24.01.2010 consequent upon her appointment as Governor of Himachal Pradesh), Shri Maurice Kujur, Vice Chairperson remained in office from 25.04.2008 to 24.04.2011, Shri Tsering Samphel, Member who assumed office on 14.06.2007 demitted his office on 13.06.2010. Similarly, Shri Oris Syiem Myriaw, Member, who

¹ Available under the link "<http://ncst.nic.in/content/acts-amendments> ðon NCST website <http://ncst.nic.in>

**Detailed background information about the historical evolution of the erstwhile National Commission for Scheduled Caste and Scheduled Tribes has been given in Chapter-1 of the first Report of the Commission for the year 2004-05 and 2005-06.

assumed office on 17.04.2008 demitted on 16.04.2011 after completion of three-year term.

1.1.5 In the third Commission, Dr. Rameshwar Oraon, assumed office of Chairperson on 28.10.2010, Smt. K. Kamala Kumari, assumed office of Member on 21.07.2010 while Shri Bheru Lal Meena, assumed office of Member on 28.10.2010. The posts of Vice Chairperson and one Member in the Commission remained vacant. Smt. K. Kamla Kumari demitted Office after completion of her three-year tenure on 20/07/2013. Similarly, after completion of their respective three year terms Dr. Rameshwar Oraon, Chairperson demitted his office on 27/10/2013 and Shri Bheru Lal Meena, Member demitted his Office on 28/10/2013 (FN).

1.1.6 The fourth Commission comprised of Dr. Rameshwar Oraon again as Chairperson of the Commission. Similarly, Smt. K. Kamla Kumari and Shri Bheru Lal Meena, were also again appointed as Members of the Commission. All of them assumed the respective Offices on 01/11/2013. Shri Ravi Thakur, MLA in Himachal Pradesh Assembly has been appointed as Vice-Chairperson of the Commission. Shri Ravi Thakur has assumed the office on 13/11/2013. However, due to sudden demise of Smt. K. Kamla Kumari on 17.7.2014 and Shri Bheru Lal Meena on 19/8/2014, three posts of Members are presently lying vacant in the Commission.

1.2 National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004

1.2.1 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004. They are appointed for a period of 3 years from the date of assumption of charge. It has been noticed that the posts of Members remain unfilled for long duration adversely affecting the functioning of the Commission despite the fact that Ministry of Tribal Affairs, which is the Nodal Ministry is aware about the vacancies in the Commission. **In view of the above it is recommended that timely action for filling the posts of Chairperson, Vice-Chairperson and Members of the Commission may be initiated so that these posts do not remain vacant after demitting the office by the incumbants.**

1.3 Functions and Duties of the National Commission for Scheduled Tribes

1.3.1 The functions, duties and powers of the National Commission for Scheduled Tribes have been laid down in Clauses (5), (8) and (9) of the Article 338A of the Constitution, inserted by Constitution [Eighty-ninth Amendment] Act, 2003. Clause (5) states that it shall be the duty of the Commission:

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;

- (c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
- (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule, specify.

Expanded Terms of Reference of the Commission

1.3.2 The Ministry of Tribal Affairs *vide* Notification dated 23 August, 2005, vested the Commission to discharge some additional functions in relation to the protection, welfare, development and advancement of the Scheduled Tribes. A copy of this notification is placed at **ANNEXURE-1.I**

1.4 Powers of the Commission

(A) Procedural Autonomy

1.4.1 Clause (4) of Article 338A of the Constitution provides that the Commission shall have the power to regulate its own procedure. The Commission accordingly notified the Rules of Procedure on 17 September 2004. These Rules define the responsibilities of the Chairperson, Vice-Chairperson, Members and Secretary to the Commission, and further lay down that the Chairperson shall allocate subjects and responsibilities among the Members of the Commission. These Rules, inter-alia, also provide about :-

- (i) the procedure of investigation and enquiry by the Commission,
- (ii) frequency of meetings of the Commission,
- (iii) the duties of Regional Offices of the Commission,
- (iv) the advisory role of the Commission, and
- (v) monitoring functions of the Commission and its Regional Offices.

1.4.2 A copy of the Rules of Procedure is available² on the website of the Commission (<http://ncst.nic.in>). No changes were made to these Rules during the Report period. However, an amendment to the Rules of Procedure was made recently in order to enable the Commission to hold its meetings in absence of adequate quorum as three posts of Members in the Commission were vacant for a long time. Now quorum for holding meeting of the Commission will be complete in presence of minimum 50% of posted members including Hon^{ble} Chairperson and / or Hon^{ble} Vice- Chairperson and if the quorum is not complete, the Hon^{ble} Chairperson may adjourn the meeting for half an hour when the Commission reassembles, the quorum requirement shall not

² Copy of the Rules of Procedure is available under the link "**Commission and Related Activity**" on the website of the Commission (<http://ncst.nic.in>).

apply. A copy of the Notification regarding Amendment of the Rules of Procedure is placed at **ANNEXURE-1.II** .

(B) Powers to act as a Civil Court

1.4.3 Clause (8) of Article 338A provides that the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of Clause (5) have all the powers of a civil court trying a suit and in particular in respect of the following:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,
- (b) requiring the discovery and production of any documents,
- (c) receiving evidence on affidavits,
- (d) requisitioning any public record or copy thereof from any court or office,
- (e) issuing commissions for the examination of witnesses and documents,
- (f) any other matter which the President may, by rule, determine.

Supreme Court's interpretation regarding powers of the Commission

1.4.4 The interpretation regarding powers of the Commission have been discussed in the 5th Report of the Commission. The Hon'ble Supreme Court vide their judgment dated 31 October, 1996 in Civil Appeal No.13700 of 1996, held that all the procedural powers of a civil court given to the National Commission for Scheduled Castes and Scheduled Tribes by Article 338 (8) of the Constitution of India are for the limited purpose of investigating any matter under Article 338 (5) (a) or enquiring into any complaint under Article 338 (5) (b). Further, the powers of a civil court of granting injunctions, temporary or permanent, do not in here in the Commission nor can such a power be inferred or derived from a reading of Clause (8) of Article 338 of the Constitution. The Hon'ble Supreme Court declared that the Commission has the power to summon and enforce the attendance of any person from any part of India and examine him on oath; it can require the discovery and production of documents and so on and so forth. All these powers are essential to facilitate an investigation or an enquiry, but such powers do not convert the Commission into a civil court.

(C) Advisory Role of the Commission

1.4.5 Clause (9) of Article 338A provides that the Union and every State Govt. shall consult the Commission on all major policy matters affecting Scheduled Tribes. The policy matters referred to the Commission are discussed in detail in the meetings of the Commission on the basis of the views expressed by the Members and the notes on the subject matter, indicating historical background, current status and relevant Rules etc., prepared by the Commission's Secretariat; and the views of the Commission³ are communicated in substantive fashion, also seeking feedback regarding the outcome of such consideration.

³ Proceedings of the meetings of the Commission, containing views of the Commission are available under the link " **Meetings of Commission** " on the website of the Commission (<http://ncst.nic.in>)

1.5 Organization of the Headquarters Office and Secretariat of the Commission

(A) Organizational set up of Headquarters Office

1.5.1 The National Commission for Scheduled Tribes functions from its Headquarters at New Delhi and from the Regional Offices of the Commission located in six States. There are following six Units at the Hqrs.:

1. Administration
2. Coordination Unit
3. Research Unit - I
4. Research Unit - II
5. Research Unit . III
6. Research Unit - IV

1.5.2 The main functional units are Research Unit-I, Research Unit-II, Research Unit-III, Research Unit-IV, which deal with all matters pertaining to socio-economic and educational development, service safeguards and atrocities in relation to Scheduled Tribes and Policy Matters related thereto as per distribution of the Ministries/ Departments (including CPSEs and other Organisations/ Offices under their administrative control) and the States and UTs among these four Research Units.

1.5.3 There are 6 Regional Offices (ROs) of the National Commission for Scheduled Tribes at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. These ROs keep a watch on the formulation of policy and issue of guidelines relating to the welfare of Scheduled Tribes in the States/UTs and keep the Commission's Headquarters informed about the developments periodically. Policy decisions taken by any State Government/ Union Territory Administration affecting the interests of the Scheduled Tribes are brought by the Regional Offices to the notice of the Commission for necessary action.

1.5.4 As large number of posts in Group A, B and C category were lying vacant in the Commission during the financial year 2015-16 and the work of the Commission was adversely affected due to acute shortage of manpower, the Ministry of Tribal Affairs has posted 32 officers and officials of TRIFED on deputation in the Commission Hqs. and its Regional Offices w.e.f 1.4.2016.

1.5.5 To facilitate smooth performance of various natures of duties assigned to the Commission, through the Members, the subject matters relating to safeguards provided for the Scheduled Tribes in relation to specific States/ UTs and Central Ministries/ Departments (and CPSEs under their administrative control) have been allotted to each Member of the Commission. Cases of investigations into specific complaints about discrimination with Scheduled Tribes or violation of safeguards provided for Scheduled Tribes/ holding of sittings in such matters, proposals for dereservation of posts reserved for Scheduled Tribes and recommendations to various Organisations are finalized with the approval of the Member concerned.

1.6 Functional Activities of the Commission

1.6.1 The Commission receives a large number of petitions from all parts of the country about the grievances relating to (i) alleged violation of service safeguards, (ii)

matters relating to alienation of land, admission in professional and technical institutions particularly in medical, engineering etc., and (iii) atrocities. These petitions are referred to the respective organization and the reply received from the organization is sent for information to the petitioner. In most of the cases the petitioners submit rejoinders to the Commission, which are examined with the reply received from the concerned organization. Depending on the nature of the reply received from the respective organization, the Commission, with a view to expedite the disposal of the petition, organizes Sittings/hearings in which the senior officers of the concerned organization are called to appear before it along with the required documents. After detailed interaction with them, the Commission issues the proceedings of the Sittings/hearings, also requesting the organization concerned to take follow up action on its recommendations within a given timeframe. In the interest of disposal of the maximum number of petitions, the Commission generally clubs all the cases/ petitions pending in the Commission in relation to an organization in a single Sitting. This increases the disposal of cases/ petitions in less number of Sittings. This also led to increased awareness in those organizations about implementation of the policies and programmes for STs in letter and in spirit.

1.6.2 During the year 2015-16 and afterwards up to October, 2016, the Commission held 125 sittings in respect of individual cases. In some cases, Sittings were held twice or more times for disposal of the grievance. The proceedings⁴ of the sittings are available on the Website of the Commission.

1.6.3 With a view to providing information about the functioning of the Commission to the tribal petitioners who visit the Commission, an Information and Facilitation Centre (I&FC) has been set up at the entry point of the Headquarter office of the Commission. In order to enable the poor tribal people living in different parts of the country to contact the officers of this Commission and also to send their grievances/ complaints, a Toll Free telephone number **1 800 11 7777** has been commissioned on which the Commission can be contacted free of cost from BSNL/MTNL landline telephones from anywhere in the country.

1.6.4 With a view to making the tribal people and other persons/ Associations/ Organisations (which are interested in tribal affairs) and such bodies which have been constituted or entrusted with objectives/duties to promote tribal development, aware about the role, responsibilities and functioning of the Commission, the website of the Commission **<http://ncst.nic.in>** was launched on 12.2.2007. In order to provide greater transparency about functioning and activities of the Commission many new links have been added on the Website of the Commission and the information available on the website of the Commission is updated from time to time.

⁴ See the link "**Hearings/ Proceedings**" on the web-site of the Commission (**<http://ncst.nic.in>**)



1.6.5 Shri Jual Oram, Hon'ble Minister of Tribal Affairs inaugurated revamped website of the Commission on 2.3.2016. He appreciated the idea and contents available on the website and suggested to make it interactive and more useful for the petitioners. He also advised to add some additional features like mobile app and online grievance portal on the new website. Hon'ble Minister also emphasized for regular updating of social media i.e. Facebook, Twitter, Pinterest, Youtube and need of additional manpower. He assured that Ministry will assist the Commission in organizing seminars in Delhi and outside on various tribal issues.





1.7 Meetings of the Commission

1.7.1 During the report period 2015-16, 13 meetings of the Commission were held. The meetings were held on 25.4.2015, 23.4.2015, 8.5.2015, 29.5.2015, 16.7.2015, 17.8.2015, 11.9.2015, 14.10.2015, 20.11.2015, 0.12.2015, 18.12.2015, 10.2.2016, 18.3.2016. During the year 2016-17 (up to October, 2016) another 7 meetings of the Commission were held on 13.4.2016, 25.5.2016, 1.7.2016, 1.8.2016, 17.8.2016, 23.8.2016 and 29.9.2016. The agenda items discussed in the meetings, and minutes of the meetings are available on the website of the Commission. These may be seen under the main link [Meetings of Commission](#) on the Website of the Commission.

1.8 Review of programmes and safeguards for STs in States

1.8.1 In order to monitor and evaluate the implementation status of various development schemes and progress of investigation and disposal of the cases of atrocities on the members of Scheduled Tribes by the police authorities and the courts, the Commission interacts with the State/UT Governments by holding detailed State level review meetings with the Chief Secretaries and other senior officers, the salient points of which are also conveyed to the political executive in follow up interactions after the meetings. These meetings are generally preceded with visits to the tribal bastis, hostels, Ashram Schools etc. and interactions with the tribals on the impact of the developmental projects. The Commission regards that these visits and meetings are useful in enhancing the interest and involvement of the State/UT Governments, in better understanding of the genuine problems of the Scheduled Tribes and accordingly, in advising them to take suitable initiatives in working out remedial measures and adopting appropriate and relevant strategies.

1.8.2 Information about visits undertaken by Chairperson, Vice-Chairperson and Secretary of the Commission during the year 2015-16 and thereafter up to October,

2016 is available on the website of the Commission. However, a statement indicating the particulars of the visits undertaken by Chairperson and Vice-Chairperson of the Commission during 2015-16 and thereafter up to October, 2016 is placed at **ANNEXURE-1.III**

1.9 Presentation of the Annual Reports to the President of India and laying of the Reports in Parliament

1.9.1 Clauses (5) (d) and (5) (e) of Article 338A provide that it shall be duty of the Commission to present to the President annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards provided to Scheduled Tribes, and to make recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other necessary measures for the protection, welfare and socio-economic development of the Scheduled Tribes. Clause 6 of Article 338A provides that, "The President shall cause all such reports to be laid before each House of Parliament along with a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of such recommendations.

1.9.2 The Commission has so far presented ten Annual Reports and one Special Report to the President. Present status about submission and laying of the Reports in Parliament is given in **TABLE 1.3** below:

TABLE 1.3

Sl. No.	Reports of the NCST	Period	Submitted to the President of India on	Laid in the Lok Sabha on	Laid in the Rajya Sabha on
1	2	3	4	5	6
(1)	First Annual Report	2004-05 & 2005-06	08.08.2006	31.08.2012	30.08.2012
(2)	Second Annual Report	2006-07	03.09.2008	26.04.2013	02.05.2013
(3)	Third Annual Report	2007-08	29.03.2010	8.8.2016	10.8.2016
(4)	Fourth Annual Report	2008-09	27.08.2010	8.8.2016	10.8.2016
(5)	Fifth Annual Report	2009-10	13.07.2011	8.8.2016	10.8.2016
(6)	Special Report	2012	18.06.2012	13.12.2013	12.12.2013
(7)	Sixth Annual Report	2010-11	25.10.2013	Yet to be laid*	Yet to be laid*
(8)	Seventh Annual Report	2011-12	20.02.2015	Yet to be laid*	Yet to be laid*
(9)	Eighth Annual Report	2012-13	16.01.2015	Yet to be laid*	Yet to be laid*
(10)	Ninth Annual Report	2013-14	24.05.2016	Yet to be laid*	Yet to be laid*
(11)	Tenth Annual Report	2014-15	31.05.2016	Yet to be laid*	Yet to be laid*

1.9.3 As it is evident from the above table that only 6 reports have so far been laid in the Parliament. It is taking long time to lay these reports along with Action Taken Memorandum in both houses of the Parliament. In view of the above, the Commission recommends that the reports be laid within six months of their submission to the President in the Parliament indicating Status of Action taken / being taken/ not taken.

1.10 Compliance of the RTI Act, 2005

1.10.1 The Commission's website contains information about the Commission, its functions and other information related to Scheduled Tribes. On its website, the Commission has published up-to-date detailed information about pro-active disclosures under RTI Act and other information of public interest like record of hearings, meetings of the Commission, visits of the Commission; atrocity cases investigation reports, important communications, notices and circulars etc. The Website also provides useful links to several related websites. The website is being maintained by the Computer Cell of the Commission for uploading of contents and its customization.

Disposal of RTI Applications

1.10.2 During the Report period **2015-16**, the National Commission for Scheduled Tribes received a total of **251** applications seeking information under the Right to Information Act, 2005. Information was furnished to all the applicants. **56** of these applications were received and replied by the Regional Offices of the Commission while others **195** were replied by the concerned PIO's of the Headquarters Office of the Commission. A List of the applications received and dealt during the Report period is available⁵ on the Website of the Commission.

1.11 Representation in Court Cases

1.11.1. For proper implementation of the Constitutional safeguards provided for the Scheduled Tribes and to advise the Union and the State Governments on all major policy matters affecting the Scheduled Tribes, the Commission is on occasion required to file affidavits containing its views in cases relating to important issues concerning the Scheduled Tribes which were dealt in the Commission or filed in various Courts by various parties, including the members of the Scheduled Tribe community and/ or by their associations, involving National Commission for Scheduled Tribes as one of the respondents. A statement showing the particulars of court cases registered during the report year **2015-16** is at **ANNEXURE-1.IV**.

1.12 Computerized Monitoring System

1.12.1 At present, NCST office is equipped with PCs, Printers and Scanners etc. All the officers and Sections/Units have been provided with computers for efficient handling of their work. The Computers are networked through NIC and have continuous support from the NIC Networking Group.

⁵ Pl. see the Sub-link '**RTI Applications**' under link '**RTI Disclosures**' on the website of the Commission (<http://ncst.nic.in>)

1.12.2 In order to establish an effective system for disposal and monitoring of receipts and case files, action was initiated in April, 2008 with National Informatics Center (NIC). Personnel & Public Grievances Informatics Division of NIC has provided a computerized system by integrating and customizing “Centralized Public Grievance Redressal and Monitoring System (CPGRAMS)+and File Tracking System (FTS)” to suit specific requirements of the Commission and to maintain the integrity of the data and its sharing. These systems have evolved as an effective and powerful Complete Grievance Management Tool (CGMT), which is also being utilized as an effective “Public Grievance Redressal and File Management System (PGRFMS)”. The FTS is a LAN based application consisting of three modules viz. Diary, File and Dispatch Modules. These applications enables the users in the Commission to maintain a consistent watch over monitoring of files/receipts and their movements at different levels, which plays an important role in the decision making process. All files have been categorised subject-wise to facilitate efficient handling.

(A) Effectiveness of the Monitoring System

1.12.3 As a result of implementation of the **PGRFMS**, the ease and efficiency in handling and monitoring of large number of files and grievances has been enhanced with the following:

- (i) Registration of grievances into the system, automatic creation of file (with category as Grievance) related to the grievance if one does not exist and the merging of the received receipt in the file thereof.
- (ii) Entry of all receipts in the System and forwarding them to the concerned sections/divisions.
- (iii) Creation and editing of files by the sections/divisions and merging of the receipts in the concerned files for further action.
- (iv) Generation of Reminders to the concerned authorities.
- (v) Effective monitoring through customized features/tools:
 - a. Routine review of files & receipts
 - b. Attention to focus areas of works.
 - c. Search current location / status of any receipt from the FTS.
 - d. Tracking of the movement of files and receipts.
 - e. Management Information System with inter-linking of CPGRAMS and FTS, with facility to search/track any file/receipt based on selected criteria/parameters
 - f. Subject-wise categorization of files facilitating close monitoring of Court/Policy/VIP and other cases etc.
 - g. In-built flexibility to generation of various statistical and generic reports of files and grievances for customized requirements.
 - h. Status of pendency/disposal of files and receipts in the concerned sections/divisions and focus more attention to long pending cases.

1.12.4 During the year, all pending receipts were registered in the FTS and merged with the concerned files. Similarly, pending files (including those which were inactive) were categorized as ~~inactive~~ if no action was necessary. This permitted greater attention to be paid to the live cases and attendance to fresh ones without undue delay.

(B) Linking of Regional Offices with the Computerised Monitoring System

1.12.5 The **PGRFMS** has already been implemented at the NCST Hqrs. The process of linking of the Regional Offices of the Commission has been started. So far, five of the six Regional offices of the Commission located at Bhopal, Bhubaneswar, Jaipur Raipur and Ranchi have been linked to **PGRFMS** and training has been imparted to the officials of these Regional offices. The linking of Regional office, Shillong is under process. However, due to acute shortage of manpower and old computers in the Regional Offices they are facing difficulties in making the system operational. The Commission is trying to make it operational in Regional offices.

1.13. Progress of disposal of receipts / petitions / cases in the Commission.

1.13.1 As mentioned earlier, the File Tracking System was introduced in the headquarter office since July, 2008. Centralized diarizing of the Papers/ letters/ representations etc. received in the Commission and opening and movement of files are parts of the FTS. In order to place complete information about current as well as already closed files, details about each file that was closed but not yet destroyed till March, 2011 were also entered in the FTS. Closed files can be re-opened when required (and subsequently closed again). This is a continuous process and therefore, the number of files, including case files relating to grievances, brought forward from previous year, as downloaded now from the FTS, may be different from the information about number of live cases at the end of the year 2014-15 as given in the 10th Report. The data regarding work handled in the four sections (RU-I, II, III & IV) of Headquarter office of the Commission dealing with the representations/ cases received from the Scheduled Tribe individuals and their associations is given below:

ACTION IN FILES

Particulars	RU-I	RU-II	RU-III	RU-IV
No. of live cases pending as on 31.3.2015	74	79	405	91
No. of files opened during 2015-16	198	141	398	396
No. of files closed during 2015-16	105	155	140	154
No. of cases pending on 31.3.2016	225	220	258	299

ACTION ON RECEIPTS

Particulars	RU-I	RU-II	RU-III	RU-IV
Total No of receipt received	1093	924	2389	2194
Total No. of merge receipt	266	594	2090	1652
Total No. of Closed receipt	669	16	40	21
Total No. of receipts forward to the other section	33	71	206	104

1.14. Functioning of the Regional Offices of the Commission

(A) Location, Jurisdiction and Duties

1.14.1 The National Commission for Scheduled Tribes has six Regional Offices located at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. The location and jurisdiction of these Offices along with the name and designation of the Heads of Regional Offices (as on 31 March, 2016) are given **TABLE 1.5** below:-

TABLE 1.5

S. No	Location & Address of Regional Office	Name & Designation of the Officer Incharge	Jurisdiction of the Regional Office
(1)	(2)	(3)	(4)
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Area Hills, Bhopal-462011	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, Bhubaneswar-751015	Shri Dwarka Karol Director (Addl. charge) Ph:0674 2551616 0674 2551818 (F)	Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and Union Territories of Andaman & Nicobar Islands, and Pondicherry
3.	Room No.101 & 102, Ist Floor, Block-A, Kendriya Sadan Sector-10, Vidyadhar Nagar, Jaipur-302023	Shri Pramod Chand, Director (Additional Charge) Ph:0141 2236462 0141 2235488 (F)	Chandigarh, Gujarat, Haryana, HP, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.
4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrames, Raipur-492006	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443334 Ph:0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co-operative Colony, Kadru, Ranchi-834002	Shri S. R. Tiriya Research Officer Ph: 0651 2341677 0651 2340368 (F)	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, Shillong-793001	Shri Dwarka Karol (Additional Charge), Assistant Director Ph: 0364 2504202 0364 2221362 (F)	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura,

1.14.2 All the six Regional Offices of the Commission continued to function with the same jurisdiction and administrative set-up as no new office could be set-up due to non-receipt of sanction for new Offices and for augmentation of the strength of the regional Offices, and continuing vacancies in various existing posts in the commission. Notwithstanding this fact the Regional Offices have endeavored to fulfill the allotted responsibilities. The various duties assigned to the Regional Offices *inter-alia* include:

- (i) to deal with complaints/representations from members of Scheduled Tribes and their welfare associations etc. on various matters, and
- (ii) to conduct on-the-spot enquiries into the cases of atrocity on Scheduled Tribes either on their own or as entrusted to them by the Headquarters and to interact with the concerned administrative/Police authorities and to submit report to the Headquarters,
- (iii) to accompany the Chairperson and Members of the Commission on their tours in the States/UTs under their jurisdiction.
- (iv) to maintain effective interaction and liaison with the State Govts./UT Administrations,
- (v) to provide information and documents about the policies and programmes of the Union Govt. for the welfare and advancement of Scheduled Tribes to the States, NGOs etc. in their respective jurisdiction and to obtain similar information and documentation from the State Government and to provide the same to the Headquarters of the Commission,

(B) Performance and significant achievements in working of Regional Offices

1.14.3 The Regional offices of the National Commission for Scheduled tribes keep a watch on the formulation of policies and issue of guidelines relating to the welfare of Scheduled Tribes in the States/UTs and keep the Commission's Headquarters informed about the developments periodically. Policy decisions taken by any State Government/UT Administration affecting the interests of the Scheduled Tribes are brought to the notice of the concerned authorities for necessary action. Heads of the Regional Offices also represent the Commission in the following State level Committees and provide observations and feedback about working of the policies/ Schemes/ programmes for Scheduled Tribes in the State(s) under their jurisdiction

- i) State Level Monitoring Committee (headed by the Chief Minister of the State concerned) on implementation of the PoA Act, 1989.
- ii) State level Caste Certificate Scrutiny Committee meetings as a special invitee member.
- iii) State level Bankers Committee meeting organized by the Nationalised Lead Bank in the State.
- iv) Nagar Rajbhasha Karyanvayan Samiti meetings.
- v) Central Govt. Employees welfare Co-ordination Committee meetings.

1.14.4 The Regional Offices of the Commission assist the Headquarter in collecting and compiling statistical and other forms of information from the State Governments/Union Territories under its jurisdiction in connection with the visits of the Commission, Review meetings taken by the Chairperson, Vice- Chairperson and/ or Members of the Commission and also for preparation of various chapters of the Annual Reports of the Commission.

1.14.5 The Regional Offices also receive a large number of receipts of various kinds including grievances and matters relating to Scheduled Tribes from the Scheduled Tribe individuals and their Associations. As most of the cases received in the Regional Offices relate to the offices located in the States, action on those receipts/ cases is taken by the concerned Regional Office. Existence of the Regional Offices in the States helps the local Scheduled Tribes and their well-wishers to easily approach the Commission (through the concerned Regional Office). The presence of the Regional Office nearer to the local Government and their participation and contributions in various Committees fosters constructive relationship between the Regional Office and the Authorities concerned. Consequently, these Regional Offices play an important role in prompt disposal of the complaints of grievances or violation of safeguards for Scheduled Tribes in the States under the jurisdiction of the Regional Offices. Cases in which Sittings is considered necessary for which invoking of power of Civil Court is required to be exercised by the Member of the Commission, the matters are referred by the Regional Offices to the Headquarter Office for taking further necessary action. Broad category-wise files opened/registered in each Regional Office of the Commission during 2015-16 is given in **TABLE 1.6** below:

TABLE 1.6

Category-wise No. of Grievance cases dealt by each Regional Office

S. No.	Regional Office	Service matters	Economic and Social Development	Atrocity matters	Total
(1)	(2)	(3)	(4)	(5)	(6)
1.	Bhopal	150	138	75	363
2.	Bhubaneswar	144	101	98	343
3.	Jaipur	91	18	63	172
4.	Raipur	18	146	13	177
5.	Ranchi	41	13	68	122
6.	Shillong	-	-	-	-
	TOTAL	444	416	304	1177

1.14.6 The Regional Offices also maintain liaison with the State, Regional or other local offices under the Central Government and its Organisations. They play an important role during the visit of the Commission, its Members and Senior Officers to the respective States and their visits to the tribal areas, meetings with the local authorities and assisting the Commission and Members in conducting meetings to review the implementation of the safeguards for Scheduled Tribes. These visits also create awareness about existence of the Commission and its role with respect to the Scheduled Tribes in those States.

1.14.7 The financial budget of the Regional Offices is part of the overall Budget of the NCST, and allocation of funds to the Regional Offices is made keeping in view sanctioned staff strength and the jurisdiction of the Regional Office concerned and related requirements under each Sub-head of expenditure.

1.14.8 The disposal of various cases received by each Regional Office is briefly recapitulated below.

R.O. BHOPAL

1.14.9 The Bhopal Regional Office received a total of 1575 references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations which includes fresh representations, reminders and rejoinders during the year 2015-16, while no receipts were pending for action from the previous year. All the 1575 receipts were disposed off during the year and no fresh receipt remained pending for action at the end of the year 2015-16.

1.14.10 As regards previous year case files there were 401 active files in the Regional Office at the end of the year 2014-15. During the year 2015-16, another 363 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 764 cases for action during the year under report. However, 323 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 15 cases were recorded as successfully closed during the year. Remaining 441 case files were still active for further action at the end of the year 2015-16.

R.O. BHUBANESWAR

1.14.11 The Bhubaneswar Regional Office received a total of 755 references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2015-16 while 12 receipts were brought forward for action from the previous year 2014-15. 759 receipts out of total of 767 receipts for action during 2015-16, were disposed off during the year and only 8 receipts were left for action at the end of the report year 2015-16.

1.14.12 As regards previous year case files there were 468 active files in the Regional Office at the end of the year 2014-15. During the year 2015-16, another 343 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 811 cases for action during the year under report. However, 225 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 23 cases were recorded as successfully closed during the year. Remaining 202 case files were still active for further action at the end of the year 2015-16.

R.O. JAIPUR

1.14.13 The Jaipur Regional Office received a total of 545 references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations which includes fresh representations, reminders and rejoinders during the year 2015-16, while no receipts

were pending for action from the previous year. All the 545 receipts were disposed off during the year and no fresh receipt remained pending for action at the end of the year **2015-16**.

1.14.14 There were 282 active files in the Regional Office at the end of the year 2014-15. During the year 2015-16, another 172 files were opened which were related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 454 files for action during the year 2015-16. Out of these 454 files, 5 files were closed as successful cases and another 3 were closed due to other reasons like inadmissibility of the claim made by the applicants in the light of the existing rules or orders. 446 cases were still active for further action at the end of the year.

R.O, RAIPUR

1.14.15 The Regional Office, Raipur received a total of 1371 references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2015-16. All these 1371 receipts were disposed off during the year.

1.14.16 As regards previous year case files there were 88 active files in the Regional Office at the end of the previous year 2014-15 and 184 new case files were opened during the year 2015-16 making a total of 272 cases for action during the year under report. However, 161 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 17 cases were recorded as successfully closed during the year. Remaining 111 case files were still active for further action at the end of the year.

R.O RANCHI

1.14.17 The Ranchi Regional Office received a total of 479 receipts of various kinds. Out of these receipts, there were 240 representations which includes fresh representations, reminders, rejoinders and Newspaper reports of atrocity and other development matters affecting the Scheduled Tribes on which the office had taken suo-motu action.

1.14.18 As regards previous year case files there were 59 active files in the Regional Office at the end of the previous year 2014-15. During the year 2015-16 another 122 files were opened which related to the cases of atrocity, Service matters, Developmental matters and Caste Certificates making a total of 99 cases for action during the year under report. However, 40 case files were closed during the year, after grant of desired relief or determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. Out of these cases, 4 cases were recorded as successfully closed during the year. Remaining 141 case files were still active for further action at the end of the year 2014-15.

R.O SHILLONG

1.14.19 The Shillong Regional Office received a total of 553 references of various kinds (including grievances and matters relating to Scheduled Tribes) from the Scheduled Tribe individuals and their Associations, as fresh representations, reminders and rejoinders during the year 2015-16. 460 receipts out of total of 553 receipts for action during 2015-16, were disposed off during the year and only 93 receipts were left for action at the end of the report year 2015-16.

1.14.20 As regards previous year case files there were 102 active files in the Regional Office at the end of the year 2014-15. During the year 2015-16, no files were opened. However, 9 old case files were closed during the year, determining inadmissibility of the claim made by the applicants in the light of the existing rules or orders. No case was recorded as successfully closed during the year. Remaining 93 case files were still active for further action at the end of the year.

CHAPTER-2

ACTIVITIES OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

2.1 Policy issues dealt by the Commission

2.1.1 During its visits to the tribal areas in various States and Union Territories, the Commission gains a lot of experience. Meetings with the State Government Officers to review the implementation of various programmes for welfare and development of the Scheduled Tribes in the respective State and the scrutiny of the grievances received in the Commission and the vital issues concerning Scheduled Tribes which require urgent attention of the Government get surfaced on the basis of such experiences. This help the Commission to formulate various recommendations for modifications of the existing policies of the Government and for suggesting new recommendations. The experiences of the Commission is duly utilized in making recommendations to the concerned authorities from time to time, while in revising the existing policies and evolving new policies of the Government, through the provision contained in Clause 9 of Article 338A of the Constitution, which provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

2.1.2 The views offered by the Commission, on policy-related issues, fall in 3 categories, as under:

- (i) Proposals received from the Central and the State Governments/UT Administrations pursuant to Clause 9 of Article 338A of the Constitution.
- (ii) Suo-motu recommendations by the Commission on various tribal concerns.
- (iii) Submissions made in Court cases in which the Commission is one of the Respondents.

2.2 Procedure adopted by Commission in dealing with policy related issues

2.2.1 The Commission has formulated standard guidelines¹ for dealing with policy related issues in a time-bound manner. The guidelines detail the procedure for selection and approval of agenda item, content and format of the agenda note, presentation of agenda note and preparation/issue of minutes. The policy-related issues referred by any Ministry for comments/ views/ advice of the Commission, or any Court case having policy implications in which NCST is one of the respondents is brought to the notice of the Secretary, NCST to decide whether the matter needs immediate attention of the Chairperson or that of the Vice-Chairperson (in case the Chairperson is unavailable) and whether the matter requires discussion in the meeting of the Commission. On approval by the Secretary, the material received from Ministry/

¹Copy of the Guidelines may be seen at the website of the Commission i.e. <http://ncst.nic.in>

Deptt. is circulated by the Unit concerned for comments amongst all Members and Senior Officers of the Commission. Keeping in view the suggestions received, an Agenda Note, on the issue, is prepared for consideration in the meeting of the Commission.

2.2.2 The agenda note, *inter-alia*, examines conceivable effects of the proposed new policy or amendment in the existing policy on scheduled tribes, earlier recommendations of the NCST or of the erstwhile NCSCST, if any, on the subject matter of the policy and present status of implementation and relevance of the earlier recommendation(s) of the Commission(s), along with suggestions and draft comments/views/advice, for consideration of the Commission. If the matter had been received earlier also, then the purpose of referring the matter again by the Government is also brought out in the agenda note.

2.2.3 The Commission endeavours to communicate the views/comments/ advice on policy related issues in a time-bound manner and also solicits feedback/ outcome regarding acceptance or non-acceptance of the comments/ views/advice tendered, from the sponsoring Ministry/ Department, for inclusion in its Annual Report .

2.3 Views of the National Commission on Policy related issues and other matters, dealt during the year 2015-16 and afterwards upto 30.9.2016 (discussed and finalized in various meetings of the Commission).

1	Commission's comments on various proposals from different Ministries/Department in respect of Notes for the Cabinet/Cabinet Committees.
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2.3.1 MTA, vide its D.O. letter No.11036/01/2015-PC&V dated 19/03/2015, has intimated to NCST that the comments of the Commission have often been submitted directly to the Sponsoring Ministries/Department. Ministry of Tribal Affairs has further stated that as per the instructions issued by Cabinet Secretariat contained in O.M. No. 1/3/2/2013-Cab dated 16th February 2012, the Sponsoring Ministries/Departments have been advised to ensure that the National Commission for Scheduled Tribes shall be consulted by them through the nodal administrative Ministry, before finalization of such Notes for consideration of the Cabinet /Cabinet Committees. In all such cases, the nodal administrative Ministry will place the views of the Commission, as received, before the Minister-in-charge of the nodal Ministry and then final views/comments on such issues are communicated by the nodal Administrative Ministry to the Sponsoring Ministry/Department.

2.3.2 Thus, MTA has asked the Commission that if Commission receives reference from Sponsoring Ministry/Department directly, the Commission should route its advice/Comments through MTA, as per the procedure laid down, particularly on Notes for the Cabinet/Cabinet Committees.

2.3.3 The contents of above MTA D.O letter dated 19/03/2015 were considered and discussed by the Commission.

2.3.4 The Commission advises the MTA to ensure following steps, to avoid delay and maintain independence of the Commission, being a Constitutional Body.

1. A time frame, as asked by Ministries/Departments should be kept in view and the proposals should be submitted by the MTA to NCST for consideration and opinion/ advice at the earliest, giving sufficient time for examination/ review.
2. that MTA should convey the views/recommendations of NCST, as received from the Commission i.e. without any alteration to the Sponsoring Ministries/Departments.
3. The views/comments of the MTA, if any, on the Commission's recommendations/observations, may be sent to NCST for the examination/records.

2	Parliamentary Committee on the Welfare of SCs and STs “Examination of First Annual Report (2004-2005 and 2005-2006) of NCST presented under Article 338A (5) (d) of the constitution of India and to report as to the measures that should be taken by the Union Govt. in respect of matters within the purview of the Union Government.”
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2.3.5 An Office Memorandum No. 58/1/1/SCTC/2014 dated 19/03/2015 of Lok Sabha Secretariat, addressed to Hon'ble Chairperson of NCST, has been received stating that the Parliamentary Committee on the Welfare of SC and STs have decided to examine First Annual Report (2004-2005 and 2005-2006) of National Commission for Scheduled Tribes presented under Article 338A (5) (d) of the Constitution of India and to report as to the measures that should be taken by Union Government in respect of matters within the purview of the Union Government during the year 2014-2015.

2.3.6 Further a letter No.16015/02/2015-C&LM-II dated 06/04/2015 has also been received from MTA to furnish a comprehensive Background Note on the subject with (60 copies in English and 30 copies in Hindi) for the use of the Committee, latest by 20/04/2015.

2.3.7 Accordingly a comprehensive Background Note has been prepared and placed for the consideration of the Commission. The Background Note perused and approved by the Commission. The Commission also desired that MTA may be asked to take steps for laying down the Annual Reports of years 2007-08, 2008-09, 2009-10, 2010-11 and 2011-12 of NCST before both the Houses of Parliament and submit action taken report for discussion, thereafter, to avoid abnormal delays.

3	Proposal for Empowerment of the National Commission for Backward Classes (NCBC) constituted under the NCBC Act., 1993.
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2.3.8 The Commission has discussed the Draft Cabinet Note in detail and identified that no issue relating to policy, welfare about the tribals involved in the Note. Hence, this Commission has no comments to offer.

4	Setting up of Credit Guarantee Fund for Tribal Development.
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2.3.9 Ministry of Tribal Affairs, vide letter No. 2002/08/2014-FRA dated 28th April, 2015 sought comments/views on the draft proposal EFC Memorandum on Setting up of Credit Guarantee Fund for Tribal Development.

2.3.10 From the proposal following were noted.

(I) The objective of the scheme is to make available credit for skill development upto ` 3 Lakh, education upto ` 10 Lakh, Micro credit upto ` 5 Lakh and entrepreneur activities upto ` 100 Lakh without collateral/third party guarantees to Scheduled Tribes.

(II) The scheme encourages Member Lending Institutions comprising Scheduled Commercial Banks, Regional Rural Banks, Cooperative Banks, National Scheduled Tribes Finance and Development Corporation, State Tribal Finance and Development Corporation etc.

(III) The expected target is to provide guarantee cover for a total sanctioned loan amount of ` 4000 crore during the remaining period of XII Five Year Plan (i.e.) ` 1500 in Financial Year 2015-16 and ` 2500 in Financial Year 2016-17.

(IV) The Credit Guarantee Fund for tribal development will be operated through National Credit Guarantee Trustee Company Ltd. (NCGTC) setup by the Department of Financial Services, Ministry of Finance. The resources such as IT, premises, manpower, Risk Management, investment of Corpus funds, publicity and awareness and other support services will be availed on sharing basis to have cost effective and better alternative to achieve operational efficiencies and economies of scales.

2.3.11 Commission discussed the proposal and noted that the scheme aims to increase the Education facilities, Entrepreneur activities and Skill development etc amongst the Scheduled Tribes without collateral Security/third party guarantees.

2.3.12 Commission agreed to the proposal for Setting up of Credit Guarantee Fund for Tribal Development.

5	Draft Cabinet Note on “Mission Organic Farming – North East (MOF-NE)” Scheme of Ministry of DoNER-Comments.
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2.3.13 The Ministry of Development of North Eastern Region vide Office Memorandum No. 3/8/2014-Coord/DoNER dated 22nd May 2015, has sought views/comments of NCST on the Draft Cabinet Note on Mission Organic Farming-North East (MOF-NE)+

2.3.14 Commission noted that Draft Cabinet Note is prepared by Ministry of DoNER on the basis of the SFC Note No. 3/8/2014-Coord/DoNER dated 9/2/2015 which was discussed by the Commission and comments were rendered.

2.3.15 It is noted by the Commission that points observed in the SFC Note have been suitably incorporated in the Cabinet Note.

2.3.16 The Commission deliberated and suggested the following additional points for consideration by the Sponsoring Ministry, before finalization of Cabinet Note.

- a. Inputs to members have been proposed one time only. For tribal farmers it should be at least 3 times so that it can be assimilated as a practice.
- b. Tie-up with existing Krishi Vigyan Kendras with field visits may also be organized.
- c. Utilization of facilities like 1-800 nos TV and radio programmes for better extension/problem solving of the programmes.
- d. Cold storage and refer vans should also be incorporated, to enable increased shelf-life.
- e. Marketing support for five years may also be considered, before the tribal farmer can take up marketing either on their own or through coordinated cooperative framework.

6	Draft Note for Union Cabinet amending Article 280 of Constitution of India for augmenting Consolidated Fund of States of Assam, Meghalaya, Tripura and Mizoram to supplement resources of Sixth Schedule Autonomous Councils and to amend Sixth Schedule to Constitution for implementation of Memorandum of Settlement (MoS) signed with various groups of Assam and Meghalaya and other measures ensuring democracy at grass root level in Autonomous Councils.
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2.3.17 Ministry of Tribal Affairs (MoTA), vide Office Memorandum (OM) No. 18014/1/2015-C & LM -I dated 1.7.15, has forwarded MHA letter No.11012/120/2009-NE.IV dated 26.6.15, seeking comments of the NCST on above-mentioned Draft Cabinet Note, for amending Article 280 and Sixth Schedule of Constitution of India.

2.3.18 NCST recalled earlier (Dec, 2012) draft Note for Cabinet for amendment of Article 280 and Sixth Schedule of Constitution of India. That draft Note was discussed in 41st NCST meeting on 4.1.13 and while agreeing to proposal for amendments contained in draft Cabinet Note, NCST made following observations:

On the lines of the provisions under Fifth Schedule to the Constitution, the Governors of the Sixth Schedule Areas States may also be mandated to submit Annually to the President of India, a Report on the working of the Provisions of the Sixth Schedule in the Scheduled Areas under their jurisdiction. For this purpose Government of India in the Ministry of Home Affairs in consultation with the Ministry of Tribal Affairs, Ministry of Panchayati Raj and the National Commission for Scheduled Tribes may design a standard format for the Report so that implementation activity in one State is comparable with that in the other State having Scheduled Areas under Sixth Schedule.

2.3.19 In present (June 2015) Draft Cabinet Note, it is stated (at para 13.1) that above suggestion made by the NCST has been accepted and same has been incorporated as new paragraph 14A, as under:-

4A. The Governor shall make Quarterly, or whenever so required by the President, a report to the President regarding the administration of the Tribal areas by the District Councils in the State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of such areas+

2.3.20 NCST noted that draft Bill seeks Quarterly report instead of Annual report from the Governor, as suggested. After discussing Commission proposed following suggestions:

2.3.21 Report regarding administration of Tribal Areas (as incorporated in Sixth Schedule of Constitution of India) should consist of:

- (1) An Annual Statutory Report by Governor to President (Similar to one in para 3 of Fifth Schedule).
This would go into major policy issues and innovations needed therein, while bringing out macro scenario on administration of Sixth Schedule Areas.
- (2) An implementation Monitoring Report (Which can be quarterly at least . if not monthly) to monitor.
 - (a) Implementation of development activities programmes in such areas, and
 - (b) Inter-state comparative picture of tribal development programmes.

2.3.22 For above-mentioned Implementation Monitoring Report, MHA in consultation with MoTA, Ministry of Panchayati Raj (MoPR) and NCST may design and prescribe a standard format, which would form basis for such reporting. Such format, needless to emphasize, needs to be circulated to the States, wherein such areas under Sixth Schedule are located.

2.3.23 It would be relevant to add here that the Annual Statutory Report by Governor to President necessarily draws upon above-referred quarterly (at least) Implementation Monitoring Report.

2.3.24 MHA, being nodal Ministry in relation to Sixth Schedule matters must ensure that both the following reports i.e;

- (a) Governor's Annual Statutory Report to President, and
- (b) Concerned State Governments' quarterly Implementation Monitoring Report, are forwarded to MoTA, NCST and MoPR regularly to analyze impact of ongoing tribal development programmes and ensure policy changes so as to improve further. Inter-State comparison would be, of course, an outcome in this direction.

2.3.25 Amended Article 14 A, accordingly, may read as under:

(14 A) Report by the Governor to the President regarding administration of Scheduled Areas.-

The Governor of each State of Assam, Meghalaya, Tripura and Mizoram having Scheduled Areas (in Sixth Schedule) therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive powers of the Union shall extend to giving of directions to the State as to administration of the said areas.

(14AA) Each State Government of Assam, Meghalaya, Tripura and Mizoram having Scheduled Areas (in Sixth Schedule) shall quarterly, whenever so required by the Union Government, make an Implementation Programme Monitoring Report to the Union Government regarding implantation progress of ongoing development activities and programmes in the Scheduled Areas of that State and the executive power of the Union Government shall extend to giving of directions (including prescribing necessary formats for such reporting) to the State Government as to the development programmes and activities in the said areas.

2.3.26. Amendment of Para 3 in Fifth Schedule may also be considered with insertion of a similar provision in relation to a quarterly Implementation Programme Monitoring Report for Fifth Schedule area as well.

7	Revised guidelines for implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan by States and UTs.
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2.3.27. The Commission was informed that National Institution for Transforming India (NITI) Aayog vide letter no. H-11012/03/2013-SJ&SW dated 23.4.15 has forwarded “**Revised guidelines for implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan by States and UTs**” for effective implementation of SCSP and TSP strategies and to ensure that States are earmarking State plan funds for SCSP and TSP, at least in proportion to SC and ST population respectively and also to ensure spending for such schemes which extend direct to and quantifiable benefits to these target groups.

2.3.28. NCST noted that revised guidelines were issued by the then Planning Commission on 18.6.14 and the NITI Aayog, (successor to Planning Commission), has forwarded same to NCST and its Regional Offices. NCST, under Article 338A(5)(c), is mandated to participate and advise in planning process of socio-economic development of STs and to evaluate progress of tribal development under the Union and any State.

2.3.29. After deliberations, NCST decided as under:

- 10.1 A few formats (may be Sector-wise) needs to be worked out in detail, for monitoring tribal development activities, funds under TSP of State Plan.

- 10.2 State Governments and UT Administrations of States UTs, having Tribal Sub Plan, may be asked to associate NCST and UTs Regional Offices, through membership in State Level Executive Committee and Apex Level Committee.
- 10.3 Similar request may also be made to MoTA for associating the Commission headquarters while discussing TSP of each State and UTs.
- 10.4 For ensuring above, NITI Aayog may be asked for issuing guidelines to that effect.

8	Parliamentary Committee on the Welfare of SCs and STs 'Examination of First Annual Report (2004-2005 and 2005-2006) of NCST presented under Article 338A (5) (d) of the constitution of India and to report as to the measures that should be taken by the Union Govt. in respect of matters within the purview of the Union Government.
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2.3.30. MoTA vide letter No.16015/02/2015-C&LM-II dated 8.7.15 sent a copy of letter No. 58/1/1/SCTC/2014 dated 23.3.15 of Lok Sabha Secretariat initiating that Parliamentary Committee on the Welfare of SC and STs have decided to examine First Annual Report (2004-2005 and 2005-2006) of NCST, presented under Article 338A (5) (d) of the Constitution of India and to report as to measures that should be taken by Union Government in respect of matters within purview of Union Government during 2015-2016 and have asked a comprehensive Background Note on this subject.

2.3.31. This matter was earlier discussed in 73rd Meeting of NCST on 15.4.15, and, as no material change has occurred since then, the Commission decided that the Background Note, as approved earlier (**Annexure-2**) may be forwarded to MoTA.

9	Implementation of recommendation of ILO convention 189 Advocating "Decent Work Conditions for Domestic workers".
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2.3.32. International Domestic workers Day was celebrated by the Domestic Workers Forum on 16.6.15. Plight of domestic workers was highlighted by persons and different groups associated with improving living conditions of domestic workers. Papers circulated mention that ILO has propagated Convention 189 advocating "Decent Work Conditions for Domestic Workers", which inter-alia states that a formal employment relationship must be recognized in domestic work by the Government with effective protection and promotion of human rights, fair terms of employment, social security and living conditions and includes making of provisions for regulation of private placement agencies in respect of migrated domestic workers, weekly off, regular payment etc.

2.3.33. It has been noted that large number of domestic workers are tribal women from the States of Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh have migrated to Delhi NCR, Mumbai, Karnataka, Kolkata etc to work as domestic workers.

2.3.34. Number of complaints of ill-treatment and sexual assault on tribal women has also come to NCST notice and with NCST intervention their grievances have been addressed to a large extent.

2.3.35. This matter was discussed in detail and it was decided that activity/ item-wise details may be examined considering following orders, instructions, justification on the subject and thereafter the matter may be placed before the Commission.

- (i) Order of Honble High Court of Delhi . WP (Crl.) No. 82 of 2009, WP (Crl.) No. 619 of 2002 with WP (Crl.) No. 879 of 2007,
- (ii) Delhi Executive Order . Order No. Addl. LC/Misc.(2)/12/Lab/Part File/1938 dated 25.09.2014,
- (iii) Chhattisgarh Act (prevailing) . The Chhattisgarh Private Placement Agencies (Regulation) Act, 2013,
- (iv) Jharkhand Draft Act . The Jharkhand Unorganised Migrant Workers (Registration and Welfare) Act, 2015 and
- (v) Suggestion of UN agency, ILO, in the form of any International Charter or otherwise.

10	Amendment to Article 243D of the Constitution of India for enhancing reservation for women in Panchayats and rotation of seats for reserved categories after a minimum of two terms.
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2.3.36. Ministry of Tribal Affairs (MoTA) vide letter No. 11029/01/2014-C&LM-II (Part) dated 3/8/15 forwarded Memorandum dated 28/7/2015 of Ministry of Panchayati Raj (MoPR) for NCST comments on Amendment to Article 243D of Constitution of India for enhancing reservation for women in Panchayats and rotation of seats for reserved categories after a minimum of two terms. Said memorandum dated 28/7/2015 was received in NCST on 7/8/2015.

2.3.37. A reference was earlier received in the Commission from MoPR wherein NCST comments were sought on enhancing reservation for Women in Panchayats. After 60th Meeting of the Commission (15/9/14), following comments were communicated to MoPR.

“Commission recommended to advice the Govt. for providing exact 50% reservation for Women in the total No. of Seats in the Panchayats and also in the Offices of Chairpersons of the Panchayats in all the three tiers.”

2.3.38. MOPR has now referred present draft Cabinet Note for NCST comments on Amendment to Article 243D of the Constitution of India for enhancing reservation for women in Panchayats and rotation of seats for reserved categories after a minimum of two terms. Cabinet Note of MoPR inter-alia includes that

- (i) There is a need to further strengthen the participation of marginalized groups in Panchayats by enhancing reservation and increasing the tenure of reserved category Members and Chairpersons of Panchayats.
- (ii) Greater stability of tenure for Panchayat members and Chairpersons from Marginalized groups to enable them to exercise their leadership effectively.
- (iii) The practice of rotation of reserved seats and Offices of Chairpersons in Panchayats after every five years has impeded the development of the Governance capability of women and other members elected from reserved Constituencies.
- (iv) Lack of political and administrative background is an inhibiting factor for demonstration of governance skills which have to be acquired through experience.
- (v) Inability to contest elections for a second time due to rotation of reservations in every Panchayat election deprives women and other reserved candidate of this opportunity and pushes them out of Panchayats altogether, thereby blocking the development of grassroots leadership of women and other reserved communities.

2.3.39. **Commission considered above proposal and recommends the following.**

- (i) 50% reservation for women in Panchayati Raj(PR) set up and
- (ii) Ensuring minimum of two terms.

11	Declaration of Scheduled Areas in respect of States of Rajasthan and Kerala under Fifth Schedule to the Constitution of India.
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2.3.40 MoTA vide letter No. 18013/2/2014-C&LM-I dated 6/8/15 forwarded proposal on declaration of Scheduled Areas in respect of the States of Rajasthan and Kerala under Fifth Schedule to Constitution of India for NCST comments.

2.3.41 In the background note it is stated that the Scheduled Areas with regard to Rajasthan various orders were first notified in the year 1950. Changes were made in Scheduled Areas at the time of devising and adopting strategy of Tribal Sub-Plan (TSP) for socio economic development of STs during the 5th Five Year Plan, so as to make Tribal Sub-Plan areas co-terminus with Scheduled Areas. Accordingly, new Constitutional Orders specifying the Scheduled Areas were issued in 1975 in respect of Himachal Pradesh, in 1977 in respect of the States of Bihar, Gujarat, Madhya Pradesh and Odisha, in 1981 for Rajasthan, and in 1985 in respect of Maharashtra, after rescinding orders issued in 1950. Upon formation of new States of Chhattisgarh and Jharkhand vide Madhya Pradesh Reorganization Act, 2000 and Bihar Reorganization Act, 2000, respectively, Scheduled Areas for Madhya Pradesh,

Chhattisgarh and Jharkhand were notified through Constitutional Order in 2003. Due to omission of some areas of Scheduled Areas of undivided Bihar State, Scheduled Areas for Jharkhand were notified through Constitutional Order in 2007.

2.3.42 The Scheduled Areas have been specified in the following districts in Rajasthan, vide C.O. 114 Scheduled Areas (State of Rajasthan) order, 1981 dated 12.02.1981.

- (i) Banswara District
- (ii) Dungarpur District
- (iii) The following in Udaipur District
 - (a) Tehsils of Phalasia, Kherwara, Kotra, Sarada, Salumbar and Lasadia
 - (b) Eighty one villages of Girwa Tehsil
- (iv) Pratapgarh Tehsil in Chittorgarh district
- (v) Abu Road block of Abu Road Tehsil in Sirohi District

2.3.43 Following in justification is cited for declaration of Scheduled areas in Rajasthan;

2.3.44 Government of Rajasthan has requested for extension of Scheduled Areas on basis of Census of 2011 and due to reorganization / creation of new districts in the State. The proposal has approval of Rajasthan Cabinet. Present proposal is to declare Scheduled Areas afresh i.e., in supersession of existing notification, after taking into consideration re-organization of districts, and Scheduled Tribe population as per 2011 census, as proposed by Government of Rajasthan. Scheduled Areas are to be specified in districts of Banswara, Dungarpur, Udaipur (partially), Rajsamand (partially), Chittorgarh (partially) Pratapgarh (partially), and Sirohi (partially) in Rajasthan State.

2.3.45 On examination of the proposal, some discrepancies / inconsistencies were noticed viz a viz number of villages / tehsils. Government of Rajasthan was asked to submit requisite clarification and complete proposal along with names of districts, tehsils, municipalities and villages in English as well as in Devnagari script. In June, 2015, Government of Rajasthan deputed State Govt. officials for discussion / providing clarification on the proposal. Government of Rajasthan has accordingly provided requisite details. Government proposes to issue a Constitutional Order, specifying revised Scheduled Areas in Rajasthan State, after rescinding the Constitution Order, 114 in so far as it relates to Rajasthan. A copy of draft Constitution Order, specifying Scheduled Areas in Rajasthan, as drafted by Legislative Department, Ministry of Law and Justice has been received along with draft Cabinet Note.

2.3.46 Regarding justification in respect of Kerala it has been stated that:-

- i). Government of Kerala has requested for declaration of Scheduled Areas to bring some vulnerable tribal pockets under Fifth Schedule. Government of Kerala has identified these areas considering their backwardness, poor infrastructure facilities, inadequate livelihood avenues, very poor Human Development Index (HDI), land alienation problems and problem of Left Wing Extremism (LWE). Intent of Government of Kerala is for bringing tribal

- populated areas under Provisions of Panchayats (Extension to the Scheduled Area) Act, 1996 (PESA). Accordingly, Government of Kerala has proposed for declaration of Scheduled Areas in selected blocks / settlements of Wayanad, Idukki, Kannur, Palakkad and Malappuram Districts in the State.
- ii) Principal Secretary to Governor of Kerala had submitted proposal in January, 2015. Said proposal did not have population figures as per 2011 census and Devnagari script of proposed areas was also not provided. Government of Kerala was asked to submit the proposal with 2011 census data, along with names of district, gram panchayats and hamlets / settlements in Devnagari. In revised proposal of Kerala Government, it was noticed that names of some hamlets were repeated similar within various Gram Panchayats. Therefore, Government of Kerala was asked to submit authenticated list of hamlets proposed to be specified as Scheduled Area. Government of Kerala has thereafter furnished revised list of hamlets and submitted population details of proposed hamlets in July, 2015.
 - iii) MoTA has proposed to issue a Constitutional Order, specifying Scheduled Areas in State of Kerala.
 - (iv) A draft Constitutional Order, specifying Scheduled Areas in State of Kerala, as drafted by Legislative Department, Ministry of Law and Justice has also been received along with present draft Cabinet Note.
 - (v) MoTA in implementation schedule has stated that project benefits / results in the Scheduled Areas, having preponderance of ST population of Rajasthan and Kerala will get benefits of protective measures available under Fifth Schedule to Indian Constitution as well as benefits of Tribal Sub Plan.
 - (vi) About Public Accountability and how does the proposal advances this goal, it is mentioned that Government of Rajasthan and Kerala will be accountable for implementation of the provisions of Fifth Schedule to Constitution of India in Scheduled Areas.

2.3.47 Commission, after due deliberations, agreed to proposal of inclusion / exclusion of scheduled areas subject to following and thereafter the matter need to be worked out and put in next meeting of the Commission.

- (1). Whether such villages Panchayats are contiguous to scheduled areas. This would be done by Map verification.
- (2). Population criteria is fulfilled / met, as per 2011 census data
Principles for declaration of scheduled areas are met.
- (3). Increase in - area
- population
of existing area and newly revised area.

12	Cancellation of DoPT OM dated 10.8.10 conferring benefits to candidates of Halba Koshti/Halbi Koshti/Koshti community to continue to occupy vacancies reserved for genuine Scheduled Tribes.
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2.3.48 In pursuance to discussions held in 48th, 55th and 59th meetings, NCST vide letter No. HCC/Maha /1/2013/RU-IV dated 30.9.14 requested Central Vigilance Commission to investigate matter of issuance of order fraudulently at JS level which was notified by DoPT vide its O.M. No. 36011/1/10-Estt. (Res.) dated 10.8.10 about appointments of candidates belonging to non ST Halba Koshti / Halbi Koshti / Koshti caste against vacancies reserved for STs. Central Vigilance Commission vide its letter No. 014/DPT/008/290640 dated 30.7.15 intimated

“that the matter was got investigated through Secretary, DoPT. The CVO, DoPT in its report did not find any irregularity/lapse on the part of officials of DoPT. The Commission has accepted the report of DoPT and decided not to pursue the matter further”.

2.3.49 The Commission observed that due to issuance of DoPT O.M. No. 36011/2/2010-Estt.(Res.) dated 10.8.10 posts which were meant and reserved for STs were utilized by non-STs and consequently it has deprived Scheduled tribes of benefits available under Constitutional provisions since Govt. of Maharashtra has stated by virtue of OM of DoPT about 20000 persons were provided employment. The Commission decided that Maharashtra Govt. may be asked to identify such number of posts and take immediate remedial action so as to ensure that same number (equivalence of such posts) are carried forward so as to provide benefit to eligible genuine STs, which were filled by ineligible non-STs candidates. If needed so, necessary statutory amendments may be carried out in this respect.

2.3.50 NCST Secretariat will call for organization-wise details of such posts, which were filled up with non-eligible candidates and put up to NCST for perusal and necessary follow up.

13	Draft Cabinet Note on the Memorandum of Understanding to be signed by the Ministry of Overseas Indian Affairs with the Government of Hashemite Kingdom of Jordan in the field of manpower.
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2.3.51 Ministry of Tribal Affairs, vide letter No. 19020/04/2015/C&LM-II dated 29.9.15, forwarded a Draft Cabinet Note of Ministry of Overseas Indian Affairs I. D. Note No. OI-11012/133/2012-EP-I dated 21.9.15, on Memorandum of Understanding to be signed by Ministry of Overseas Indian Affairs with Government of Hashemite Kingdom of Jordan, in the field of manpower. NCST has been requested to convey concurrence to proposal contained in Draft Cabinet Note.

2.3.52 The Draft Cabinet Note was discussed in the Commission. Commission decided to convey concurrence to the proposal with advice to incorporate special provisions for tribal labourers protection. Commission further opined that similar kind of MOUs may also be signed with other Nations where-in Indian labourers (skilled and unskilled) are going for work, if not yet done.

14	The Manipur Shops and Establishment (Second Amendment) Bill, 2015
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2.3.53 Ministry of Tribal Affairs (MoTA) vide OM No. 12015 / 02 / 2015 -C&LM - II dated 19.10.15 forwarded copy of Ministry of Home Affairs (MHA) OM No. 17 / 43 / 2015 - Judl & PP dated 5.10.15 seeking comments on %Manipur Shops and Establishment (Second Amendment) Bill, 2015+

2.3.54 Commission decided to convey its concurrence to the %Manipur Shops and Establishment (Second Amendment) Bill, 2015+

15	Protection of Manipur People Bill, 2015
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2.3.55 MoTA vide OM No. 20025 /7 / 2015 - C&LM - I dated 30.10.15 forwarded copy of MHA OM No. 17/ 44 / 2015 -Judl & PP dated 5.10.15 for comments on %the Protection of Manipur People Bill, 2015+

2.3.56 Following dimensions from constitutional and other angles need to be kept in view for a comprehensive analysis on this issue.

(1) Constitutional provisions as relevant to fundamental rights of Indian Citizen.

(1.1) **Article 15** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

(1.2) **Article 16** Equality of opportunity in matters of public employment.

(1.3) **Article 19** Protection of certain rights regarding freedom of speech etc.

19(1) (d) to move freely throughout the territory of India;

19(1) (e) to reside and settle in any part of territory of India;

19(1) (g) to practice any profession, or to carry on any occupation, trade or business.

(2) Bonafide residence requirement is normally 5 years.

(In this case it entitles only those people, who are staying since 1951 are only eligible. All others are not eligible, including a person who has been there for last 63 years, to illustrate.)

(3) Should not permission be only for non-Indian citizen?

Present proposal is to give permit to every Indian Citizen, with provision of renewal in every 6 months. (Implying that even an Indian Citizen can be denied).

(4) In case of law and order issue / problem, rather such a provision [While taking care of constraints as at (2) and (3) above], may be considered for a year or two. Invariably then for extension, fresh legislative approval (and

wherever Presidential assent is necessary, then that also be obtained again) would be necessary.

- (5) Limited restriction (as in case of land transfer may be justified (as in many other states) based on
 - (i) Social and other backwardness whence class of both transferor and transferee is constrained.
 - (ii) Profession of Buyer / Transferee and
 - (iii) Intentions of Buyer / Transferee.

- (6) Provisions contained in
 - (i) Govt. of India Act, 1874;
 - (ii) Govt. of India Act, 1919 with special provision for excluded and partially excluded area; and
 - (iii) Govt. of India Act 1935 with special provision for tribals rights.

2.3.57 It was further resolved that MoTA may provide information and analytical note as to how this Bill is going to serve interest of tribals in State of Manipur. Keeping in view issues at 2.2 above, (which is only illustrative) Tribal populace should not be put to any disadvantage in the State. MoTA may, therefore, collect necessary information and send to this Commission after their critical examination and comments thereon.

16	The Manipur Land Revenue and Land Reforms (Seventh Amendment) Bill, 2015
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2.3.58 MoTA vide OM No. 12015 / 01 / 2015 - C&LM - II dated 16.10.15 forwarded copy of MHA OM No. 17 / 42 / 2015 . Judl & PP dated 5.10.15 for comments on “The Manipur Land Revenue and Land Reforms (Seventh Amendment) Bill, 2015+”

2.3.59 MoTA may provide detailed information as how this Bill is going to serve interest of tribals in Manipur State. (Keeping in view also different dimensions as at para 2.2 above). A detailed analytical note may also be sent on other relevant dimensions (apart from ones mentioned at para 2.2 above can also be considered)

2.3.60 As per Constitution (89th Amendment), Act of 2003

“The Union and every State Government shall consult the Commission (NCST) on all major policy matters affecting Scheduled Tribes”.

2.3.61 State Govt. of Manipur has not consulted NCST before framing said Bill. Reasons for same may also be ascertained from Govt. of Manipur, as it is breach of Constitutional directives. MoTA may, therefore, collect necessary information and send to this Commission after their critical examination and comments thereon.

17	Procedure to be followed for dereservation of reserved vacancies in Central Public Sector Enterprises (CPSE)-applicability of DoPT OM No. 36020 / 2 / 2017 - Estt. (Res) dated 7.12.2009.
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2.3.62 Department of Personnel and Training, vide letter No. 36020 / 04 / 2014-Estt (Res) dated 12.8.15 forwarded copy of Ministry of Heavy Industries and Public Enterprises OM No. 6 (3) / 2012 - DPE (SC / ST cell) FTS-2610 dated 15.7.15 seeking clarification whether same procedure as enumerated in DoPT OM No. 36020 / 2 / 2007 - Estt (Res) dated 7.12.2009 may be adopted in CPSEs.

2.3.63 Commission decided not to agree to proposal forwarded by DoP&T on dereservation of reserved vacancies in Central Public Sector Enterprises (CPSE), vide OM No. 36020 / 2 / 2017- Estt. (Res) dated 7.12.2009.

2.3.64 Commission also resolved to send to DoP&T recommendations on the issue of dereservation as were made by NCST in its Annual Reports, for consideration of DoP&T.

18	Inclusion of "BODO KACHARIS" living in Karbi Anglong and NC Hills Autonomous Council Areas in Scheduled Tribes (ST) lists of Assam
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2.3.65 In pursuance to discussions held in 32nd, 34th & 50th meetings of the Commission Dr. Rameshwar Oraon, Chairperson alongwith Secretary and officers of NCST visited Assam State from 17.11.15 to 20.11.15 and conducted field visits on BODO KACHARIS+living in Karbi Anglong and NC Hills Autonomous Council Area of Assam to ascertain ground position and submitted a report (Annex- I). The team has recommended that it shall be appropriate to agree with State Government proposal to include Boro, Boro Kachari, Bodo, Bodo Kachari communities (both being one and same) residing in autonomous Districts of Karbi Anglong and North Kachar Hills of Assam in ST (hills) list of State which is also supported by Registrar General of India.

2.3.66 After detailed discussions on report and deliberations held in previous NCST meetings, Commission decided to recommend proposal for Inclusion of Boro, Boro Kachari, Bodo, Bodo Kachari communities (both being one and same) living in Karbi Anglong and NC Hills Autonomous Council Areas in Scheduled Tribes (ST) lists of Assam.

19	Draft note for the cabinet on (i) revision of the list of the scheduled tribes notified under article 342 of the constitution in the states of assam, chhattisgarh, jharkhand, tamil nadu & tripura; and (ii) the constitution (scheduled tribes) (puducherry) order 2016.
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2.3.67 Since, the Commission already gave its recommendations to the Ministry of Tribal Affairs for inclusion of the communities mentioned in cabinet note, in the Scheduled Tribes list of State Governments as indicated in the draft note for cabinet sent by the Ministry of Tribal Affairs, vide their o.m. no. 12026/91/2016-c&lm-i dated 01/02/2016, the Commission agreed and recommended the draft cabinet note. the Commission further Stated that matter may be taken up with Ministry of Tribal Affairs

to take necessary action for inclusion of Scheduled Tribes communities in the list of sts in the lists of the State Governments for which recommendations of the Commission have already been conveyed.

20	Notice of the private member's bill titled "the reservation for Scheduled Castes and Scheduled Tribes in private sector bill, 2015" by Shri Kodikunnil Suresh, Member of Parliament to be introduced in lok sabha – comments/views of the Ministry of Tribal Affairs.
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2.3.68 The Commission has discussed the matter and decided to recommend the proposed private member bill, being related to welfare of Scheduled Tribes.

21	Presentation on by Eight Groups of Secretaries before the Prime Minister.
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2.3.69 Secretary, NCST briefed the Chairman that eight Groups of Secretaries made a presentation before the Prime Minister. The Prime Minister, in his remarks during the concluding session of interaction with Secretaries on 21/01/2016, desired that all Secretaries will present and discuss the Final Group Reports before their Ministers and departmental Officers- Deputy Secretary and above. During the deliberations, each Department should identify the action points of their Department, arising from the deliberations and prepare a departmental Action Plan for implementation in a time-bound manner.

2.3.70 Accordingly the Secretary, NCST made a presentation on the Group recommendations before the Commission at its 82nd meeting held on 18th March 2016. The officers at the level of Deputy Secretary and above were present during this presentation.

2.3.71 It was recalled that mandate of the Commission include:

- a. Investigating and monitoring all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards.
- b. Participating and advising on the planning progress of socio-economic development of the Scheduled Tribes and to the evaluating the process of their development under the Union and any State.

2.3.72 The Commission noted that the topic for one of the Groups was Accelerated Growth with Inclusion and Equity. One of the slides in the presentation of this Group related to Social Equity. It is expected that the Action Plan of different Department in this regard would include Action Plan on recommendations made in this slide.

2.3.73 Accordingly, the Commission decided to take up the following activities, consistent with its mandate:

- a. The Commission would monitor the Action Plan of different Department on the subject of Social Equity in so far as it relates to Scheduled Tribes.
- b. The Commission would provide the facility for filing and tracking of grievances of Scheduled Tribes on its website by March 2017.

22	Draft Note for the Cabinet on Amendments to the “Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
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2.3.74 Ministry of Tribal Affairs, vide letter No. 18014/06/2016-C&LM-II dated nil forwarded Draft Cabinet Note of Ministry of Panchayati Raj circulated by it, vide O.M. No. N-11012/12/2011-PESA dated 18/04/2016, about incorporating Amendments to the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

2.3.75 The proposed Amendments explained in the draft note as given below were discussed:

- (i) Date of effect of the proposed amendments.
- (ii) The words “The Gram Sabha or the Panchayats at the appropriate level shall be consulted+ will be replaced by “Prior consent of the Gram Sabha or the Panchayats at the appropriate level shall be obtained+.
- (iii) A new Section 5 will be inserted providing for Rule making powers to the Central Government as well as to the State Governments.
- (iv) Renumbering of existing Section 5 as Section 6 and the provision of one year to be replaced by three years.

2.3.76 After discussion, Commission decided to support the proposed amendments to the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

23	The Odisha underground Pipelines, Cable & Duct (Acquisition of Right of user in Land) Bill, 2015.
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2.3.77 Ministry of Tribal Affairs, vide letter No. 23011/60/2015-FRA dated 15/02/2016 forwarded Bill moved by Ministry of Home Affairs vide F. No. 17/48/2015-Judl &PP dated 19/11/2015, seeking the views/ comments of Commission on Odisha underground Pipelines, Cable & Duct (Acquisition of Right of user in Land) Bill, 2015.

2.3.78 The Commission deliberated the Odisha underground Pipelines, Cable & Duct (Acquisition of Right of user in Land) Bill, 2015 with its objects and reasons for laying of underground Pipelines, Cable and Duct in the State of Odisha. Commission observed that tribal stay in remote areas and are in occupancy of land. The duties and functions of the Commission is to watch/ safeguard the interest of STs and their protection. The Bill does not speak about safeguarding the interest of tribal. Commission therefore decided to hold discussion with concerned officials on the Bill i.e. nodal Ministry i.e. Ministry of Home Affairs and the State Government before arriving/ framing the views/ comments on the subject matter.

24	The Odisha underground Pipelines, Cable & Duct (Acquisition of Right of user in Land) Bill, 2015.
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2.3.79 Ministry of Tribal Affairs, vide letter No. 23011/60/2015-FRA dated 15/02/2016 forwarded Bill moved by Ministry of Home Affairs vide F. No. 17/48/2015-Judl &PP dated 19/11/2015, seeking the views/ comments of Commission on Odisha underground Pipelines, Cable & Duct (Acquisition of Right of user in Land) Bill, 2015.

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2.3.81 Details of agenda items discussed and resolved are follows:

25	Review of DOP&T's OM No 36017/1/2004-Estt (Res.) dated 05.07.2005 regarding revision of quantum of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' posts proposal by Ministry of Home Affairs, vide letter No. I-45023/08/2014-Pers-II dated 04.08.2016.
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2.3.82 Ministry of Home Affairs sent meeting notice vide letter No. I-45023/08/2014-Pers-II dated 04.08.2016 to ~~to~~ Review DOP&T's OM No. 36017/1/2004-Estt (Res.) dated 05.07.2005 regarding revision of quantum of reservation for SCs, STs & OBCs in case of direct recruitment to Group 'C' posts ~~and~~ to discuss the matter.

2.3.83 On examination of the above DOP&T's OM and proposal for reservation by Ministry of Home Affairs, NCST decided to discuss the issue in the Commission's meeting to be held on 17.08.2016. Accordingly, Ministry of Home Affairs was informed vide letter No. 16/9/Review/MHA/2016-RU-III dated 11.08.2016 that comments/views of the NCST will be intimated in the matter.

2.3.84 On discussion, it was noted that proceedings of sitting dated 21.11.2014 issued by Hon^{ble} Vice-Chairperson regarding ~~relaxation/concession~~ in recruitment of Constables in the Para Military Forces i.e. ITBP Border areas ~~to~~ the Ministry of Home Affairs and DOP&T does not have the approval of the Commission.

2.3.85 On deliberations on the DOP&T's OM dated 5-7-2005 and reservation as proposed by MHA, it was observed that revision of quantum of reservation matter is an important one and desired that before framing views on the subject would discuss the matter with Ministry of Home Affairs, Department of Personnel and Training and National Commission for Scheduled Castes on 24.08.2016 for arriving at consolidated view.

26	Draft Cabinet Note on the Prevention of cruelty to Animals (Amendment) Bill, 2016 of the Ministry of Environments, Forests and Climate Change (Animal Welfare Division).
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2.3.86 Ministry of Tribal Affairs, vide letter No 15025/1/2016 C&LM-II dated 11-8-2016 enclosed a copy of the letter No 1/3/2010-AWD dated 15-6-2016 of Ministry of Environments, Forests and Climate Change (Animal Welfare Division) seeking comments of NCST on Draft Cabinet Note on the Prevention of Cruelty to Animals (Amendment) Bill,2016

2.3.87 On discussion, Commission agreed to support the Bill and suggest to add/insert following in the proposed Bill appropriately for safeguarding the interest of Scheduled Tribes:-

%Provided that event so organised by scheduled tribes in a manner prescribed by the religion or practiced traditionally under the customs or as a part of culture shall be held with prior approval of the gram sabha / gram panchayat / headman of the community concerned and shall be duly monitored by them+

27	Process by NITI Aayog for preparing 15 Year Vision Document, 7 Year strategic Plan, 3 Year Action Plan for the “Social Inclusion” chapter, which will include Scheduled Castes , Scheduled Tribes , OBCs, NT-SNTs and Minorities etc.
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2.3.88 Advisor, Social Justice and Empowerment, National Institute for Transforming India (NITI) Aayog, vide letter dated 17-08-2016 has sought inputs of NCST for preparation of Vision, Strategy and Action Plan Documents for the %Social Inclusion+chapter, which will include Scheduled Castes , Scheduled Tribes , OBCs, NT-SNTs and Minorities etc.

2.3.89 The Commission observed that as per Article 338A of the Constitution, the Union/ State Govt. are mandated to consult the Commission on all major policy matters affecting the Scheduled Tribes. Accordingly, Niti Ayog may consult the Commission once draft chapters on %Social Inclusion+has been prepared by them.

28	Draft Regulations Governing Adoption of Children (2016) framed under the Juvenile Justice (Care and Protection of Children) Act, 2015
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2.3.90 Ministry of Women and Child Development, vide F. No. CARA-LP03/2/2016 dated 09/06/2016 sought suggestions/views/comments of the Commission on %Draft Regulations Governing Adoption of Children (2016) framed under the Juvenile Justice (Care and Protection of Children) Act, 2015+

2.3.91 On perusal of Draft regulations, Commission noted that there is no mention about the status of by birth of ST children who would be adopted by person of general community i.e. as to whether such STs would continue to be treated as ST or not. The issue is important that point of when ST child is abandoned post adoption.

2.3.92 On this Commission advised that regulation need to have provisions in such a manner that children belonging to ST community may, post adoption, not lose their Constitutional benefits/ safeguards as are provided for STs.

29	The Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Bill, 2016.
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2.3.93 Ministry of Home Affairs/ Grih Mantralaya, vide F. No. 17/35/2016-Judl & PP dated 31/05/2016 sought NCST Comments on the Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Bill, 2016+

2.3.94 On discussion, Commission advised that cognizance of Customary Laws of Tribals/relevant Acts etc are need to be taken into account so as to ensure that cases of STs are dealt with by giving due consideration of their Customary Laws / relevant Laws/Acts etc. and also officers appointed for dealing such cases need to be sensitized.

30	Draft National Women Policy 2016 received from M/o WCD on National Policy Women 2016 for comments.
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2.3.95 Ministry of Tribal Affairs vide letter F. No. 20014/10/2013-R&M/Eco/Stats. dated 11th July, 2016 have sought the suggestions/comments of the National Commission for Scheduled Tribes on the Draft National Women Policy 2016 received from Ministry of Women and Child Development.

2.3.96 The Draft National Women Policy 2016 was discussed in the Commission. The Commission on deliberation decided to convey concurrence to the draft with advise to incorporate the following recommendations for safeguarding the interest of Tribal Women, consistent with the provisions provided under the Constitution of India:

I. Tribal Communities have distinct customs and traditions. Hence, their customary laws and traditional institutions need to be incorporated in the policy. (Differentiated approach but common goals for Scheduled Tribe women.) (this can be incorporated in Introduction to the policy)

II. Alternative Dispute Resolution (ADR) mechanisms exist in the tribal communities which will be recognized while promoting gender sensitive legal-judicial system. (under caption Objective item - viii)

III. Trafficking of women and violence against the migrant women labourers are emerging issues. Similarly, violence in the name of witchcraft to dispossess the property or physical exploitation in respect of ST women. They also need to be addressed in the policy. (under caption EMERGING ISSUES)

IV. As the ST women have lowest health indices, mainstreaming of validated tribal medicines and medical practices will be promoted through the primary health care

system as it would help improve primary health care delivery. (under caption PRIORITY AREAS- I. Health including food security and nutrition)

V. Similarly, to enhance nutritional status, traditional crops and food like raagi (mandua), Pulses like horse gram (kulti), minor millets, traditional vegetables like chakoda bhaji, drumsticks etc. will be promoted. This will be through procurement and distribution of traditional crops like minor millets, coarse grains and traditional pulses in tribal areas by procurement by the Government and distribution under PDS. This would enhance both nutritional and food security among tribal women along with the children. (under caption PRIORITY AREAS- I. Health including food security and nutrition)

VI. Making culturally relevant curriculum, and academic session in tune with tribal festivals, would be promoted as it would help in decreasing girls drop out and enhance their literacy during primary education. (under caption PRIORITY AREAS- II. Education, item (iii))

VII. Traditional vocations and skills during secondary education would be promoted to enhance employability. Shortage of teachers and paramedic would be overcome by training ST girls/ women. (under caption PRIORITY AREAS- II. Education, item (ii))

VIII. In view of lowest literacy among ST women, prescribing minimum education qualification for elected representatives can deprive large proportion of women in participation of democratic process and there by empowerment. Hence, no minimum qualification should be prescribed for ST Women to contest elections to the local bodies (under caption Emerging Issues of policy)

31	Letter No. 23/25/2016-Judl & PP dated 09.08.2016 received from MHA regarding Meeting to be chaired by the Additional Secretary (Le) to review the State Legislations received in MHA for Presidential Assent- received from State Governments and presently pending with Ministries/departments for comments.
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2.3.97 Pursuance of discussion held in the 87th meeting of NCST on 17-8-2016 on the Ministry of Home Affairs Meeting Notice No. 23/25/2016-Judl & PP dated 09.08.2016 regarding review the State Legislations received in MHA for Presidential Assent- received from State Governments and presently pending with Ministries/departments for comments. A copy of proposed ordinances (i) the Chotanagpur Tenancy Act, 1908 (Amendment) Ordinance, 2016 (CNTA) ;and (ii) the Santhal Pargana Tenancy (Supplementary Provisions) Act, 1949(Amendment) Ordinance, 2016 (SPTA) were received from Ministry of Tribal Affairs vide letter No 16016/2/2016-FRA dated 18-08-2016 for views /comments of the Commission.

2.3.98 The Commission after due examination of the proposed amendments has observed as follows:

Constitutional issues.

2.3.99 Scheduled Areas of Jharkhand are governed by two special laws (which apply to two different geographical areas of the state) proposed for amendments. The

primary focus of both the laws is land ownership, tenancy, transfer (includes sale, mortgage etc) and governance of Scheduled Areas. They are core to host of rules, regulations, notifications, guidelines relating to land and governance in these Scheduled Areas. Even though both the legislations date back to Colonial Government they have been granted Constitutional protection under Article 31 (B) (Validation of certain Acts and Regulation) by including them in IXth Schedule of the Constitution at SI No. 209 & 210.

2.3.100 In addition, the Constitution of India has continued with special governance mechanism for Scheduled Areas as provided under Article 244 read with Fifth and Sixth Schedule of Constitution of India. For peace and good government of Scheduled Area under Fifth Schedule, Governor of the State has been vested with powers to make regulations. One of the major areas of power in Para 5 of the said Schedule is to prohibit or restrict transfer of land by or among members of the Scheduled Tribes in such areas+

By proposed amendments, it would permit:-

- (a) non-agriculture uses of tribal lands by owners/ tenants, where at present agriculture and allied use of land permitted.
- (b) transfer of tribal land without mandatory prior written permission of the Deputy Commissioner (DC) for a variety of commercial purposes which are at present prohibited.

2.3.101 The commercialisation of land use and the lifting of constitutional and statutory restrictions on land transfer in Scheduled Areas run contrary to constitutional norms. The importance of protection of tribal land rights in Scheduled Areas has been emphasised by the Constitutional courts through various judgements. There are numerous such laws such as SPTA and CNTA, which prohibit / restrict alienation of tribal lands and require restoration of lands illegally transferred. These laws are in consistence with Article 15(4) %Special provisions of advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. Hence, they have stood judicial/ legal scrutiny.

2.3.102 In a leading case of Samatha vs State of Andhra Pradesh & others (1997) 8 SCC 191, the Supreme Court has highlighted that the object of Para 5 of the V Schedule is to establish egalitarian social order ensuring socio-economic empowerment to the Scheduled Tribes. It has highlighted ensuring customary and traditional rights protection and strict enforcement of state regulations for protection of tribal lands from alienation. Further, it has held that executive power under Article 298 and the legislative power under Article 245 to dispose of government property are subject to Para 5 of the said Schedule.

2.3.103 To prevent tribal land alienation in Scheduled Areas, constitution has provided high level of protection to both the laws and the Bihar Scheduled Areas Regulation, 1969 by including them IXth Schedule (Article 31B) of the Constitution of India at SI. No. 209, 210 and 211 respectively.

2.3.104 In view of the above, the Governor while exercising under Article 213 seems to have not considered these important points for peace and good government

in Scheduled Areas; particularly preventing alienation of tribal land. Even if considered papers sent do not speak of it or give rationale for the proposal.

2.3.105 After 1969 Regulation, it is learnt that amendments to the SPTA and CNTA (for Scheduled Areas of Jharkhand) were carried out through amendments to the Bihar Scheduled Areas Regulation, 1969. (In 1972, 1974, 1983 and 1986 in CNTA and in 1972, 1986 and 1998 in SPTA (through amendments in Bihar Scheduled Areas Regulation, 1969). Proposed ordinances seek direct amendments to SPTA and CNTA, which deviates from the above norms.

Some specific comments with regard to the proposed amendments:

2.3.106 Proposed amendments to SPTA and CNTA seek to make substantial changes to render them ineffective in safeguarding tribal land uses Eg., Sec 13 of SPTA and Sec 21 of CNTA that prohibit non agriculture use of land by land owner/tenant, even all these very proscribe is sought to be lifted by proposed amendments Sec 13 (A) of SPTA and Sec 21 (B) of CNTA to allow non-agricultural use.

2.3.107 Similarly, Sections 46, 47, 48, and 240 of the CNTA, which impose restrictions on the transfer of tribal lands to non-tribals in a variety of situations without the prior written permission of the DC, remain unaltered under the proposed amendments. Transfer without such permission of the DC is restricted to two scenarios under section 49(1). It is important to reiterate that ~~transfer~~is widely understood to include sale, mortgage, lease, gift, contract or agreement. Also unchanged is Section 71B, which prescribes that land transfers in violation of these provisions is a criminal offence punishable with imprisonment which may extent to three years and / or fine.

2.3.108 Once the land use is changed from agriculture to non-agriculture the restrictions placed on transfer of tribal lands by sections 46,47and 48 of CNTA and section 20 of SPTA will cease to apply. Transfer of such non-agriculture lands will then be governed by the Transfer of Property Act and none of the beneficial restrictions of CNTA and SPTA will apply. Thus, the proposed amendments will open the floodgates for alienation of tribal lands.

2.3.109 However, the proposed amendments to Section 49(1) seeks to insert a new sub-clause (c) which permits transfer of tribal land without the written permission of the DC for a host of developmental activities %~~or~~ any public purposes/ project or activity which the State Government may add by way of notification in the official gazette~~o~~ Although there is a requirement for recommendation of the Tribes Advisory Council, such requirement appears to be optional.

2.3.110 A plain reading of the proposed amendment clearly demonstrates that the State executive would be vested with enormous powers to permit the alienation of tribal lands for any project or activity it may specify, thus rendering the substantive prohibitions under the body of the law otiose.

2.3.111 The proposed amendments fall squarely within the meaning of colourable exercise of power, thus rendering them extremely vulnerable to legal challenge in the constitutional courts.

Delegation of power

2.3.112 It is further observed that a substantive change in the meaning and content of the law must be made through an amendment in the statute itself (which is a legislative act) rather than through rules and notifications (which are executive acts). Even if, in certain situations, such power is delegated to the executive by the legislature, there should be clear and unambiguous guidelines on how this delegated power is to be exercised. It is well established that the failure to provide such guidelines renders such delegation of power arbitrary and excessive, and hence contrary to Article 14 of the Constitution of India (See, for instance, *Agricultural Market Committee vs. Shalimar Chemical Works Ltd.* (1997) 5 SCC 516; *Kishan Prakash Sharma & Ors. Vs. Union of India & Ors.* (2001) 5 SCC 212; *K.T. Plantation Pvt. Ltd. Vs. State of Karnataka* (2011) 9 SCC 1).

2.3.113 In view of the above, the proposed amendments would result in a paradigmatic substantive change in the extant law relating to prevention of alienation of tribal lands in the Scheduled Areas of Jharkhand. However, the proposed amendments give no guidance on what is the nature and extent of such change, delegating the power to define the boundaries of such change in the State executive.

2.3.114 To illustrate, the proposed Section 13(A) of the SPTA and the proposed Section 21(B) of the CNTA both enable the State executive to regulate the non-agricultural use of the land in such geographical areas and for such uses as notified from time to time by the State Government+ (emphasis added). There is no indication, however, how such uses and areas are to be determined.

2.3.115 In addition, the proposed sub-clause (c) to Section 49(1) of the CNTA vests the State Government with sweeping powers to exempt any public purposes/project or activity which the State Government may add by way of notification in the official gazette on the basis of the recommendation of Tribes Advisory Council in the State of Jharkhand or for any other purposes which the State Government may by notification declare to be subsidiary thereto or for access to land used or required for any such purpose.+ (emphasis added). There are no guidelines on how the State executive shall determine which projects shall be thus notified except the requirement of the Tribes Advisory Council's recommendation. Even this requirement is unhappily worded and appears to be optional.

2.3.116 It is clear from the above that the substantive content of the change is completely delegated to the State executive through the framing of Rules for this purpose and/or notifications. There are no guidelines in the proposed amendments for the exercise of such delegated power; on the contrary it could be argued that such delegation is vague, excessive, and therefore contrary to Article 14 of the Constitution.

2.3.117 It is also inexplicable that the proposed amendments vest such sweeping rule-making powers in the state executive without proposing any amendment to the statutory provisions which vest the State Government with rule-making powers in the first place, being Section 71 of the SPTA, and Section 264 and 266 of the CNTA.

Conformity with Central Legislations

2.3.118 Another area of concern is the potential conflict between the proposed amendments to the SPTA and CNTA, where such field is already occupied by pre-existing Central Legislations which are also applicable to Scheduled Areas.

2.3.119 The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) is an important legislation enacted in terms of the mandate of Article 243-M (4) of the Constitution of India, with respect to governance in Scheduled Areas notwithstanding anything in this Constitution. Thus, PESA has overriding effect over the various provisions of the Constitution, including those relating to division of legislative powers between the Centre and the State.

2.3.120 PESA requires that the State Government shall make laws relating to panchayats which are in consonance with the customary law, social and religious practices and traditional management practices of community resources (Section 4 (a)) and shall further ensure that the Gram Sabha are competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution (Section 4 (d)).

2.3.121 With regard to economic development, PESA requires that the Gram Sabha should approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level (Section 4 (e) (i)). Section 4 (i) further requires Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for Development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas.

2.3.122 Specific to the issue at hand is Section 4 (m) (iii) of PESA, which requires that the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe should be vested in the Gram Sabha.

2.3.123 The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) has been enacted by Parliament in exercise of its legislative power under Entry 17-A and 17-B of List III of the Seventh Schedule, and it is further provided in the legislation itself that has overriding effect (Section 4 (1) and 13 of FRA). The role of the Gram Sabha in decision-making regarding its customary forest and resources under FRA has received the imprimatur of the Supreme Court of India in Orissa Mining Corporation vs. Ministry of Environment and Forests (2013) 6 SCC 476.

2.3.124 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), enacted by Parliament in exercise of its powers under Entry 42 of List III of the Seventh Schedule, also recognises the special status of tribal lands in Scheduled Areas. This is specifically states in Section 2 (2) of LARR Act as under:

Provided also that no land shall be transferred by way of acquisition in the Scheduled Areas in contravention of any law (including any other or judgment of a court which has become final) relating to land transfer, -prevailing in such Scheduled Areas.+

2.3.125 Section 41 of the LARR Act proscribes the acquisition of land in Scheduled Areas, and where such acquisition is absolutely necessary, their prior consent of the Gram Sabha is a pre condition Section 42 further requires the compensation resettlement of forest rights under the FRA, where such rights are to be acquired under the LARR Act.

2.3.126 It is stated that the proposed amendments to the SPTA and the CNTA are being made in exercise of prior under Entry 18, List II of the Seventh Schedule.

2.3.127 The proposed amendments make no reference to the aforesaid or any other Central legislations, nor conform to the requirements of these legislations. There is no provision for safeguarding the rights of the community as a whole over the lands which would become open to commercial non-agricultural use and transfer, whether through consultation with the Gram Sabha, the village headman, or any other mechanism. Nor is there any provision for the involvement of the Gram Sabha in the decision-making process when lands are transferred for development activities, or prior consent when such lands are acquired. Indeed, the existing controls, which are limited in nature, are also sought to be dismantled.

2.3.128 The proposed amendments, in so far as these are contrary to the Central legislations which already occupy the field, would be beyond the legislative competence of the State Legislature, and therefore of the Governor also.

Legislation through an Ordinance

2.3.229 An ordinance under Article 213 of the Constitution is subject to judicial review in the same manner as any legislation, namely, on the grounds of lack of legislative competence, colourable exercise of power, and violation of fundamental right (see, for instance, *Sat Pal and Co. Vs. Lt. Governor Delhi* (1979) 4 SCC 232; *T. Venkatala Reddy vs. State of Andhra Pradesh* (1985) 3 SCC 198; *Gurudevadatta VKSS Maryadit vs. State of Maharashtra* (2001) 4 SCC 534).

2.3.230 Under Article 213 of the Constitution, the satisfaction of the Governor that circumstances exist which render it necessary for to take immediate action+is not subject to judicial review. It is necessary, however, that the Governor should have satisfied himself that such circumstances exist, and the facts and materials in this regard are justiciable (see *A. K. Roy vs. Union of India* (1982) 1 SCC 271). The materials available in the present case do not demonstrate that such circumstances exist.

2.3.231 According to information available in the public domain, the proposed amendments were discussed by the Tribes Advisory Council in January, 2016, and thereafter were approved by the State Cabinet in May 2016. The Jharkhand Vidhan

Sabha, which was in session till recently, will reconvene shortly for its next session. There does not appear to be any factual basis for promulgating these far-reaching amendments through Ordinances under Article 213 of the Constitution, when in a few short weeks the same will have to be placed before the Vidhan Sabha, and subjected to the scrutiny of the elected representatives.

2.3.232 For the reasons, it may be prudent not to adopt the procedure under Article 213 to bring amendments to the SPTA and the CNTA, choosing instead present the same in the form of Bills before the State Legislature instead.

2.3.233 Given the sensitive nature of protection of land rights of tribals in Fifth Scheduled Areas, and the complex architecture of constitutional and legislative provisions as well as judicial precedent on the subject, and for the reasons stated in above paragraphs the Commission has recommended that assent of the Hon'ble President of India may not be accorded to the proposed Ordinances till they are revised thoroughly in order to bring these in conformity with the letter and the spirit of the Constitution and the Laws made thereof.

2.3.234 The Commission decided that the above views alongwith Annexure-I on the subject, may be conveyed to Ministry of Home Affairs and Ministry of Tribal Affairs. Commission also decided to convey its views to Hon'ble Governor of Jharkhand.

32	Draft Cabinet Note on the Prevention of cruelty to Animals (Amendment) Bill, 2016 of the Ministry of Environments, Forests and Climate Change (Animal Welfare Division).
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2.3.235 Ministry of Tribal Affairs, vide letter No 15025/1/2016 C&LM-II dated 11-8-2016 enclosed a copy of the letter No 1/3/2010-AWD dated 15-6-2016 of Ministry of Environments, Forests and Climate Change (Animal Welfare Division) seeking comments of NCST on Draft Cabinet Note on the Prevention of Cruelty to Animals (Amendment) Bill,2016

2.3.236 On discussion, Commission agreed to support the Bill and suggest to add/insert following in the proposed Bill appropriately for safeguarding the interest of Scheduled Tribes:-

%Provided that event so organised by scheduled tribes in a manner prescribed by the religion or practiced traditionally under the customs or as a part of culture shall be held with prior approval of the gram sabha / gram panchayat / headman of the community concerned and shall be duly monitored by them+

33	Process by NITI Aayog for preparing 15 Year Vision Document, 7 Year strategic Plan, 3 Year Action Plan for the "Social Inclusion" chapter, which will include Scheduled Castes , Scheduled Tribes , OBCs, NT-SNTs and Minorities etc.
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2.3.237 Advisor, Social Justice and Empowerment, National Institute for Transforming India (NITI) Aayog, vide letter dated 17-08-2016 has sought inputs of NCST for preparation of Vision, Strategy and Action Plan Documents for the %Social

Inclusion+chapter, which will include Scheduled Castes , Scheduled Tribes , OBCs, NT-SNTs and Minorities etc.

2.3.238 The Commission observed that as per Article 338A of the Constitution, the Union/ State Govt. are mandated to consult the Commission on all major policy matters affecting the Scheduled Tribes. Accordingly, Niti Ayog may consult the Commission once draft chapters on %Social Inclusion+has been prepared by them.

34	The Karnataka Transparency in Public Procurement (Amendment) Bill, 2016 received from the Ministry of Home Affairs , vide OM No 17/47/2016- Judl. and PP dated 20-9-2016
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2.3.239 Ministry of Home Affairs, vide OM No 17/47/2016-Judl and PP dated 20-9-2016 forwarded the Karnataka Transparency in Public Procurement (Amendment) Bill, 2016 seeking comments of National Commission for Scheduled Tribes. The said Bill proposes to amend by insertion of following in Section 6:-

%Provided that, the tender inviting authority shall, in the notified Departments out of those construction works, value of which does not exceed Rs. 50.00 Lakhs such number of works not exceeding 17.15 percent be tendered only among the tenderers belonging to the Scheduled Castes Category and such number of works not exceeding 6.95 percent be tendered only among tenderers belonging to the Scheduled Tribes Category, by taking out notices, communications and publications required to be taken following the prescribed procedure.+

2.3.240 The Bill was discussed and proposed insertion in Section 6 in the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 28 of 2000) is supported by the Commission. Details in template placed before the Commission were also approved for its submission to MHA.

35	Sixth Report (Sixteenth Lok Sabha) of the Committee on Empowerment of Women (2015-2016) on the Empowerment of Tribal Women-follow up action on the observations/recommendations - received from Ministry of Tribal Affairs, vide OM No.12015/3/2014- Eco (Pt.V) dated August, 2016.
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2.3.241 Ministry of Tribal Affairs, vide OM No.12015/3/2014- Eco (Pt.V) dated August, 2016 has forwarded the Sixth Report (Sixteenth Lok Sabha) of the Committee on Empowerment of Women (2015-2016) on the Empowerment of Tribal Women-follow up action concerning to the Commission for consideration/ observations/ recommendations made by the Commission, which reads as under:

%hat existing laws to safeguard tribal women against atrocities have not been responsive enough to protect them from such crimes. This grim reality is reflected in the data compiled by the National Crime Records Bureau (NCRB) as well. Apart from being hoodwinked by non-tribal people crimes of grievous nature, such as murder, rape, molestation and grave hurt etc against tribal women are not rare, notwithstanding the existence of stringent laws. The Committee are also perturbed by the inaction of

police and administration to such injustice, unwarranted delay in reporting of those cases, failure to register cognizance offences, time-lag in visits to the scene of crimes and also by the delays in charge-sheeting the accused persons. Thus, the Committee would suggest an overhauling of administration, particularly the police force, in tribal dominated areas to make them responsive, alert and sensitive to the crimes against tribal women. The Committee, therefore, recommend to operationalize a %Special Cell+ under the Station House Officer (SHO) in each police station, particularly in tribal-dominated areas, to take on-time cognizance and remain accountable for any lapses in taking note of such offences. The Committee would like these cells to periodically send report to offices of Director General of Police, National Human Rights Commission, Commission in respective States and to National Commission for Scheduled Tribes for their subsequent scrutiny, validation and necessary follow up action.+

2.3.242 As regards recommendation of the Committee that %hese cells to periodically send report to offices of Director General of Police, National Human Rights Commission, Commission in respective States and to National Commission for Scheduled Tribes for their subsequent scrutiny, validation and necessary follow up action+. The Commission accepted the above recommendation and decided that a letter to all Chief Secretaries and Director General of Police may be addressed by the Ministry of Tribal Affairs for taking necessary action on the recommendation of the Committee.

36	Draft Expenditure Finance Committee (EFC) Note for Installation of Solar Energy Based Dual Pump Scheme in remote habitations of the Country (forwarded by the Ministry of Drinking Water and Sanitation vide letter no W.11042/45/2015-Water-I dated 09.09.2016) received through Ministry of Tribal Affairs vide letter No 20025/1/2016-NCST dated 22.09.2016.
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2.3.243 The Ministry of Tribal Affairs, vide letter No 20025/1/2016-NCST dated 22.09.2016 has forwarded the Ministry of Drinking Water and Sanitation letter No W.11042/45/2015-Water-I dated 09.09.2016 along with Draft Expenditure Finance Committee (EFC) Note, for Installation of Solar Energy Based Dual Pump Scheme in remote habitations of the Country, for Installation of 15400 Solar Energy Based Dual Pump scheme in remote habitations in 17 States of the Country, seeking comments of Commission.

2.3.244 Commission supported Draft EFC note with advise that Solar Energy Based Dual Pump may be considered for installation according to the percentage of Scheduled Tribes population in the concerned State/ District/Block etc for equal distribution in tribal areas/remote areas.

38	Inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans ST of Tamil Nadu State.
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2.3.245 In pursuance of deliberations in the NCST 62nd meeting held on 17.10.2014 on the proposal for Inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans ST of

Tamil Nadu State. Ministry of Tribal Affairs and Registrar General of India (RGI) were invited for discussion on 10.05.2016. In the meeting, it was decided that Kuruman is considered synonym of Kurumans, whereas Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar, cannot be equated/ considered synonyms of kurumans.

2.3.246 Registrar General of India, vide its letter dated 03.06.2016 informed that they had examined the proposal for inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans ST of Tamil Nadu State. Out of these, only Kuruman was supported twice (2007 and 2009) by the office of the RGI as a synonym of Kurumans Scheduled Tribe of Tamil Nadu on the basis of published available information and as per the existing modalities approved by the Government of India in 1999 (revised in 2002). The Office of the RGI reiterated its earlier views sent in 2009 on the proposal for inclusion of Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar Communities as synonyms of Kurumans in STs list of Tamil Nadu. The comments on each communities has been enclosed clearly justifying the stand of RGI.

RGI has supported inclusion of Kuruman as synonyms of Kurumans ST only.

2.3.247 The Commission noted that RGI's views for not considering Kuruma, Kurumba, Kurumba Gounder, Kurumban and Kurumbar as synonyms of Kurumans is on the basis of ethnographic study/ published literature.

2.3.248 In view of the above, Ministry of Tribal Affairs may be intimated that Commission only support proposal for inclusion of Kuruman community as synonyms of Kurumans ST of Tamil Nadu State.

2.3.249 The Commission during the year 2015-16 and afterwards upto October, 2016 has made recommendations on above policy issues on which comments/views/advise of the Commission were sought, as required under Article 338A (9) of the Constitution. Government, while laying action taken memorandum on this report in parliament, may also lay the action taken/proposed to be taken by each ministry/department on the recommendation made in each of the policy issue.

2.4 Field visits of the Commission and Review meetings taken during visits to monitor the implementation of reservation policy and welfare programs being run for the Scheduled Tribes in various States/ Organisations.

2.4.1 During the year 2015-16 and afterwards upto October, 2016, the Commission visited some States and Organisations to have first hand information about implementation of various developmental programs being run for the development of the Scheduled Tribes. During the year, the Commission visited following States/ Organisations and the details of same along with observations and recommendations of the Commission in this regard are given as under:-

(A) UTTARAKHAND - Tour Report of the visit of Shri Ravi Thakur, Hon'ble Vice-Chairperson, NCST to the State from 23.4.2015-28.4.2015

Review meeting was held with ONGC SC/ST Employees Association and the management of ONGC on 24.4.2015.

A1 Hon'ble Vice-Chairperson, NCST was appraised by the office bearers of association that the Scheduled Tribes employees and officers are not being given adequate representation in postings abroad especially in the associate companies like OVL, MRPL, OPAL, PETONET, LNG, OTPC etc. Relaxation in the selection criteria should be given to ST employees to provide them opportunity. It was also informed that there is no representation of SC/ST employees in PAR committee and employees of this category are being superseded in promotion to the post of DGM (E6) and GM (E7). It was also demanded that employees of reserve category should be given adequate representation in training programs, workshops, seminars, conferences and other forums. In the meeting with management of ONGC, Hon'ble Vice-Chairperson recommended to sort out the issues raised by the office bearers of SC/ST employees association.

Meeting with ST employees and management of Indian Council for Forestry Research and Education.

A2 In the meeting with ST employees, Hon'ble Vice-Chairperson, NCST was appraised by the Scheduled Tribes employees that many posts reserved for Scheduled Tribes are lying vacant as no appointments are taking place since long time. The meetings of DPC are also not being held in the institutes and the Council. The employees are not getting benefits of MACP. Besides above, the post based rosters are not maintained in the institutes and council. No special recruitment drive is being conducted and the caste certificates of employees are also not being verified by the Competent Authority. **In the meeting with the management, Hon'ble Vice-Chairperson advised the the Director General of the Council to sort out the issues raised by the ST employees working in the organisation. Keeping in view the excellent research activities being carried out by the Council, he also advised to extend the benefit of research to the tribals and establish a 'Kissan Call Center' in the Council and institutes.**

Meeting with Hon'ble Chief Minister, Uttarakhand

A3 Hon'ble Vice-Chairperson met Shri Harish Rawat, Hon'ble Chief Minister, Uttarakhand and advised to fill up vacant posts in Uttarakhand State ST Commission and Tribal Advisory Council of the State.

Meeting with SC/ST Employees Association and management of Tehri Hydro Development India Ltd.

A4 Hon'ble Vice-Chairperson held a meeting with members of SC/ST employees association and management of Tehri Hydro Development India Ltd on 26.4.2015. The members of association informed him that career upgradation scheme was implemented in the company in the year 2001 which has benefited 85 employees of unreserved category of no employee of reserved category has been benefited so far. They are not being given adequate representation for higher education and outsourcing of manpower. The Commission advised the management to look into the issues raised by the employees and solve their problems at the earliest.

Review meeting with District Administrations of Tehri Garhwal District

A5 The Commission held a meeting with the District Administration of Tehri Garhwal District and suggested to extend maximum benefits of FRA, IAY, Tehri Dam rehabilitation plan, MGNAREGA, National Livelihood Mission, TSP, Education, Health ,Scholarship, Drinking water, Electrification, PMGSY, Water Shed Development Mission, Construction of Toilet in the Schools etc. to the tribal community of the District.

(B) TRIPURA - Tour Report of the National Commission for Scheduled Tribes (NCST) to State of Tripura from 20-05-2015 to 24-05-2015.

B1 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Shri Ravi Thakur, Hon'ble Vice-Chairperson, Smt. K.D. Bhansor, Director, Shri Rajesh Kumar, Under Secretary, NCST and Shri R.K.Dubey, Assistant Director, NCST, Regional office, Bhopal visited State of Tripura from 20-05-2015 to 24-05-2015 for district and State level review meetings and field visits to monitor the status of development programmes, implementation of reservation policy and SC & ST (PoA) Act, 1989 in respect of Scheduled tribes of State in accordance with programme communicated to the State Govt. vide Wireless message No. REVIEW/SERVICE/TRIPURA/2015/RU-II Dated 28-04-2015.

20-05-2015

Formal welcome and briefing the Commission about various aspects of tribal development by Director, Tribal Development Department, Govt. of Tripura.

B2 The Commission reached Agartala Airport where it was welcomed by the Secretary and Director, Tribal Development Department and other officers of the State Government. Commission was shortly briefed about the administrative set up, developmental initiatives of the State Government and tribal culture of the State. Thereafter, the Commission proceeded for Ambassa, the district headquarters of

Dhalai District by road and reached Ambassa Circuit house at 14:00 hrs. in the afternoon where District Collector, Dhalai and other senior officers of district Administration welcomed the Commission. Representatives of many tribal Associations and other social groups also welcomed the Commission. Thereafter, the District Collector, Dhalai briefed the Commission about the general information related to the district. It was followed by meeting with tribal representatives.

Meeting with Representatives of Orang (ST) community:

B3 A delegation of Orang (ST) community hailing from Bilaschhora Gram Panchayat under Durga Choumani RD Block met the Commission who are Tea Garden workers and had migrated from Jharkhand many decades ago. They were working in Nirula Tea Company, Ram Durlabhpur. The Commission inquired about their income, level of education, health facilities, PDS and availability of other facilities and services. It was informed that the level of education among this community is much below than other communities and the community is mainly indulged as labour in Tea Gardens. For health care, they have to go to Kamalpur PHC which is 6 Kms away. Only few medicines are provided from the PHC and they have to purchase rest of the medicines from open market. The children do not have to pay fee in the schools up to class 8th and are provided free books. They have been provided Forest Right Pattas to the extent of 4.7 acres. Under MGNREGS, they are provided work up to 150 days in a year being FRA beneficiary. Others are provided work up to 100 days in a year. They are provided wages @ Rs 71 /- per day and 5 kg rice and 8 kg flour per person per month. Besides above cash subsidy of Rs 35 /- per month is given by State Government for Pulses, Salt etc. This rate of wages and ration is as per agreement of Workers Union with the Company Management. They informed that they had planted 3,000 Tea plants in a part of their land with Government assistance and Tea leaves are sold @ Rs 15 /- per Kg. The total production of tea leaves was about 20 Kg. The delegation demanded for more assistance from the State Government so that more area can be brought under Tea Plantation to enhance their income. They also demanded that wages may be paid to them as per Minimum Wages Act as the present rates are much low and they are being exploited by the company.

21-05-2015

Field visits

B4 **Visit to Kumardhan Para under Balaram Village Committee:** The Commission visited this village and interacted with the tribal villagers, Gram Panchayat representatives and Local Officers to get first hand information on the implementation of various developmental programmes. During the discussion from villagers, Commission was informed that medium of education in the schools is Bangla and English. The tribal boys and girls are attending nearby schools. Under PDS, BPL families are being provided 35 Kg rice @ Rs 2 /- per Kg. and the APL families are being provided 20 Kg. rice @ Rs 10.35 /- per Kg. per month. Wheat flour is supplied 10 Kg. per month @ Rs 10 /- per Kg. to BPL and APL families both. Sugar is also provided under the PDS. Forest Right Pattas have been distributed to the villagers to the size of 2 to 3 acres of land. The villagers were producing rice and pineapple on their land. Many villagers were assisted by the Horticulture Department and provided pineapple plants. It was informed that the villagers were doing Jhum (shifting) cultivation after

clearing large pieces of forest land. After a few years, they used to shift to other plot of land due to reducing production. Thus, traditionally they were in possession of much more land but the pattas provided to them under FRA were very small and not sufficient for earning their livelihood. Following demands were made by the villagers during the visit of the Commission:

1. Under FRA, land pattas up to 10 acres of land can be provided to the eligible tribals and other forest dwellers. The villagers were in possession of very large plots of land under Jhum cultivation but on an average, they have been provided rights on only 2 to 3 acres of land. They should be provided 10 acres of land as per provisions of the Act.
2. More Government Assistance should be provided to them for plantation of pineapple and rubber trees by Horticulture Department and a processing unit should be established in the area with marketing facility.
3. The FRA beneficiaries should also be provided Indira Awas under IAY.
4. As there is a ceiling imposed by the State Government on number of BPL families, all BPL card holders could not be provided benefit of IAY. Those, who could not be included in the BPL list due to above ceiling, were listed in ad-hoc BPL category. They should also be provided benefit of IAY.
5. The villagers have to go to Balram village for medical facilities which is 8 kms away. A health sub-center should be opened in Kumardhan Para. A mobile health van comes to the village once in a month and the frequency of visit of this van should be increased.
6. Malaria is prevailing in the village. Though, one mosquito net has been provided to every family, it is not sufficient. More such nets should be provided.
7. Tap water should be supplied in the village. Presently, the villagers use water of the nearby rivulet which becomes muddy during the rains.
8. Toilets have been constructed in the school of the village but the pump for water supply is not working from the date of installation. No alternate arrangement of water supply has been made as a result of which it is not being used. Arrangement of running water should be made urgently.
9. The villagers have formed a cultural group for tribal dances including famous Garia Dance. Musical instruments, dresses, ornaments and financial assistance may be provided to the group.
10. Job cards have been issued to the tribals under MGNREGA and they are being provided employment under this scheme. There is a requirement of construction of road to connect the hamlets of some Tripuri community residing apart from the main village.
11. Hostel is not provided to the students after class 10th. Hence, the students have to take accommodation on rent for which no additional stipend is provided to students after class 10th by the State. It was clarified by the Director, Tribal Welfare Department of the State Government that if the five students studying in class 11th and above stay together, the place of residence will be treated as hostel and they will be eligible for stipend. The Commission noted that this is not a practical direction and it is very difficult to implement it. This schemes should be re-examined and made practical in favour of tribal student. Till then the State Government should create awareness among tribal students about this provision so that they can avail benefit.

12. Inner line permit system should be implemented for the tribal areas of the State for protection of the tribal Communities as prevailing in other tribal States of north-east India.

Visit to East Kathal Chhera village under Manu RD block:

B5 The Commission visited the site of Pineapple plantation in the village and discussed with the tribal beneficiaries about the facilities being provided to them by the State Government. It was informed that the villagers have planted Jackfruit and Litchi Trees also besides Pineapple plantation in a part of their land. They are cultivating Paddy on the land acquired for Jhum cultivation. On query, it was informed that the villagers are getting Rs 10/- to 20/- per Pineapple depending on the size. They demanded for more assistance in Pineapple plantation by the State Government along with marketing facility as NERAMEC is not Procuring their Pineapple and other products. There is a scope of establishing a food processing unit in the area. The Commission also discussed with the villagers about the working of village committee, medical facilities, poultry farming, dairy farming, drinking water, power supply, PDS and educational facilities. The villagers informed that 47 families of the village have been given Forest Right Patta to the extent of 2 to 2.5 acres of land. About 12 families have submitted their claim but they have not been benefited till date. The Commission advised the DC to settle these pending claims also at the earliest.

Visit to Karati Chhera village under Manu RD block:

B6 The Commission was informed that most of the villagers of this village belong to Riang PVTG. There are 160 families of this community with a population of 719 persons. Some Garo families also reside in the village. It was informed that the Riangs were doing Jhum cultivation and were landless. Out of 160 families, 60 families have been given Forest Right Patta and remaining 100 families are yet to get Forest Right Pattas. During discussion with the Commission, villagers demanded that Forest Right Pattas should be provided to them and they should also be provided benefit under IAY. The Commission was informed that the villagers were getting employment of 93 days on an average.

Discussion with the tribal beneficiaries of IGDC project, S.K. Para:

B7 The Commission met tribal beneficiaries of Indo- German Development Collaboration project, S.K. Para where a nursery has been established in the nursery, lemon plants are grown up with Betel wines, Black pepper and ladyfinger plants. In this project, material costs have been provided by the project team and the beneficiaries have put their labour. The beneficiaries have taken land for lemon plantation on a lease of 10 years from the landlord who is paid Rs 5,000 /- Per year by the beneficiaries. Some lemon is purchased by the project on buy back basis and remaining produce is sold in the markets of Agartala and Silchar. The beneficiaries informed that their income has increased after joining this project.

22-05-2015

Meetings with tribal representatives:

B8 The Commission met following delegations/individuals of tribal community in the morning:

Shefali Dal Self-help Group, Uttarnali Chhera GP under Ambassa RD block:

B9 Chairperson, Secretary and other members of Shefali Dal SHG met the Commission and discussed about activities of their group. The Commission was informed that with the inspiration and motivation of DRDA on 25-05-2009 with a group of 10 women, all from Tripuri ST Community. This SHG was financially assisted by Tripura Gramin Bank. It was informed that the group was started with monthly saving of Rs. 100 /- per member and a loan of Rs. 15,000 /- was provided by above bank. A revolving fund of Rs. 10,000 /- was kept for day-to-day requirements. The main activities of this group are Sericulture, Fishery and Beekeeping. With the efforts of the members, now this group has been graded as no. 1. A bank has given loan of Rs. 3,20,000 /- to this group for extension of its activities wherein there is a subsidy of Rs. 80,000 /- . The repayment of loan is also satisfactory and so far 80% of the loan has been recovered. The members of the group have undergone training on the above activities and the group is now ready for processing of Cocoons for production of Yarn and silk weaving. The Commission was impressed with the success of this SHG and advised the State Government to extend such activities in other areas also so that income of the community is increased substantively. The group member demanded for more financial assistance for extension of Sericulture and plantation activities to increase their income.

Meeting with Shri Sanjit Debberma, RTI and Human Rights Activist:

B10 Shri Sanjit Debberma, RTI and Human Rights Activist met the Commission and requested for interference of the Commission about alleged killing of a tribal women in the District who worked as a cook in a hostel and was found hanging in the toilet. He informed that the incident had occurred 2 months ago before Autonomous District Council elections and the case has not been registered under SC and ST (PoA) Act. He also raised the issue of forceful ejection of tribals from their Patta Land by the Forest Department at Ralpasa under Ambassa Forest Sub-division. He also alleged that tribal families were not allowed to remove their Rightful Forest Resources for their Non Forest Land at Masuraipara, Shikaribari, S.K. Pada etc.

District level review meeting with District Collector, Dhalai District and other Senior officers of the District Administration:

B11 In the beginning of the meeting, the Deputy Collector, Dhalai welcomed the Commission. Chairperson of Jila Parishad was also present in the meeting. Chairperson, NCST appraised the officers present in the meeting about Constitutional Provisions for Scheduled Tribes and the role of National Commission for Scheduled Tribes. Thereafter, a power point presentation was made by the District Welfare Officer, Dhalai depicting general and statistical information about the District. The

Commission was informed that there are eight districts in the State and Dhalai is the largest among them. About 70% area of the District is hilly and forested. Only 14% area of the District is available for agriculture. The District is having 4 Sub. divisions, 8 Blocks and 41 Gram Panchayats. The population density of the State is 350 persons per Sq.Km. and the District is 157 persons per Sq.Km. It was informed that as per 2011 census, the population of District was 3,78,230 out of which there were 1,94,544 males and 1,83,686 females. The gender ratio was 959 females per 1000 males. The estimated tribal population was 2,44,903. The average number of man days generated in the District under MGNREGS was reported to be 98 which are highest in the country.

B12 After the power point presentation, detailed discussion was held with the officers of various departments present in the meeting on the basis of feedback received from the tribals by the Commission during the field visits and the reply to the questionnaire furnished by the District Administration. Following action points emerged for action:

1. The Commission noted with concern that the wages being paid to the tea garden workers was inadequate, who are mostly tribals. They are being paid in cash and kind by the company. The wages are based on the agreement between the concerned company and the labour union. The Commission advised to ensure payment of minimum wages to these workers and see that the tribals are not exploited.
2. Though the implementation of FRA was satisfactory in the District and the tribals and other Forest Dwellers have been benefited by it, the average size of FR Pattas was about 2.5 acres which is very small in size and it is not sufficient for earning their livelihood. The tribals informed the Commission that they were in possession of much bigger plots of land on which they were doing Jhum cultivation and they were eligible for allotment of pattas up to 10 acres as per provisions of this Act but the FR pattas provided to them was very small. The persons in possession of more forest land should be provided FR pattas to the extent of 10 acres to stop them from resorting to Jhum cultivation.
3. In many villages, the tribals are dependent on nearby rivulets for their water requirements. During the rainy season, the water becomes muddy and they often suffer from water borne diseases. During 2014-15, 54 people had died out of malaria out of which 53 belonged to ST and 1 to SC community. Though, 1 mosquito net has been provided to each family in the District, it is not sufficient to check the occurrence of this disease. More efforts are required to curb this vector borne disease.
4. The pumps for lifting water for supply in houses were also not working. Kumardhan Pada and other tribal villages should be provided safe tap water and the pumps should be repaired immediately for water supply.
5. There is no hostel facility for tribal students studying in class 11th and 12th and they have to stay in rented houses. If they would have been provided hostel facility, they were entitled for Rs. 1,200/- as stipend but due to non availability of hostel, they are being paid Rs. 500/- only as stipend being day boarder. This is disadvantageous to them in pursuing their education. The students are not aware that if 5 or more students stay together and their kitchen is common, their place of stay shall be treated as a hostel and they will be entitled to the stipend

- of Rs. 1,200 /- . The Commission advised to review this policy in the interest of tribal students.
6. There is a demand from the tribals for more Government assistance in Pineapple and rubber Plantation. Marketing facility should also be provided in the area. Food Processing Unit should be established the District for the benefit of tribals.
 7. Poultry activity should be promoted among the tribals in the District so that their income is enhanced.
 8. A nursing school should be opined in the District as tribal girls are found more sincere and devoted in this profession. This will also make them employable.
 9. One Eklavya Model Residential School should be opined in Dhalai District as presently there is Ashram School for the students studying in class 3 to 5.
 10. The dropout among tribals at high school level is above 20% which is much more then unreserved population which needs to be addressed. Attempt should be taken to retain the tribal students in the educational institutions Focus should be there on Science and Maths subjects so that the tribals students can get admission in the Engineering and medical colleges of the State and outside.
 11. Shortage of teachers in the educational institution located in tribal areas, particularly in science subjects should be addressed urgently as it affects overall educational growth of the tribal students.
 12. There is a demand from the tribal groups for inclusion of Kok Borok language in the 8th scheduled of the constitution of India. Various tribal groups are demanded for financial assistance for preserving their art, culture and dances. Some of them have made specific request for providing musical instrument, ornaments and dresses. The District Administration should look into it and provide them the desired assistance.

Meeting with office bearers and representatives of tribal Associations at State guest house, Agartala:

B13 In the afternoon, the Commission met office bearers and representatives of various tribal Associations and individuals. The objective of this meeting scheduled by the Commission was to have feedback on different issues and problems concerning the tribal population of the state. Representatives of following Associations attended the meeting and shared various issues related to the tribals:

Tribal Engineers Society, Tripura:

B14 Following information was provided to the Commission by the representatives of Tribal Engineers Society, Tripura:

1. The Commission was informed that 26,735 posts were lying vacant as on 31-03-2013 in the services under Government of Tripura out of which 9769 posts were reserved for Scheduled Tribes. It was also informed that in the Public Works Engineering Department, 156 posts of Engineers of different level were lying vacant. Similarly, in the promotion quota, 84 reserved posts of Executive Engineers and 16 reserved posts of Superintending Engineer were lying vacant in the Public Works Engineering Department. In the Power department also, 08 reserved posts of Executive Engineers is lying vacant. The State Government

- is not taking whole hearted efforts in filling the backlog posts. It was demanded that the Commission should take up the matter with the state Govt. to initiate Special Recruitment Drive to clear the backlog in direct recruitment and also start promotion exercise to fill up the reserved posts under promotion quota.
2. The issue of imposition of departmental exam through 7th Amendment of rules in Tripura Engineering service was also raised before the Commission and it was informed that this Amendment is detrimental to the interests of Scheduled Tribe candidates having Engineering degree as they are unable to get entry in the junior posts. Thus, they are not likely to go higher posts in the Engineering services.
 3. It was also informed that many departments, including PWE Department are not maintaining reservation roster as per the provisions. Moreover, The PWE Department is giving Current Duty Charge or Full Duty Charge to the Executive Engineers as Superintending Engineers which continues up to 5 to 7 years and reservation is not being provided while giving Current Duty Charge. Thus, the Scheduled Tribe officers are deprived in the process.
 4. The State Government is not nominating the Scheduled Tribe officers of the State for Indian Administrative Service. Though, there is no reservation applicable, there are capable tribal officers in the State and the State Govt. should not discriminate with them.
 5. The representation of Scheduled Tribe officers in higher posts in the State is not adequate. As per the judgment pronounced by Hon^{ble} Supreme Court in the famous Nagaraj case, the representation of weaker section in the services under the State should be adequate but in Tripura, it is not so. Hence, the State Govt. may be directed to provide responsibilities to the ST Officers adequately in the key positions.
 6. The posts reserved for SC/ST category are being de-reserved in the State and the limited opportunities available for these sections are being grabbed away. For example, since the year 2002, 63 reserved posts of Assistant Professors out of 125 reserved posts have been de-reserved in Govt. General Degree College.
 7. The State Govt. is providing special coaching for IAS and IES to the ST students for a period of 1 month in the State capital, Agartala which is inadequate and not beneficial for ST students. Good faculty is also not available here. Instead, these students should be provided training for at least one year in the reputed coaching centers of Delhi to avail good results. They should also be provided stipend during the period of coaching.
 8. 5 MBBS and 2 BDS seats were allocated to State of Tripura from Central Pool for the Year 2014-15 but during counseling through Tripura Board of Joint Entrance Examination, no seat was allocated to ST qualified candidates which is discrimination against ST people.
 9. U/s 10 (26) of Income Tax Act, 1961 the STs are exempted from Income Tax Deduction residing in specific areas but in some cases, the Central Government/State Government employees are being harassed and forced to obtain Exemption Certificate following section 197 of form 13.
 10. As per Section 178, 1(a) of The Tripura Land Revenue & Land Reforms Act, 1960 there is exemption of tea, coffee or rubber cultivation in connection with ceiling limit of persons/families referring section 164. However, inspite of several complaints submitted to the 11- Members Selection Committee of The Tripura

- Land Revenue & Land Reforms (10th Amendment) Bill 2013, finally amended by restriction of Rubber cultivation up to 21.60 Hectare.
11. Racial discrimination of the North East Indian is a great concern and sensitive issue nowadays and in last couple of Years so many incident occurred especially in Delhi, Bangalore etc. places. To overcome such situation new laws to be enacted & The SCs & STs (Prevention & Atrocities) Act, 1989 to be strengthened.
 12. In last year in between June to August, 2014, more than 80 ST people have lost their lives and most of them were in minor age due to Malaria outbreak.
 13. To mitigate the unemployment issues in Tripura, State reservation policy must be followed in all the Private Sector Undertaking too.
 14. Reservation is not being followed in the admission of M. Tech & Phd. courses under NIT, Agartala. An Assistant Professor (ST) in Civil Engineering Department in NIT is not being permission to join quality improvement programme whereas Assistant Professors in other departments are being given permission for the same which is discrimination towards ST employees.
 15. Post matric scholarship & study loan to be facilitated to the ST students in greater way.
 16. One branch Office of the National Commission for STs may be set up at Tripura.
(Action: District Administration, Dhalai , Govt. of Tripura, MoF and MTA, GoI)

B15 All Tripura Buddhist Association: The main issue raised by the office bearers of this Association was related to issuance ST caste certificate to their community who use Barua Surname and speak Bangla as mother tongue. Earlier, they were issued ST certificate but after issuance of GO dated 17-07-1987 by the State Government, issuance of certificates was stopped. They sought clarification on the entry %Mag+ appearing at S.no. 12 in list of Scheduled Tribes of Tripura State. It was informed that they are being deprived from their Right to be identified as ST in the State. They demanded that circular of the year 1987, which is detrimental to their interest, should be withdrawn immediately.

B16 Tripura Adibasi Mahila Samiti: The office bearers of this Association informed that the Tribal Welfare Department of the State was providing stipend to 100 students of the hostel of their school run through a NGO a few years ago. Presently 105 students are residing in the hostel but due to financial constraints, the State Government has stopped payment of stipend. The Government of India should release more funds for the purpose. They also want to open a primary school for which a building is already there. They require financial assistance for school buses. They also demanded that financial assistance may be provided for giving vocational training in weaving and tailoring to their group.

B17 Tripura Gramin Bank SC/ST Welfare Forum: The representatives of this Association made following demands before the Commission:

- a. The backlog posts of Office Attendant should be filled up by special drive as 46 posts are lying vacant. Presently only 4 ST office attendant are imposition out of 148 bank branches, 3 Regional Offices and 1 Head Office. State level reservation percentage should be applied in filling the posts as per RRB guidelines.

- b. Setting up of a new Regional office of National Commission for Scheduled Tribes at Agartala for early disposal of the grievances of Scheduled Tribes of the State and to work as watchdog on implementation of welfare schemes.
- c. Proper Maintenance of rosters of all posts in the bank, Posting of office bearers of the Association at head office, allotment of office room for activities of Association and adequate representation of ST Officers in training programmes.
- d. To recruit all eligible State Domicile ST candidates in the services of State and the bank without language bar. State Domicile ST candidates knowing the local language (Kok Borok) in speaking and reading may be considered for recruitment in TGB as candidate.

B18 **Tripura Upjati Karamachari Samiti (TTEA)**: The Office bearers of this Association rose following issues before the Commission:

- a. Filling up of all the posts reserved for ST category in the State Government due to severe unemployment among STs and huge backlog.
- b. Immediate breakdown of Dumbur Dam and distribution of land to the landless Tribals evicted due to construction of this dam.
- c. Stopping land acquisition in tribal areas for industrial purpose and construction of dam.
- d. To declare the District Council Head Quarter Khumulwng and other township of Schedule areas as notified town for functioning as urban local bodies.

B19 **Tripura Tribal Officers Welfare Forum**: The Association rose following issue before the Commission:

- a. Protection of interest of Scheduled Tribes in the matter of Seniority, Promotion and Reservation Rules which is being challenged at High court.
- b. Violation of provision of Reservation Policy in respect of selection of students from merit list in Tripura Medical College and Agartala Government Medical College and an appointment to different posts in these Institutions.
- c. Action against false caste certificate holders as per provision of law.
- d. Engagement of legal experts for speedy disposal of complaints against the false ST/SC Certificate Holders.
- e. Filling up of vacant posts through special drive.
- f. STSP/SCSP funds should be placed directly through the nodal departments as per planning Commission guidelines, which is not being done in the State.
- g. Reservation in group A posts for SC/ST in promotion from State services to IAS/IPS like direct recruitment.
- h. Relaxation in income bar for providing post- matric scholarship for pursuing higher studies by ST/SC students.
- i. Allotment of land and providing IAY to Scheduled Tribe BPL families.

B20 **Indigenous Nationalists Party of Tripura**: Following demands were made by this organization:

- a. Government of India should bring suitable constitutional amendment for empowering the TTAADC including the direct fund from the center with a view of all round development of the Scheduled areas.
- b. Expedient implementation of Forest Rights Act in the State.
- c. Non-registering of cases by police under SCs and STs (PoA) Act in the State.
- d. Providing Compulsory, free and quality education to the STs up to post graduation level.
- e. Revoking Armed Forces Special Power Act, 1958 from the State.
- f. Filling up of all the backlog posts for Scheduled Tribes through special drive in the State.
- g. Promotion of Kok Borok language in the State and its enlistment in the VIII th Schedule of the Indian Constitution.

B21 **Indigenous Peoples front, Tripura:** The main issue raised by this group was related to the land alienation of the tribals in the State who have allegedly become minority in the State.

B22 **Jamatia Hoda:** This group runs various schools under the umbrella of Baba Garia Mission. Education was promoted among the tribals who were brought in the main stream of the society. It was informed that many schools were closed due to insurgency a few years ago. Now the schools have been restarted. Revised guideline of special coaching of Madhyamik failed ST students has been issued by the State Government on 30-06-2011 with the main objective to facilitate or provide the scope for intensive coaching of drop out students and prepare them to appear in the Madhyamik examination. However, as per the condition stated at 3 (ii), the maximum number of students to be enrolled in each center is 50 which should be increased as it is too less and it will defeat the main objective of providing intensive coaching to the drop out students. It should be increased to 100 students (2 units). Moreover, the condition that one NGO may open only one center in a sub-division should also be dropped as it is detrimental to the interest of tribal students. Since 2010 to till this year, more than Rs. 22 Lakhs is pending with the State Government which should be released immediately for the Madhyamik drop out coaching center. An amount of Rs. 3,84,915 /- sanctioned for stipend in respect of Garia Academy (model) pending since 2007 should also be paid. Hostel stipend should also be increased by the State Government.

B23 **Representatives of Munda Community:** A group of Munda Community also met the Commission who came from Narendrapur Tea estate. They informed that they are the tea garden workers and they are being paid Rs. 83/- per day as wages by the estate management. Besides above 1.5 Kg Atta, 1.5 Kg Rice per week per person is also provided by the company. From the Government side, they are provided 35 Kg Rice and 8 Kg Atta per month being BPL card holder. Their children are getting education in the nearby schools. This group was satisfied with their living condition.

23-05-2015

State level review meeting with Incharge Chief Secretary, Tripura and other Senior officers of the State Administration

B24 Dr. Rameshwar Oraon, Hon'ble Chairman, NCST chaired a meeting with Incharge Chief Secretary and Sr. officers of State Government to review the implementation of reservation policy and development programmes being run for the welfare of scheduled tribes in the State and implementation of SC & ST (PoA) Act, 1989 and rules 1995. A power point presentation was made before the Commission about various historical, cultural, political and Administrative set up of the State.

B25 The Commission was informed that Tripura was a Princely State for about 500 years and Maharaja Bir Bikram Kishore Manikya (1923-47) was the last ruler who signed Instrument of Accession to become part of India. In 1949, it was merged with Indian Union. In 1972, Tripura became a full - fledged State with 60 member legislative assembly. In 1982, Tripura Tribal Areas Autonomous District Council was setup which was brought in 6th Schedule in the year 1985.

B26 The State is having total population of 36,73,917 as per 2011 census out of which 31.78% population belongs to ST category the literacy rate of the State was 87.22% whereas, among ST, it was 79.05%. A total of 19 communities have been listed as Scheduled Tribe in the State out of which one community namely Riang is included as PVTG. There are 8 Districts, 23 Sub-divisions and 58 blocks in the State. Besides above, one Tripura Tribal Areas Autonomous District Council (TTAADC) is also in existence under 7th Schedule of the Constitution in accordance with the provision of Article 246 (3) of the Constitution of India. This council was brought under 6th Schedule by 49th Amendment of Constitution in the year 1985. The total geographical area under TTAADC is 7132.56 Sq.Km which is about 68% geographical area of the State. The total population under the council was 12,16,465 in the year 2005-06. The council has 30 members out of which 28 are elected and 2 are nominated by the Governor. 27 seats are reserved for STs and the elections to the member of District council are held after every five years. Elections to the members of the village committee are also held after every five years.

B27 After the power point presentation, detailed discussion was held on the basis of feedback received from the tribals during field visits of the Commission, meetings with representatives of various tribals Associations and reply to the questionnaire sent by the Commission. Following action points emerged for action:

1. The Commission noted with concern that a large number of posts reserved for Scheduled Tribes remained unfilled for years. There is an urgent need to fill the posts reserved for Scheduled Tribes on priority basis for which Special Recruitment Drive should be under taken by all the departments under the State Government.
2. Despite all efforts made by the State Government, there is a visible gap between the State General Literacy (87.20 %) and the literacy among Scheduled Tribes (79.05%). This gap is even more in the female literacy which is 82.70 % among general category and 71.59 % among ST category. Focused attention is

- required to enhance the female literacy among tribals of the State. There is a shortage of Science and Maths teachers in the educational institutions in the tribal areas which needs to be addressed urgently.
3. The tribal students are facing problem in pursuing their education after class 10th and adequate hostel facilities do not exist for them. They are also facing hardship in getting the stipend as hostel borders in the event of Governments inability to provide them hostel. They are compelled to stay in rented houses and for being eligible for stipend as a hostel boarder; five students are required to stay together in rented house with common kitchen. This provision should be reviewed by the State Government. Moreover, adequate coaching facility is not available for them in relation to admissions to medical and engineering institutions in the Country and for National Level Competitive examinations conducted by UPSC and SSC. The coaching being provided at Agartala is of short duration and the tribal students are not adequately benefited by the coaching. The State Government should consider the demands of tribal students for providing them coaching in reputed organizations outside the State preferably in Delhi, Kota and other places after selecting them through examination.
 4. The Commission advised the State Government to ensure that the posts of Doctors and particularly Specialists in the health institutions located in the tribal areas are filled up in a time bound manner. Paramedical Staff, ANMs/ASHA workers should also be deployed in the area on priority basis. A nursing college should be opened in tribal area of the State as tribal girls have proved to be ideal in this profession. The tribal areas of the State are Malaria Prone areas and the tribals have reported that they have been provided one mosquito net per family which is inadequate for the prevention of this disease. The State Government should take necessary action in this regards.
 5. The Commission observed that many tribal villages and habitations are still uncovered with Drinking water facility. In Dhalai District, 416 habitations were reported to be uncovered. Many tribal villagers are dependent on nearby rivulets for their water requirement. The State Government should cover all the tribal villages within a period of one year.
 6. The State Government has provided assistance to the tribal farmers in rubber and pineapple plantation and they have been benefited with the scheme. Many tribals have demanded for more assistance in rubber and pineapple plantation so that they can earn more. State Government should increase the area under rubber and pineapple plantation and make arrangement for its marketing also. A food processing unit should be established in or around Dhalai District with the help of concerned Ministry in Gol so that the pineapple and other produces can be processed locally and marketed throughout the region.
 7. Poultry farming is also one activity which should be promoted among the tribal community of the State which has become very successful in increasing the income in some other State.
 8. The Commission was satisfied with the vast implementation of FRA in the State and appreciated the efforts of State Government in this regard. A total of 1,57,396 individual claims from Scheduled Tribes and 33,744 individual claims from Other Traditional Forests Dwellers (OTFD) were received as per 31-03-2015 position. Among STs, 1,24,539 Forest Rights were vested involving 1,77,196.34 Hectares of land. Among OTFD, only two Forest Rights were

vested which reveals that hardly any OTFD claim has been accepted. As far as Scheduled Tribes are concerned, 31,908 claims were not considered, which is a substantial number. The Commission advised the State Government to review these claims as per the provisions of the Act. The Commission also noted that the average size of FR pattas was about 2.5 acres only which is not sufficient for the livelihood of poor tribals who were in possession of much more land and cultivating the same since decades. The Commission also observed that the tribals who were doing Jhum cultivation on different plots of land after cleaning forests were also given Forest Rights on small pieces of land. The Commission advised the State Government to see whether they are entitled for allotment of Patta on more area of land under FRA.

9. The Commission observed that 22,130 Forest Dwellers have been benefited with Indira Awas Yojna (IAY) but still a large number of FR beneficiaries are waiting for benefit under this scheme. The Commission advised that the State Government should take steps to provide Indira Awas to these FR beneficiaries also in a time bound manner.
10. The Commission discussed the issue of restoration of tribal land in the State. It was informed that 29,168 cases of restoration of tribal land were filed involving 25,487.68 acres of land order has been passed for restoration in 9572 cases involving 8146.04 acres of land and physical restoration has been done in 9478 cases involving 8096.32 acres of land. Another 94 cases of restoration of tribal land were pending for physical restoration involving 49.72 acres of land. The Commission noted with concern that 19,596 cases of restoration of land were rejected involving 17,342 acres of land. The Commission desired that these cases should be reviewed at appropriate level so that the land belonging to tribal community is not taken away by others.
11. The Commission also reviewed the cases of false caste certificates in the State and it was informed that 187 cases of doubtful ST certificates were received by the SLSC out of which 186 cases were disposed of. The SLSC cancelled 125 ST certificates and verified 44 cases to be correct. 17 cases were dropped due to different regions and only 1 case was under process of verification. The Commission was satisfied with the progress of disposal of cases but was concerned with the large number of cases cancelled by the SLSC and directed the State Government to be more vigilant while providing employment and admissions on the basis of ST caste certificates so that the genuine Scheduled Tribes are not deprived of the limited opportunities. The Commission also advised that FIR should be lodged against the false caste certificate holders as well as the issuing authorities so that such incidents could be effectively checked.
12. The Commission opined that protection of culture, language and tradition of tribals is one of the duties of the State and tribals of the State are culturally very rich. There is a demand of the tribals to include Kok Borok language in the 8th Schedule of the Constitution of India. Though, in the State, it has been recognized as 2nd language, the tribals feel that it should be included in the 8th Schedule of the Constitution so that it is not extinct. Many tribal groups have also demanded for assistance in form of musical instruments, dress and ornaments so that they can preserve their art and culture. The State Government should assist them in the matter.

13. The Commission was satisfied with the status of atrocities against STs and disposal of the cases by police and the courts. It was noted that a very few incidences atrocities on STs were reported in the State which is a convincing situation. The Commission advised that the State Government should organize awareness camps in tribal areas and sensitized the police personnel about various provisions of SCs and STs (PoA) Act, 1989 and rules framed therein. The State Government should also be careful in ensuring that in the cases related to encroachment of tribal land and their forceful dispossession from it, section 3 (1) (iv) or 3 (1) (v) of the Act is invariably invoked.
14. The Commission observed that the State is having over 31 % ST population and many tribal groups, office bearers of tribal Associations and individuals met the Commission with their grievances. There is no grievance redressal mechanism for the Scheduled Tribes in the State. Hence, the State Government should consider for establishing a State Commission for Scheduled Tribes to look into their welfare.
15. U/s 10 (26) of Income Tax Act, 1961 the STs are exempted from Income Tax Deduction residing in specific areas but in some cases, the Central Government/State Government employees are being harassed and forced to obtain Exemption Certificate following section 197 of form 13.
16. The Commission informed that there is a demand from tribals of the State for imposition of inner line permit in the tribal areas of the State for protection of their identity and the State Govt. should consider it.

(C) HIMACHAL PRADESH - Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the State from 18-06-2015 to 26-06-2015

C1 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Shri Ravi Thakur, Hon'ble Vice-Chairperson, Shri Shyam S. Agarwal, Secretary, NCST and Shri R.K.Dubey, Assistant Director, NCST, Regional office, Bhopal visited the State of Himachal Pradesh from 18-06-2015 to 26-06-2015 in accordance with the programme communicated to the State Govt. vide Wireless message No. 25/05/HIMACHAL PRADESH/REVIEW/2014/RU-I dated 01-06-2015 for field visits and district level meetings to review the status of development programmes in respect of STs in the State.

18-06-2015

Formal welcome and briefing the Commission about various aspects of tribal development by Additional Secretary, Tribal Development Department, Govt. of Himachal Pradesh and other Senior officers of State.

C2 The Commission reached Kalka Railway Station and proceeded for Shimla by road, which is the capital of the State. It reached Shimla camp at 16:30 in the evening where Additional Secretary, Tribal Development Department and other senior officers of State Administration warmly welcomed the Commission. Thereafter, the Additional Secretary, Tribal Development Department, Govt. of Himachal Pradesh briefed the Commission about the general information related to the State.

19-06-2015

Sitting with Chief Secretary, Govt. of Himachal Pradesh and senior officers of other concerned departments on the case of acquisition of land of tribals in village Madhgram, PO- Udaypur, District Lahaul and Spiti for construction of Tandi – Killar-Pangi road without paying compensation to them.

C3 The Commission held a meeting with Additional Chief Secretary, Public works department, officers of Ministry of Defense, Govt. of India, Border Roads Organization and the petitioner Shri Sudarshan Thakur on the representation made by him before the Commission on the issue of acquisition of land of tribals in village Madhgram, PO- Udaypur, District Lahaul and Spiti for construction of Tandi . Killar-Pangi road without paying compensation to them.

C4 At the outset, the Commission noted that the meeting was scheduled by the Commission with the Chief Secretary, Govt. of Himachal Pradesh who was not present in the meeting. The Secretary, MoD had requested the Commission vide his D.O. letter dated 18-06-2015 to remain absent due to urgent commitments and nominated Director, MoD, SE (Civ), Border Roads Wing and representatives of BRO to attend the meeting on his behalf. The Commission observed that policy decisions are to be taken in the meeting and without presence of Chief Secretary, Govt. of Himachal Pradesh, it shall be difficult to implement them. However, the Additional Chief Secretary, Public works department, Govt. of Himachal Pradesh present in the meeting informed that the Chief Secretary has recently joined the office after recovery from illness and could not be present in the meeting. He assured that he will take care of the decisions taken in the meeting and there will be no problem in implementation of the decisions.

C5 The Chairperson NCST recalled the direction given by the Commission in the sitting held in the Commission on 11-07-2013 wherein it was advised that both the authorities concerned should take final view on the matter, in consultation with their competent authorities, as to who would be making payment of compensation for land acquisition as per the Award dated 05-03-2010 and that final decision taken by Govt. of Himachal Pradesh, BRO, Ministry of defense should be reported to the Commission within 15 days. He regretted that despite a lapse of over 11 months, the decision regarding payment of compensation to the tribals has not been taken by both the parties.

C6 The Additional Chief Secretary, Public works department, Govt. of Himachal Pradesh submitted the view of State Govt. and informed that this is a case of acquisition of seven Bigha (1.2 acre) land. He informed that the road was constructed by BRO way back during 1978 and it remained in their possession till 14-10-2007 when it was handed over to the State Government. This road is used and maintained by BRO/MoD since the beginning. Compensation to the tune of Rs 7,35,99,066.70/- was announced by the Land Acquisition Collector on 05-03-2010 which stipulated that the amount would be placed at the disposal of the LAO within one month of the announcement of the Award for further payment to the petitioner and in case there is a delay, then the acquisition department would be liable to pay interest @ 15% per annum . This road was again returned to the BRO on 05-07-2011 and the

handing/taking over report States that the compensation of Rs 7,16,81,292 /- would have to be paid by the GREF (BRO). He informed that the concerned LAO had not passed the award as per rules and the procedure was also not followed. Actually, lesser land has been acquired for construction of road than that mentioned in the Award. The Khasra numbers and the measurements of lands to be acquired are also not correct. The acquired land also includes half a Bigha of "Nautod" (Govt. Patta) land. The award has been passed without actual demarcation of land. If the proper survey of the land acquired for the construction of road is done, the amount of compensation will come down due to the above errors. The Award has lapsed since then.

C7 The Additional Chief Secretary, Public works department, Govt. of Himachal Pradesh also submitted that the compensation should have been paid by the BRO/MoD in the year 1978 at the time of construction of road. As the land was not acquired for construction of road as per rules and the road was constructed by them without land acquisition and payment of compensation to the villagers, the BRO/MoD should come forward to correct their mistake and make payment to the State Govt. for releasing compensation to the villagers. Participating in the discussions, Secretary, NCST said that the BRO has admitted that no payment has been made to the villagers in lieu of their land at the time of construction of road or thereafter. He asked whether the State Govt. can reopen the Award after conveying the Award. The Additional Chief Secretary, Public works department submitted that there is a provision under section 24 of the Land Acquisition Act, 2013 that if the payment has not been made for acquisition of land in old cases, the payment can be made as per the new Act. He also said that as per rules, payment of interest and Solatium can be made from the date of notification under section 4 of the LA Act and not from the year 1978, as demanded by the petitioner.

C8 Brigedier S.K. Kataria, CE, Project Deepak, admitted that the BRO had not paid any compensation to the petitioner villagers for their land at the time of road construction in this portion. He said that the matter of payment of compensation to the villagers is under consideration of the Ministry and it has sought certain clarifications on the proposal. He suggested to re-workout the cost of land jointly with the revenue officers. He pointed out that in the earlier award, the rate of land was ranging from Rs 17,000/- to 1,50,000/- per Bigha and the present circle rate at that place is Rs 15,00,000/- per Bigha. The land was acquired in 1978 and the rate of payment and the date from which payment has to be made, will have to be decided.

C9 The petitioner submitted his statement as per the representation and demanded that the compensation of land along with statutory benefits may be released to them as many years have passed after making the complaint and the same has not been settled by the authorities.

C10 Chairperson, NCST observed that it was the responsibility of the State Govt. to make payment to the villagers whose land was acquired for the construction of road without their consent. The land is a subject of State and as per the constitutional provisions, it is the responsibility of the State to protect the tribals. It is duty bound to protect the life and property of its citizen. The State Govt. is free to demand the compensation, solatium and interest from BRP/MoD. In this case, the land of the tribals was taken without paying any

compensation to them. For this, the State Govt. and the BRO are equally responsible. The State Govt. should pay the tribals from its pocket first and then demand the same from MoD with full justifications and the Ministry should also make payment to the State Govt., as is being done in other cases.

C11 After detailed discussion, following decisions were taken in the meeting:

- (1) The survey of land acquired and actually taken for construction of road will be done by the Tahsildar by 30-06-2015.
- (2) A joint team of representatives of DC, SDM, Tahsildar and GREF will be formed to negotiate the price of land and the affected villagers will have option to choose compensation as per the LA Act of 1864 from the date of Award with interest and solatium or to receive compensation as per the new Act. The rate will not be below the circle rate. The State Govt. will see that it has legal competence to revise the Award. This exercise will be completed by 31-07-2015. The State Govt. will convey the amount of Award with relevant details to the BRO which will process the same and make payment after approval from the MoD.
- (3) The Commission will review the progress made in this regard on 17-08-2015 in the next meeting.

Meeting with representatives of Tribal students Association:

C12 The General Secretary and Chief Adviser of Tribal Students Association, Himachal Pradesh University, Shimla met the Commission at 12:00 noon and presented following demands before the Commission:

- (1) Immediate payment of post- matric scholarship to the ST students.
- (2) Construction of tribal girls hostel in the Himachal Pradesh University, Shimla, and
- (3) Appointment of teaching faculty in colleges of tribal areas in the State.

C13 The Commission immediately took up the matter of payment of post-matric scholarship to the ST students with the concerned officers of MoTA who informed that the proposal was received late from the State Govt. and payment has already been released to the State Government. As far as Construction of tribal girls hostel in the Himachal Pradesh University, Shimla was concerned, the Additional Secretary, Tribal welfare Department informed that an amount of Rs 3.50 crores was released for this purpose and the hostel is already under construction. **The Commission advised the State Govt. to give vast publicity to the construction of girl's hostel so that the tribal girls can be fully benefited. Regarding non-availability of teaching faculty in the colleges located in tribal areas of the State, the Additional Secretary, Tribal welfare Department admitted that the students of tribal area have to go outside for completing their education. He informed that**

under National Higher Education Campaign, the students are free to choose any subject in higher education course. Sometimes, teacher of a particular subject are not available in a particular subject.

Meeting with Tribal Delegates at Bhaba Nagar, Kinnaur

C14 Several Tribal delegates met the Commission in Bhaba Nagar rest house and appraised the Commission about several problems being faced by the Tribal community in the District and the State. Following information was shared with the Commission:

1. The Government of India has passed the Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Act, 2006+(hereinafter, FRA) to correct the Historical injustice meted out with the Tribals and this Act is applicable throughout the country except the State of Jammu & Kashmir. The Govt. of Himachal Pradesh directed the Deputy Commissioners of the Tribal Districts to implement the provisions of this Act on 14/03/2008. As per the provisions of this Act, holding of the Gram Sabha Meeting, training and formation of different level committees was also started and the Administration started receiving individual claims and community Rights claims. In Kinnaur District, 1370 individual and 54 community claims are pending with the District level committee and 1107 claims are pending with the District level committee. So far, no individual or community claims have been recognized in the State. The State Forest Department has decided the parameters for eligibility for forest rights whereas under section XII of this Act, it is only the Central Govt. which has powers regarding taking decision on eligibility of an individual or community.

2. In the year 2010-11, a PIL was filed in the Himachal Pradesh High Court regarding encroachment on forest land and the Honble High Court vide its orders dated 06/04/2015 has directed that the encroachers who are having more than 10 bighas of encroached land may be dispossessed from the land and legal action be initiated against them. In follow up of this order, cases were registered against 132 persons in Kinnaur District. During the hearing in the High Court, the Additional Chief Secretary (Forest) and Principal Secretary (Revenue) belonging to the State Govt. appeared in the Court but they did not referred to section 4 (5) of the Forest Rights Act as a result of which the above order of the High Court was also made applicable on the Tribal areas whereas under this section, the persons in possession of the forest land cannot be dispossessed from that land till the disposal of their claims. The State level monitoring committee, in its Meeting held on 22/05/2013 to review the implementation of FRA, had decided to approach the High Court for obtaining the order in favour of the forest dwellers under section 4 (5) but so far the forest department has not take any action in this regard. Due to this in action on the part of State Govt., the High Court order dated 06/04/2015 became applicable on the Tribals who had encroached the forest land and were eligible for allotment of pattas under FRA.

3. In the year 1990, the Govt. of India had issued a circular wherein the States were advised to regularize the encroachment before the passing of

Forest Conservation Act, 1980 but in Himachal Pradesh, particularly in Kinnaur District, no action was taken in this regard. Hence, the encroachments before 25/10/1980 i.e. the passing of this Act should be regularized in the State.

4. In the year 2002, the State Govt. made amendment in Himachal Pradesh Land Revenue Act, 1954 and added section 163 (A) wherein there was a provision of regularization of the encroachment. Related rules were framed in the year 2002 and applications were invited in form %A+ but all the claims are pending till date. These claims should now be regularized under section 3 (1) (j) of FRA.

5. After implementation of Forest Conservation Act, 1980 the traditional right to obtain Govt. land in existence in the tribal areas known as %Nautod+ was stopped in the year 1996. Since 1996-97, 6,666 %Nautod+ claims are pending in Kinnaur District alone. No %Nautod+ land patta has been allotted so far in the District. All the %Nautod+ land claims may be settled urgently.

6. There is decision of Honble Supreme Court in the case of Iradium India Telecom Limited v/s Motorola decided on 05/01/2005 in which the Court has observed %t is well settled Law that in the event of the conflict between a special law and a general law, the special law must always prevail+. However, in Himachal Pradesh, the special laws made to protect the Tribal community like FRA are being superseded by general laws of Revenue and Forest Department depriving the Tribal community from obtaining the benefits under the special laws.

7. The rules of PESA Act were framed by the State Govt. after the delay of 15 years and under Rule 9 (6) of PESA Rules, the Land Acquisition Officer has been empowered to overrule the decision of Gram Sabha after second consultation. This is against the intention of the Parliament which had passed the PESA Act.

8. The Hydro-electricity Projects being established in the District and the State are adversely effecting the environment of the Tribal area. The forests, wild life and the local population are facing severe threat in form of floods, avalanches and landslides. The tunnels of the Hydro Electricity Projects have made the mountains hollow resulting in landslides.

9. At the time of establishment of these projects, it was decided to provide 100 Units of electricity per household for 10 years but this was not followed. Moreover, after the commissioning of the project, surplus land should be returned to the villagers, which was not followed. In Nathpa . Jhakhdi project, payment of compensation was not uniform. In one village payment was made @ Rs. 2.40 Lakhs per bigha and in the other village payment was made @ Rs. 10 Lakhs per bigha. Due to meager payment, project affected families could not make their houses at the rehabilitation sites.

10. Many non tribals are purchasing land in tribal areas for establishing different projects but the land is not being used for establishing industries.

Instead, plantation activities are being done on such land. In the land acquisition process, the Govt. land is provided to the entrepreneurs for a period of 40 years on lease whereas the tribal land belonging to the scheduled tribes is transferred permanently in the name of the concerned company. The State Govt. should protect the tribals and stop land alienation.

11. Apple is produced largely in the area which is the cash crop but the tribal farmers are not getting proper price for their produce. A fruit processing unit should be set up in the area.

12. Public sector banks do not come forward to give loans to the scheduled tribes in general because if they fail to repay the loan, the banks find it difficult to auction or sale it. The State Govt. should give Bank guarantee to facilitate lending of money to them by the Banks and in case of failure, the land should be taken by the Govt. for recovery.

13. Due to construction of large Hydro-electricity projects, there is a serious threat to the environment and the area comes under zone 4 in the seismic map of the country where landslides and avalanches are also prevalent. The tunnels constructed in these projects have adversely affected the environment and ecology of the area. These projects should adequately compensate the local community through various CSR initiatives.

14. In the interest of the national security and for tackling up with the natural calamities, the old Indo-tibetan road from Tapri to Shyaso Khadd should be opened for large vehicles urgently. Out of 120 Km length of this road, 70% has already been made motorable and remaining 30% road should also be constructed to facilitate movement of large vehicles through a special project and declared as NH-22 A. Similarly, the work of Shilti road should also be completed at the earliest and opened for traffic.

15. The Govt. of Himachal Pradesh has rationalized the Patwar circles in Kinnaur District and in Nichar Sub-division of the district, this rationalization was done many years ago but it was not done in Kalpa and Pooch Sub-divisions. Due to the adverse geographical conditions, the Patwaris are facing problem in providing services to the public and the public is also facing problems in the matters related to Revenue department. The posts of Nayab Tahsildar have also not been created in Kinnaur District and the public has to go the Tahsil offices for their revenue related work. Hence, the posts of Nayab Tahsildar should be created.

16. River Satluj is an international river which originates near the Mansarovar lake and enters in India near Shipkilla after a journey of 320 Kms. Agreements should be reached with China regarding distribution, usage and control of the waters of this river.

17. The District Headquarters of Kinnaur is Recong Peo and it has taken a shape of town which includes areas of Kothi, Talingi, Khawangi, Kalpa, Shudarang and Dooni Panchayats. There is no local body in Recong Peo and

the present Special Area Development Agency cannot take place of an independent local body. There is no Sewer line and drainage system and the area is suffering from landslides a local body should urgently be made to look after the civic amenities.

C15 The Commission reached Recong Peo, the District headquarters of Kinnaur district in the evening, where the Deputy Commissioner and other officers of the district welcomed it. Thereafter, the Commission proceeded for Kalpa camp for stay.

C16 Field visit of the Commission to village Rakchham in Kinnaur district
The Commission visited Rakchham village in the District for having feedback from the tribals about the status of implementation of various developmental activities run by the State Govt. This village has been declared a Nirmal Gram and has been honoured with Mahrishi Valmiki Puraskar. The village is having about 140 families and the total population is around 1100. There are 50 families living below poverty line and 176 Job cards have been issued to the beneficiary under MGNAREGA. Following information was shared by the villagers with the Commission:

(1) The village if connected with PMGSY road connecting it from Sangla. There is a school upto class XII and all the children are attending the school. The villagers themselves take care of cleanliness in the village and clean the roads of the village every fortnight. The Mahila Mandal ensures that all the children of school going age go to school. There is a branch of Bank in the village and the villagers are indulged in farming activities from May to September after which they are confined to their homes due to heavy snow fall.

(2) The Commission was informed that the villagers are provided ration from the ration shops for whole year as it is difficult for the administration to carry food grains and other necessary items after snow fall when the passes connecting the area to the State Head quarters are closed. At present every family, irrespective of family size, is being provided 15 Kg. ration per card but it is not sufficient for the large families. During the discussion, it was revealed that the married sons of the family are not being treated as a separate family and their names, with their spouses and children continue in the same ration card against which 15 Kg. ration was being provided under PDS. The Commission advised that such families should be issued separate ration card so that they can get sufficient ration under PDS.

(3) Many villagers informed that they shift to Nahan during the winter and only one or two family members stay in the village during winter to look after the cattle. Under MGNAREGA, adult and married sons are being treated as separate family and up to three job cards exist for a joint family but this yard stick is not being implemented in issuance of ration card. Villagers demanded that under MGNAREGA, they may be provided employment during the winter season when there is no work to do. They find it difficult to work under this scheme during summer as they have to work in their own fields and plantations. The Commission was informed that presently land development and water shed related works are being done. The payment under this scheme is often delayed and it is made after two months. It was also informed that the response is better from the female stalk of population under this scheme.

(4) The Commission was also informed that the villagers produce Potato, Peas, Papra and Okhla during the summers. There is a Kisan Vigyan Kendra in the District and many villagers have been trained from there. The KVK has adopted many villages.

(5) During the discussion, it was informed that the Horticulture department has provided the assistance to the tribals in their farming activities by way of providing green houses for diversified agricultural produces. However, the villagers complained that due to heavy snow fall, the structure provided for the green house gets damaged as it could not bear the weight of the snow. Hence, there is a need of providing strong sheet and other structures which can bear the adverse climatic condition of the area as the structures of normal specification is not successful in the area. The villagers informed that they are being provided subsidy in the prices of Urea and demanded that the existing subsidy in MPK fertilizer popularly known as 12/32/16 may be increased. Presently no subsidy is being provided in TSO fertilizer and they are compelled to purchase it from open market at higher prices. They demanded Govt. subsidy should also be provided in this fertilizer.

(6) The villagers informed that solar lights have been provided to them by the administration but in general, there is scarcity of electricity despite the fact that thousands of Mega watt electricity is being produced from the Hydro-electricity projects. The main reason of this shortage is that the electricity produced in these projects is supplied to the national grid and from there, it is sent back to the district. They suggested that the nearby Rukti Power House should be re started so that the power supply in the area is improved.

(7) The villagers informed that after getting secondary education, the students of the village and the area go to Shimla, Chandigarh and other cities for Higher Education. They informed that many students including girls of the village have passed PMT and IIT exams and they are pursuing their education in various renowned Institutions in the Country.

(8) There is difficulty in getting drinking water during the winter season when the water pipes are frozen due to very low temperature and snow fall. They have to melt the ice for obtaining water in the season.

(9) The Commission was informed that there is one Doctor posted in the Primary Health Centre of the village. The posts of female health worker and Pharmacist are unfilled. Earlier, this was a Health sub-centre which was later upgraded to PHC. The villagers were mainly suffering from High Blood pressure but there is no instrument to check the blood pressure in the PHC.

(10) The villagers informed that they have small pieces of land on which they cultivate cash crops. They are also in possession of forest land and they have preferred claims under forest rights Act. But so far they have not been provided forest rights by the administration. They demanded that they should be provided individual rights and community right under FRA.

(11) The villagers also informed that earlier they were provided Timber Distribution Rights by the forest Department and they were allowed to cut two trees and use the timber for construction and repair of their houses. But now, the forest department is not providing timber distribution permits to them on the plea that they are offenders of forest encroachment despite the fact that they are eligible for regularization of the encroachment of forest land and other rights, as admissible under FRA.

(12) The Aanganwadi of the village is being run in the private building. The villagers demanded that an amount of Rs. 4.5 Lakhs may be provided for construction of permanent Aanganwadi building. The Deputy Commissioner, Kinnaur immediately agreed to the demand in principle.

(13) The villagers informed that Kisan Credit Card is not being issued to them and as per the procedure; they have to run here and there for obtaining KCC. The Banks do not prefer to issue KCC to the tribal whereas it is easier for general population to get the same. The main reason of this is that in case of failure to refund the loan, it is difficult for the Banks to recover the money as the land mortgaged with them cannot be transferred being a tribal land. They demanded simplification of the procedure in issuance of KCC. The State Govt. should consider giving Bank guarantee in this regard.

District level review meeting at Recong Peo, Kinnaur district.

C17 In the beginning of the meeting, the Deputy Commissioner, Kinnaur welcomed the Commission. Officers of the district administration and the members of Tribal Advisory Council were also present in the meeting. A power point presentation was made by the Project Officer, ITDP depicting general and statistical information about the Kinnaur District. The Commission was informed that there are twelve districts in the State and Kinnaur became a district on 01/05/1960. Earlier it was a part of Mahasu district. The district is given the special status of tribal district as schedule V area under the Constitution of India. The District headquarter is located at Recong Peo. The district is divided into three administrative Sub-divisions-Pooh, Kalpa and Nichar. It has five tehsils namely Pooh, Kalpa, Moorang, Sangla and Nichar and one sub-tehsil named Hangarang. The district has three developments blocks (Synonymous with Sub-divisions) and having 65 Panchayats. The district is bounded by Tibet and Uttranchal on the East, Shimla district in South-West and Kullu & Lahaul and Spiti Districts in the North-West. The district has a mountainous topography ranging in altitude from 1600 meters to 6816 meters having steep valleys carved by streams and rivulets having their origin in the glaciated ridges. The district is famous for Kinner Kailash, a mountain sacred to Hindus.

C18 The district remains extremely cold during the long winters from October to May due to high altitude and the Summer season is short from June to September. The lower part of the Satluj Valley and the Baspa Valley receives Monsoon Rains. The upper areas of these valleys and the lower reaches of Spiti Valley in Kinnaur fall in the Rain shadow area and these areas are considered to be Arid regions having climate similar to Tibet.

C19 The district has a geographical area of 6401 Sq.km. and a population of 84,121 persons as per 2011 census. The male population is 46,249 and female population is 37,872. The density of population is 12 persons per Sq.km. and the sex ratio is 858 women per 1000 men. The district is having 71.8% Scheduled Tribe population comprising of mainly Kinnaura tribe.

C20 After the power point presentation, detailed discussion was done on the basis of observations and feedback from the tribals during field visits of the Commission and reply to the questionnaire sent by the Commission to the district administration. Following issues were discussed in meeting in detail:

(a) **Health** - The Commission was informed that there is one district Hospital, 3 Community Health Centres, 21 Primary Health Centres, 32 Health Sub-Centres and 27 AHCs in the district. There are one Ayurvedic and Homeopathic Hospitals each in the district. The Commission was informed that the sanctioned strength of Doctors including specialists in the district was 60 out of which 49 were filled. Similarly out of 35 posts of male Health works and 54 female Health workers, 26 and 31 posts were filled. Out of 30 posts of Pharmacist and 31 posts of Lab Technicians, only 7 & 6 posts were filled respectively. It was admitted that there is shortage of Doctors and specialists as they do not prefer to work under adverse climatic conditions. The Commission advised the State Govt. to depute the Doctors to these areas for short period up to two months so that their services are available in the remote tribal areas also. The Commission observed that there were complaints about non-availability of para medical staff in the dispensaries and Hospitals and advised the Deputy Commissioner to take effective steps in filling the vacant posts. When asked about the diseases in tribal areas of the district, the Commission was informed that mainly high blood pressure and TB cases are found in the local population. The main reason of High Blood Pressure is salted tea with butter.

(b) **Sex Ratio** – The Commission noted with concern that the sex ratio in the district was only 858 women per 1000 men and observed that in general, the sex ratio in the tribal areas in the Country was more than 1000 women per 1000 men. The Deputy Commissioner explained the reason that in the census records, the Army personnel and para military forces placed in the district are also enumerated which has resulted in more number of males. He clarified that among the tribal community of the district, the sex ratio is 1066 women per thousand males.

(c) **Special Central Assistance to TSP** – The Commission was informed that there is a receding trend in the allocation under SCA to TSP. Earlier, the district was allocated up to Rs. 7 Crore but now the State as a whole is being provided Rs. 4.70 Crores and the district is receiving only Rs. 1.33 Crores. It was informed that the amount received is fully utilized by the Administration. The Commission was also informed that due to adverse climatic condition, many developments works cannot be done from September to April and the administration gets only four to five months for undertaking these activities. The Commission advised that floating of tenders, work order and purchase orders could be issued during the winter

months and the construction work may be started immediately after the roads are opened after removal of snow.

(d) **Horticulture** – The Commission also pointed out that during the field visits of the Commission, the villagers informed that the structures being provided for construction of green houses to diversify the produces are of normal specification which cannot bear the weight of heavy snow fall in the region. The Commission advised that the Directorate of Horticulture should provide such structures which can bear the climatic condition of the district. The Commission also advised the administration to use the expertise of KVKs and Himachal Pradesh Agriculture University to increase the productivity, diversify the production and to raise income of the tribal community.

(e) **Literacy & Education** – The Commission also inquired about the status of Literacy & education among the scheduled tribes in the district. The Commission was informed that general literacy in the district as per 2011 census was 81.74%. The male literacy was 85.17% and female literacy was 70.96%. Among the scheduled tribes, the literacy was 80.04% and the male literacy was 89.20% and the female literacy was 71.51%. The Commission observed that the general literacy and the literacy among STs were almost equal. However, there is a need to further improve the female literacy to bring it closure to their male counterparts. The Commission was informed that the percentage of enrollment at elementary level in the district in general category was 31.66% and among Scheduled Tribes, it was 39.37%. At the middle school level, it was 21.44% and 52.15% respectively. The information about dropout at different level was not provided to the Commission. The information about number of College Hostels and High School Hostels including number of boarders was not provided to the Commission. During the discussion, the Commission was informed that two hostels at Karchham and Sangla are closed from last 8 to 10 years in the district. The Commission noted that the information about number of students receiving pre-metric scholarship in the district has not been provided to the Commission. There is one EMRS in the district with 210 seats, 105 each for boys & girls. On inquiry, it was informed that 400 applicants had applied for admission in EMRS out of which 210 were selected. The Commission advised that keeping in view the demand of the local population, a proposal to convert the closed Hostels at Karchham and Sangla into EMRS may be considered by the State Govt.

(f) **PDS** – The Commission noted that 15 kg of grains were being provided per family to the tribals but the definition of family was not according to the accepted norms. Joint family was being treated as one family contrary to the norms adopted under MGNAREGA, where married adults were treated as separate family. The Commission suggested that married sons and their children should be treated as separate family and separate ration cards should be issued to them making them eligible to obtain 15 kg ration separately.

(g) **Distribution of fertilizers** – The Commission discussed about the demands of tribal population for providing fertilizer subsidy and ensure availability of fertilizers in the tribal areas. It was informed that subsidy is being provided on Urea but no

subsidy is being given in TSO. The Commission advised the State Govt. to ensure proper distribution of fertilizers with subsidy as per the demand of the tribals to promote Agricultural and Horticultural productions.

(h) **Electricity** – The Commission discussed the issue of power supply in the tribal areas. It was admitted that the electricity produced in the district through Hydro-electricity project is supplied to the national grid. The Deputy Commissioner informed that the Rukti power house is being repaired and the situation will improve within a year.

(i) **Forest Rights Act** – The Commission noted with concern that FRA was not implemented so far in the State as well as district. The Commission was informed that this was due to some order of the High Court and technical issues relating to distribution of Nautod (Govt.) land and illegal forest encroachments. Moreover, the training under FRA is being provided by Panchayati Raj Department of the State and serious attempts are being taken to solve the issue and implement the FRA in letter and spirit. The Commission advised the administration to speed up the implementation of FRA and to restart the Timber Distribution Right to the tribals for construction and repair of their houses.

C21 The members of the TAC present in the meeting also raised some issues in the meeting as given below:

- Priority in supply of electricity to the local population at subsidized rate.
- Payment of 1% funds received from the power projects to the affected Panchayats under Local Area Development Fund.
- Protection of deteriorating environment due to setting up of large Hydro-electricity projects.
- The tribals are being stopped from collecting sand from the river basin for construction of house by the NGT which is the customary right of the tribals which should be provided to them.
- The condition of roads including NH and ODRs should be improved and the BRO should be advised to open the passes as early as possible for movement of Goods & traffic.
- The scheduled tribes of the Himachal Pradesh are not being provided reservation in admission in educational institutions especially in Chandigarh which is against the rules as Chandigarh is a Union Territory where reservation policy of Gol is applicable.
- Forest Right Act is not being implemented in the State which is a serious matter.
- The funds under BADP should be raised for the district as it is a sensitive area having international border with China. The cost of construction in this area is much higher due to adverse Geographical and climatic condition.
- Poor BSNL connectivity in the district especially during winter season.

Discussion on implementation of Forest Rights Act in Kinnaur district.

C22 In the evening the Commission held discussion with Additional Secretary, Tribal Development Department, Govt. of HP on implementation of FRA in the Districts. The

Deputy Commissioner and other concerned officers of the State were also present in the meeting. Shri R.S. Negi, Petitioner and other scheduled tribe delegates were also present. Following information was given to the Commission by the petitioner:

I. Forest Rights Act is not being implemented in the district and the State. Altogether 1370 individual and 54 community claims were pending in the district under FRA. Out of this 1107 claims were pending at the village level committee for the last five years. No claims have been recognized so far in the district.

II. The petitioner further informed that the Additional Chief Secretary, Department of Forests, Govt. of Himachal Pradesh has issued a letter dated 07-03-2009 where in the parameters of eligibility of forest rights were conveyed to the forest department officers and Forest Right Committees for implementation of this Act. As per this direction, the Govt. employees (Regular or Contractual), Businessmen, Traders, Trustees and Tax Payers have been debarred from obtaining Forest Rights Pattas. After this, the Officers of Forest Department stopped the Co-operation in implementation of this Act and strictly started following those parameters as a result office which all the activities related to the implementation of this Act and rules therein came to a complete halt and no progress was made in the implementation of this Act in last 5 years. As per section 12 of the FRA, only Central Govt. is empowered to issue any direction on the subject and not the State Govt.

III. In the year 2011-12, a case regarding encroachment of forest land was filed in the High Court and the High Court has passed an order to get evicted the encroached land admeasuring above 10 Bighas and to take legal action against those encroachers. As a result, cases have been registered against 132 persons in Kinnaur District for alleged encroachment of the forest land. During the hearing of this case, Additional Chief Secretary, Department of Forests, Govt. of Himachal Pradesh and Principal Secretary, Department of Revenue, Govt. of Himachal Pradesh appeared in the High Court but they did not mention anything about section 4(5) of Forest Rights Act, 2006 applicable in the tribal areas of the State as a result of which the above order of High Court also became applicable on the tribal areas of the State where, a large number of FRA claims were pending without decision. As per above section of this Act, the occupants of forest land cannot be evicted from the land till the final disposal of the claim. Further, the State Level Monitoring Community, in its meeting dated 22-05-2013 had decided that the forest department will move to the High Court for obtaining relief for the FRA claimants from the above order of the High Court under section 4(5) of the FRA.

IV. In the year 1990, the Govt. of India had issued a circular and issued direction to the State Govt. for regularizing the forest encroachments made prior to the date of implementation of Forest Conservation Act, 1980(25-10-1980) but no action was taken by the State Govt. to regularize such encroachments in the State and Kinnaur District. The claims of such persons are still valid and their claims should be regularized as per the above direction of the Union Govt.

V.In the year 2002, the Govt. of Himachal Pradesh made amendment in Himachal Pradesh Land Revenue Act, 1954 and added section 163-A wherein there was provision of regularizing the encroachments and under this section, Himachal Pradesh (Regularization of encroachments) Rules, 2002 were framed. Applications were invited from the concerned for regularization of encroachments under these rules in Form- A but no action was taken for regularization of encroachments under these rules. It is informed that these rules are under judicial review and till these rules are being reviewed or set aside by the court, the applications should be kept pending and the encroachment should not be evicted. As far as FRA is concerned, these claims should be considered as claims under FRA as under section 3(1) (j) of this Act, the rights vested under section 163 A of Himachal Pradesh Land Revenue Act, 1954 and Himachal Pradesh (Regularization of encroachments) Rules, 2002 are automatically applicable and such cases should be approved under FRA.

VI.In the case of Odisha Mining Co-orporation versus Ministry of Environment and Forest and Others, the Supreme Court, in para 49 (V) of its judgment has elaborated section 4(5) of Forest Rights Act and clarified that the encroacher cannot be evicted from the land under his occupation till the disposal of his claim following the due procedure. In this judgment, the Hon^{ble} Supreme Court has directed to receive new claims under Forest Rights Act in the Niyamgiri area.

VII.Similarly, on the instruction of Hon^{ble} Prime Minister, the Secretary, MoTA, vide his d.o. no. 23011/18/2015-FRA dated 28-04-2015 has advised the Chief Secretaries of the States to provide training to the concerned officers, employees and members of the committees for implementation of Forest Rights Act.

VIII.After the enactment of Forest Conservation Act, 1980, the ~~%Nautod rule+~~ allotment of Govt. land, which was in practice as traditional right in the tribal areas was stopped from the year 1996. Since 1996-97, altogether 6,666 cases of allotment of ~~%Nautod land+~~ are pending in Kinnaur District. On the demand of various social organizations to continue the ~~%Nautod rule+~~ under section (1)(j) and section (4)(7) of Forest Rights Act, The Governor of the State was pleased to restore the ~~%Nautod rule+~~ conditionally for a period of 2 years by a notification but the conditions mentioned in the said notification are complicated and impractical as a result of which not a single allotment of ~~%Nautod land+~~ has been made in the district even after a lapse of over 10 months. If the ~~%Nautod land+~~ had been allotted immediately after enactment of FRA, the cases of encroachment of forest land would not have occurred. Hence, all the pending cases of allotment of ~~%Nautod land+~~ should be decided favourably.

C23 On behalf of the District Administration, The Commission was informed that the reason for delay in allotment of Forest Right Patta was that in most of the cases, there was no recommendation either from the Village Level Committee or the SDLC. The project officer, ITDP informed that in 409 cases of Pooch Sub-division, there was no recommendation from the Sub-division level committee. The Commission was not satisfied with the reply and opined that the Administration should take proactive role in implementation of FRA. The Commission desired that a time frame should be

fixed for finalizing the things. After detailed discussion, following advice was given by the Commission to the district Administration and the State to settle the issue:

- 1) 415 cases, where the Sub-divisional committee has given its consent, will be finalized within a period of **two months** and 955 cases will be sent to the SDLC for reviewing the same. The Commission advised that these 955 cases should also be decided by SDLC in a time bound manner preferably by **December this year**, so that the purpose of this Act is not defeated.
- 2) The Forest and Revenue Departments of the State will approach the High Court for obtaining relief for the FRA claimants from the above order of the High Court under section 4(5) of the FRA mentioned in Para III above.
- 3) If any clarification is required regarding eligibility of claimants under FRA referred in Para II above, the State will approach MoTA for guidance.

Meeting with tribal delegates at Jispa.

C24 The Commission held a meeting with local tribal population at Jispa, Lahaul & Spiti where following issues were raised before the Commission:

- (1) The Lahaul & Spiti, Kinnaur and Bharmaur and Pangti Sub-divisions of Chamba districts remain cut off from other parts of the Country for 7 to 8 months in a year due to heavy snow fall. The Culture of this region is very rich and for the protection and conservation of culture, radio station should be opened for this area of the State. Community radio and FM radio should also be started in this area. A Doordarshan Kendra should also be opened in Keylong.
- (2) There is no arrangement of Teaching in the local Bhoti language in the schools which is spoken by the local population. This language should be promoted and recognized by Govt. of India.
- (3) The Students pursuing Poorva Madhyama and Uttar Madhyama from the State Sanskrit University are not admitted in Jammu & Shimla University for Higher Education as these Universities do not recognized these courses.
- (4) The Tibetan system of Medicine called Soa Riya (Amchi) has been recognized by Aayush Department of Govt. of India but this system of Medicines is not being promoted by the Central & State Govt.
- (5) Forest Rights Pattas are not being distributed in the State and the High Court has ordered to dispossess the encroachers from the land under their possession. Action is being taken against the old encroachers by the State who should have been given FRA Pattas. Nautod land is also not being allotted by the State Govt. to the tribals.
- (6) There is shortage of Doctors and para-medical staff in the district.

(7) Adequate BSNL connectivity and satellite phone facility should be provided for the Lahaul & Spiti district as the present arrangement collapses during the winter season.

(8) R&R Policy should be properly implemented at the time of construction of Dams and other developmental projects in the districts. The Jispa Dam should not be constructed as the tribals will be adversely affected.

(9) The Yote village was badly affected due to avalanches and the Panchayat had demanded to shift the village at a safer place. The villagers had selected the new location and the administration may be asked to allot the land to the villagers

(10) The BRO should be asked to improve and open the roads by granting sufficient funds.

(11) The Border with the State of J&K has not been demarcated and the residents of bordering areas of Himachal Pradesh are being harassed by the Police Officers of neighbouring State.

Meeting with delegation of tribals in Keylong.

C25 The Commission held a meeting with local tribal population at Keylong, the District headquarters of Lahaul & Spiti, where following issues were raised before the Commission:

(1) Exemption of Income Tax for the Lahaul & Spiti, Kinnaur and Bharmaur and Pangi Sub-divisions of Chamba districts of the State like the North-East region and Leh-Ladakh area of J&K State due to Geographical Isolation and remoteness.

(2) Special Budget for Helicopter service in Lahaul & Spiti during the winter season when the passes are closed due to heavy snow fall.

(3) Upgradation of BSNL service from the present 8 MB to 32 MB to provide the uninterrupted services throughout the year.

(4) Special Quota for recruitment in Defense services and para-military forces for un-employed Youth of the tribal areas of the State.

(5) Proper maintenance and improvement of roads in the State.

(6) Special incentives for medical specialist during their posting in the tribal areas of the State.

(7) Installation of FM transmitter in Lahaul & Spiti.

23-06-2015

Field visits of the Commission in Lahaul and Spiti District.

C26 The Commission visited many villages in the district and interacted with the local population. Following places were visited throughout the day and following demands were made/information was shared by the local population with the Commission:

Visit to Shashur Gompa:

C27 The Commission visited Shashur Gompa and met the villagers and discussed various issues related to their development and problems being faced by them in day to day life. They informed the Commission about their following problems:

- The Ministry of Tourism should promote the tourism in Himachal Pradesh by starting Buddhist circuit as done for UP and Bihar.
- Construction of roads up to the Gompas and Monasteries as they are integral part of the local life.
- Improvement in BSNL services.
- Improvement and extension of Doordarshan in the district.
- Conservation of traditional tribal masks by the State and Central Govt.
- Supply of drinking water in the Gompa as the pipes are damaged during winter.
- Promotion of Thangka painting by the Monasteries using the services of expert Lamas in the schools of the area.

Visit to Malang Village

C28 The local tribals met the Commission during its visit to the Malang Village and informed the Commission about their following problems:

- The rate of interest on Education loan for the tribals should be reduced from 10% to 7% to promote education among tribals .
- Improvement in BSNL services by providing 32 MB connectivity against present 08 MB connectivity.
- Providing Helicopter service during the winter season from the State funds.
- Repairing of water channel (Kuhls) for irrigation in Thandi Panchayat.
- Distribution of solar light to the tribals in the Tribal districts under TSP which is presently being provided to the scheduled castes by the State under SCSP.

Visit to Govt. Senior Middle School, Malang

C29 The Principal of the school welcomed the Commission. The Commission was informed that this school is located in the Malang village which is a tribal village. There are classes up to class VII and 27 students are pursuing their education in the school. There are 16 Teachers in the School and all the children of the school going age in the village are enrolled in the school. This School was established in the year

1960 and upgraded to High School in the year 1974 and to senior secondary school in year 1990. Many top bureaucrats of the State have passed out from this school. The students of this school presented cultural programme on the occasion.

Visit to Sumnam Village

C30 The Commission visited Sumnam Village and met the tribal villagers who informed the Commission about their following problems:

- A tribal villager in the village has established green house and produces capsicum. The total cost of the green house was reported to be about Rs. 84,000/- out of which Rs. 71,400/- was provided as assistance from the Horticulture Department and the contribution of the villager was around Rs. 12000/-. The Commission advised the district administration to promote such activities in other villages also and form society for marketing of their produces. The help of KVK and Agricultural University for diversification of crops and enhancement of production may also be taken for the purpose.
- The water channel (Kuhls) of the village used for irrigation is broken. The repair work should urgently be completed.
- The road connecting the village from the District headquarters should be repaired. Other roads in the district also require re-construction and repairing.
- The subjects teachers of Chemistry and Mathematics are not appointed in the schools in the tribal areas and the students are compelled to study Arts and Commerce.
- There is no single specialist Doctor in the whole district. Many posts of MBBS Doctors in the Hospitals and Dispensaries of the district are lying vacant.

Visit to Tandi Village

C31 The local tribals met the Commission at Tandi Village and informed the Commission about their following problems:

- The water has to be lifted to Sumnam village for water supply in Tandi and Sumnam villages. Water tank has to be constructed in Sumnam but the irrigation and Public Works Department is not taking the matter seriously. The present water tank of Tandi village is leaking and the water is not potable. The Deputy Commissioner present with the Commission in the village directed the Executive Engineer to take immediate efforts for solving this problem.
- The water channel (Kuhls) used for irrigation in the village has damaged and the crops are drying up without water. The irrigation and Public Works Department has made an estimate for repairing but the work has not been started so far.
- The veterinary dispensary in the village was opened about 10 years ago but there is not Pharmacist in the dispensary and it is being run with the help of one Group employee.
- The village is situated at a place where Chandra and Bhaga rivers meet together and is treated as a holy place. Many rituals including last rituals are

done at this place but the road connecting the village and the cemetery has not been constructed so far.

District level review meeting at DC office, Keylong, Lahaul and Spiti District.

C32 In the beginning of the meeting, the Deputy Commissioner, Lahaul and Spiti welcomed the Commission. Officers of the district administration, GREF (BRO) and the members of Tribal Advisory Council were also present in the meeting. Hon'ble Chairperson, NCST informed the participants about the constitutional provisions for protection and welfare of Scheduled Tribes and the role of the Commission in safeguarding and monitoring their interests. Thereafter, a power point presentation was made by the District Administration depicting general and statistical information about the Lahaul and Spiti District. The Commission was informed that the district is lying on the Indo-Tibetan border and is characterized by arid mountainous landscape, fed by the Twin Rivers of Chandra and Bhaga which later join to form Chandrabhaga (Chenab). The Lahaul Valley is enclosed by the Greater Himalayas on the north, Pirpanjal on the south and Spiti- Chandra water shed on the East. The District is approached by road from 3 directions viz. from Shimla on the Indo-Tibet road via Kinnaur, from Manali over Rohtang pass and from Zaskar and Ladakh over Shingo La and Baralacha La. The area of the district is 13,833 Sq. Kms and the total population is 31,528 persons as per 2011 census. The District headquarter is Keylong and there are 3 Sub-divisions in the district namely Keylong, Kaza and Udaipur. There are 2 tahsil namely Keylong and Kaza, 2 developmental blocks namely Lahaul and Spiti and 1 sub tahsil namely Udaipur. There are 2 ITDPs namely Lahaul and Spiti in the district and the district is given the special status of tribal district as schedule V area under the Constitution of India.

C33 In the distant past, Lahaul had been changing hands between the rulers of Ladakh and Kullu. In 1840 A.D, Maharaja Ranjit Singh took over Lahaul and Kullu and ruled over the region till 1846 when Lahaul came under the British rule and formed Kullu Sub-division of Kangra district and was administered by the local Jagirdars and Thakurs. In 1941, a separate sub-tahsil comprising Lahaul and Spiti was formed. It became a district in June 1960 with the District Headquarters at Keylong.

C34 The district remains extremely cold during the long winters from October to May due to high altitude and the Summer season is short from June to September. Hinduism and Buddhism are the main religion professed by the population and Manchu Dialects and Bhoti are the main languages spoken in the district. The District Administration informed about several problems and constraints related to implementation of various development activities in the district, as given below:

- i) Limited working season due to heavy snow fall resulting in delay in completion of works and higher costs of construction.
- ii) High maintenance cost of roads and irrigation channels due to damages caused by rain, snow, falling of boulders and avalanches.
- iii) The high per unit cost of construction.
- iv) Non-availability of skilled and semi-skilled labour.
- v) Expensive transportation due to inhospitable altitude of the district.
- vi) Poor road, telephone and internet connectivity.

- vii) Lack of dedicated air ambulance during winter season.
- viii) National Green tribunal judgment imposing restriction on movement of vehicles through Rohtang Pass adversely affecting tourism.

C35 After the power point presentation, detailed discussion was done on the basis of observations and feedback from the tribals during field visits of the Commission and reply to the questionnaire sent to the Commission by the district administration. Following issue were discussed in meeting in detail:

(a) **Education** . The Commission noted that there were 267 schools in the district but only 140 students were receiving pre-matric Scholarship and sought clarification from the district authorities. The Commission was informed that there is income ceiling of Rs 1 lacs per annum and condition of obtaining 50% marks for being eligible for pre-matric Scholarship. It was also informed that the students of class 6th to 8th are not provided this scholarship though 100% reimbursement is made by the MoTA against the expenditure made by the State Govt. in this regard. The Commission directed the District Administration to provide a copy of the instruction issued by the State Govt. to see that it is in parity with the instruction issued by the MoTA on the subject.

The Commission was informed that there are 8 hostels in the district out of which three are in Lahaul Sub-division and 5 are in Spiti. There is an income criterion of Rs. 30,000 /- per annum for admission in these hostels and Rs. 1,580 /- per month is spent on each boarder in Spiti. The whole expenditure is met from the State Govt. funds under TSP. The Commission advised to relax the income criteria of Rs. 30,000/- per annum and enhance it to Rs. 1 lacs per annum so that the hostels do not remain vacant and more tribal students are benefited. Further, the necessity of obtaining 50% marks for becoming eligible for pre-matric Scholarship was also questioned by the Commission. The Commission also brought to the notice of Deputy Commissioner, the problem narrated by the local tribals in construction of Senior Secondary School building in Gondhra village due to non-availability of land. Additional Secretary, Tribal Development Department of the State advised the Deputy Commissioner to provide him a copy of the proposal so that funds to purchase land for construction of the school building can be made available.

The Commission also discussed about the enrollment of the students in the schools and observed that it was 100% at elementary level. The percentage of children attending middle school was also 100% with no dropout. The dropout at high school level was 10% in General category and 1% in ST category. The Commission advised that to check the accuracy of the data of enrollment. One or two villages can be chosen and the enrollment data may be checked with the records of births taken place in the village.

The Commission also desired to know about the availability of teachers, especially Science teachers, in the schools located in the different parts of district. The Commission was informed that Science is taught up to class 10th as one of the subject and Arts, Science and Commerce streams are separated after the student passes class 10th and Science Teachers of Science subjects

and Maths are posted in the Senior Secondary School. As far as the posts of Science Teachers for classes up to 10th are concerned, out of 20 posts, 2 were reported to be vacant. At Senior Secondary level, there is about 15% shortage.

The Commission inquired about the availability of toilets for boys and girls in the schools. The Commission was informed that in the Lahaul District, Satluj Jal Vidyut Nigam (SJVN) has provided Rs 3.50 crores under CSR for construction of toilets. 32 toilets will be constructed at a unit cost of Rs. 1,22,500/-. The Vice Chairperson of the Commission informed that the company itself has surveyed and decided to construct the toilets and the schools were not consulted about the place where the toilets should be constructed. The company is constructing the toilets even on the private land. The Commission advised the Deputy Commissioner to review this issue so that money is not wasted.

(b) **Health** - The Commission was informed that there is one district Hospital, 3 Community Health Centres, 16 Primary Health Centres, 36 Health Sub-Centres and 21 Ayurvedic Health Centres in the district. Besides above, 5 civil dispensaries also exist in Darcha, Phura, Kibber, Lossar and Hansa. The Commission inquired about the availability of Doctors and Paramedical staff in the district. It was informed that the sanctioned strength of Doctors including specialists in the district was 48 out of which 28 were filled. Out of the above 48 Doctors, there are 7 posts of specialists but there is no specialists working at present. Similarly, out of 8 posts of medical Officers (Dental), only 4 are filled up and remaining 4 are vacant. There is no lady Doctor in the district and the patients have to rush out in case of emergencies. During the discussions, it was also informed that many posts of Pharmacists, Lab Technicians and Health workers were also vacant. The Deputy Commissioner informed that the Doctors are appointed through walk-in-interview and paid additional amount of Rs 25,000/- but they don't prefer to work under such adverse climatic conditions. The Commission advised the State Govt. to depute the Doctors to these areas for short period up to two months so that their services are available in the remote tribal areas also. The Govt. may take bonds from PG students for serving in tribal area for a specific period. Several other incentives may also be provided to the Doctors serving in tribal area. The Commission suggested that there were demands for exemption in income tax to the Doctors and other employees posted in tribal areas of the State similar to north- east region of the country and it should be considered sympathetically. When asked about the diseases in tribal areas of the district, the Commission was informed that mainly high blood pressure and TB cases are found in the local population. There are cases of Hepatitis reported in Spiti Sub-division. The cases of Osteoporosis are also found in the district for which Vitamin D tablets are distributed. The main reason of High Blood Pressure is consumption of salted tea with butter. The Commission observed that there were complaints about non-availability of Doctors and Para-medical staff in the dispensaries and Hospitals during the field visit of the Commission and advised the Deputy Commissioner to take effective steps in filling the vacant posts. The sex ratio in the district was reported to be 1013 women per 1000 men, which was convincing.

(c) **Roads** – The Commission was informed that the National Highway is constructed and maintained by GREF under BRO, Ministry of Defense. From Manali to Sarchu, 222 Kms. of road is with GREF. Out of this 150 Kms. road is black topped and 72 kms. road is yet to be made black topped. The officers of GREF informed that the budget for this purpose is provided by MoD and with the available budget and infrastructure; every effort is taken to open the passes by removing the snow and to make the roads motorable. It was noticed that GREF is making only 3-4 Kms. road per year and felt that more funds and machineries should be made available to the GREF for construction and maintenance of roads in this hilly bordering area where the cost of construction is much higher.

The Commission also inquired about the condition of State roads and other roads. The Commission was informed that total out of 386 Kms. roads, 143 Kms. roads is Black Topped and 243 Kms. is Kuchcha road. The Commission desired to know about the plans and targets for construction of roads. The Commission was informed that the DPR has been made and it is proposed to construct 13 Kms. of Black Topped road but funds are not available. The Commission noted that the funds made available were also not utilized due to adverse climatic condition and advised the Administration to utilize the winter season for all other procedural requirements and start the construction and maintenance work immediately after the passes are opened. The Commission was informed that all the villages having population of 250 or above have been connected with single roads under PMGSY. There is 240 Kms. village roads in the district.

The Commission noted that for construction and up keep of roads, the funds are a major constraint in the district and advised the State Govt. that a special case may be made to demand funds from Central Government for this purpose as it is a border area and rapid infrastructure development has taken place on other side of the border.

(d) **Telecommunication** – The Deputy Commissioner informed the Commission that the telephone and internet services in the district are in bad shape as a result of which all the Govt. department as well as public in general are facing a lot of difficulty in carrying out their day to day activities as the district remains totally cut off for a period of over 6 months due to heavy snow fall and other vagaries of weather. The banking services are also hit due to this reason and the public makes complaint in this regard. He has discussed the matter with the local BSNL officer who has brought to the notice following situation:

- 1) As far as the telecom services of Lahaul & Spiti are concerned, the main communication link are Optical Fiber Cable along BRO road and all the services of BSNL i.e. land line, Mobile, Broad band, WLL, Wi-Max, Lease lines of different State offices and Banks and 3G are working on the OFC. The work of road widening is in progress by the BRO due to which most of the area of O.F. Cable, which was underground, got open and became vulnerable for breakage.
- 2) In case of Optical fiber cable failure, there is an alternate media of Satellite which has a capacity of only 8 Mbs and can support only two services land line and mobile voice service. Moreover, at the time of

installation of the Satellite Terminal, it was sufficient for communication services in the area due to less traffic but with times, the new services like WLL, 3G WiMAX and Broad band have been added and the traffic has also increased many folds. Therefore, the link is not sufficient for the current communication traffic requirements. So, to maintain the quality and continuous connectivity, the capacity of Satellite is required to be increased from 8Mbs to at least 34 Mbs.

- 3) Also due to climatic and geographical conditions of the area interruption free communication services are not possible on Optical Fiber Cable only; because in the winter season if the OFC break down takes place, it is possible to repair only after the roads are open. In that case, only satellite link will be available that is why it is required for proper communication that the satellite media should be enhanced in the interest of public of tribal area for their communication with rest of the country.

During the discussion the Commission was informed that the Deputy Commissioner has written a letter to the BSNL authorities on the above subject. It was also informed that heavy spectrum charges are taken by BSNL and it should take care of the needs of the tribal area bordering China under CSR funds. The Deputy Commissioner requested the Commission to take up the matter with BSNL and Department of Telecommunications, Govt. of India to sort out the issue.

(e) **Agriculture and Horticulture** – The Commission was informed that the local tribals have diverted to production of peas, potatoes and apple plantation for more earning. The Commission pointed out that during the field visit of the Commission, one farmer was seen producing capsicum in the green house constructed with the assistance of Horticulture Department and the Commission was impressed with such efforts. The Commission advised the district Administration and the State Govt. to play a catalytic role in promoting such efforts of the local farmers and suggested to involve more farmers by forming Horticulture cluster of many farmers producing different types of flowers, fruits and exotic vegetables. This will not only reduce the cost of production but also be economically viable. Moreover, the producers will be able to access the market collectively saving time and manpower. The Commission advised that the Department of Agriculture and Horticulture of the State should use the expertise of KVKs and Himachal Pradesh Agriculture University to increase the productivity, diversify the production and to raise income of the tribal community. Assistance may also be taken from National Horticulture Mission in this regard. The demands for supply of power trailers and sprinklers should also be fulfilled on priority basis.

(f) **PDS** – The Commission was informed that 5236 family Ration card were issued to the families 3 years ago and presently these cards are being digitized. Under PDS, 15 Kg. of rice and 20 Kg. of wheat were being provided per family to the APL families. Similarly, 35 Kg. Ration is being provided to the BPL families. National Food Security Act is implemented in the State with effect from the month of September, 2014. The Commission noted that the definition of family was not according to the accepted norms. Joint family was being treated

as one family contrary to the norms adopted under MGNAREGA where married adults were treated as separate family. The Commission suggested that married sons and their children should be treated as separate family and separate ration cards should be issued to them making them eligible to obtain 15 Kg. ration separately. As the Panchayats are preparing Ration Cards, the employees concerned should be trained on the subject.

(g) **Electricity** – The Commission discussed the issue of power supply in the tribal areas. It was informed that considering census village as a unit, 100% villages have been electrified. Efforts are being taken to provide electric connection to each household. BPL families are being provided electric connection under RGGVY. It was admitted that during the winter season, the grid supply totally collapses for 2-3 months. Electric supply in Spiti area of the district was also not regular. It was brought to the notice of the Commission that 2400 solar power street lights were being sanctioned last year under SCSP and demanded that similar scheme may be implemented for the tribal areas under TSP. If 2000 such lights are sanctioned for tribal areas as a special case, the situation will improve.

(h) **Forest Rights Act** – During the discussion, the DFO informed that Forest Rights Committees were formed in the district for each revenue village and many individual claims were received in the district. However, these claimants were not treated as eligible for Forest Rights as the fire wood and Grass Rights in the district were already settled. No tribal or other forest dweller is dependent on the forest in the district for livelihood which is a condition for providing Forest Rights. Dissatisfied with the above statement, the Commission sought detailed information about the number of villages, number of FRCs constituted in the district, number of individual claims received and their status. The Commission was informed that there are 521 revenue villages in the district out of which 281 are habited and 240 are inhabited. Total 165 FRCs have been formed in the district. It was further informed that 1593 individual claims were filed out of which only 7 Pattas were accepted by the DLCs and Pattas issued. Out of 1593 claims, 1087 were rejected at Gram Sabha level as necessary Codal formalities regarding claims under FRA, 2006 were not completed by the FRCs. Another 359 claims were returned back to the applicants by the concerned FRCs as they were incomplete claims. 71 cases were rejected by SDLCs under chapter 1(2) (C) because claimants were not dependent on forest for livelihood. It was also informed that 69 claims were pending at Gram Sabha level and necessary action is being taken for further submission to SDLCs. As far as community claims are concerned, 194 cases were filed out of which 8 were pending at Gram Sabha level and 95 were pending at SDLCs level. A total number of 40 community claims were rejected by the Gram Sabha and 6 cases were returned to the applicants by the FRCs as the claims were incomplete. It was also informed that 23 cases have been received from the concerned SDLCs and NOCs under FRA, 2006 have been issued in favour of concerned user agencies as per the recommendation of concerned FRCs, Gram Sabhas and SDLCs by the Deputy Commissioner. The Commission noted that the training to the members of FRCs of the village and SDLCs is provided by Panchayati Raj Department of the State and there is a necessity to speed up

the training process as the officers and staff needs to be educated on various aspects of FRA. The Commission noted with concern that FRA was not implemented so far in the State as well as district. The Commission was informed that this was due to an order of the High Court and technical issues relating to distribution of Nautod (Govt.) land and illegal forest encroachments. However, the Additional Secretary, Tribal Welfare Department, Govt. of Himachal Pradesh made it clear to the district officials that FRA is superior to all other Acts and rules if there is any difference of expression in FRA and other rules. The Commission advised the administration to speed up the implementation of FRA by issuing instructions from upwards in the Administration.

(i) **Allocation and Expenditure under Tribal Sub-plan and Special Central Assistance-** The Commission noted that an amount of Rs. 2698.53 lacs was allocated under TSP to Lahaul and the entire amount was spent. An amount of Rs. 95.27 lacs was provided as SCA and full amount was spent. Similarly, in Spiti, an amount of Rs. 2397.85 lacs was allocated under TSP out of which 2350.34 lacs was spent. An amount of Rs. 84.69 lacs was provided as SCA out of which 84.57 lacs were spent. The Commission found it satisfactory.

24-06-2015

C36 The Commission left Keylong in the morning for Manali via Rohatang pass by road and met tribal delegates at Sissu and Koksar to know about their problems.

Meeting with tribal delegates at Sissu.

C37 The local tribals met the Commission at Sissu rest house and demanded solution of following problems faced by them in the village and the area:

- There is a problem of BSNL connectivity in the area and it is not possible for the villagers to contact their relatives living outside in other parts of the State and the Country. The situation worsens in the winter season when the area is cut off from the other parts of the Country due to heavy snow fall.
- There is no road from the village up to Keylong. It is under BRO and it has to construct and maintain the road. This matter should be taken up with the Ministry of Defense as it is a border area.
- The Agricultural Department of the State is not providing sprinklers for irrigation farmers due to lack of budget. The Tribals have submitted their applications two years ago but so far no action has been taken by the Department. More power trailers and Polly houses should be provided to the tribals by the agriculture and horticulture departments of the districts.
- Timber is not been received as per requirement from the forest department for construction and repairing of houses. TD norms should be amended so that per family entitlement of trees is increased.
- There is no Doctor in the Gondla PHC. There is no mobile van either. The district administration should post a Doctor in the PHC urgently.
- FRA Pattas have not been distributed in the State which is a serious matter.

Meeting with tribal delegates at Koksar.

C38 The local tribals met the Commission at Koksar rest house and informed the Commission about their following problems:

- The BSNL connectivity in the village and the district is very poor. All the villages of the District should be connected through all season connectivity and satellite phone services should also be provided.
- The tribals of the area should be provided solar street lights under TSP.
- Financial assistance should be provided for construction work in Mahila Mandal Bhawan.

25-06-2015

C39 The Commission left Manali for Kullu by road via Naggar and Patlikuhl and reached Kullu in the afternoon where the Deputy Commissioner, Kullu district welcomed the Commission. The Commission visited a library setup by the district Administration and praised the efforts of the Deputy Commissioner in this regard.

Visit to Bhutti Weavers Co-operative Society Limited, Bhutti Colony, Kullu, Himachal Pradesh

C40 The Commission visited the complex of Bhutti Weavers Co-operative Society Limited, Bhutti Colony, Himachal Pradesh in the afternoon and observed the activities of the Society. The management of the Society welcomed the Commission. A group of twelve progressive weavers of Bhutti village had joined hands in 1944 to form a cooperative society and raised Rs. 12 as a share capital. They started weaving of the traditional Pattus & Dhorus for their livelihood. In 1955, Shri Ved Ram Thakur joined the society as a member and was elected President of the society in 1956. He transformed the society with his managerial and professional skills and presently %Bhuttico+is the leader in the shawls industries. The society has 451 members as on date with paid up share capital of Rs. 83 Lakhs and the annual sale during the year 2014-15 was Rs. 1252 Lakhs. NABARD has extended financial support to the society under producer organization development funds. The Commission was informed that out of 451 members, 08 belong to ST category and one of the members in the Board of Directors belongs to ST category. The Commission appreciated the efforts of Shri Satya Prakash Thakur, the present President of the society in extension of the activities of the society throughout the Country.

(D) DISTRICT JABALPUR (MADHYA PRADESH) - Report of visit of Vice Chairperson, National Commission for Scheduled Tribes (NCST) from 07-08-2015 to 10-08-2015 for review meetings.

D1 Shri Ravi Thakur, Hon'ble Vice-Chairperson, NCST, Shri Santosh Kumar, Joint Secretary, NCST, New Delhi and Shri R.K.Dubey, Assistant Director, NCST, Regional office, Bhopal visited Jabalpur (M.P.) from 07-08-2015 to 10-08-2015 in accordance with the programme communicated to the State Govt. and others vide Wireless message No. TP/VC/NCST/2015/005 dated 30-07-2015 for review meetings

in Gun Carriage Factory (GCF), Vehicle Factory Jabalpur (VFJ), field visit and District level meetings to review the development programmes in respect of STs in the District.

07-08-2015 (Friday)

Welcome by Senior General Manager, GCF, General Manager, VFJ, Assistant Commissioner, Tribal Development Department, Jabalpur and other officers at Jabalpur Airport.

D2 Hon'ble Vice Chairperson, NCST and Joint Secretary, NCST, New Delhi reached Jabalpur Airport at 13:05 hrs. where they were received by Senior General Manager, GCF, Senior General Manager, VFJ, Assistant Commissioner, Tribal Development Department, Jabalpur and other officers. Shri R.K. Dubey, Assistant Director, NCST, Regional Office, Bhopal was also present. They proceeded for circuit house where Assistant Commissioner, Tribal Development Department, Jabalpur briefed the Commission about the general information related to the Districts and M.P. State.

08-08-2015 (Saturday)

D3 Hon'ble Vice Chairperson, NCST and Joint Secretary, NCST held meetings with office bearers and members SC/ST Defence Employees Council and individual ST employees of GCF in the forenoon and VFJ in the afternoon. Liaison officer for STs were also present in the meeting. Both the meetings were followed up by meetings with the management of those organizations. The details of issues raised and discussed in the meetings are given below:

Meeting with office bearers/members of SC/ST Defence Employees Council and ST employees working in GCF, Jabalpur

D4 Following common issues and individual cases were presented by the participants for consideration by the Commission:

1. Declaration of holiday on Rani Durgavati immolation day on 24th June, Raja Shankar Shah and Raghunath Shah immolation day on 18th September and Birsa Munda Jayanti on 15th November every year.
2. Simplification of procedure for issuance of Caste Certificates, difference in the format of Caste Certificates issued by various States and the format of Central Government, difficulty in obtaining caste certificate in the standard format prescribed by Central Government and request for active role of GCF Administration for issuance of Caste Certificates as done earlier for issuance of Samagra identity cards.
3. Non-implementation of reservation rosters in allotment of Government accommodation.
4. Exemption from passing test for promotion as the employees have been appointed after passing trade test and they are skilled employees. Recently 18 SC/ST employees were failed in the skill test for promotion. There is no representation of SC/ST officers conducting skill test.

5. Second chance should be given within a short period to the employees who could not pass the trade test for promotion.
6. Filling up of all vacant posts reserved for ST category through DR and promotion urgently.
7. Rosters of all the posts whether filled by DR or promotion should be made available on the website of the factory for transparency.
8. Improper functioning of SC,ST cell / Reservation cell in GCF which is open for the employees on every Friday from 2 to 4 P.M. However, it is not opened at that time and LO is not found there at the scheduled time. There is no computer in the cell and a telephone has been installed only one day before the meeting. A bench has also been kept recently. The cell is not located at a convenient place and it is at third floor. The SC/ST employees are not allowed to go to the cell by the Supervisors.
9. Adequate representation in Training programmes should be provided to SC/ST employees and officers for their future prospects.
10. Provision of reservation for SC/ST employees should be made in the JCM II, III and IV.
11. Indecent behavior with female employees by some lower level officials.
12. Discrimination in compassionate appointment with families of deceased SC/ST employees and need for review of marks being provided for number of dependent children in the marking scale for compassionate appointment.
13. Grant of financial up-gradation of pay under MACP to Subedar Darban Rathram and Security Supervisor Laxman.
14. Providing justice to Shri Harish Singh Garbyal, P. No. 814986 Chargeman/ NT who is being harassed by the Administration of GCF.

Meeting with Senior General Manager and other officers of GCF, Jabalpur.

D5 The Commission held meeting with Senior General Manager and other officers of GCF and discussed in detail, the issues raised in the meeting with office bearers/members of SC/ST Defence Employees Council and ST employees working in Gun Carriage Factory, Jabalpur. The issues emerged out of the reply of GCF management to the questionnaire sent by the Commission to them were also discussed at length in the meeting. The Commission was informed that only group ~~Bq~~ Non-gazetted posts and group ~~Cq~~ posts including Industrial Establishment posts are filled at the factory level. Following recommendations were made by the Commission during discussion on the issues:

1. The issue of declaring holiday on Rani Durgavati immolation day on 24th June, Raja Shankar Shah and Raghunath Shah Immolation day on 18th September and Birsa Munda Jayanti on 15th November every year should be considered by the Works Committee of the factory keeping in view the sentiments of tribal employees of the factory.
2. As far as issuance of caste certificate to SC/ST persons in the format for Central Government Departments, instructions are already there for the same. Certificates to the children of SC/ST employees hailing from other States can be issued on the basis of certificates issued to their fathers at the place of migration after verification from the concerned authority, if required. The matter

- pertains to the State Government and the caste certificate issuing authorities, not the GCF.
3. The Commission observed that there is no representation of SC/ST employees in JCM of different level and advised to consider for making provision of reservation for SC/ST employees in the JCM II, III and IV.
 4. Though, the Commission was informed by the management of GCF that a total of 1431 Quarters have been allotted out of which 248 Quarters have been allotted to ST employees, the Commission opined that maintenance of reservation rosters in allotment of Government accommodation is mandatory and the same should be strictly adhered to .
 5. The Commission was concerned about the complaint of declaring 18 SC/ST employees unsuccessful in skill test for promotion. The GCF was advised to ensure representation of SC/ST officers also among those conducting skill tests to ensure transparency and fairness in selection and also in compliance of Government orders on the subject. If there is no bar in the concerned SRO, more than 1 attempts of skill test for promotion may also be considered in a particular recruitment year.
 6. As far as the matter of fulfilling the reservation quota in promotions is concerned, the Commission noticed that the existing SROs are not conducive to meet the reservation requirements. In many cases, SC/ST employees are not available in the feeder cadre for promotion in normal and extended zone of consideration. The revision of concerned SROs may be done in consultation with the DoPT by adding saving clause to facilitate direct recruitment from that particular reserved community. Ad-hoc promotions may also be given to the SC/ST employees who are short of required experience by amending the SROs. These Ad-hoc promotions can be regularized on completion of experience required for promotion.
 7. The Commission observed that as on 30-07-2015, there was a short fall of 7 posts in group B and 16 posts in group C under direct recruitment quota for ST category. In the promotion quota, 2 posts reserved for STs were available in group C as a backlog. In the Industrial Establishment (IE), there was a short fall of 6 posts in group B and 13 posts in group C respectively. The Commission advised to fill up these posts by March, 2016.
 8. In reply to the questionnaire sent by the Commission, the GCF had submitted reply that the ST candidates are interviewed along with the Un-reserved candidates. The Commission pointed out that as per DoPT OM dated 30-01-1973, separate interview should be conducted for selecting the SC/ST candidates in direct recruitment. The GCF Administration clarified that interviews are not being taken for any category candidates in direct appointment. The Commission advised to follow above instructions in case direct recruitment of reserved category candidates is done along with Un-reserved candidates and interviews are held.
 9. The Commission took a serious note of the complaints regarding improper functioning of the reservation cell in GCF and directed to ensure that the Liaison officer and staff is available in the cell everyday at prescribed time. Adequate infrastructural facilities should also be provided to the cell for proper functioning of the cell. Awareness about the functioning of reservation cell has to be created among SC/ST employees/officers so that they can present their grievances before this cell.

10. The Commission also advised to make available the rosters on website of the organization for transparency. Computerization of rosters should also be taken up for which a module was developed and presented by the sister Medak Factory under OFB.
11. The Commission was concerned with the complaint of indecent behavior with women employees and advised that these complaints should be inquired by the committee constituted for inquiry into complaints of harassment of women at work place.
12. The Commission stressed the need for adequate representation of SC/ST employees and officers in Training programmes so that they can be groomed to share higher responsibilities in the organization.
13. The Commission observed that there were complaints of discrimination in compassionate appointment with families of deceased SC/ST employees and demands for review of marks being provided for number of dependent children in the scale for compassionate appointment. Though there is no reservation applicable in compassionate appointments, it was advised that transparency should be maintained in the decision making to avoid such complaints.
14. As the Commission was informed that the issue of grant of financial up-gradation of pay under MACP to Subedar Darban Rathram and Security Supervisor Laxman is under active consideration, the Commission advised to follow up the matter at appropriate level and inform the Commission about the decisions taken in this regard.
15. The Commission was not convinced with the reply of the GCF management on the complaint sent to the Commission for providing justice by Shri Harish Singh Garbyal, P. No. 814986 Chargeman/ NT who was allegedly being harassed by the Administration of GCF. The Commission advised to close the disciplinary proceedings against the employee who was admittedly termed as a good worker by the management. It was agreed by the management that on receipt of the reply from the concerned employee, the case shall be closed.

The Commission desired that due consideration shall be given to all the issues and a report on the implementation of the same shall be submitted to the Commission as early as possible.

Meeting with office bearers/members of SC/ST Defence Employees Council and ST employees working in Vehicle Factory, Jabalpur

D6 Following common issues and individual cases were presented by the participants for consideration by the Commission:

1. Organization of workshops for SC/ST officers and employees for creating awareness about Constitutional provisions and Safeguards available to them, Government orders on implementation of reservation policy and role of Liaison Officer for SC/ST.
2. Improper functioning of reservation cell. Dates and time of opening of cell is not fixed.
3. Sponsoring and nomination of SC/ST officers and employees in training programmes/courses for their career upliftment.
4. Non-implementation of reservation rosters in allotment of Government accommodation.

5. Promotion of SC/ST employees completing minimum qualifying services/ experience in case of non-availability of SC/ST employees in the normal and extended zone of consideration.
6. Issuing instruction to the Central Government offices located in M.P. for making sincere efforts in providing 20% reservation to ST category in group C posts being filled on regional basis.
7. Declaring holiday on Rani Durgavati immolation day on 24th June, Raja Shankar Shah and Raghunath Shah Immolation day on 18th September and Birsa Munda Jayanti on 15th November every year by the factory.
8. Rent free allotment of community hall for the functions organized on the above days.

Meeting with Senior General Manager and other officers of Vehicle Factory, Jabalpur.

D7 The Commission held meeting with Senior General Manager and other officers of VFJ and discussed in detail, the issues raised in the meeting with office bearers/members of SC/ST Defence Employees Council and ST employees working in Vehicle Factory, Jabalpur. The issues emerged out of the reply of VFJ management to the questionnaire sent by the Commission to them were also discussed at length in the meeting. The Commission was informed that only group B Non-gazetted posts and group C posts including Industrial Establishment posts are filled at the factory level. Following recommendations were made by the Commission during discussion on the issues:

1. As per the demand of SC/ST employees, VFJ should organize workshop for SC/ST officers and employees to create awareness about Constitutional provisions and Safeguards available to them, Government orders on implementation of reservation policy and role of Liaison Officer for SC/ST. Liaison Officer for SC/ST may be provided necessary Administrative and Budgetary support for the same. If required, The Commission may nominate experts for delivering lectures related to different aspects of the reservation policy.
2. The functioning of reservation cell should be improved. Dates and time of opening of cell should be fixed and notified to all concerned. Liaison Officer should be available at the prescribed place and time for listening to the grievances of the SC/ST employees.
3. The Commission advised the management to sponsor and nominate SC/ST officers and employees in training programmes/courses for their career upliftment.
4. The Commission observed that there is a backlog of 9 posts reserved for ST in group B and 8 posts in group C in promotion quota in the year 2014. The Commission also noticed that there was a backlog of 7 posts in group C reserved for ST category and advised the VFJ management to fill up these posts urgently. SRD may also be undertaken for filling the DR posts.
5. The Commission noticed that altogether 22 % of Government accommodation was allotted to ST employees and officers. However, their representation in type III, IV and V quarters was on a lesser side. The roster for allotment of Government accommodation was also not being maintained. The Commission

- opined that maintenance of reservation rosters in allotment of Government accommodation is mandatory and the same should be strictly adhered to.
6. Promotion of SC/ST employees completing minimum qualifying services/experience in case of non-availability of SC/ST employees in the normal and extended zone of consideration was discussed. The revision of concerned SROs may be done in consultation with the DoPT by adding saving clause to facilitate direct recruitment from that particular reserved community. Ad-hoc promotions may also be given to the SC/ST employees who are short of required experience by amending the SROs. These Ad-hoc promotions can be regularized on completion of experience required for promotion.
 7. There are instructions already issued by Government of India for providing 20% reservation to ST category in group £ posts being filled on regional basis and all the Central Government organizations including VFJ should comply with the same.
 8. The demand of tribal employees for declaring holiday on Rani Durgavati immolation day on 24th June, Raja Shankar Shah and Raghunath Shah Immolation day on 18th September and Birsa Munda Jayanti on 15th November every year should be considered by the Works Committee of the factory and the management of VFJ should provide community hall for the functions organized on the above days without charging any Rent.

Participation in International day for World's Indigenous people

D8 Hon ϕ le Vice Chairperson, NCST attended a programme as Chief Guest in the forenoon organized by Regional Medical Centre for Research on Tribal Health (ICMR) on the occasion of International day for World's Indigenous people. Shri Santosh Kumar, Joint Secretary, NCST was also present on the dais as special guest. Shri Deepak Khandekar, Commissioner, Jabalpur division, Shri Vishwa Mohan Katoch, Ex-DG, ICMR and Secretary, Health Research, Lt. Gen. D. Raghunath, President, Scientific Advisory Committee of the Center, Smt. Rooplekha Chauhan, Dean, NS Medical College, Jabalpur and Shri. Shiv Narayan Rupla, District Collector, Jabalpur was also present on the occasion. Dr. Neeru Singh, Director, RMCRT welcomed the guests. In his address, Hon ϕ le Vice Chairperson, NCST praised the initiatives taken by Regional Medical Centre for Research on Tribal Health, Jabalpur in undertaking research activities on various aspects of health related issues of tribal community of the country and particularly the recent initiative of the RMCRT for opening a sub-center in Keylong, district Lahaul & Spiti which is geographically a remote area. In his address, Joint Secretary, NCST emphasized the need of taking the research work conducted in the laboratories to the tribals and to take effective measures for providing quality health services at their doors.

Visit to Rani Awanti Bai Lodhi Sagar Project (Bargi Dam)

D9 In the afternoon, Hon ϕ le Vice Chairperson, NCST visited Bargi Dam and discussed about rehabilitation of tribals displaced due to construction of this Dam by Narmada Valley Development Authority on Narmada River. The Commission was informed that land acquisition for this project was done in 1982 and it is an old project. The main purpose of this project is irrigation but hydro-electricity is also produced. The power generation is done by MP Power Generating Company Ltd. The catchment area

of the project is 14,550 Sq.Kms and the full tank capacity is 3920 million cubic meter. The length of main left bank canal is 135.50 Kms. and the capacity of irrigation is 2.198 lacs hectares per year. The Commission was informed that there are 2 units of 45 Megawatt capacity each and 2 units of 5 Megawatt capacity each. Drinking water is also supplied to the Jabalpur city from the reservoir of this Dam.

D10 The Commission desired to know about the area of land submerged and displacement of villages, fully or partly in the project. The Commission was informed that a total of 27,696 hectares of land was submerged out of which 15,771.50 hectare was private land, 3447 hectare was revenue land and remaining 8478 hectares was forest land. A total of 160 villages were affected due to the project out of which 22 villages were fully submerged and 138 villages were partly submerged in the reservoir. These 160 villages were spread in Mandla, Seoni and Jabalpur Districts with 95, 47 and 18 villages respectively. 5425 families were affected due to this project. A large number of tribal families were displaced. They were paid compensation as per the R & R policy prevailing at that time. They were settled in 5 model villages. 363 families opted to settle in these model villages and rest of the families settled around the reservoir where they were provided necessary facilities.

D11 The Commission advised to ensure that the Tribals displaced due to this project are provided compensation and all the facilities as per the policy and benefit of various developmental programmes being run by the Central and State Governments reaches them. The Commission also suggested that the district level officers of Tribal Development Department of the 3 districts viz. Mandla, Seoni and Jabalpur should make occasional visits to the tribal habitations for the purpose of monitoring the same.

Meeting with tribal delegates

D12 Representatives of following Associations of STs and individuals met with the Commission and submitted their grievance to Hon^{ble} Vice Chairperson, NCST:

1. General Secretary, SC/ST Defence Employees Sangh, Ordnance Factory Khamariya regarding improper functioning of SC/ST cell in OFK.
2. Dr. G.L. Titoni, Ex-Principal, Government Autonomous Ayurvedic College, Jabalpur regarding overlooking the provisions of reservation policy for SC/ST, contract appointment of doctors in teaching posts in Government and Autonomous Colleges from UR category by Ayush Department, Government of M.P. and regularization of their services against the posts reserved for SC/ST category and thus skipping the reservation provisions.
3. Mrs. Reena Joseph, Vidya Nagar, Jabalpur regarding harassment by way of disciplinary action by GCF authorities under rule 14 and 16 of CCA rules, 1965.
4. Shri Harish Singh Garbyal, P. No. 814986 Chageman/ NT, GCF regarding alleged harassment by the Administration of GCF.

Visit to Eklavya Model Residential School (EMRS), Jabalpur

D13 The Commission visited Eklavya Model Residential School (EMRS), Jabalpur for inspection of the school. Smt. Vanita Ghai, Principal of the school welcomed the team. The Commission met students and discussed about the facilities being provided to them in the school. Inquiry was made about breakfast, meals, cleanliness, supply of uniform, books etc. The team visited class rooms, living rooms, toilets and kitchen. It also held discussion with the teachers. It was informed that there are 300 students in the residential school with equal number of boys and girls. The stipend is being provided @ Rs 940 /- per boy and Rs 970 /- per girl. Besides above, Rs 200 /- per students is being provided for nutritious food to the students. The Commission was informed that the EMRS is being run temporarily in 5 rooms on the first floor of the building of Government SC residential school, which is on the ground floor. The building of EMRS is under construction on 12.5 acre land which has a capacity of 420 students. Staff quarters are also under construction. The construction work is likely to be completed within a period of 6 months. A proposal for repairing the present building is already pending before the Government of M.P. for sanction. Most of the teachers are appointed on contract basis in the school. They demanded for regularization of their services. On the basis of discussion with the Students, Teachers, Principal and District level officer of Tribal Development Department and after inspection of the facilities, the Commission desired that action should be taken on the following points for betterment of the institution:

1. There is an urgent need for repairing the broken glasses of the windows and other repairing work due to ongoing monsoon. The students are facing problems as raining water enters in the rooms through broken glasses of the windows.
2. The bathrooms and toilets of the school and residential area require constant cleaning due to large number of students residing there and only 1 part time sweeper has been engaged. A full time regular sweeper is required for the EMRS.
3. Exhaust fans should be installed in the bathrooms.
4. It was felt that regular visits of doctors and nurses are required for treatment and health checkup of the students.
5. During discussion, it was revealed that most of the teachers were appointed in the EMRS on contract basis and they are continuing for many years. The process of regularization of their services is in progress. On enquiry, it was noticed that there is no representation of SC/ST/OBC category as no provisions of reservation in these contractual teaching posts was made. In case, the services of these teachers are regularized, the provision of reservation policy will have to be taken care of by the State Government and the Concerned Authorities.

District level review meeting with District Collector and other Senior Officers of the District.

D14 Honble Vice Chairperson, NCST held a meeting with District Collector, SP and other Senior Officers of Jabalpur District to review the implementation of various developmental programmes and cases registered under SCs & STs (PoA) Act, 1989. Shri Santosh Kumar, Joint Secretary, NCST and Shri R.K. Dubey, Assistant

Director, NCST, Regional Office, Bhopal also participated in the meeting. Mrs. Shilpa Jain, Assistant Commissioner, Tribal Development, Jabalpur welcomed the Commission. Thereafter, a power point presentation was made depicting various statistical information of the District.

D15 It was informed that the district has a geographical area of 5644.54 Sq.Kms comprising of 7 Tahsil, 7 Blocks, 1 Nagar Palik Nigam, 2 Nagar Palikas, 6 Nagar Panchayats, 1 Nagar Vikas Pradhikaran and 7 Janpad Panchayats. As per the 2011 census, the total population of the district was 24,63,289 out of which there were 12,77,278 males and 11,86,011 females. The tribal population was 3,75,231 (15.23 %). There is no tribal block in the district. However, Kundam block and Shahpura areas of the district have more concentration of tribal population. The total number of literates was 17,56,468 out of which 9,80,307 were males and 7,76,161 were females.

D16 The point wise discussion in the meeting was held on the basis of reply of the questionnaire sent by the Commission to the district Administration. Following issues were discussed and recommendations were made by the Commission in this regard:

1. The Commission noticed that the overall literacy in the district was 71.30% and among unreserved category, it was 89.10% among males and 75.30% among females. However, in the ST category, it was only 50.54% among males and 49.32% among females. Thus, a wide gap between the Unreserved and tribal literacy is clearly visible. More efforts are required to fill this gap so that the literacy among tribals could be improved at par with the Unreserved Category.
2. It was also observed that the dropout at high school level was 21.06% among unreserved category whereas it was 38.54% among ST category. It was explained that the tribal girls dropout from the school at this level as the high schools are far away and the State Government is providing Rs 2,400 /- per girl for purchasing bicycles to come to school for continuing their education. The Commission stressed the need to retain the tribal girls in the school so that they can be properly educated and developed.
3. The Commission desired to know whether the number of hostels and seats therein are adequate for the ST boys and girls and whether it is consonant to the demand. It was informed that more pre-matric and post-matric hostels for tribal girls and boys are required and demand of five such hostels has been made to the higher authorities of the State. The Commission directed to provide a copy of the proposals so that the matter can be pursued at higher level. The Commission also advised to get repaired the broken windows and doors of building of Eklavya Model Residential School, Jabalpur and Government SC residential school and also ensure cleanliness in the toilets and bathrooms of both the floors.
4. The Commission was satisfied with the distribution of pre-matric and post-matric scholarships and stipend to the tribal students in the district for which online facility has been created and money is transferred directly in the accounts of the beneficiaries. During the year 2014-15, an allocation of Rs 5.05 crores was received as ST post-matric scholarship out of which almost all the amount was distributed to the 2898 students. Similarly in the year 2015-16, an amount of Rs 1.48 crores was received as stipend for the tribal students residing in hostels/

- Ashram School out of which 1246 students were distributed Rs 57.65 lacs. All the tribal students residing in hostels/ Ashram School were provided stipend.
5. The Commission also inquired about the availability of health services in the district particularly in the areas where large number of tribal population is concentrated. The Commission was informed that the tribals are mainly concentrated in Kundam block and to some extent in Shahpura. There are 22 Primary Health Centers and 190 Sub-Centers in the district. It was admitted that there is approximately 50% shortage of Doctors in the district. In Kundam CHC, out of 4 posts of Doctors, only 2 are filled up. The Commission advised the district Administration to fill up the vacant posts of Doctors and paramedical staff on priority basis to improve the health services in tribal areas. The Commission noted that there is 84% institutional delivery in the district which is praiseworthy. The main diseases among the tribal community were reported to be malaria and dengue. The Commission advised to extend awareness for prevention of these diseases focusing tribal settlements so that the mortality rate among tribals may be brought at par with Unreserved Category. The Commission directed the District Collector to ensure that Doctors and Nurses regularly visit the ST and SC boys and girls hostels/ Ashram schools particularly Eklavya Model Residential School and Government SC residential school, Jabalpur.
 6. The Commission also reviewed the implementation of MGNREGA in the District. The Commission was informed that presently payment is made @ Rs 150 /- per day in the district and in general, people are taking lesser interest to work as a labour under this scheme. The main reason behind this was reported to be higher wages to agricultural and industrial labours. The delay in payment is also one of the reasons though the payment is being made directly in the accounts of the beneficiaries. Last year, works under this scheme could not be undertaken for about 8 months due to lack of funds. The Commission opined that this scheme has been successful in tribal areas and has enhanced the income of tribal families. The Commission advised that in case there is demand of work by the job card holders, the Administration should be in position to provide employment particularly during the non-cropping season.
 7. The Commission also inquired about the implementation of The Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Act in the district. It was informed that so far 875 individual and 295 community Forest Rights have been recognized in the district. All the above mentioned individual rights were distributed the Scheduled Tribes. Out of above 295 community rights which were recognized, 255 were from the ST category and the rest were from other forest dwellers. The land measuring 882.426 hectare was recognized to be in possession of these individual beneficiaries. On inquiry, it was informed that a total of 3737 individuals and 847 community claims were received. The Commission noted that there was very high percentage of rejection of claims and inquired the reasons behind such rejection. It was informed that a large number of cases were rejected due to possession after cutoff date and false claim due to greediness. It was also informed that the rejected cases were reviewed and the rejection in most of the cases was found to be correct. A total of 804 individual and 456 community claims are pending as they were received on a later date. The Act does not provide any cutoff date for making claims. The Commission advised to decide these pending claims in a time bound manner

- so that the genuine claims of the tribals are timely recognized and they can be benefitted under the scheme.
8. The Commission also noted that the 842 persons who have been provided Van Adhikar Patra under the Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Act+ have been further benefitted by convergence of different schemes of the Government. A total of 215 such persons have been benefitted under Kapil Dhara well scheme, 302 under Awas Yojana, 102 with diesel pump, 35 with electric pump, 583 under land improvement and making of boundary of agricultural fields, 35 under animal husbandry, 558 by loan through Co-operative Societies and 558 with KCC. The Commission appreciated the initiative of the district Administration and advised to extend the benefit of these schemes to those persons also whose Van Adhikar claims are pending and are likely to get it soon.
 9. The Commission also review the status of cases registered under SCs and STs (PoA) Act, 1989 and SCs and STs (PoA) Rules, 1995 as amended time to time. The Commission was informed that during 2014-15, 41 cases were registered under this Act and monetary compensation to the tune of Rs 36.54 lacs was distributed to the victims or their families. During 2012-13 and 2013-14, the number of cases registered under this Act was 34 and 26 respectively. On inquiry, the Commission was informed that the percentage of cases where the accused have been sentenced by the court under this Act was on a lower side as the victims and witnesses become hostile during the pendency of the case in the trial court. The Commission was satisfied with the timely payment of compensation, travelling and maintenance allowance to the victims and the witnesses. However, the Commission advised that the police officials and officers should be sensitized towards the problems of SC/ST population through workshops on the provisions of this Act and Rules framed therein. The Commission also advised to be vigilant on the complaints of trafficking of tribal girls to the large cities for working as domestic maid where they are subjected to physical and financial exploitation.
 10. The Commission noticed that during the current year, 38 cases of verification of caste certificate were received in the office of the District Collector out of which 7 were verified and sent to the concerned department. It was informed that remaining cases are recently received and are under the process of verification. The Commission directed for early disposal of these pending certificates so that timely action can be taken against the fake certificate holders.
 11. The District Collector, Jabalpur informed the Commission that the State Government has taken initiatives to issue SC/ST and OBC certificates to the students in the schools where they are studying. Out of about 83,000 ST students, forms have been collected from about 71,000 students out of which 57,000 have been issued ST caste certificates. Forms are being collected from the remaining 10,000 ST students also and after verification, they will be issued certificates. The Commission appreciated the move of the State Government and advised to be vigilant so that only genuine ST persons are issued castes certificates.
 12. The Commission also reviewed the flow of funds from State budget to Tribal Sub-Plan in the district. The Commission was informed that funds in proportion to the percentage of tribal population are provided under TSP to 26 different development departments for under taking several schemes for the welfare and

development of Schedule Tribes. Out of the budget of about Rs 442 crores allocated to the district, 69.29 crores (15.67 %) was allocated under TSP. These departments also cater to the need of tribal areas from their own budget besides TSP allocation.

D17 In the end of the meeting, District Collector, Jabalpur thanked the Commission for visiting Jabalpur and assured that action will be taken by the District Administration on the suggestions made by the Commission.

(E) MAHARASHTRA - Tour Report of the National Commission for Scheduled Tribes (NCST) to Pune and Nashik in the State of Maharashtra from 28-01-2016 to 01-02-2016 .

E1 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Shri Ravi Thakur, Hon'ble Vice-Chairperson, Smt. K.D. Bhansor, Director, NCST and Shri R.K.Dubey, Assistant Director, NCST, Regional office, Bhopal visited State of Pune and Nashik in the State of Maharashtra from 28-01-2016 (evening) to 01-02-2016 for meetings with senior officers of State Govt. on issue of fake caste certificates, inspection of activities of Disha Foundation, Nashik and field visits in accordance with programme communicated to the State Govt. vide Wireless message No. 11/2/2015/Maharashtra/Dist(Pune)/RU-IV Dated 15-01-2016.

29-01-2016

Inauguration of “ हस्तकला बिक्री केन्द्र तथा पाक कला प्रशिक्षण केन्द्र” (Cooking Training Center) at Tribal Research and Training Institute, Pune by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST.

E2 Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST inaugurated हस्तकला बिक्री तथा पाक कला प्रशिक्षण केन्द्र (Handicraft Sale Center and Cooking Training Center) at Tribal Research and Training Institute, Pune in the morning in presence of Chief Secretary, Government of Maharashtra and Secretary, Tribal Development Department, Government of Maharashtra. In the Cooking Training Center, the tribal staff preparing food in the Ashram Schools will be provided training for preparing healthy and hygienic food for the students. In **Tribal handicraft sale center** the tribal art has been displayed which is also available for sale. Commission was informed that a tie up has been made for marketing and supply of these produces with some companies and the products are also being exported abroad. Commission also visited Tribal Museum in the TRTI campus, Pune which has a large collection of the articles used by different tribal communities of Maharashtra State.

Meeting with Chief Secretary, Government of Maharashtra, Secretary, Tribal Welfare department, Commissioner, TRTI and other officers of Govt. of Maharashtra on the issue of fake caste certificates.

E3 The Commission held a meeting with Chief Secretary, Government of Maharashtra, Secretary, Tribal Welfare department, Commissioner, TRTI and other officers of Govt. of Maharashtra on the issue of fake caste certificates.

E4 The State Government presented a note of compliance to the Commission on its earlier communications and meetings taken on the subject as given below:

S. No.	Points	Submissions of State Government
1.	<p>Commission received a specific complaint regarding issuance of ST certificate, due to O.M. DoPT, to non ST persons who belonged to Halba Koshti/Halbi Koshti/Koshti community as above communities are not covered under the list of STs notified by the GOI. In fact it is very clear after the judgment of Hon^{ble} Supreme Court of 1994 in the matter of Madhuri Patil that community certificates are to be issued only to those communities which are notified vide Presidential order for inclusion in the list of Scheduled Tribes. Here Halba/Halbi finds mention in the Presidential order and not the Halba Koshti/Halbi Koshti/ Koshti caste.</p>	<p>As per the O.M. No. 36011/2010-Estt(Res) issued on dated 10th August, 2010 by DoPT of Central Govt., the candidates belonging to Halba Koshti/Halbi Koshti/ Koshti appointed against the post reserved for ST category on the basis of the ST certificate, their services had been protected in the light of the judgment of the Hon^{ble} Supreme Court in Milind^s case. Shri Harishchandra Chavan, Hon^{ble} M.P. Lok Sabha had lodged complaint about the said O.M. issued by DoPT to Hon^{ble} National Commission for Scheduled Tribes (NCST).</p> <p>This Deptt. had sought the opinion of TRTI, Pune and submitted the report vide letter dated 15-05-2013 to Hon^{ble} NCST.</p> <p>As per the report of TRTI, the original complaint dated 18-12-2012 filed by Shri Harishcandra Chavan, Hon^{ble} M.P; Lok Sabha along with various associations/Organizations, through which they have requested to instruct DoPT to cancel O.M. No. 36011/2010-Estt(Res) issued on dated 10th August, 2010, dealing with appointment of candidates belonging to Halba Koshti/Halbi Koshti/ Koshti caste against vacancies reserved for the Scheduled Tribes and to initiate departmental enquiry against employees, officials and legal advisers who have intentionally issued the aforesaid O.M.</p> <p>The O.M. dated 10th August, 2010 issued by the DoPT, which was based on the judgment of the Hon^{ble} Supreme Court in Milind^s case, delivered on 28-11-2000, inter-alia, it was held that “Having regard to the passage of time, in the given circumstances, including interim orders passed by this Court in</p>

		<p>SLP (C) No. 16372/85 and other related affairs, we make it clear that the admissions and appointments that have become final, shall remain unaffected by this judgment.”</p> <p>Therefore, the O.M. issued by the DoPT is just a replica of the above referred judgment of the Supreme Court, The O.M. made it clear that these candidates shall not get the benefits of reservations after 28-11-2000.</p> <p>The Honble NCST arranged various meetings on this issue and sent the minutes of the meeting to State Government. The minutes of the above meetings was sent to the General Administration Deptt. and this Deptt. also.</p> <p>Meanwhile, Joint Secretary, DoPT, Govt. of India had informed vide his D.O. letter dated 29-11-2013 that in the recent judgment by the High Court of Judicature of Bombay (Nagpur Bench) vide its order dated 20-12-2012 (W.P. No. 4283/10 in the case of All India Adivasi Employees Federatiion V/s. UOI), observed that the Office Memorandum dated 10-08-2010 has been in consonance with the law laid down in the judgment of the Apex Court. The Adivasi Employees Federation has already filed the SLP before the Supreme Court and <u>the matter is subjudice.</u></p>
2	<p>To investigate the above matter of fake certificate, Commission held several Sittings with Officials of Government of Maharashtra, DoPT, Ministry of Law and Ministry of Tribal Affairs. Proceedings of the Sittings held on 30-08-2013, 04-09-2013 and 25-06-2014 in this Commission were sent to the Government of Maharashtra and copy of each such sitting is attached herewith for your ready reference.</p>	<p>On the basis of the interim order dated 14-07-1986, passed by the Honble Supreme Court in Milind case, the then State level Scheduled Tribe Certificate Scrutiny Committee has issued provisional validity Certificates to the candidates as belonging to Halba Koshti community. Due to the final Judgment delivered in Milind case by the Honble Supreme Court on 28-11-2000, the admissions and the appointments made on the basis of the Halba Koshti certificates have automatically become final. Hence the point as raised regarding investigation of such certificates does not arise.</p>

3	<p>Based on the inputs given by the Officers, of State Government of Maharashtra, the Commission in its 75th meeting held on 17-08-2015 observed that due to issuance of above said O.M. of DoPT <u>over 20,000 posts are grabbed by Halba Koshti/Halbi Koshti/ Koshti caste (non tribal community)</u>. It was decided in the meeting of this Commission that State Government of Maharashtra should identify such number of posts and take immediate remedial action so as to ensure that same number (equivalence of such posts) are carried forward so as to provide benefit to eligible genuine STs, which were filled by ineligible non STs candidates.</p>	<p>The information on these points is related to General Administration Department which has submitted report vide their letter no. chlhlh&2016@iz-Ø 30,@16&c dated 21-01-2016 (copy provided to Commission) on the corrective measures taken by the State Government in this regard.</p> <p>The aforesaid O.M. issued by the DoPT, is applicable to the employees of the Central Government and its undertakings. The State Government, as such, has no control over these establishments. Therefore, it is desirable to collect these statistics from various establishments of the Central Government and to act accordingly by the DoPT.</p>
4	<p>It was also advised by the Commission that if needed so, necessary Statutory amendments may be carried out in this respect. Copy of the minutes of above meeting were forwarded by this Commission to the Chief Secretary, Government of Maharashtra, vide letter No. HCC/Maha/1/2013/RU-IV dated 06-11-2015 (copy attached)</p>	<p>As above</p>
5	<p>Vide this office letter No. KAV/3/2013/MTAF1/SEOTH/RU-IV dated 05-11-2013 representation of Shri A. V. Kisave of Pune for correction of spelling of Dhangad and Dhangar or addition of Dhangar as synonym of Oraon was sent to the Ministry of Tribal Affairs. In this regard Ministry of Tribal Affairs vide its letter 12026/37/2013-CL & M-I dated 07-04-2014 (copy attached) interalia intimated that above matter was also raised by the Hon^{ble} MPs of Lok Sabha and the said matter was taken up by the MoTA with the Government of Maharashtra, on 08-06-2012 and</p>	<p>Ministry of Tribal Affairs vide their letter dated 08-06-2012 and 19-03-2013 sought the comments of the State Govt., on the representations received from Shri Bhausaheb Wakchaure, then M.P. (Lok Sabha) and Shri Rao Saheb Danve Patil, Hon^{ble} M.P. (Lok Sabha) and Ms. Praniti Shinde, Hon^{ble} M.L.A., regarding inclusion of Dhangar, Talwar Kanade and various Nomadic and De-notified Nomadic Tribes Communities in the list of STs of Maharashtra.</p> <p>The State Govt. obtained report form TRTI and submitted the reply vide letter 28-11-2014 to the Ministry of Tribal Affairs.</p> <p>As per the instructions of the Hon^{ble} NCST, the copy of the reply of</p>

	19-03-2013. However, action taken on it has not been reported to this Commission.	State Government is being submitted herewith.
6	Further, this Commission, vide its letter dated 23-04-2014 (Copy attached) sent the representation dated 13-08-2013 of Shri H. Jawale, Member of Parliament (Lok Sabha) to the Chief Secretary Govt. of Maharashtra concerning violation of rules for issuance of ST certificates as a result of it Tokare Koli and Mahadev Koli of Jalgaon, Dhule, Nandurbar and Nashik districts of Maharashtra are facing problems. However, Commission has not received any reply on it.	In response to the representation of Shri Haribhau Jawale, then Member of Parliament (Lok Sabha) dated 13-08-2013, a report was called from TRTI, Pune. The said report has been submitted by TRTI on 14-01-2016. The reply on this subject will be submitted to the Hon ^{ble} NCST at the earliest.
7	During the recent visit of Hon ^{ble} Chairperson, Hon ^{ble} NCST to Kinwat, District Nanded, issue of fake certificates of Mannervar Community (non tribal) as Mannervarlu was brought to the notice. In this regard, copy of the visit report of Hon ^{ble} Chairperson, Hon ^{ble} NCST was sent by this Commission, vide its letter No. RU-IV/Maha(CP)/Tour/2015 and dated 06-11-2015 to all concerned and copy of its was endorsed to the Chief Secretary, Government of Maharashtra.	<p>The Government of Maharashtra enacted an Act viz %Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and Verification of) Caste Certificate Act, 2000 (Mah.XXIII of 2001) and %Maharashtra Scheduled Tribes (Regulation of issuance and Verification of) Certificate Rules brought into force with effect from 5th June, 2003.</p> <p>As per the provisions of Act and Rules, the responsibility of issuance of Scheduled Tribe Caste certificates is vested on the Sub Divisional Officer of the Revenue Dept. of the State and officers authorized by the Collector as competent authority for issuance of Scheduled Tribes caste certificate.</p> <p>The Scheduled Tribe Caste Certificate Scrutiny Committees work as per the guidelines of the Hon^{ble} Supreme Court in the matter of Madhuri Patil and provisions and procedure laid down in the above Act and Rules. The Mannervarlu and Mannervar tribes are included in the list of Scheduled Tribes of State of Maharashtra.</p> <p>On verification of these caste certificates by Scrutiny Committees, it is</p>

		<p>generally found that the Munnervar, Munnurvar, Munnur, etc. communities are falsely taking the certificates of Scheduled Tribes, though they have been included in the list of S.B.C in the State of Maharashtra.</p> <p>The information regarding the other issues raised in the visit of the Hon'ble Chairperson of NCST to Kinwat, Dist. Nanded, have been sought from concerned officers, which will be submitted to Hon'ble NCST at the earliest.</p>
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E5 During the discussion, it was informed that so far 2466 ST caste certificates of State Government employees have been identified and invalidated by the concerned caste certificate scrutiny committees in the State. The State Government is taking necessary steps to fill all such posts from ST candidates which is a continuous process. **The Commission stressed that Halba Koshti/Halbi Koshti/Koshti caste certificate holders, who had obtained employment under ST category and have been given protection by Hon'ble Supreme Court should not be treated as ST employee anymore and they should be adjusted against their actual category in the concerned rosters. As a result of this, the ST points which fall vacant in the roster should be filled by appointing ST candidates to fulfill the reservation quota for this category. The State Government should take action in this regard for employees working in State Government services and State owned undertakings. The progress in this regard should be reported to the Commission from time to time.** The State Government officers informed it can be done by them in the State Government services and State owned undertakings but in case of Central Government employees and PSUs, it is very difficult for the State Government to verify the certificates as the State Government has no control on these organizations for which concerned department in Central Government will have to be involved by the Commission.

E6 The Commission observed that there are complaints received from various groups in the Commission that the Munnervar, Munnurvar, Munnur, etc. communities (Telugu speaking) are falsely taking the certificates of Scheduled Tribes, though they have been included in the list of S.B.C in the State of Maharashtra. This is being done by adding suffix %u+ in the land records to become Mannervarlu (speaking Kolam language) which is enlisted as Scheduled Tribes at S.no. 27 in the ST list of State. It was also pointed out that these Telugu speaking communities are also claiming to be Mannewarq which appears at S.no. 18 in the ST list of the State along with Gond and other tribes. This has been recently informed to the Commission during the visit of Hon'ble Chairperson, NCST to Kinwat in Nanded District of the State where it was informed that the students of 135 schools of the District belonging to Munnervar community were issued Mannervarlu ST certificate by adding suffix %u+ in their records. **The Commission also noted with concern that there are also complaints that the members of Mannervarlu community are not being provided**

ST caste and validity certificates and opined that the members of this tribal community should be provided caste and validity certificates so that they can avail the benefits of various developmental schemes meant for Scheduled Tribes. On the other hand, other communities with similar nomenclature should not be allowed to obtain ST caste and validity certificates and grab the benefits available to Scheduled Tribes. The same view was expressed in the case of Koli community (Special backward class) which tries to obtain caste and validity certificates claiming to be Koli Mahadev Scheduled Tribe. On the contrary, Tokare Koli and Mahadev Koli Scheduled Tribes of Jalgaon, Dhule, Nandurbar and Nashik districts of Maharashtra are facing problems in obtaining ST certificates. **The Commission has also received demand for separation of Mannervarlu community which appears along with Kolam at S.no. 27 and making it as a separate entry in the ST list of the State and as per the laid down procedure, the State Government has to consider the demand on merits.**

E7 The Commission was informed that about 2600-2800 doubtful caste certificates of Mannervarlu community have been identified and report has been sent to the State Government for taking action against the issuing officers. Special Counsels have been appointed for the cases which are pending in the High Court in the matter.

E8 The Commission also stressed that in the ST list of State, Oraon, Dhangad is appearing at S.no. 36 and in some States the word “Dhangad” appearing with Oraon in their ST list have been replaced by word “Dhangar” as the Oraon’s who are cultivators are also called “Dhangar”. All the “Dhangar” are Oraon only. So the “Dhangad” who are Oraon should be given ST certificates. On behalf of the State Government, it was submitted that in leaders of “Dhangar caste” of the State are demanding inclusion by way of correction at S.no. 36 of the ST list as “Dhangar” instead of “Dhangad” only by replacing the single character “d” by “r”. At present the caste “Dhangar” and its sub-castes are included in the list of Nomadic Tribes (C) of the State and 3.5 % of reservation is applicable to them. The social status of this community is equivalent to Maratha caste and in case of Maharashtra, they are totally different from Oraon, Dhangad Scheduled Tribe. In view of the TRTI, Pune the “Dhangar” caste does not fulfill the criteria laid down by Government of India for inclusion as a Scheduled Tribe. However, keeping in view the demand, the State Government has referred the matter for in depth study to the Tata Institute of Social Sciences, Mumbai, and to know whether the Oraon, Dhangad as a Scheduled Tribe and Dhangar as Nomadic Tribe are same or different. Further action can be taken on the basis of findings of the above study.

E9 In the end of the meeting, the Secretary, Tribal Welfare Department informed the Commission about various initiatives taken by the State Government for the Tribal Community of the State. Some of the initiatives are as under:

1. Construction of Sports Hostel for promoting sports activities among tribals at Nashik.
2. Construction of modern kitchen for providing meals to the inmates of tribal Ashram Schools presently 7500 students of 20 schools are being provided balanced diet through this kitchen.

3. APJ Abdul Kalam Amrit Aahar Yojana for providing one meal per day to pregnant and lactating mothers to curb the menace of malnutrition. There is more malnutrition among pregnant and lactating mothers in tribal Districts like Gadchiroli and the Government is focusing on the Tribal Districts.
4. The process of appointment of Doctors has been simplified and the involvement of State Public Service Commission in the process has been dispensed with. They are being appointed through walk-in-interviews in tribal areas.
5. State Government has issued instructions that appointment on 12 group C posts in the Scheduled areas will be made from the Scheduled Tribe candidates only. These posts include the posts of Patwari, Gram Sevak, Nurse, Teachers, etc. The Commission desired that a copy of this instruction may be provided to it so that it may recommend taking similar action in other State also.

Visit to Jai Hind Adivasi Ashram Shala, village Kolwade, Sangamner Taluka in Ahmadnagar district :

E10 The Commission reached this educational institution run by Smt. Mathurabai Bhau Sahab Thorat Sevabhavi Trust. The Commission was informed that the school was started in the year 1994 and 200 girls are residing in the Kalsubai Kanya Ashram Shala. Another 200 boys are residing in the boys hostel. The village is inhabited by Koli Mahadev ST community. It was informed that an amount of Rs. 900/- per boarder per month is provided by Government of Maharashtra and about Rs. 4000/- student per year is provided by the Sanstha. The Commission appreciated the visionary person who established this trust for providing education to the poor tribals of the area and was impressed with the performances by the students. After interaction with the students and visit to the hostels, following recommendation are made by the Commission:

- a. **The quality of education being provided to the students particularly in English, Science and Maths needs improvement.**
- b. **There is no bed or mattress provided to the students. Double Decker beds and mattresses should be provided to the students who are presently sleeping on the mats.**
- c. **Almirah should be provided in each hall for the boarders so that they can keep their belongings in it which was presently lying on the floors.**
- d. **There was only fan in the hall in which the boarders sleep which is not adequate for them. Atleast one more fan should be provided in each hall to make their stay in the hostel comfortable.**
- e. **It was informed that no Scholarship is provided to the boarders. The Commission desired to confirm the fact as other State Governments provide Scholarship to the boarders.**
- f. **The Hostel and the School is located in a remote area outside the village and there is a need for regular police Patrolling so that the inmates particularly girls feel secured.**

- g. **There is a need to motivate the tribal students who come from a very different background so that they can think bigger and achieve higher in life. The tribal dialects, dances, songs and culture should be kept intact while providing modern education to them.**

Meeting with tribal beneficiaries in Gondhevasti, Kolwade, Sangamner Taluka in Ahmadnagar district:

E11 The Commission interacted with the tribal beneficiaries of various schemes and saw their living conditions. The villagers informed that they have been benefitted by various schemes like supply of light electric motor pump, poultry units, house under Gharkul scheme, construction of community temple under Thakkar Bapa scheme, watershed scheme etc. Following recommendations are made by the Commission for improvement in the living conditions of the tribal villagers:

- i. **There is scarcity of water in the village and water is presently being supplied through tankers. Deep boring tube well should be installed in Gondhevasti, Kolwade for improving water supply.**
- ii. **Besides above, the villagers have demanded for supply of water from Sangamner through pipe line and the same should be considered urgently.**
- iii. **The villagers have demanded for construction of road from Kolwade to Mallarghat for improvement in transportation.**
- iv. **As the villagers are facing problem due to scarcity of water and fodder, dairy farming has not been very beneficial for the tribals. The Commission suggested promoting poultry and goat rearing on a larger scale to enhance the income of tribals and eggs, chicken and meat produced by them could be supplied to the tribal ashram schools and hostels for providing nutritional food to the inmates.**
- v. **As far as agriculture is concerned, only Bajara is produced by the farmers as irrigation facilities are not available. Water conservation activities should be promoted under MGNREGS and other schemes for providing irrigation facilities in the area as the quantum of rain fall during the monsoons is good but there is no adequate arrangement to collect and preserve the water for the lean season.**
- vi. **The tribal women should be provided vocational training to enhance their skills. They could be given training in stitching and orders for making uniforms for the inmates of tribal ashram schools and hostels. Thus, these women could be provided work and their financial condition could be improved.**

E12 After the discussion with the tribals at Gondhevasti, Kolwade, Sangamner Taluka in Ahmadnagar district, the Commission further proceeded for Nashik and reached there in the evening where Commissioner, Tribal Research and Training Institute, Pune, Commissioner, Tribal Development Department, Dr. Anjali Borhade and team of Disha Foundation formally welcomed the Commission. The Commission had an initial discussion on the model set up by an NGO Disha Foundation and Tribal development Department to address distress tribal migration for livelihood.

E13 The Commission was informed that Disha foundation is a pioneer organization of India who has initiated efforts to ensure safe and productive Labour Migration in Nasik region since December, 2002. Programme of visit to one of the village where Disha Foundation has undertaken its activities was also finalized in the discussion.

Visit to Nandnagon Kohli

E14 The Commission visited village Nandnagon Kohli in Trymbakeshwar Block, one of the source villages of tribal migrants where Disha foundation has started its intervention to minimize distress tribal migration, with support of Tribal Development Department. Commissioner, TRTI, Pune, Commissioner, TDD, Government of Maharashtra and other departmental officers accompanied the Commission. Team of Disha foundation and villagers warmly welcomed the Commission. Local government officials were present in the meeting. Thereafter, Dr. Anjali Borhade provided overview of project work in the village. She first thanked NCST for their visit, and expressed that it is a big day for Nandgaon, for Disha and also for the cause of tribal migration, as NCST has taken note of it and visited specially to see the migration work. She provided detailed overview of seasonal migration in Maharashtra and Nasik region. Compared to other states in India, Maharashtra reports the largest number of net migrants. Migration within Maharashtra state is quite high which is towards Mumbai, Thane, Pune and Nasik from drought prone and tribal blocks of the State and also from other states like Bihar, Uttar Pradesh, Rajasthan.

E15 She informed that Nasik is known for its robust agriculture economy (including biggest wine yards of India) and set up of three five-star industrial areas. Nasik's old pilgrimage status attracts tourists throughout the year and hence transport and hospitality industry is on boom. Due to these factors, Nasik city attracts nearly 4 lakh migrant labourers, which includes nearly 60% tribal youth within Maharashtra as well from other states of Bihar, Uttar Pradesh, Rajasthan and Madhya Pradesh who are engaged in agriculture, construction and hospitality sector. She further mentioned that migration from tribal blocks of Nasik region to nearby cities is very high (nearly 85% of the total population) as per study conducted by this NGO in 2011.

E16 Describing policy Apathy and emerging need of comprehensive policies to manage labour migration Dr. Anjali Borhade presented the current policy environment in Maharashtra and in India to address such labour migration. Based on Disha's various studies and last 12 years' different interventions in migration sector, it is observed that at source level, migrants are not available to avail existing government programs, while at destination cities, they do not hold local citizenship status, hence the city administration can't provide them access to basic public services and other government schemes. Hence, migrants are excluded from both ends. It seems that labour migration is not understood at policy level so far, and hence migrants are excluded from various programs and policies at source as well destination cities in India, mainly from programs of health, education, livelihood and food security, which severely affects migrants' social and development indicators at both source and destination level. She further informed that evidences from different studies in India suggests that internal migration can play an important role in poverty reduction, economic and social development, hence positive facilitation of safe migration should be specially emphasized which mainly includes access to basic public services mainly

health, education and livelihood. Moreover, the high volume of migration and inter-linkages with all Millennium Development goals which concluded in December 2015, and now with upcoming Sustainable Development Goals (SDGs) and National policies (National Health Policy, National Population Policy and India Vision 2020) means that success in meeting these needs can help support the achievement of the SDGs and these policies. Hence, increased emphasis is required to address the special needs of the migrant population.

E17 She further explained Disha's community level efforts to create solutions to address migration related issues and informed that her NGO works at source and destination areas of migrants. It facilitates for safe and productive migration through **Migration Information and Resource Centers (MIRC)** which is core of all activities of the NGO. These centers are established at Nasik city (destination point) and 20 Panchayats of Peth and Trymbak blocks of Nasik district (source areas). At destination level, Disha supports migrants to access basic public services, rights and entitlements in general. Disha addresses issues of migrants such as Identity, Education, Livelihood skill building and job linkages, Improving living conditions and access to public services at destination places. At source areas, Disha is working to strengthen local livelihood and social security coverage. Disha mainly focuses on continuation of benefits of government programs at source areas such as agriculture development schemes, and all kind of social security schemes, which ensures to minimize distress situation of migrating families at source level. Disha's efforts are to provide migrants with informed choices at source and destination level, so that migrants can make better decision towards their safe and productive migration for livelihood.

E18 She also informed about Disha's special Initiative with Tribal Development Department to address distress tribal migration and shared information about special initiative on tribal migration. Since October 2013, Disha Foundation and Tribal Development Department, Maharashtra has been working together to develop and implement an integrated, convergence based approach to facilitate and mitigate distress tribal migration in Trymbakeshwar and Peth blocks of Nasik district. Ministry of Tribal Affairs (MoTA) has supported this pilot project under Article 275(1) grant and has provided funding of Rs 3.5 crores for this center as a innovation grant, out of it, Rs 25 lakhs are given to Disha Foundation for three years to conduct household study of 20 villages and prepare plan to address migration issues of tribals in these villages. Remaining 3.25 crores funding is for construction and internal furnishing of the Migration Center in Nasik.

E19 It was also informed that it is first of its kind state initiative to address migration at source and destination in a comprehensive manner in India. Set up of a dedicated Migration Research and Resource Center is in process through this pilot project, which will address Scheduled Tribe migration with active involvement of Tribal Development Department of the State and supportive role from various department such as Labour, Rural Development, Agriculture, Education, Women and Child Development, Urban Land Ceiling, Municipal Corporation, and Health departments. The center intends to address the migration at destination and source end. It has generated household level migration data of 20 villages in the project area for more informed implementation of existing programs and policies. The center

facilitates migration at Nasik city- (a major destination of tribal) via livelihood skill building and job linkages, education and health services, grievance handling and access to public services to the tribal migrants. On the other hand emphasis is provided to strengthen urban and tribal development linkages, better implementation of available government programs at source villages of migrants for sustainable development with the goal to reduce distress migration for livelihood. The project provides informed options to migrating families- if they wish to migrate; it is safe and productive migration through proper skill trainings and job linkages. If they wish to stay back in their villages, local livelihood sources are available. The project is working towards building different models of local livelihood in these 20 villages.

E20 She further added, based on the result of ongoing project, Disha has proposed to Tribal Development Department to scale up the similar project in other migration pockets of Maharashtra. A detail proposal is submitted to The Commissioner, Tribal Development Department for MoTA assistance, which she has approved and forwarded to their Secretary to be included in plan of year 2016-17 to be submitted to MoTA.

Interaction of the Commission with Villagers and project beneficiaries:

E21 After the briefing of project, Chairperson, NCST suggested interaction with the villagers. He asked the villagers how many of them migrate to city for livelihood and almost all the villagers raised their hands indicating their migration. Villagers put forth key issues to the Commission mainly how lack of development of Nandgaon is leading to distress livelihood migration. MGNREGA implementation is very poor in the village. Irrigation facilities are not available at village. Hence, almost 85% villagers migrate to Nasik for livelihood as a labour. Drinking water facilities are not adequate; women have to fetch water from one and half kilometer daily.

E22 The Commission further asked the villagers, how they have benefited from Disha activities. One youth told he is good in sketching, Disha has tried to link him to JJ school of Art for further studies. Another youth told that he had participated in the skill building training on poly house conducted by Disha. Further another villager informed that whenever they need jobs or they face exploitation at work place, they contact Disha for assistance and they get required help. Disha project beneficiaries expressed how Disha various activities have proved beneficial for them mainly skill trainings, linkages to jobs, grievance handling, and to some extent agriculture development.

E23 Thereafter, Commissioner, Tribal Research and training Institute, Pune also shared his views. He mentioned to NCST that Disha project was accepted by TDD and sent to MoTA during his tenure as Commissioner TDD in 2011. He further mentioned that tribal migration situation is very pathetic, and it is happening due to gaps in planning at TDD. There is major need to conduct capacity building of officials during TSP development, as well bring convergence of schemes of other departments. A state level consortium is very crucial for effective implementation of schemes.

Suggestions by NCST:

E24 After the discussions Chairperson, NCST suggested following key points to TDD, Maharashtra to address distress tribal migration at village level and also at destination level that can minimize distress of migrating families:

1. Sarpanch and other officials of Nandgaon should register and demand jobs under MGNREGA. Panchayat should initiate the process at the earliest.
2. Systematic village development plan should be prepared for Nandgaon and other 19 villages of Disha project area. Capacity building of panchayat members must be initiated for proper use of PESA and other grants of village development. NCST suggested that ITDP should lead the process along with Panchayat members, Sarpanch, Gramsevak, Tahsildar, Agricultural officer and other relevant officials.
3. Every village should have education facilities from 1 to 10th class, which can promote secondary education of girls, as lack of these facilities leads to high drop out of girls from education system.
4. At city level, tribal migrants must be provided temporary shelter with basic amenities, education for children, temporary ration cards, job trainings, and assured minimum wages.
5. Disha and TDD should make a systematic plan to build convergence with other departments at source and destination areas for more effective outcomes of the migration project.
6. Disha efforts are worth praising, NCST has taken Disha work very seriously and aiming to suggest other state governments to replicate this model to address tribal migration. TDD Maharashtra should support Disha work in other migration pockets of Maharashtra.

E25 The Commissioner, TDD provided vote of thanks to the Commission for their visit and Disha Foundation for co-ordinating the visit.

Visit to Disha Foundation's Migration Resource Center at PethPhata in Nasik city: Efforts to address migrants needs at city level

E26 The Commission made a visit to Disha Migration Resource Center at PethPhata in Nasik city in the evening. Disha team warmly welcomed NCST officials.

E27 Firstly, Disha team provided exposure to NCST officials on actual living situation of tribal migrants at nearest two halt points . PethPhata and Guari Ground, GangaGhat in Nasik city. These tribals are migrated from tribal blocks of Nasik district, most of them are migrated with families for livelihood, they get engage as unskilled labourers in agriculture, construction or other sectors, spend at least 8 months in Nasik city without any shelter and basic amenities. NCST observed that nearly 600 tribal migrants on these two points including women, adolescent girls and small children were staying

on the halt point, which is footpath area, these migrants are living without proper shelter and other basic amenities. Most of them sleep in sitting position, as they do not have proper place to sleep. They all were with their families, carrying their own fuel for cooking purpose. They cook, eat, and sleep at this half point. The halt point is strategic for them, as it is Nasik's one of the old labour market, where contractors come for labour hunt and they get job on daily wage basis.

E28 The Commission interacted with migrants about their native locations, reasons of migration, how much wages they get in Nasik city and what are problems they face during migration. Most of the migrants responded that they are from nearby tribal blocks, they migrate for jobs, but able to find jobs only for 10-15 days in city, but they get better wages (nearly Rs. 250-300 per day) in the city which is much more than the wages in their villages (Rs. 180 per day). Most of them told that they face problems due to lack of proper shelter, they do not have access to basic amenities, PDS facilities, education for children and health services.

E29 After visit to migrants halt point, the Commission visited Disha's migration resource center at PethPhata of Nasik city where these poor migrants are provided various need based assistance such as membership of migrants association KashtakamaiSanghatna formed by Disha Foundation, registration of AADHAR card, ration cards, enrollment of children in education, livelihood trainings, linkages to jobs, legal assistance and support in case of grievances at workplace etc.

E30 NCST had detail discussion with the team of Disha about the response migrants to the center. The team informed the Commission, that earlier migrants were hesitant and lacking trust in accessing the center, as no one worked to support them like this in the past. But now, migrants have good rapport with the center and Disha's team, they access the center with confidence. The Commission was informed about initiation of trade union of migrants (working in all kinds of sector) in 2004 in Nasik city, it was an effort to create an official platform for migrants to raise their issues. This is first union of migrant workers in India. It has tremendous response from workers, so far nearly 25,000+ migrants are enrolled in the union, which comprise inter and intra state migrants. The members of union are provided with official membership and photo identity card of the union. The total cost is Rs 20/- for life membership. It was also informed that they have focused on empowerment of migrants for accessing government programs and public services including health, education, and public distribution system. Awareness building and Leadership development are key activities for the empowerment of migrant communities. Disha have identified and trained 500 local leaders (350 men and 150 women) within migrant communities at destination as well from source villages. These leaders work voluntarily for their communities, they act as local resource persons for their respective communities to demand and facilitate other migrants' access to various government programs and public services at source and destination level. This process seems to be very effective among migrant communities. Disha plans to develop and train more such volunteer leaders, who can take these initiatives forward and provide sustainability to Disha's efforts. Hence migrants' leadership development is Disha's important agenda in next few years.

E31 Skill Development is utmost need of both migrants and labour market. Hence Disha's skills building Program is twofold; first to upgrade the existing skill through on-

the job trainings and second to provide fresh training based on the market needs. Disha has made tie up with key employers of migrants mainly CREDAI, Farmers forums, and hotel associations to assure employability after the trainings.

E32 In past 9 years Disha has started migration Information and Resource Centers at 10 panchayats. Grampanchayats are playing crucial role in facilitation of migration. These panchayats have provided free of cost space in their premise for MIRC. These panchayats have made resolutions and started to maintain migration record of labour migration at their panchayat level, which is powerful step to create evidence base of the migration flow from these villages. Disha team showed resolutions of these panchayats to NCST Chairman and other officials. This data would be utilized for management of various government programs at source level mainly by Tribal department. Further the panchayats are actively engaged in Disha's pre departure training to migrants before the migration. The trade union card has been authorized by the grampanchayats, which is of immense value to migrants at destinations. The identity card has proved very important document for migrants against police harassment, wages exploitation, and identity in general for accessing public services in the Nasik city. Some migrants could able to vote with the union card in absence of any other photo id at one of source village Kharwal in Peth block. Panchayats have also been part of generating demand for livelihood skill building for migrants, and further building linkages to jobs with local contractors. Panchayats are actively engaged with Migrant Labour Grievance cell which set up jointly by Labour Department, District legal aid society and Disha Foundation to deal with grievance handling including wages exploitations and exploitation at workplace and others. These panchayats have made contractors accountable for paying minimum wages and avoid wages exploitation and harassment at workplace. Few panchayats have banned some contractors in their villages who had repeated cases of wages exploitation against them.

E33 Looking at those promising results, Disha has received growing demands from other panchayats to start the MIRC at their villages, which are high migration corridors to Nasik and Gujarat. It can be summarized that Panchayats can play very significant role in addressing or managing migration at source level.

E34 In past 10 years Disha has tried to create solutions to address migration related issues in collaboration with various government departments, such as labour, tribal, health, education, women and child development, Public Distribution system, Nasik municipal corporation and District legal services authority. **Disha aspire to institutionalize migration; to create pro-migrant response at state and central government through appropriate programs and policies.** Disha's efforts has some success in galvanizing the administration such as issuance of temporary food ration cards, education benefits to migrant children, grievance handling with Labour Department & district legal services authority, set up of health referral system with government health services, and creating pro-migrant response of central and state government to address migration issue in totality in Maharashtra (Mainly migration of SC/ST communities). But it is apparent that the proper institutional framework is crucial for addressing multiple needs of migrant populations. Administration will need constant support while developing institutional framework for migrant inclusive programs till the mainstream of migrants happens at larger scale.

E35 The Commission expressed the need of wages standardization of migrants in cities like MGNERGA. He further expressed that temporary shelter and basic amenities must be provided to migrants. PDS ration cards have been issued to the nomadic tribes in Jammu and Kashmir and the same can be done for migrant tribal population of Maharashtra. Similarly, mobile teachers are also there in Jammu & Kashmir who move with these nomads and teach their children at the place of their night halt. This can also be done here. Medical facilities can also be provided to them at their place of stay. The process should be made more simplified and accessible to migrants.

Meeting with Commissioner, Tribal Development Department, Government of Maharashtra and other officers at Nasik

E36 At 10:30 hrs, the Commission held a meeting with Commissioner, Tribal Development Department and other officers of the department. Representatives of Disha Foundation were also present. After welcoming the Commission, a power point presentation was made on various initiatives taken by the State Government for Tribal Development. The Commission appreciated the efforts being made by the State Government and said that famous Maharashtra model is being implemented by other States also for development of tribal population residing in those States. It was also noted that the TSP outlay of the State plan was 8.9% during the year 2012-13 and 2013-14 which has further been enhanced to 9.4% in the year 2014-15 and 2015-16. Based on the feedback received from the tribals and field visits during the tour, the Commission pointed out some areas where improvement is required. These action points are as under:

- 1. The problem of shortage of qualified teachers particularly in Science and Maths subjects in tribal areas should be addressed urgently as it is affecting quality of education. As the teachers hesitate to work in the tribal areas, the tribal student should be groomed to become teachers and work in tribal areas.**
- 2. Facilities of cots for the students residing in Ashram Schools should be provided as it was noted by the Commission that they were sleeping on the floors.**
- 3. There are complaints that uniforms, blankets and sweaters are not timely being provided to the boarders. This situation is not good and needs improvement.**
- 4. Almirahs should be provided in the halls of the hostels where the students could keep their belongings.**
- 5. It was noted that only one or two ceiling fans were provided in the big halls of the hostels which may not adequate. The requirement of additional fans should be reviewed.**
- 6. The quality of food being provided to the boarders was reported to be satisfactory. However, there is a need to provide dining tables with chairs to bring attitudinal change in the tribal boarders so that they can feel proud and fine themselves at par with others.**

7. Regular health checkup of boarders particularly the girls should be ensured to avoid any untoward incident. De-worming medicines and iron tablets should also be provided to them.
8. Adequate numbers of toilets and bathrooms with running water should be provided in the tribal Ashram Schools.
9. Adequate drinking water should also be made available in the Ashram Schools and hostels. This can be done by providing RO's in Ashram Schools and hostels which will also result in preventing water borne diseases.
10. Regular visit of police officials to the tribal hostels particularly the girl hostels should be ensured so that the boarders feel safe in the hostels. Phone and Mobile numbers of District Collectors, SPs, Local Police Officers, Officers of Civil Administration and Officers of Tribal Development Department should be prominently displayed in the hostels.
11. The incidents of obtaining false ST caste certificates should be affectively checked as such certificate holders deprive genuine tribals from the benefit of various developmental schemes and opportunities of services in the Government.
12. As far as activities of Disha Foundation are concerned, TDD can initiate a convergence committee for better co-ordination with concerned departments which will lead to more powerful impacts and can extend all possible support in the noble work.

The Commissioner, Tribal Development Department, Nasik gave vote of thanks to the Commission.

Visit of Annapurna Kitchen at Mundhegaon, Igatpuri.

E37 The Commission left Nasik for Mumbai at noon and on way visited Annapurna Kitchen located at Government English medium residential Ashramshala at Mundhegaon, Igatpuri. The Commission was informed that this kitchen has a capacity of preparing meals for 20,000 students at a time. Presently about 3,000 to 4,000 students of 12 Ashrams schools situated in a radius of 35 to 40 Kms. are being served food from this kitchen. The Commission noticed that modern and state of the art equipments have been installed in the kitchen and food was being prepared in a hygienic atmosphere. **The Commission suggested that such type of kitchen should also be made in other parts of the state for providing meals to the tribal students of Ashram schools.**

(F) ODISHA - Report of the visit of the National Commission for Scheduled Tribes, in connection with the displacement and rehabilitation of tribals due to setting up of erstwhile Hidustan Steel Plant (at present Rourkela Steel plant) at Rourkela.

F1 Dr. Rameshwar Oraon, Hon'ble Chairperson accompanied by Smt. K.D.Bhansor, Director, Shri Chetan Sharma, Investigator, National Commission for Sch.Tribes, and Shri Dwarka Karol, Director & Shri Basudev Behera, Personal Assistant, National Commission for Sch.Tribes, Regional Office, Bhubaneswar visited Rourkela in the State of Odisha from 22.02.2016 to 24.02.2016 as per the tour programme communicated vide Wireless Message

No.ODISHA/1/ROURKELASTEELPLANT/2016-III dated 15.02.2016 & 19.02.2016 to the Government of Odisha and heard the grievances of displaced tribals of Rourkela Steel Plant, held meeting with the State Government officials regarding various measures taken by them for the rehabilitation of displaced families and held meeting with the management of Rourkela Steel Plant on the activities undertaken by them for the displaced tribals under Corporate Social Responsibility(CSR) Scheme.

F2 The team of the Commission reached Rourkela on 22.02.2016 from Ranchi by road via Simdega. On arrival in the Circuit House, Rourkela, the District Administration led by Collector and District Magistrate, Director for ST, ST/SC Development Department, Government of Odisha and other District Level Officers warmly welcomed the Commission.

Meeting with the displaced tribals

F3 On 22.02.2016 (03.00 PM) and 23.02.2016 (09.00 AM), Commission made an interaction meeting with petitioners and other affected tribals on the issues of acquisition of land for establishment of Rourkela Steel Plant in the Circuit House Panposh.

F4 At the outset, the Hon'ble Chairman met the media persons and spoke about the purpose of their visit and hearing the grievances of the petitioners. Hon'ble Chairman stated that complains have been received by the Commission regarding non-payment of proper compensation, non-receipt of ROR of allotted land for agricultural purpose or housing purpose. The reclamation land allotted against the land acquired is far distant and uncultivable for not possible on their part to cultivate the land and to maintain their livelihood. The Commission will enquire into the grievances and complaints of the petitioners and to ensure justice to the affected people. Subsequently, Hon'ble Chairman heard the grievances individually one by one, as per notice issued by the Commission. The statements recorded from the petitioners are as follows:

Shri Lachu Oram :- He got a notice to receive only Rs. 5.25 towards payment of compensation on land acquired for RSP. He did not receive the payment and it is kept in Civil Deposit in treasury. He was given reclamation land at Amgaon Village, Deogarh district which is 150 K.M. away from Rourkela. ROR has not been received by him. He further intimated that the above land is not available as per the report of Tahasildar, Deogarh.



Shri Mangra Oram :- He complained that land measuring an area of Ac.8.02 Raity land has been recorded in their favour out of their acquired land measuring Ac 10.32. Only compensation for crop was given to him but no compensation for agricultural land was given. He intimated that out of the acquired land of Ac 8.02 only Ac 4.94. is in possession of Plantsite Police Station, rest unused land is not returned to him. No ROR for reclamation land was received in his favour. No employment was also given against the land.

Shri Rama Oram :- He stated that compensation for land acquired was not paid to him. Only Rs. 7,000/- was paid against the Ac 17.00 acquired land, No agriculture land was not allotted. Two residential plots have been allotted to him at Jalda R.S. Colony. Though the land was acquired for RSP, it was surrendered to State Govt. and the State Govt. is selling it to private parties.



Shri Rama Oram :- Out of Ac. 7.62 of land Ac. 6.54 was acquired from his khata but the balance Ac. 1.08 has been transferred to Govt. khata instead of his khata. He has not been paid any compensation. He filed a case in the Hon'ble High Court, which is pending for disposal.

Shri Birsa Kerketta :- Out of total area Ac.12.70 of land, Ac. 11.93 which has been in the name of Turi Oram was acquired for establishment of RSP. The acquired land is actually not in possession of RSP, he has not been paid any compensation towards the acquired land. As per rule, if the land is not used for the purpose of acquisition within the period of 5 years, the land should be returned to the owner of the land. Land against land was allotted at village Hatidharsa, which is 60 kms. away from Rourkela and is not fit for cultivation. He appealed before the Commission for his proper rehabilitation.

Shri Jasmant Singh :- An area of Ac. 80.00 land was acquired which was in the name of Khadu Singh Routia (non-tribal), the grandfather of Jasmant Singh. He did not know any compensation paid to them. Ac. 31.00 of land was allotted at village Kenduberna (Brahmanitarang P.S.) of Sundargarh District at a distance of 25 Kms. away from Rourkela, but no patta has been provided. So, he is not in possession of the land. No employment was given against the acquired land.

Shri Birendra Kumar Bhumij :- An area of Ac. 12.07 of land was acquired which was recorded in the name of Madan Bhumij, grandfather of the complainant Birendra Kumar Bhumij. No compensation towards land or crop loss or house purpose has been provided to them. He intimated that ShriBhabaniBhumij, brother of the petitioner had got service in RSP.



Shri Jitendra Kumar Bhumij :- The petitioner stated that an area of Ac. 18.40 was acquired by State Govt. for the establishment of RSP, which was recorded in the name of his grandfather RanjanBhumij @ Kanchan Bhumij. No compensation towards land acquired has been paid to them. On query of the Hon'ble Commission, the petitioner intimated that one person has got service in Rourkela Steel Plant, but not on displaced ground. The complainant states that though he has been given one residential plot at Jalda RS Colony, but he has not received the ROR.

Sushil Bhumij: -Sushil Bhumij stated that land measuring an area of Ac.26.23 was acquired for establishment of Rourkela Steel Plant. They have been given waste land of Ac13.14 at Amgaon Reclamation Camp, which is far away from Rourkela. The complainant also stated that the compensation for one year crop loss has been received. The acquired land is still in their possession and they are cultivating the land. He prayed before the Commission that the land may be returned to him.

Bhalabhdra Bhumij : Ac.11.00 of land was acquired but at present the said land is in his occupation. He requested that the land which was acquired but not in use may be returned to them.



Rajkishore Bhumij : Ac.50.00 of land was acquired which was in the name of Sikandar Bhumij. No compensation was paid to his family but the acquired land is still cultivated by him. Reclamation land is given at Amgaon which is uncultivable and unfit for agriculture purpose.

Surendra Ku. Bhumij : He received information by RTI Application that Ac.8.99 has been given to three brothers namely M. Bhumij, Ganesh Bhumij&DigamberBhumij at Jolda+A+Block. for residential purpose. Neither possession nor patta has been issued in their favour.



Rabindra Ku. Bhumij. He has also got information by RTI application. Ac.25.03 of land was acquired. Reclamation land of Ac.24.23 was allotted at Hatibasa under Rajgangpur which is 50 kms. away from Rourkela. But no patta has been given. He claims the surrendered land by the RSP to Govt. should be returned to the actual land owners instead of others.

Ruben Ku. Minz : An area of Ac.3.00 of land was acquired. No compensation and no employment has been provided to his family. They are still occupying the land which was acquired in the past which should be returned to them.

Loba Tanty: Against the acquired land, no employment, no compensation has been received by them. Acquired land is still vacant. No land is given against the land acquired.

Sunil Munda : An area of Ac.1.17 has been acquired by the State Govt. for establishment of RSP. Neither employment nor rehabilitation has been provided to the complainant.

Roshan Xess : An area of Ac.25.00 has been acquired by the State Govt. for establishment of Rourkela Steel Plant. Application is incomplete for which he was advised to come with all the facts and papers before the Commission.

Biswanath Oram. An area of 7.76 of land was acquired Ac. 3.27 of waste land has been allotted to them at Amgaon which is 150 kms away from Rourkela and coming under Deogarh district. Besides above he produced a copy of final order from Honble High Court which requires to be complied of by the Police.

Sanatan Bhumij : An area of Ac.17.30 of land was acquired. Reclamation land has been allotted at Silikuta village which is about 90 kms away from Rourkela. A plot of 60qX 40qwas also allotted in their favour for residential purpose but no R.O.R. has been issued to them. Neither compensation nor employment has been given.

Soma Oram. The acquired land is in their possession and they are still cultivating the land. So he appealed before the Honble Commission that the land may be returned to them.

Sahadev Tanty. An area of 0.27 dec. was acquired but no compensation has been paid to him. He admitted that he had got employment on compensatory ground.

Ajay Khalko : He has not been given any compensation or employment against the land acquired. His main grievance is that the R.O.R. may be provided to him for his cultivable land.

Bipin Burwa: Ac.7.00 land acquired in the name Tangu Kisan for Mandira Dam Project. His application was also found incomplete and Commission advised to submit with full particulars.

Mahavir Bhumij:-Raghnath palimouza, land acquired against land has not been given. Submitted papers to the Commission.



Raju Kansari:- Ac.4.05 of land acquired for RSP. Air port is constructed on the land and no land has been given. In resettlement colony 40x60 lease hold plot has been allotted. One of his family member got employment.

Marshal Kindo, Hamirpur: The petitioner states an amount of Rs.4870/- has been paid towards compensation of land. No ROR has been provided.

Bendict Toppo:-Land measuring an area of Ac.10.26. Plot has been acquired. Only one house site plot has been provided at Jalda-A Block Resettlement Colony. But neither employment nor compensation amount has been provided. The petitioner also admits that 2 to 3 acres of cultivable land has been provided at Gohamy village under Gurundia block which is 60 kms. away from Rourkela.

Narendra Sethy : Though an area of Ac.4.64 of land has been acquired by the Govt. of Odisha for establishment of RSP, but still it is in his possession and cultivating the same. Accordingly prays for ROR of the said land.

Revka Pradhan: The acquired land was in his possession but recently the land has been allotted to KrishiVigyana Kendra. Neither employment nor cultivable land has been provided against the acquired land.



Prasanna Tanty: An area of Ac. 18 of land was acquired. Neither employment nor cultivable land has been provided against the acquired land. But they are in possession of the land and still cultivating the land. Accordingly they prayed for issue of ROR before the Hon^{ble} Commission.

Amit Minz: He doesn't know how much land has been acquired. No compensation has been given. He was asked by the Commission to give all the facts and information properly.

Pratap Ekka: An area of Ac.12.88 has been acquired by the State Govt. for establishment of RSP, which is subsequently allotted to KrishiVigyana Kendra. It was in his possession and was growing vegetables on that land. But, due to set up of KrishiVigyana Kendra, he became landless and facing a lot of difficulties for his livelihood.

Butto Kisan: An area of 0.39 dec. of land was acquired against whom neither compensation nor any cultivable land has been provided.

Sagar Tirkey: An area of Ac.28.25 of land was acquired for which neither compensation nor any employment has been provided.

Binod Lakra: An area of Ac.1.015 of land was acquired. He submitted papers to the Commission.

Jabulam Ekka: An area of 0.80 of land was acquired. He alleged that one Shri. Dillip Ray has falsely transferred the same khata in his name.

John Xess: His acquired land has been kept unused and later given to private parties and unauthorized colonies have come up at Tilkanagar, Fulbari which were occupied by non tribals. The Administration is not able to evict the outsiders but they are forcefully evicting the tribals.



Ramachandra Kissan: He was not allowed to construct a house in Bonai. He was directed by the Commission to attend the meeting in ADM, office immediately.

Mahadev Oram: An area of Ac.12.00 of land was acquired but it is still in their possession. He got employment in RSP. But neither cultivable land nor compensation towards land acquired has been provided.

Fransis Khalkho: Against the acquired land employment was given to his father. No monetary compensation was given to his family.

Birwa Oram: An area of Ac.1.00 was acquired against which neither compensation nor employment has been provided. No house site plot has also been provided.

Kishore Barua: An area of 0.19dec. was acquired. Neither cultivating land nor employment was provided.

Pushpa Bud: On the gochar (public Grazing) land of village Bartoli, a private ITI was constructed. The villagers filed a case before the Hon ϕ le High Court. The Hon ϕ le High Court has ordered for eviction. The Administration is not taking any interest to vacate the said land.

Ashani Kansari: An area of Ac.11.30 of land was acquired. Nothing has been provided against the acquired land.

Mangra Oram(2): An area of Ac.2.35 was acquired. Against this, waste land has been allotted at Tainsar village. Unfortunately the land is again acquired for setting of a factory. As a result, they we have become landless again.

Deva Kerketta of Bisra block: Their land is acquired for Railway. The petitioners produced a copy of order of the then Collector, Railway returned the property of unused land without any ROR. His grievance is that, he may be provided with the ROR for his land.

MahadevTanty: His land was acquired by Railway Authority for construction of Marshalling Yard at Bondamunda in the year 1971. But the land is under his possession. His grievance is that, he may be provided with the ROR for his land.

Sunil Oram: An area of Ac.37.00 of land was acquired and still in their possession. Neither compensation nor employment has been provided.

Maheswar Tanty: The petitioner reported before the Commission that an area of Ac.11.55 of land was acquired by the Railway Authorities. The same is in his possession. Neither compensation nor employment has been given for the above acquired land. No reclamation land has been provided too.

Gandha Oram: An area of Ac.61.00 of land belong to Bondamunda village was acquired. He is not sure that how much land belongs to him was acquired. He was advised bring proper application with facts.

F5 In addition to the above, other petitioners also met the Hon^{ble} Chairman and handed over their representations in the line of similar complaint as above. The details of the Summary of the Representation have been enclosed.



F6 After hearing of the grievances of the petitioners, the Honble Chairperson, National Commission for Schedule Tribes stated that the grievances of petitioners are very grave in nature. Compensation towards the land acquired has not been paid to the petitioners properly. Employment in Rourkela Steel Plant against the displaced persons has not been given judiciously. Reclamation land was allotted to them at a long distance and the land appears to be uncultivable land. Similarly, the land was allotted to some of them at resettlement colony, but no RORs was issued in their favour. The plots were allotted only on lease hold basis.



Meeting with the State Government Officials:

F7 On 23.02.2016 afternoon, the Commission held meeting with the Principal Secretary to Government of Odisha, Revenue & DM Department, Revenue Divisional

Commissioner (Northern Division), Sambalpur, Collector & DM, Sundargarh, Forest officials & other dignitaries in the Conference Hall of Additional District Magistrate, Rourkela on various issues relating to land acquisition, R & R matter of RSP, implementation of Forest Rights Act and other local issues pertaining to tribals. List of the officials present in the meeting is at Annexure-.



F8 At the outset Collector, Sundergarh welcomed the Honble Chairperson, National Commission for ST and other dignitaries who attended the meeting. He advised the Addl. District Magistrate(ADM), Rourkela to continue the proceedings. ADM, Rourkela explained about Rourkela city and about establishment of RSP and the details of land acquired, villages affected, compensation paid elaborately including the details of implementation of Forest Right Act through a Power Point Presentation.

Details about Rourkela City and Rourkela Steel Plant:

F9 It is situated on the banks of river Koel and Brahmani in the District of Sundargarh of Odisha. The population is around 5.36 lakhs.

F10 The Rourkela Steel Plant(RSP), the first integrated Steel Plant in the Public Sector in India, was set up with German Collaboration and started operation in the year 1959 with an installed capacity of 1 million tons. Subsequently, its capacity was enhanced to 2 million tons and subsequently to 4.5 million tons.

F11 During discussion, it was learnt that acquisition of land for establishment of erstwhile Hindustan Steel Plant Limited (presently known as Rourkela Steel Plant and other auxiliary project were initiated during the year 1953-54 as per the Gazette Notification No.863-Dev. XVII-27/54-R dated 22.02.1954 of the Revenue Department, Government of Odisha). It has been done as per the provisions of Odisha Development of Industries, Irrigation, Agriculture, Capital construction and resettlement of displaced persons (Land Acquisition) Act 1947 (Odisha Act XVII of 1947).

F12 Mandira dam was also constructed over the River Sankh to meet the water requirement of Rourkela Steel Plant for which Land Acquisition has been made through the Land Acquisition Office, Sundergarh.

Details about the Land Acquisition for RSP

Total land acquired for Rourkela Steel Plant	Ac.19722.69	
	Private	Govt.
	Ac.14824.18	Ac.4898.51
No. of villages from which land acquisition was made	32 villages	
No. of holdings affected	2465	
No. of families displaced	2901	
Compensation paid	Rs.1,32,48,217.00	
Compensation deposited in Civil Deposit	Rs.1,94,440.55	
Total land distributed in the reclamation camps for RSP	Ac.4138.52	
	House sites	Agriculture land
	Ac.155.40	Ac.3983.12
No. of Resettlement colonies	05	
No. of plots created	4167	
No. of plots distributed	3061	

Details about the Land Acquisition for Mandira Dam:

Total land acquired	Ac.11964.00	
No. of villages from which land acquisition was made	32 villages	
No. of holdings affected	1929	
No. of families displaced	1193	
Compensation awarded	Rs.3500628.13	
Compensation paid	Rs.3217468.48	
Compensation deposited in Civil Deposit	Rs. 283141.69	
Total persons resettled	1193	
	In RS Colony	In their own choice
	639	554
Total area given for Agriculture in reclamation camp	Ac.1982.96	
	For Agriculture	For House sites
	Ac.1833.22	Ac.149.74

Agreement/MOU and the Employment Issue:

F13 It is further learnt that there was no such agreement/MOU between the State Government and erstwhile Hindustan Steel Plant limited. Being a premier public Sector Undertaking proposed for establishment just after Independence from colonial Rule, it has been taken up in the national interest.

F14 Regarding provision of employment, it is learnt that initially, there was no such provision for employment of displaced persons in Hindustan Steel Plant Limited as ~~and~~ Ousteesq During 1973, the then Ministry of Steel and Mines issued instructions to the authorities of RSP to provide employment opportunities for the displaced families and absorb at least one eligible person from each affected family in consideration of merit in response to the local demand for job to displaced persons. The said order of the Ministry was superseded by Sri T.N.Singh formula upto February, 1986 by the RSP. On receipt of the letter No.15/13/84 BPEC dated 03.02.1986 of Bureau of Public Enterprises under Industries Department, the RSP took rigid stand for not giving any further employment to the local displaced persons. But on the demand of the displaced families from time to time, the Collector and District Magistrate, Sundargarh and ADM-cum-Land Acquisition & Reclamation, Rourkela impressed upon the RSP to continue the same.

Other issues discussed in the Meeting:

F15 Discussion was held on trafficking of girls, their rescue, and about their protection. One NGO working in Sundargarh district needed help from administration regarding rescue and protection of girls and women labourers. The NGO officials also prayed for imparting skill development training for girls thereby the girls can earn their livelihood.

F16 Collector, Sundergarh explained about ongoing schemes for protection and upliftment of girls and women labourers. He advised the NGO officials to submit relevant proposals for skill development training for girls so that the District Administration can recommend the proposals to Govt. for release of Grant in Aid. Collector also stated that the administration is helping the needy people through CMRF and Red Cross Society funds for urgent financial aid to the people including girls. Houses under IAY, Rural Housing schemes, are provided by following certain procedures to the needy people, as per the provision of the scheme. The Police are also taking rigorous steps on anti trafficking.



F17 Hon^{ble} Chairperson advised the NGO personnel to keep in touch with the District administration regularly for assistance regarding such type of issues.

F18 One displaced person of Mandira Dam pointed out that he along with his family members were residing at DAV area of Basanti Colony at Rourkela since 2006. The land has been given to DAV Public School. He shifted near the forest site to stay. But Forest officials registered a case against him. He requested the Commission for help in the matter.

F19 Intervening in the matter, Hon^{ble} Commission opined that, the claims of tribals & displaced persons should be taken into consideration on priority basis. Their lands have been taken for construction of Madira Dam, they have been settled in forest areas. They may be provided the benefit of FRA, but forest official registered cases against them on the plea of forest area.

F20 Collector, Sundergarh explained that the FRA is not implemented in Urban area. So the claims of forest land by the tribals under Forest Rights Act can^ot be considered right now. The claims for forest land by the petitioner may be considered at the time of implementation of the same in urban area.

F21 One petitioner appealed before the Hon^{ble} Chairperson that due to high power blasting of nearby mining at Rajgangpur, their houses as well as lands were damaged and in spite of several representation the District Administration did not take any action. Collector, Sundergarh clarified that, after obtaining an environment clearance, the mines are functioning in that area. However, the administration will take appropriate action on the matter. Hon^{ble} Chairman advised that preventive measures should be taken by the mining firm so that the blasting should not affect the nearby people and their life & property.

F22 Another complaint was taken to the notice of the Hon'ble Chairperson by the local Sarpanch and others that a private Industrial Training Institute have been constructed in the Gochar (public) land in the village Bartoli for which the villagers are facing problems. In this connection, they produced a copy of order passed by the Hon'ble High Court of Odisha for eviction which is yet to be implemented by the administration. The Collector, Sundergarh stated that as per information available with them, the matter is subjudice in the court of law and if the Court passed order for eviction, then the District Administration will examine it and take action accordingly.

F23 One Shri Lachhu Oraon complained that an area of 53 acres of their land was acquired for establishment of RSP and till date he has not received any compensation. Cultivable lands measuring an area of 29 acres have been allotted in favour of his family, but he did not receive any ROR for the land. No employment has also been provided to him.

F24 Intervening in the matter, the Hon'ble Chairperson stated that Lachhu Oraon visited Commission's Hqrs. office at New Delhi number of times with large no. of grievances for which Commission desired to make an assessment about the displacement and rehabilitation measures taken by the Govt. for the displaced families of Rourkela Steel Plant. He stated that the compensation paid to the displaced persons is not adequate. Hon'ble Chairperson wanted to know about the compensation and the criteria prevailed in providing employment to the displaced persons.

F25 On answering in the matter, the Collector, Sundergarh explained that according to T.N Singh formula employment was given to one person in each family and the compensation was paid at prevailing rate applicable at the time of acquisition of land.

F26 The Hon'ble Chairperson stated that the T.N Singh formula was very old. It requires to be revised and rectified by taking into account the living condition of the landless and poor tribals who lost their land. The matter will be taken up with the Ministry of Steel. The poor tribals should be adequately compensated. The Commission will recommend the Govt. of India for revision and rectification of the policy if the Govt. wants to redress the grievances of tribals. On this issue he welcomed suggestions from the Collector, RDC (ND), and Principal Secretary, Revenue & Disaster management department of government of Odisha. The displaced persons were allotted cultivable lands at a very long distance and in forest area. No Patta's were issued in respect of the land allotted under house sites as well as agricultural land. The land need to be developed before allotment to the displaced persons so that they can get minimum comforts to lead their life peacefully instead throwing them in the forest. One employment from one khata is not at all justified. In record, they received payment but in reality, it may not be received. The allotted agricultural land is far away i.e. 120-150 Kms from the city. Further, when the land allottees contacted the Revenue authorities for their land, they have been informed that there is no land available for them.

F27 The Collector & District Magistrate stated that so far as the T.N.Singh formula is concerned in respect of employment and compensation, reopening of old cases yield no positive results and this will seize further development activities in the area. The formula of higher compensation, if any, to a small category of people, whose

compensation amount has been kept in civil deposit, is not legally permissible and any implementation of such proposal with retrospective effect may further complicate the matter.

F28 The petitioners complained that the Govt. is selling the unused and surrendered lands of RSP to private people on exorbitant rate i.e. at Koel Nagar area and Chhend area whereas the poor tribals are suffering a lot without lands.

F29 Collector clarified that this is not a fact that surrendered lands are sold on high price to private persons. The available Government lands were auctioned and settled on lease basis after following due procedure of Law.

F30 Hon^{ble} Chairman stated that the surrendered land should be recorded in the name of displaced tribals instead of reselling it with exorbitant rate, to enable them to improve their standard of life.

F31 During discussion, the ADM, Rourkela informed that few people have got employment in RSP against the displaced quota through fraudulent manner. On getting report RSP has initiated action in some cases and others are under process at RSP level. He further stated that if the case lingers for more than five years, the genuine displaced person can't get employment because the person get employment on fraudulent declaration enjoyed service benefits for more than 5 years. In that case, the persons, who got service in fraudulent manner can't be dismissed from service as per the existing law.

F32 Hon^{ble} Chairperson of the Commission stated that probably there is some miscreants are working behind this. The administration as well as the RSP authorities should take adequate preventive measures to stop the menace. Criminal cases should be booked against the fraudulent ones and steps should be taken to ensure the genuine persons get justice. In this regard, Commission will take up the matter with the concerned authorities in giving justice to the displaced persons.

Meeting with the Officials of the Rourkela Steel Plant

F33 On 24.02.2016 at 09.00 AM, the Commission held meeting with the officials of the Rourkela Steel Plant regarding Corporate Social Responsibility(SCR) programmes undertaken by them for the affected displaced tribal families of Steel Plant at Circuit House, Panposh. The Chief Executive Officer, Executive Director, General Manager(P&A), General Manager(PR), General Manager, CSR, of Rourkela Steel Plant were present in the meeting.

F34 At the outset, Shri M.K.Das, Executive Director I/c, Rourkela Steel Plant(RSP) extended warm welcome to Dr. Rameshwar Oraon, Hon^{ble} Chairperson, National Commission for Scheduled Tribes and the team members. With permission of the Hon^{ble} Chairman, a presentation was made on RSP and its CSR activities by Ms. A. Mohapatra, Manager (CSR), RSP.

F35 Initiating the discussion, Hon^{ble} Chairperson stated that land for establishment of Rourkela Steel Plant was acquired in 1954-55. But even now a number of complaints

are being received regarding payment of compensation, allotment of alternate land and employment to displaced persons etc., which needs to be quickly settled by the concerned authorities. The Honble Chairperson wanted to know about the policy for providing employment to the displaced persons.

F36 It was clarified by RSP Officials that land for established of Rourkela Steel Plant was acquired by State Government under Land Acquisition Act (Orissa XVIII of 1948). As per records, 4094 (2901 . Rourkela Steel Plant and 1193 . Mandira Dam) families were displaced. Even though there was no provisions in the Act for providing employment to the displaced families, Rourkela Steel Plant has provided employment to 6397 persons from time to time as a rehabilitative measure, which is much more than the number of families displaced. Up to 1973, RSP gave preference for employment to the local displaced persons (LDPs) whenever their names were sponsored by Local Employment Exchange. In the year 1973, Sri T.N. Singh, the then Steel Minister, Govt. of India, suggested a formula whereby one person from each displaced family shall be provided with employment in RSP as a rehabilitative measure.



F37 Honble Chairperson wanted to know, whether as per the said formula, only one person was considered for employment from the family irrespective of area of the land acquired from them and till date no. of LDPs are in the rolls of RSP out of total strength. It was clarified that one eligible person from each displaced family was considered for employment irrespective of size of the land acquired. Till date 1983 LDPs are on the rolls of RSP against the total manpower of 14731 (Non-executives).

F38 Honble Chairperson pointed out that the Commission has received complaints about a number of persons securing employment under LDP ground by submitting forged/ fake documents and wanted to know the action taken in such cases. It was clarified by RSP Officials that at present, Local Displaced Persons are identified / sponsored for training and subsequent employment by the ADM, Rourkela, in terms of Minutes of Meeting dated 11/03/1993. Prior to 1993, against specific requisition for

filling up vacancies (exclusively for LDPs) in RSP, the names of LDPs were sponsored by the local Employment Exchange based on LDP Certificates issued by ADM's office, which was considered both by Govt. & RSP as conclusive evidence of LDP status of the candidates. ADM, Rourkela used to be a member in the Selection Committee.

F39 Complaints received regarding forged employment is forwarded to ADM, Rourkela for investigation. After receipt of report from ADM, Rourkela action is being taken as per procedure / rules of the Company. Till date, about 14 employees have been removed from service as a disciplinary measure, on the above ground.

F40 Hon'ble Chairperson wanted to know whether the actual persons are considered for employment after removal of the forged persons. It was submitted by RSP officials that as decided in the Rehabilitation & Peripheral Development Advisory Committee (RPDAC) meeting, substitute employment is considered in cases where fraud is detected within two years from date of joining in service. The Hon'ble Chairperson observed that substitute employment should be considered to the genuine person without any time bar and, for the same, the Commission would take up with the appropriate authorities for modification in the system.

F41 Hon'ble Chairperson wanted to know about the present policy for providing employment to LDPs. It was submitted that as per the Minutes of Meeting dated 11.03.1993 signed between Rourkela Steel Plant and Local Administration, 1098 families were identified who were not provided with any employment as rehabilitative measure. Against 1098 identified families, till date, employment has been provided to 705 persons; 99 persons are undergoing training at ITI, Rourkela and on successful completion of training, they will be considered for employment. Further, 129 persons are to be sponsored by ADM, Rourkela for training and subsequent employment in RSP. However, for sponsoring against the balance 165 persons, ADM, Rourkela has intimated about the difficulty being faced by them.

F42 Hon'ble Chairperson wanted to know about the status of employment to 163 list sponsored by ADM, Rourkela. It was clarified that names contained in the said list are beyond the 1098 agreed list. Providing employment to these 163 persons, which is beyond agreed list, would be in contravention to the Orders of Hon'ble Supreme Court passed in the case of Sri Butu Prasad Kumbar -vrs.- SAIL & Others in WP (C) No. 167/1992. As such, legal opinion is required to be taken by RSP and Govt. of Orissa for considering employment of LDPs beyond 1098 agreed list, provided no person from the displaced family has been provided employment in RSP as a rehabilitative measure. However, the matter is pending for approval of Ministry of Steel and SAIL Board.

F43 Hon'ble Commission appreciated the efforts of RSP under CSR initiatives. However, he emphasized that appropriate steps should be taken for undertaking CSR activities in the Resettlement Colonies, particularly in Gurundia, Hatidharsa and Amgaon. RSP Officials mentioned that developmental activities have been undertaken in the Resettlement Colonies which are located in far off places like Lachhada and assured to undertake further development works in the Resettlement Colonies as suggested by the Hon'ble Chairperson.

F44 Honϕle Chairperson pointed out that SARNA, the religious place of worship of the Local Tribal people, which are within the acquired land should not be demolished / disturbed. RSP Officials stated that they will take care of the same. He also suggested that RSP should provide training in the area of Motor Driving/ Electrician/Fitter etc. to local youths for their skill development for their self employment or in railway sector. RSP Officials informed that local youths are provided training for their skill development under CSR and agreed to further intensify the same.

Field visit to the Resettlement Colony:

F45 After completion of the meeting with the authorities of Rourkela Steel Plant, the Commission made field visit to the Resettlement colonies at Jolda village. Commission visited all the three Blocks of A.B & C. During visit it is noticed that the road condition is very poor. The inhabitants have not been provided with safe drinking water. The present electricity is not sufficient to cater the need of the Households. It was brought to the notice of the Commission that no land was earmarked for the tribals for %Sarna+ (place of worship) although lands have been allotted for other religious place for which they have been discriminated. Honϕle Chairman stated that the matter will be taken up with the District Administration as well as with the management of RSP. After completion of visit Honϕle Chairperson instructed the Additional District Magistrate, Rourkela to give focus about the basic amenities like safe drinking water, electricity, road etc.



Field visit to the Resettlement Colony



On 24.02.2016 afternoon the Commission left Rourkela for Ranchi via Simdega.

Findings of the Commission:

F46 The following are the major findings from the grievances of the petitioner:

- The tribals have received only compensation for crop but no compensation for the land which was taken away from them.
- In Some cases, compensation money has been kept in the treasury. No efforts has been made to disburse it.
- Till date no Patta for the House sites were allotted to them in the RS colonies.
- No adequate employment have been provided by the RSP to displaced families.
- Some of the members of the displaced tribals got employment on their merit, but the RSP management is showing them as employment to displaced families.
- In some cases land for land has been provided for cultivation purpose, but the same is not fit for cultivation. Further, ownership of the same has not been conferred. Location of allotted land is also far away i.e. 120-150 KMs from their colonies.
- RSP has surrendered surplus land to State Govt. instead of returning such land to original land owners, the State Govt. is selling the land.
- While land was acquired for RSP, several parcels of land which remained un-acquired were also taken away by the State Govt., which is un-constitutional and illegal. Such parcels of un-acquired land should be restored back with immediate effect.
- The displaced tribals have been facing multiple displacements.
- No land was earmarked for the tribals for Sarana (place of worship).
- The minimum basic amenities like safe drinking water, electricity, pucca road etc. have not been provided in the RSP colonies.

- Land allotted in lieu of land acquired at Amgaon village in Deogarh District and Sundergarh District to tribals is 90-150 KMs away from Rourkela. This is not accessible to tribal families. Also land allotted is not fit for cultivation because the same is in hilly terrain having deep pits in some cases. Tehsildar, Deogarh informed that the allotted land is not available in the revenue records hence, the same could not be transferred in the name of displaced families.
- RoR (pattas) have not been received by the affected families in respect of land allotted to them for agricultural purpose/ housing plot.
- Unauthorised colonies have come up over the acquired land. State Govt. has not been able to evict them. Tribals are minding that the State Govt. dispossessed them from their land and now non-tribals are occupying it. Govt. should evict such illegal occupants and give it back to original tribal owners.
- No proper policy for providing employment to members of each displaced family seems to have been framed by the Ministry or RSP as irrespective of area of land acquired for RSP, only one member of displaced family was provided employment. That too, this facility was not availed by many ignorant displaced tribal families. After the expiry of two years, this facility was withdrawn, which is not fair.
- Some of the persons got employment in RSP on the basis of fake documents.

Recommendations:

- About 5000 acr. Acquired lands have been surrendered by RSP to State Govt. instead of selling or setting it to private parties, the concerned land should be returned to the original tribal displaced persons.
- The policy framed by the SAIL authorities is that the displaced families should stake their claim for employment within two years of acquiring land; otherwise no employment will be given. Some of the original displaced persons could not claim the employment for certain reasons, including their children being Minor. Therefore genuine cases of such type should be given employment on humanitarian grounds instead of denying on the grounds of policy which is having a time frame of two years.
- Multiple displacement of tribals increase the pains felt by the displaced persons, therefore measures should be taken to avoid it.
- Basic amenities like safe and portable drinking water, road, and electricity should be provided in the RSP colonies out of the funds under CSR.
- RSP should take measures for imparting intensive training / coaching to youths of displaced families. Such youth should be prepared for the competitive examination like SSC, UPSC, Bank, Railways etc.
- The youths of the displaced families should be provided skill development training by RSP for self-employment based on local potentials such as in the field of Electrician, Plumber, Carpenter, Masonry work, Vehicle repairing, Motor driving, Computer & Mobile repairing etc.
- Immediate enquiry should be set up against persons who got employment on the basis of fake certificate of displaced persons. Such person should be ousted from service and instead members of displaced families should be given employment.

- RSP has allotted land for different communities for religious purpose, but the same was denied to tribals for carrying out their religious activity (SARNA), hence tribals should also be provided land in the RSP campus.
- RSP unit's campus allows many people to carry out petty / small trade like Pan Stalls / Canteens / Tea Stalls / Transportation and other business etc. The displaced families should also be accommodated in these activities.
- The CIL has evolved a definite policy to provide employment to families whose land has been acquired under this. It is giving employment to one person per 2 acrs. The land looser are getting better compensation in the form of employment in CIL. SAIL an RSP should also adopt this policy.
- Evidence has come that many displaced persons have settled in nearby forest land at the time of acquisition. Such families / persons should be conferred rights over such land under Forest Right Act urgently.

(G) मध्य प्रदेश - राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा मध्य प्रदेश राज्य के झाबुआ जिले में भ्रमण, अनुसूचित जनजाति के प्रतिनिधियों से चर्चा, जिला स्तरीय समीक्षा बैठक एवं भोपाल में राज्य सरकार के वरिष्ठ अधिकारियों के साथ अनुसूचित जनजातियों हेतु चलाई जा रही विकास योजनाओं, सेवा सुरक्षण तथा अत्याचार के मामलों की समीक्षा बैठक की रिपोर्ट।

G1 राष्ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली के वायरलेस संदेश क्रमांक 16/3/MadhyaPradesh/Review/2015/RU-III दिनांक 15-04-2016 के क्रम में डॉ. रामेश्वर उराँव, माननीय अध्यक्ष एवं श्री रवि ठाकुर, उपाध्यक्ष, श्रीमती के.डी. बंसौर, निदेशक व श्री सुखदेव निजी सचिव, अध्यक्ष मुख्यालय, नई दिल्ली से एवं श्री वीरेन्द्र सिंह, निदेशक तथा श्री आर.के. दुबे, सहायक निदेशक, क्षेत्रीय कार्यालय, भोपाल द्वारा मध्य प्रदेश राज्य का भ्रमण किया गया। इस दल में सम्मिलित होकर दिनांक 01-05-2016 को सभी सदस्य अध्यक्ष महोदय के नेतृत्व में इंदौर पहुँचे, जहाँ पर जिला कलेक्टर, इंदौर श्री पी. नरहरि द्वारा आयोग के दल का स्वागत किया गया। इंदौर संभाग के आदिम जाति कल्याण विभाग के उपायुक्त एवं सहायक आयुक्तों द्वारा आयोग के समक्ष आदिवासियों के लिये चलाई जा रही विभिन्न योजनाओं की जानकारी दी गई तथा कुछ आदिवासी प्रतिनिधि भी आयोग से आकर मिले।

G2 अगले दिन दिनांक 02-05-2016 को आयोग का दल इंदौर से चलकर झाबुआ जिला मुख्यालय पर पहुँचा। वहाँ पर आयोग का स्वागत प्रभारी जिला कलेक्टर श्री अनुराग चौधरी एवं सहायक आयुक्त, आदिवासी कल्याण श्रीमती शकुंतला डामौर के द्वारा किया गया। शाम के समय सर्किट हाउस में विभिन्न आदिवासियों एवं उनके संगठनों के पदाधिकारियों के द्वारा आयोग के अध्यक्ष एवं उपाध्यक्ष से उनकी विभिन्न समस्याओं के संबंध में चर्चा की गई तथा कुछ संगठनों द्वारा अपने आवेदन/मांग पत्र भी आयोग के दल को सौंपे गये। मुख्यतः झाबुआ नगर में सरकारी भूमि पर घर बनाकर वर्षों से काबिज आदिवासियों को भूमि का पट्टा दिये जाने, जिला मुख्यालय में डी.एड./बी.एड. एवं कानून की पढ़ाई हेतु कॉलेज खोले जाने, जल संरक्षण तथा वृक्षारोपण का कार्यक्रम बड़े पैमाने पर शुरू करने, वन विभाग की भूमि पर आदिवासियों के साथ मिलकर बांस लगाने तथा लाभ अर्जित करने, राज्य में पदोन्नति में आरक्षण निरस्त करने संबंधी उच्च न्यायालय, जबलपुर के निर्णय से अनुसूचित जनजातियों एवं अनुसूचित जातियों के कर्मचारियों के हितों की रक्षा, जिले के विद्यालयों में खेलों विशेषकर तीरंदाजी तथा एथलेटिक्स को प्रोत्साहित किये जाने की मांग की गई।

आयोग ने झाबुआ पहुँच कर निम्नलिखित मुख्य कार्य किये गये:-

(क) थांदला के सामुदायिक स्वास्थ्य केंद्र तथा ग्राम बोरडी, ब्लॉक थांदला, जिला झाबुआ का भ्रमण :-

G3 दिनांक 03-05-2016 को आयोग द्वारा प्रभारी जिला कलेक्टर, सहायक आयुक्त, आदिवासी विकास व जिले के अन्य अधिकारियों के साथ सर्वप्रथम थांदला के सामुदायिक स्वास्थ्य केंद्र (CHC) का निरीक्षण किया गया जहाँ पर स्थानीय लोगों द्वारा डॉक्टरों की कमी व विशेष रूप से महिला डॉक्टर नहीं होना बताया गया। आयोग द्वारा इस विषय को भोपाल की राज्य स्तरीय समीक्षा बैठक में रखने का आश्वासन दिया गया। मरीजों द्वारा बताया गया कि उन्हें अस्पताल से जरूरी दवाएं मिल जाती हैं।

G4 इसके बाद आयोग का दल गाँव बोरडी विकास खंड थांदला, जिला झाबुआ पहुँचा जहाँ पर भारत सरकार की योजना/दिशा निर्देश के तहत चलाई जा रही "ग्रामोदय से भारत उदय योजना" के अंतर्गत ग्राम संसद का आयोजन किया गया था। सर्वप्रथम सभी ग्रामवासियों द्वारा ढोल-बाजे के साथ आयोग के दल का स्वागत किया गया तथा आयोग द्वारा उनके गाँव का भ्रमण हेतु चयन किये जाने पर खुशी जताई गई। यहाँ पर स्थानीय विधायक श्री कल सिंह भंवर द्वारा श्री रामेश्वर उराँव, अध्यक्ष एवं श्री रवि ठाकुर, उपाध्यक्ष आयोग का स्वागत किया गया। तत्पश्चात आयोग के अध्यक्ष महोदय द्वारा गाँव में आने का कारण तथा आयोग के उद्देश्यों के बारे में सभी उपस्थित गाँव वालों से चर्चा की गई। इस अवसर पर जब आयोग द्वारा गाँव वालों से पूछा गया कि उनके गाँव में केन्द्र सरकार एवं राज्य सरकार द्वारा चलाई जा रही विभिन्न विकास योजनाओं की क्या प्रगति है तथा इसका लाभ लाभार्थियों/हितग्राहियों तक पहुँच रहा है या नहीं तो बहुत सारे आदिवासियों द्वारा इस पर निम्नानुसार अपने विचार प्रकट किये गये :-

1. एक वृद्धा स्त्री द्वारा बताया गया कि उन्हें भारतीय स्टेट बैंक के प्रतिनिधि (Business correspondent) द्वारा केवल 150 रुपये वृद्धावस्था पेंशन के दिये जा रहे हैं जबकि राज्य सरकार द्वारा रुपये 275 प्रति माह वृद्धावस्था पेंशन निर्धारित की गई है। उनके अंगूठे का निशान उक्त प्रतिनिधि द्वारा ले लिया जाता है एवं अशिक्षित होने के कारण पूरी निर्धारित रकम नहीं दी जाती। जिला कलेक्टर द्वारा जाँच करने पर पाया गया कि भुगतान रजिस्टर के अनुसार उस लाभार्थी को पूरे पैसे का भुगतान दर्शाया गया था। इस पर प्रभारी जिला-कलेक्टर द्वारा अपने अधीनस्थ अधिकारियों को निर्देश दिये गये कि इस पर कड़ी नजर रखी जाये तथा आयोग की सलाह के अनुसार जहाँ तक संभव हो सरपंच/उपसरपंच या गाँव के स्कूल अध्यापक की उपस्थित में बैंक प्रतिनिधियों के द्वारा पूरा भुगतान सुनिश्चित किया जाये।
2. गाँव वालों ने बताया कि इस गाँव के पास एक बहुत बड़ा तालाब है परन्तु उसमें मिट्टी की गाद जमा होने के कारण पानी नहीं है जिसके कारण उनके गाँव में गाँव वालों एवं मवेशियों हेतु पानी की उपलब्धता नहीं रहती तथा उन्हें बहुत दूर से पानी लाना पड़ता है। यह समस्या जानकर प्रभारी जिला कलेक्टर द्वारा मौके पर ही आदेश जारी करते हुए संबंधित अधिकारियों को निर्देश दिये गये कि इस पर तुरंत काम शुरू किया जाए तथा वर्षा आने से पहले इसे पूर्ण करना सुनिश्चित करें और जरूरत पड़ने पर जे.सी.बी मशीन का प्रयोग भी किया जाये। यहाँ पर आयोग के माननीय अध्यक्ष द्वारा सलाह दी गई कि जिला प्रशासन सर्वप्रथम पुराने तालाबों की खुदाई कर उन्हें जल संग्रहण के लिये तैयार करें क्योंकि पुराने तालाब में पानी अधिक समय तक उपलब्ध रहता है तथा नये तालाब वहीं पर बनाये जाएं जहाँ पर अभी पुराने तालाब नहीं है।
3. श्रीमती कांता भील द्वारा बताया गया कि वह 3 साल पहले विधवा हो गई थी तथा उसके पास रोजगार का कोई साधन नहीं है। इस पर चर्चा के दौरान पूछा गया कि उन्हें राहत राशि मिली थी या नहीं। इस पर बताया गया कि उन्हें राहत राशि तो मिली थी परन्तु अभी तक उनके पास रोजगार का कोई साधन नहीं है तथा भुखमरी की स्थिति है। इस पर प्रभारी जिला कलेक्टर द्वारा संबंधित शिक्षा विभाग के अधिकारियों को निर्देश दिया गया कि श्रीमती कांता भील को तत्काल गाँव के स्कूल में मध्याह्न भोजन की योजना के अंतर्गत स्कूल में रसोइया नियुक्त किया जाए जिसका आदेश अगले 2 से 3 दिन तक जारी होना निश्चित करें।
4. एक अन्य महिला श्रीमती मन्ना किलसी पटेलिया द्वारा बताया गया कि उनके पति का दुर्घटना में स्वर्गवास हो गया है तथा उनके पास छोटी-छोटी चार लड़कियाँ हैं और न तो उनके पास जमीन है और न ही रोजगार का कोई साधन है। इस पर प्रभारी कलेक्टर श्री चौधरी द्वारा सहायक आयुक्त, आदिवासी विकास को निर्देश दिया गया कि उन्हें आदिवासी छात्रावास में तत्काल नौकरी

- पर रखा जाये एवं दो बेटियों के पालन पोषण हेतु रुपये 2,000/- प्रति बेटे प्रति माह की दर से मध्यप्रदेश सरकार की योजना के अंतर्गत अनुदान दिया जावे। इसके साथ ही इस विधवा महिला से जानकारी माँगी कि क्या उन्हें विधवा होने पर सरकार की योजना के अंतर्गत सहायता प्राप्त हुई है तो महिला द्वारा बताया गया कि उन्हें रुपये 75,000/- का अनुदान बैंक खाते में प्राप्त हुआ है। इस पर जिला कलेक्टर द्वारा सम्बन्धित अधिकारियों को निर्देश दिया गया कि इन्हें इन्दिरा आवास योजना के अंतर्गत मकान उपलब्ध कराने का प्रस्ताव तैयार किया जाये।
5. एक अन्य आदिवासी महिला श्रीमती राधा जो कि परित्यक्ता एवं भूमिहीन हैं, के द्वारा अपनी समस्या रखी गई जो कि पास के ग्वालमुंडी गाँव की निवासी हैं। इस पर प्रभारी जिला कलेक्टर द्वारा संबंधित अधिकारी को आदेश दिये गये कि इन्हें भूमि का पट्टा दिया जाए तथा इन्दिरा आवास योजना में इनको मकान के आवंटन का प्रस्ताव भी सुनिश्चित किया जाए।
 6. गाँव वालों द्वारा यह भी बताया गया कि उनके गाँव में पी.डी.एस. योजना के अंतर्गत उनको एक-एक महीना छोड़ कर राशन का गेहूँ एवं चावल इत्यादि दिया जाता है जबकि प्रतिमाह मिलना चाहिए। इसके लिए वहाँ के खाद्य अधिकारी श्री विक्रम नायक जिम्मेदार हैं। इस पर कलेक्टर महोदय द्वारा तत्काल संज्ञान लिया गया तथा खाद्य अधिकारी को निर्देशित किया गया कि राशन प्रतिमाह समय पर मिलना सुनिश्चित किया जाये।
 7. ग्रामीणों द्वारा छात्राओं के लिए छात्रावास एवं प्राथमिक चिकित्सा सुविधाओं की मांग की गई तथा उनके गाँव में मलेरिया, डायरिया एवं कॉलरा इत्यादि बीमारियाँ होना बताया गया।

(कार्रवाई: जिला कलेक्टर, झाबुआ)

(ख) शासकीय उच्चतर माध्यमिक विद्यालय, थांदला का निरीक्षण :-

G5 इसके पश्चात आयोग के दल द्वारा शासकीय उच्चतर माध्यमिक विद्यालय, थांदला का निरीक्षण किया गया। वहाँ पर श्री शोभित जैन, आयुक्त, आदिवासी विकास, मध्य प्रदेश सरकार, भोपाल की उपस्थिति में उपलब्ध छात्र-छात्राओं से बात की गई तथा उनके समक्ष आ रही कठिनाइयों एवं सरकार द्वारा उपलब्ध कराई जा रही सुविधाओं के बारे में पूछ-ताछ की गई। यहाँ पर आदिवासी छात्र-छात्राओं द्वारा आयोग के निरीक्षण करने पर खुशी का इजहार किया गया। साथ ही चर्चा उपरांत यह देखने में आया कि स्कूल में अभी पढ़ाई का माध्यम केवल हिन्दी है तथा विज्ञान एवं गणित के योग्य अध्यापकों की कमी है। ये मेधावी छात्र एवं छात्राएं आगे चलकर जब अखिल भारतीय प्रतियोगी परीक्षाओं में सम्मिलित होंगे तो इनको पढ़ाई का माध्यम अंग्रेजी न होने के कारण बहुत अधिक कठिनाई का सामना करना पड़ेगा। अतः आयोग द्वारा यहाँ पर सुझाव दिया गया कि बच्चों को प्रथम कक्षा से ही अंग्रेजी विषय पढ़ाना शुरू किया जाए तथा विज्ञान एवं गणित के अच्छे प्रशिक्षित अध्यापकों की पदास्थापना की जाये जिससे कि बच्चों को भविष्य में दूसरे बच्चों से प्रतियोगिता करते वक्त कोई परेशानी न हो तथा वह शेष बच्चों के साथ मुख्य धारा में शामिल हो सकें।

(ग) ग्राम पंचायत फुट तालाब का निरीक्षण :-

G6 उक्त गाँव में आयोग के दल का स्वागत ग्रामवासियों द्वारा उनके पारंपरिक गीत-संगीत के माध्यम से किया गया। इस गाँव में भी ग्राम संसद का आयोजन जारी था जिसमें भारी संख्या में गाँव की महिलाएं तथा पुरुष इत्यादि शामिल थे। साथ ही जिले के सभी संबंधित अधिकारी एवं स्थानीय विधायक भी उपस्थित थे। यहाँ पर खंड विकास अधिकारी द्वारा यह जानकारी दी गई कि ग्राम संसद में ग्रामवासियों ने सर्वसम्मति के साथ उनकी ग्राम पंचायत फुट तालाब के विकास के प्रस्ताव तैयार किये हैं जिसमें मुख्यतः सड़क, नाली, तालाब व शिक्षा से संबंधित कार्यक्रमों को शामिल किया गया है। इस अवसर पर माननीय अध्यक्ष द्वारा इन प्रस्तावों की जानकारी ली गई। साथ ही उपस्थित लोगों को संबोधित करते हुए उनके द्वारा आयोजित ग्राम संसद की प्रशंसा की गई तथा गाँव वालों को बताया गया कि वह पक्ष एवं विपक्ष की तरह सभी मुद्दों पर चर्चा करें एवं गुण-दोष के आधार पर जो अधिक फायदेमंद हो, उसका प्रस्ताव सहमति के साथ तैयार करें। अध्यक्ष महोदय द्वारा आयोग के निरीक्षण का मकसद विस्तार से उपस्थित

गाँव वालों एवं अन्य अधिकारियों को बताया गया। केन्द्र सरकार एवं राज्य सरकार की योजनाओं की प्रगति की जानकारी हासिल की गई। चर्चा में ग्रामवासियों की निम्नलिखित शिकायतें आयोग के संज्ञान में लाई गई:-

1. पेयजल :- ग्रामीणों द्वारा बताया गया कि उनके गाँव में काफी बड़ा फैक्ट्री एरिया है जिसमें रसायनों का निर्माण होता है तथा रसायन का पानी बहकर जमीन के अंदर स्थित पानी में मिल जाता है जिसकी वजह से पीने के पानी की गुणवत्ता बहुत ही खराब हो रही है तथा उन्हें बिल्कुल गंदा एवं पीला रसायन युक्त पानी पीने के लिये मजबूर होना पड़ रहा है। यह आस-पास के 12 गाँवों की समस्या है जिसकी वजह से ग्रामवासी एवं उनके मवेशी मर जा रहे हैं तथा बीमार पड़ रहे हैं। कुछ गाँव वालों द्वारा बोतल में भरकर पानी का सैपल साथ में लाया गया तथा उसे आयोग के सामने प्रस्तुत किया गया। इस पर उपस्थित जिला अधिकारियों द्वारा बताया गया कि उनके द्वारा पीने का पानी टैंकर द्वारा भी सप्लाई किया जाता है। इस पर गाँव वालों ने असहमति जताई तथा बताया कि इनके द्वारा बहुत कम सप्लाई की जाती है जो कि पर्याप्त नहीं है एवं वह गंदा रसायन युक्त पानी पीने को मजबूर हैं जिससे वह बीमार पड़ रहे हैं और उनके हाथ पैर में सूजन आ जाती है। इस पर आयोग द्वारा अपनी नाराजगी दर्ज कराई गई साथ ही जिला अधिकारियों को बताया गया कि यह मानव अधिकारों का उल्लंघन है एवं शुद्ध पेय-जल उपलब्ध कराना सरकार की जिम्मेदारी है।
2. स्वास्थ्य :- इस विषय पर गाँव वालों का कहना था कि यहाँ पर बहुत प्रदूषण है एवं इसका कारण आस-पास की फैक्ट्री हैं जिससे धूल एवं धुआं उड़ता रहता है। साथ ही मच्छर बहुत अधिक हैं और पानी पीने लायक नहीं है जिससे उनको सिलिकोसिस, डायरिया, मलेरिया तथा हाथ-पैरों में सूजन की बीमारी अत्यधिक होती है। इस पर संबंधित अधिकारियों द्वारा जानकारी दी गई कि उनके द्वारा समय-समय पर दवाई एवं धुआं छोड़ा जाता है ताकि मच्छर कम हो सकें। आयोग को जिला प्रशासन का प्रयास काफी नगण्य महसूस हुआ तथा आयोग द्वारा मशविरा दिया गया कि ऐसे में, अन्य उपायों के साथ गाँव वालों को सरकारी योजना के अंतर्गत मच्छरदानी का वितरण किया जाना चाहिए।
3. शिक्षा :- इस विषय पर चर्चा के दौरान दो मुख्य बातें सामने आई (प) स्कूलों में शिक्षकों की कमी है तथा विशेषकर अंग्रेजी, विज्ञान एवं गणित के अध्यापकों की भारी कमी है। (पप) सूखे एवं रोजगार न होने के कारण बहुत से लोग झाबुआ छोड़कर देश के अन्य भागों में परिवार के साथ चले जाते हैं जिससे बच्चों की पढ़ाई या तो होती नहीं है या बाधित होती है। इस पर आयोग को सरकारी अधिकारियों के द्वारा बताया गया कि अंग्रेजी, विज्ञान एवं गणित के अध्यापकों की वाकई में कमी है तथा इसकी पूर्ति करने हेतु सरकार द्वारा लगातार प्रयास किये जा रहे हैं। साथ ही बताया गया कि लगभग 60 हजार के आस-पास झाबुआ के स्थानीय लोग रोजगार की तलाश में अन्य प्रदेशों को चले जाते हैं। इसका मुख्य कारण खेती में पानी की कमी तथा बाहर मनरेगा से अधिक मजदूरी प्राप्त होना है। आयोग ने इस पर सुझाव दिया कि यहाँ पर मजदूरों को मनरेगा के तहत 150 या उससे अधिक दिन रोजगार उपलब्ध कराया जाये या अन्य तरह से ऐसे परिवारों की पहचान कर उनके कार्यस्थल पर अध्यापक भेज कर पढ़ाने की व्यवस्था करने पर विचार करना चाहिए। आयोग द्वारा छात्रों को मिल रही छात्रवृत्ति की पूछताछ भी की गई इस पर कई छात्रों ने बताया कि उन्हें कभी-कभी यह समय पर नहीं मिलती जिसकी वजह से उन्हें परेशानी होती है। खासतौर पर पढ़ाई में अंतर (Gap) होने पर छात्रवृत्ति नहीं दी जाती है। आयोग द्वारा जिला अधिकारियों से कहा गया कि इसका समाधान निकालें क्योंकि यह आम समस्या है।
4. वन एवं पर्यावरण :- आयोग द्वारा पूछा गया कि उनके पंचायत घरों, स्कूलों व छात्रावासों में फलदार एवं छायादार वृक्ष हैं या नहीं। और यदि नहीं हैं तो तत्काल सभी ग्रामवासी इसकी तरफ ध्यान दें तथा अपने घरों के आस-पास, पंचायत घरों में एवं विशेष कर छात्रावासों में फलदार एवं छायादार वृक्ष जरूर लगायें। इस सुझाव को जिला अधिकारियों द्वारा सराहा गया

एवं आश्वासन दिया गया कि आने वाले समय में उनके सभी छात्रावासों में आवश्यक रूप से वृक्षारोपण किया जायेगा। झाबुआ के डी.एफ.ओ. श्री खरे द्वारा बताया गया कि उनकी तरफ से पर्याप्त मात्रा में ऐसे वृक्षों के सैपल तैयार कर वितरित किये जाएंगे।

5. खाद्य सुरक्षा :- इस पर चर्चा के दौरान गाँव वालों ने शिकायत की कि खाद्य अधिकारियों द्वारा उनके गाँव में राशन का वितरण नहीं किया जाता तथा पड़ोसी गाँव से राशन लाने के लिए मजबूर किया जाता है। साथ ही हर माह उनके द्वारा राशन का वितरण नहीं किया जाता एवं 2 माह में मात्र 1 बार ही मिलता है जो कि प्रति माह मिलना चाहिए। इस पर आयोग द्वारा संज्ञान लेते हुए उपस्थित खाद्य अधिकारी से स्पष्टीकरण चाहा गया तथा उनके द्वारा बताया गया कि उनके विभाग द्वारा फुट तालाब गाँव में भी राशन की दुकान खोलने का प्रयास जारी है जिससे ग्रामवासियों की शिकायत दूर हो जाएगी तथा आगे से उन्हें प्रति माह राशन का वितरण किया जाएगा। यह भी जानकारी दी गई कि राशन का वितरण उपलब्ध मशीनों से किया जाता है ताकि कोई धांधली न हो। कुछ ग्रामीणों द्वारा यह भी बताया गया कि उन्हें अभी तक राशन नहीं दिया जा रहा है जबकि वे पात्र हैं। इस पर खाद्य अधिकारी द्वारा बताया गया कि अभी इनका रजिस्ट्रेशन नहीं हुआ है, पहले उसे कराना पड़ेगा। यह सुनकर आयोग द्वारा नाराजगी जताई गई तथा समझाइश दी गई कि यह कर्तव्य खाद्य अधिकारियों का है कि वह स्वयं घर-घर जाकर उनका रजिस्ट्रेशन करें एवं उनको राशन उपलब्ध करायें।
6. सामाजिक सुरक्षा योजना :- चर्चा के दौरान ग्रामवासियों द्वारा यह शिकायत की गई कि उन्हें वृद्धावस्था पेंशन का पूरा पैसा रुपये 275/- प्रतिमाह नहीं मिलता है एवं बैंक प्रतिनिधि द्वारा पूरे राशि पर अंगूठा लगा कर कम पैसे दिये जाते हैं। इस पर आयोग द्वारा जिला अधिकारियों को सलाह दी गई कि भुगतान के वक्त यह सरपंच, उपसरपंच या शिक्षक की उपस्थिति में दिया जाना चाहिये ताकि लाभार्थियों को पूरी राशि प्राप्त हो।
7. कृषि फसल बीमा योजना एवं सूखा राहत :- उपस्थित ग्रामवासियों के द्वारा बताया गया कि उनके द्वारा जो फसली ऋण बैंको से लिया गया था वह सूखा पड़ने के कारण बैंको को वापस जमा नहीं कराया जा सका। इस स्थिति में उन्हें बैंको द्वारा आगे ऋण नहीं दिया जा रहा है। योजना के अंतर्गत समय पर ऋण वापस करने पर सरकार द्वारा ब्याज माफ किया जाता है परन्तु बैंक ब्याज एवं मूल राशि वापस मांगने के लिए दबाव देते हैं। इस पर जिला अधिकारियों द्वारा बताया गया कि यह सही है कि झाबुआ में सूखा पड़ने के कारण यहाँ के किसानों की स्थिति ठीक नहीं है तथा बैंक समय पर ऋण वापस नहीं होने पर ब्याज की मांग करते हैं और यदि ऋण समय पर वापस हो जाता है तो किसानों को ऋण माफ रहता है। आयोग द्वारा जिला अधिकारियों को बताया गया कि जब किसानों को सूखा राहत का ही वितरण नहीं हुआ है तथा उनकी फसल सूख गई है तो बैंको द्वारा ब्याज मांगना एवं ऋण वापसी का दबाव उचित नहीं है तथा जिला प्रशासन देखे कि किसानों को आगे फसली ऋण मिलने में तकलीफ न हो। आगे चर्चा में कृषकों द्वारा यह भी बताया गया कि उनके द्वारा कृषि फसल बीमा योजना नहीं ली गई है इस कारण उन्हें मुआवजा नहीं मिलेगा। आयोग द्वारा मशविरा दिया गया कि इस योजना का प्रचार-प्रसार सरकार द्वारा बड़े स्तर पर किया जाना चाहिए तथा यह भी स्थानीय प्रशासन द्वारा सुनिश्चित किया जाये कि सभी किसान कृषि फसल बीमा योजना में सम्मिलित हों।
8. ग्रामवासियों द्वारा यह भी शिकायत की गई कि उनके गांव और क्षेत्र में पशु चिकित्सक एवं उनके विभाग के सहायक कर्मचारी नहीं आते जिससे पशुओं का इलाज नहीं हो पाता। आयोग ने इसे गंभीरता से लिया और निर्देश दिया कि समय-समय पर पशु चिकित्सक एवं उनके विभाग के सहायक कर्मचारियों को गांवों में जाकर पशुओं का इलाज करना चाहिये।

(घ) अग्राल ग्राम में एकलव्य आवासीय स्कूल का निरीक्षण :-

G7 उपरोक्त गाँव में आयोग के दल का स्वागत छात्र-छात्राओं द्वारा किया गया। जिला अधिकारियों द्वारा यह जानकारी दी गई कि यहाँ के लगभग 32 छात्र-छात्राओं को, जिन्होंने सराहनीय परीक्षा परिणाम प्राप्त किया है तथा जो आई.आई.टी./जे.ई.ई परीक्षा उत्तीर्ण किये हैं, उन्हें मुख्य परीक्षा के लिये चुन कर विशेष कोचिंग देने हेतु इंदौर भेजा जा रहा है ताकि वे प्रतियोगी परीक्षा पास कर सकें। आयोग द्वारा छात्रों से विस्तृत चर्चा की गई तथा उन्हें सम्मानित भी किया गया। चर्चा के दौरान यह सामने आया कि सभी बच्चे हिंदी माध्यम में पढ़ाई किये थे तथा इसकी वजह से उन्हें आगे चलकर परेशानियों का सामना करना पड़ेगा। फिर भी उनकी हिम्मत बढ़ाई गई और उन्हें संघर्ष के लिए प्रेरित किया गया। इस अवसर पर संस्था के द्वारा विद्यालय में दो दर्जन कंप्यूटरों, इंटरनेट, सुविधा जल प्रदाय करने हेतु गहरी बोरिंग वाले सबमर्सिबल पंप तथा विद्यालय व छात्रावास हेतु बाउंड्री वॉल हेतु स्वीकृति तथा बजट प्रदाय करने की मांग की गई। आयोग ने उनकी इन मांगों को उचित बताया तथा संबंधित अधिकारियों को इस संबंध में आवश्यक कार्रवाई का निर्देश दिया।

(ड.) विभिन्न आदिवासी संगठनों एवं प्रतिनिधियों से सर्किट हाउस, झाबुआ में मुलाकात:-

G8 शाम के समय अलग-अलग संगठनों के प्रतिनिधि आयोग से मिलने के लिये सर्किट हाउस झाबुआ पहुंचे तथा चर्चा के उपरांत उन सभी के आवेदन प्राप्त किये गये। इस समय मिलने वालों में मुख्यतः जिला पंचायत की अध्यक्ष महोदया श्रीमती कलावती भूरिया रहीं तथा इनके एवं अन्य प्रतिनिधिमण्डलों द्वारा मुख्यतः निम्नलिखित समस्याओं के तरफ आयोग का ध्यान आकृष्ट किया गया :-

- जिला प्रशासन द्वारा आदिवासियों को कृषि भूमि एवं आवासीय पट्टे आवंटन नहीं किया जाना तथा उन्हें प्रशासन के विभागों द्वारा परेशान किया जाना।
- पेयजल की समस्या।
- डॉक्टरों एवं अस्पतालों की कमी।
- सूखा राहत न मिलना एवं फसली ऋण का वितरण न होना।
- आदिवासियों के फर्जी प्रमाण पत्रों पर कई लोगों का नौकरी पाना और करना जिससे आदिवासियों का हक प्रभावित होता है।
- तालाबों की खुदाई का कार्य न होना अथवा इसकी खुदाई केवल जे.सी.बी. मशीन से किया जाना।
- मंनरेगा का पैसा समय पर न दिया जाना।
- खाद्य वितरण सही समय पर नहीं होना, कम होना इत्यादि।
- छात्रों को समय पर छात्रवृत्ति नहीं मिलना।
- झाबुआ में अंग्रेजी, गणीत एवं विज्ञान के अध्यापक नहीं होना।
- आदिवासियों के बैकलॉग पद नहीं भरा जाना।
- आदिवासियों का रोजगार की तलाश में प्रवजन होना।
- स्कूलों व कॉलेजों की कमी तथा झाबुआ में लॉ कॉलेज का न होना।
- वन एवं पर्यावरण से संबंधित।

(च) झाबुआ जिले की समीक्षा एवं मूल्यांकन बैठक :-

G9 दिनांक 04-05-2006 को सुबह 10 बजे से जिला समीक्षा बैठक जिला सभागार में शुरू हुई। वहाँ पर सर्वप्रथम प्रभारी जिला कलेक्टर श्री अनुराग चौधरी एवं जिले के अन्य अधिकारियों द्वारा आयोग के अध्यक्ष, उपाध्यक्ष एवं दल के अन्य सदस्यों का स्वागत किया गया। प्रभारी जिला कलेक्टर द्वारा आयोग के समक्ष केन्द्र सरकार, राज्य सरकार एवं उनके जिले द्वारा चलाई जा रही विकास योजनाओं एवं खाद्य तथा सामाजिक सुरक्षा योजनाओं की प्रगति का एक प्रेजेंटेशन दिया गया। तत्पश्चात माननीय अध्यक्ष द्वारा प्रभारी जिला कलेक्टर श्री अनुराग चौधरी की भूरि-भूरि प्रशंसा की गई तथा ऐसे अधिकारियों की देश में

जरूरत बताई क्योंकि वह बहुत ही उत्साही, कठिन परिश्रम करने वाले एवं मौके पर निर्णय लेने वाले अधिकारी हैं। इसके बाद आयोग द्वारा दिनांक 03-05-2016 को गाँवों के भ्रमण के दौरान अनुभव किये गये बिन्दुओं/मुद्दों पर विषयवार चर्चा की गई। सर्वप्रथम आदिवासी उपयोजना में वर्ष 2015-16 में आवंटित धनराशि का उपयोग नहीं होने पर चर्चा हुई। आदिवासी उपयोजना में आवंटित धनराशि का पूरा उपयोग न करने का कारण अध्यक्ष महोदय द्वारा पूछा गया तो जिला अधिकारियों द्वारा बताया गया कि गत वर्ष उन्हें इस योजना में मार्च माह में धनराशि आवंटित की गई जिसकी वजह से इसका पूर्ण उपयोग नहीं हो पाया। शासन द्वारा उन्हें यह राशि वर्तमान वर्ष में अलग से उपलब्ध कराई जाएगी जिससे यह लैप्स नहीं होगी। आयोग द्वारा आगे से पूरी राशि समय पर मांगने की सलाह दी गई ताकि इसका उपयोग जनजातियों के हित में किया जा सके। इसके बाद विभिन्न बिंदुओं पर चर्चा शुरू हुई तथा उन पर जिला प्रशासन के अधिकारियों से समाधान के साथ जवाब मांगा गया जिनमें मुख्यतः निम्नप्रकार है :-

- ❖ पेयजल :- फुट तालाब गाँव से लाये गये पानी का सैंपल जिला अधिकारियों को दिखाया गया एवं वहाँ पर चल रही कैमिकल उद्योगों से निस्तारित रसायन युक्त पानी, पीने के पानी में मिलने की समस्या बताई गई। इस पर मीटिंग में उपस्थित जन प्रतिनिधियों द्वारा प्रकाश डालते हुए बताया गया कि यह लगभग 12 गाँवों की समस्या है और ग्रामवासी स्वयं व उनके पशु यह पानी पिलाने को मजबूर हैं जिससे वे बीमार पड़ रहे हैं व उनकी मृत्यु भी हो रही है। प्रभारी जिला कलेक्टर श्री अनुराग चौधरी द्वारा बताया गया कि उनके द्वारा पहले ही कुछ कदम उठाए जा चुके हैं। साथ ही उन्होंने अपने अधिकारियों को तुरंत निर्देश दिये कि शेष 2-3 फैक्ट्रियों को तत्काल बंद कराया जाना सुनिश्चित करें। उनके द्वारा बताया गया कि 2-3 दिन के अंदर इंदौर से प्रदूषण नियंत्रण बोर्ड के विशेषज्ञों को बुलाकर पानी की गुणवत्ता जाँची जाएगी और उद्योगों की गलती पाये जाने पर उन्हें पूरी तरह बंद किया जायेगा। जब तक ग्रामवासियों को टेंकर से पानी भेजना तय किया जाएगा। अध्यक्ष महोदय द्वारा इस पर संतुष्टि जताई गई एवं प्रभारी कलेक्टर का आभार व्यक्त किया। जिला कलेक्टर द्वारा इसकी जानकारी आयोग को भेजे जाने की बात कही गई।
- ❖ खनिज एवं खान :- मीटिंग में उपस्थित जिला पंचायत अध्यक्ष श्रीमती कलावती भूरिया द्वारा बताया गया कि इंदौर के किसी उद्योगपति को खान आवंटित की गई है जिसके लिए आदिवासी किसानों से न तो सहमति ली गई और न ही उनको मुआवजा दिया गया तथा उन्हें परेशान किया जा रहा है। इस पर जिला प्रशासन ने जाँच कराने का भरोसा दिया। आयोग द्वारा पूछताछ की गई कि किसान की सहमति लेना जरूरी है तथा सहमति पश्चात उन्हें पर्याप्त मुआवजा मिले तथा उनके पुर्नस्थापन की व्यवस्था होनी चाहिए। परंतु ज्ञात हुआ कि जवाब देने के लिए खनिज अधिकारी बैठक में उपलब्ध नहीं है। इस पर आयोग द्वारा नाराजगी जाहिर की गई। जिला प्रभारी कलेक्टर द्वारा आश्वासन दिया गया कि मामले की पूर्ण जाँच करवाकर आगे की कार्रवाई की जाएगी तथा आयोग को अवगत करवाया जाएगा।
- ❖ वन एवं पर्यावरण :- माननीय अध्यक्ष द्वारा झाबुआ जिले के बड़े भू-भाग पर वन न होने का जिक्र किया गया जिससे पानी की कमी, पर्यावरण का नुकसान, रोजगार की कमी तथा रहवासियों का पलायन होता है। इस पर वन विभाग के डी.एफ.ओ. श्री खरे की राय मांगा गया। श्री खरे द्वारा आयोग के मत से सहमत होना जाहिर किया गया तथा इसके लिए पूर्ण प्रयास करने का आश्वासन दिया। अध्यक्ष महोदय द्वारा उन्हें निर्देशित किया गया कि सहायक आयुक्त, आदिवासी विकास के साथ मिलकर प्रथमतः वन विभाग सभी आदिवासी छात्रावासों एवं स्कूलों में, जहाँ पर बाउन्ड्री वॉल बनाई गई है, उनमें फलदार एवं छायादार वृक्षों का वृक्षारोपण किया जाये जिससे बच्चों के अंदर वृक्षों के प्रति प्रेम पैदा हो, वे उनकी रक्षा करें तथा उन्हें छाया के साथ-साथ फल खाने का अवसर भी मिले। इस पर श्री खरे एवं श्रीमती शकुंतला डामौर द्वारा पूर्ण सहयोग करने का भरोसा दिलाया गया। वन विभाग द्वारा रोपण हेतु पौधे

उपलब्ध कराने का भरोसा दिया गया। आयोग द्वारा यह भी सलाह दी गई कि ऐसा करने से वन विभाग का फॉरेस्ट कवरेज भी बढ़ेगा।

आयोग द्वारा डी.एफ.ओ. श्री खरे से पूछा गया कि अभी तक आदिवासियों को पट्टा जारी करने हेतु कितने व्यक्तिगत तथा सामुदायिक दावे/आवेदन प्राप्त हुए। इस पर उनके द्वारा बताया गया कि लगभग 5000 दावे प्राप्त हुए जिसमें से 2000 पट्टे जारी किये गये तथा बचे हुए कुल 3000 दावों में 1000 व्यक्तिगत दावे तथा 2000 सामुदायिक दावे हैं। उनके द्वारा आश्वासन दिया गया कि 1000 दावे उनके द्वारा एक माह में निपटा दिये जायेंगे। इस पर आयोग द्वारा सुझाव दिया गया कि वन अधिकार अधिनियम, 2006 का प्रचार-प्रसार सुनिश्चित किया जाये ताकि अधिक से अधिक पात्र लोग आवेदन कर सकें। जिला प्रशासन इस योजना को पुनः अवलोकन करे तथा सुनिश्चित करें कि सभी पात्र आदिवासियों को, जिनका कब्जा जमीन पर रहा है, को अधिकार पत्र मिले।

- ❖ शिक्षा :- शिक्षा के क्षेत्र में हुई प्रगति पर चर्चा के दौरान यह संज्ञान में आया कि (1) स्कूलों में बच्चों की उपस्थिति कम रहती है (2) मवेशी चराने वालों तथा प्रवजन करने वालों के बच्चों के लिए ब्रिज स्कूलों/ मोबाइल टीचर की आवश्यकता है (3) अंग्रेजी, विज्ञान एवं गणित के अध्यापकों की विशेष कमी है। (4) बी.एस.सी. विषय की फेकल्टी विकास खण्ड स्तर पर होनी चाहिए जो कि अभी झाबुआ में नहीं है। (5) बी.एड. एवं डी.एड. का कोर्स भी जिला स्तर पर नहीं है। (6) छात्रवृत्ति समय पर प्राप्त नहीं होती और पढ़ाई में उच्च शिक्षा हेतु गैप होने पर छात्रवृत्ति नहीं दी जाती है। (7) झाबुआ में लॉ कॉलेज नहीं होने के कारण छात्र लॉ का कोर्स नहीं कर पाते हैं तथा आदिवासी छात्र कानून की पढ़ाई से वंचित हैं (8) राज्य साक्षरता मिशन में पढ़ाई के लिए किताबें नहीं हैं एवं 12 माह से वोलेंटियर को वेतन नहीं मिला है। इस विषय में आयोग द्वारा जिला अधिकारियों से विस्तृत चर्चा की गई तथा सुझाव दिये गये कि-

- बच्चों को गुणवत्तापूर्ण मध्याह्न भोजन दिया जाये जिससे ज्यादा से ज्यादा उपस्थिति हो सके।
- मवेशी चराने वालों तथा प्रवजन करने वालों के बच्चों के लिए ब्रिज स्कूल/मोबाइल टीचर योजना पर विचार किया जाए जो कि अन्य राज्यों में चल रही है।
- अंग्रेजी, विज्ञान एवं गणित के अध्यापकों की कमी को दूर करने के लिए विशेष प्रयास किये जाएं तथा अंग्रेजी विषय को प्रथम कक्षा से बच्चों को पढ़ाया जाये ताकि वे आगे चल कर इसको माध्यम के रूप में स्वीकार कर सकें तथा अपनी पढ़ाई बीच में न छोड़ें। राज्य सरकार अंग्रेजी, विज्ञान एवं गणित के अध्यापक दूसरे जिलों से या योजना में कुछ बदलाव कर जैसे अधिक वेतन देकर उपलब्ध कराने पर विचार करें जिससे आदिवासी बच्चे भविष्य के लिए यह जिम्मेदारी उठाने हेतु तैयार हो सकें।
- झाबुआ में सबसे अधिक आदिवासी जनसंख्या होने के कारण यहाँ पर बी.एस.सी., बी.एड., डी.एड. एवं लॉ कॉलेज होना चाहिए। इसके लिए आयोग द्वारा राज्य समीक्षा के दौरान भोपाल में चर्चा करने की बात कही गई।

- ❖ स्वास्थ्य :- स्वास्थ्य के क्षेत्र में चर्चा के दौरान यह संज्ञान में आया कि (1) लगभग दो लाख आबादी में से 35 हजार लोगों में कुपोषण की समस्या है जिसमें से 1838 लोगों में अत्यधिक कुपोषण है। (2) आदिवासियों में मुख्यतः सिकिल सेल एनेमिया, मलेरिया एवं सिलिकोसिस व फ्लोरोसिस बीमारियाँ पाई जाती हैं। सिकिल सेल एनेमिया लाइलाज बीमारी है। (3) अधिकतर आदिवासी लेबर रोजगार के लिए गुजरात में जाते हैं एवं वहाँ पर महिलाएं शोषण का शिकार होती हैं जिससे एच.आई.वी. की बीमारी बढ़ रही है। (4) अलिराजपुर जिले में डॉक्टरों की बहुत कमी है और खासतौर से झाबुआ में महिला डॉक्टर की कमी है। इस संबंध में आयोग द्वारा निम्नलिखित सुझाव दिये गये :-

- कुपोषण दूर करने के लिए इससे प्रभावित लोगों एवं बच्चों के विशेष खान-पान की व्यवस्था किया जाए। जिला प्रशासन आंगनवाड़ियों के माध्यम से इसका समाधान करे तथा आयोग को अवगत कराये।
 - बीमारियों से बचाने के लिए समुचित व्यवस्था की जाए। स्थानीय लोगों के लिए कौशल विकास प्रशिक्षण कार्यक्रम चलाये जायें जिससे यहाँ के लोगों को रोजगार की तलाश में बाहर न जाना पड़े और वे अन्यत्र बीमारियों से बच सकें।
 - लोगों को मनरेगा का पैसा शीघ्र मिलना चाहिए तथा उनके मजदूरी के दिनों में प्रतिवर्ष 150 दिन या उससे अधिक की वृद्धि की जानी चाहिए जिससे वे बाहर पलायन न करें। यह इस लिए भी अधिक आवश्यक है क्योंकि यहाँ पर 60 हजार परिवार भूमिहीन बताये गये।
 - आदिवासियों को मच्छरदानी का मुफ्त वितरण सुनिश्चित किया जाना चाहिए। सभी आदिवासी बसाहटों में दवाईयों का छिड़काव किया जाना चाहिए जिससे हानिकारक मच्छर कम हो सकें। महिला डॉक्टरों की कमी दूर करने के लिए पदस्थापना की जायें।
- ❖ खाद्य सुरक्षा :- उपस्थित जन प्रतिनिधियों द्वारा बताया गया की पी.डी.एस. योजना में हितग्राहियों को प्रतिमाह राशन का वितरण नहीं किया जाता तथा यह दो माह में एक बार होता है। सभा में उपस्थित खाद्य अधिकारी द्वारा जानकारी दी गई कि कुल 375 ग्राम पंचायतों में से 266 में राशन की दुकान शुरू हो चुकी है तथा शेष पंचायतों में दुकान खोलने का कार्यक्रम जारी है। राशन का वितरण मशीन के माध्यम से किया जाता है। हितग्राहियों को राशन प्रतिमाह दिये जाने की व्यवस्था शीघ्र ही शुरू कर दी जायेगी। आयोग द्वारा प्रभारी जिला कलेक्टर से अनुरोध किया गया है कि इस पर विशेष ध्यान दें ताकि आदिवासियों को सरकार की योजना का पूर्ण लाभ मिल सकें।
- ❖ अन्य विषय :- आयोग द्वारा चर्चा उपरान्त कुछ अन्य सुझाव भी दिये गये जो इस प्रकार हैं:-
- बैकलॉग पदों पर, जो कि लगभग 1200 बताये गये थे, शीघ्र भर्ती की जाये।
 - फर्जी जाति प्रमाण पत्रों की जाँच की जाए तथा ऐसे दोषी अधिकारियों व कर्मचारियों के खिलाफ सख्त कार्यवाही की जाए चूंकि इससे आदिवासियों का हक मारा जाता है।
 - वृद्धावस्था पेंशन एवं अन्य भुगतान सरपंच/उपसरपंच या शिक्षक की उपस्थिति में कराया जाये ताकि बैंक प्रतिनिधियों द्वारा इसमें भ्रष्टाचार रोका जा सके।
 - शासकीय योजनाओं के हितग्राहियों को अपना सामान क्रय करने की अनुमति मिलनी चाहिए तथा ठेकेदारों से लेने को मजबूर न करें।
 - अत्याचार के मामलों में मुआवजे का वितरण समय पर एवं उचित मात्रा में होना चाहिए। इसको जिला प्रशासन द्वारा समय-समय पर पुनरावलोकन करना चाहिए।
 - कृषकों का ब्याज माफ होना चाहिए चूंकि उन्हें सूखे के कारण कष्ट झेलना पड़ा एवं उनको मुआवजा भी नहीं मिला। इस कारण उन्हें आगे फसली ऋण की भी व्यवस्था होनी चाहिए।

बैठक के अंत में प्रभारी जिला कलेक्टर द्वारा आयोग के भ्रमण, समीक्षा के दौरान दिये गये सुझावों पर अमल करने का भरोसा दिया गया तथा आयोग को धन्यवाद दिया गया।

(छ) आयोग द्वारा उज्जैन में श्री दाती-महाराज के आश्रम में की गई चर्चा :-

G10 झाबुआ से उज्जैन वापसी करते वक्त यह निर्णय लिया गया कि उज्जैन में उपस्थित श्री दाती-महाराज, जिनके द्वारा आदिवासियों के हित में कई कार्य किये जा रहे हैं से इस संबंध में चर्चा की जाए। उज्जैन पहुँच कर आयोग के दल द्वारा श्री दाती महाराज के आश्रम का अवलोकन किया गया और बाद में उनसे चर्चा कर उनके द्वारा चलाये जा रहे कार्यक्रमों की जानकारी ली गई। उनके द्वारा बताया गया कि उनके पाली (राजस्थान) स्थित आश्रम में इंजिनियरिंग एवं मेडिकल कॉलेजों की स्थापना की गई है तथा वहाँ पर आदिवासियों की निःशुल्क पढ़ाई की जा रही है। उनके द्वारा वहाँ पर आदिवासी महिलाओं को कौशल विकास प्रशिक्षण कार्यक्रम के अंतर्गत प्रशिक्षण देकर रोजगार उपलब्ध कराया गया है तथा उनका ट्रस्ट आदिवासियों द्वारा तैयार सामान का क्रय भी करता है। यहाँ उज्जैन में उनके द्वारा आश्रम में ही एक स्कूल खोला जा रहा है जिसमें आदिवासी छात्राओं की पढ़ाई अंग्रेजी माध्यम के साथ निःशुल्क की जायेगी तथा इनके स्कूल की क्षमता लगभग छः सौ विद्यार्थियों की होगी। झाबुआ जिले की आदिवासी महिलाओं को कौशल विकास प्रशिक्षण देने की उनकी योजना है जिसके लिए उन्हें जरूरतमन्द आदिवासी महिलाओं की पहचान करने के लिए किसी संस्था की मदद की जरूरत है। इसके बाद उनकी टीम उनको प्रशिक्षण व कच्चा माल देगी एवं उनसे तैयार माल भी खरीदेगी ताकि उनका रोजगार निरंतर चलता रहे। इस कार्यक्रम के लिए सरकार से किसी मदद की आवश्यकता नहीं है। उनका ट्रस्ट केवल अपने पैसे से सारे कार्यक्रम चलाता है तथा उनका उज्जैन में आश्रम खोलने का मुख्य उद्देश्य यही था कि झाबुआ जिले के गरीब आदिवासी लोगों के लिए कुछ अच्छा कार्य कर सकें। यह जानकर आयोग को अति प्रसन्नता हुई कि श्री दाती महाराज गरीब आदिवासियों के लिए इतने अच्छे कार्यक्रम बगैर सरकारी मदद के चला रहे हैं। माननीय अध्यक्ष महोदय ने आदरणीय दाती महाराज का आभार जताया तथा इसके बाद अनुमति लेकर आयोग का दल इंदौर के लिए प्रस्थान कर गया।

भोपाल में अनुसूचित जनजातियों के सदस्यों व उनके प्रतिनिधिमण्डलों से मुलाकात

G11 दिनांक 05-05-2016 को सुबह 10:00 बजे आयोग का दल इंदौर से रवाना होकर दोपहर 13:30 बजे भोपाल पहुँचा जहाँ पर पहले से ही आदिवासियों के विभिन्न समूह/संगठन मिलने के लिए पहुँच चुके थे। यहाँ पर माननीय सचिव, एन.सी.एस.टी, श्री ए.के. अग्रवाल भी दिल्ली से भोपाल पहुँचकर आयोग के दल में सम्मिलित हो गये। भोपाल पहुँचने पर आयोग के माननीय अध्यक्ष एवं उपाध्यक्ष व अन्य अधिकारियों का स्वागत मध्य प्रदेश सरकार के आदिमजाति विकास मंत्री श्री ज्ञान सिंह महोदय एवं श्रीमती अलका उपाध्याय, प्रमुख सचिव, आदिम जाति कल्याण विभाग, श्री शोभित जैन, आयुक्त, आदिवासी विकास, म.प्र. द्वारा किया गया।

मध्य प्रदेश मीना समाज सेवा संगठन के प्रतिनिधियों से चर्चा

G12 सर्वप्रथम, आयोग के दल द्वारा कॉन्फ्रेंस रूम में उपस्थित होकर वहाँ पर एक बड़े प्रतिनिधि मंडल से चर्चा की गई जो कि मीना, कीर, पारदी एवं मांझी समाज से थे। इस अवसर पर इन समाजों के विभिन्न स्थानीय नेताओं/प्रतिनिधियों ने आयोग को अपनी जातियों को म.प्र. की अनुसूचित जनजाति की सूची में पुनः सम्मिलित करने की मांग से अवगत करवाया तथा बताया कि उनका समाज पीढ़ियों से आदिवासी है एवं इन जातियों को दूसरे राज्यों में भी जनजाति माना गया है। इस प्रतिनिधि मंडल में मुख्य तौर पर मीना समाज के लोग अधिक संख्या में शामिल थे जिनमें माननीय विधायक श्रीमती ममता मीना प्रमुख थीं। इस अवसर पर आयोग के भूतपूर्व सदस्य श्री नारायण सिंह केसरी भी उपस्थित थे। उन्होंने भी इन समाजों की मांगों पर सहानुभूतिपूर्वक विचार करने की मांग की। मध्य प्रदेश मीना समाज सेवा संगठन के प्रतिनिधियों ने जोर देकर अपने समाज की ओर से इस संबंध में अभ्यावेदन दिया तथा पुराने अभिलेखों में उन्हें आदिवासी के रूप में रिकॉर्ड किये जाने का उल्लेख किया। उनका आवेदन भी आयोग द्वारा लिया गया। आयोग

के संज्ञान में प्रतिनिधि मंडल द्वारा लाया गया कि इस संबंध में मध्य प्रदेश विधान सभा द्वारा गैर सरकारी संकल्प पहले ही पारित किया जा चुका है तथा इसकी तकनीकी रिपोर्ट आदिवासी अनुसंधान एवं प्रशिक्षण संस्था, मध्य प्रदेश (टी.आर.टी.आई) द्वारा तैयार की जा रही है ताकि इसे अनुशंसा के साथ भारत सरकार को भेजा जा सके। आयोग द्वारा इस मुद्दे पर अपने विचार व्यक्त करते हुए इन उपरोक्त समाजों के प्रतिनिधियों को सलाह दी गई कि सर्वप्रथम तकनीकी रिपोर्ट पूरी होने पर राज्य सरकार द्वारा इसका विस्तृत प्रस्ताव जनजातीय कार्य मंत्रालय, भारत सरकार को भेजा जाएगा। इसके बाद वहां से इसे भारत के महारजिस्ट्रार एवं जनगणना आयुक्त के पास राय हेतु भेजा जायेगा। इसी के उपरांत आयोग का से राय ली जाती है। अतः पहले वे अपने स्तर पर राज्य सरकार की तरफ से प्रस्ताव तैयार कराकर उसकी अनुशंसा के साथ भारत सरकार को प्रेषित कराने के लिए कोशिश करें। आयोग ने वहां पर उपस्थित आदिवासी अनुसंधान एवं प्रशिक्षण संस्था, मध्य प्रदेश के संयुक्त संचालक को निर्देश दिया कि वे उक्त रिपोर्ट को शीघ्र पूर्ण कर राज्य सरकार के पास भेजें ताकि इस संबंध में आगे की कार्रवाई हो सके।



आयोग के माननीय अध्यक्ष डॉ. रामेश्वर उराँव एवं सचिव श्री ए. के. अग्रवाल के साथ मध्य प्रदेश मीना समाज सेवा संगठन के प्रतिनिधियों की चर्चा।

G13 इस अवसर पर कुछ दूसरे अन्य प्रतिनिधि मंडलों द्वारा वर्तमान में जबलपुर हाईकोर्ट के पदोन्नति में आरक्षण से संबंधित आदेश के विषय में चर्चा की और बताया कि यह अनुसूचित जाति एवं जनजाति के कर्मचारियों को प्रभावित करने वाला निर्णय है और इसमें आयोग अपनी भूमिका निभाए। इस संबंध में माननीय आयोग के अध्यक्ष द्वारा सभी उपस्थित प्रतिनिधियों को समझाइश दी गई कि यह माननीय हाईकोर्ट का निर्णय है अतः इस पर कोई टीका-टिप्पणी नहीं की जा सकती। चूंकि मध्य प्रदेश शासन पहले ही इस मामले में सुप्रीम कोर्ट जाने का फैसला कर चुका है, अतः सभी को सुप्रीम कोर्ट के निर्णय का इंतजार करना चाहिए। यदि सुप्रीम कोर्ट में हाईकोर्ट का फैसला बरकरार रखा जाता है तो इस पर संसद कोई फैसला ले सकती है क्योंकि पदोन्नति में आरक्षण का प्रस्ताव राज्य सभा में पहले ही पारित हो चुका है तथा अब लोक सभा द्वारा इसे चर्चा करते हुए पास किया जा सकता है और नियम बनने के बाद पदोन्नति में आरक्षण मिल सकता है।

[दिनांक 06-05-2016 को वल्लभ भवन, भोपाल में राज्य स्तरीय समीक्षा बैठक का विवरण/रिपोर्ट](#)

G14 पूर्व निर्धारित कार्यक्रम के अनुसार आयोग का दल माननीय अध्यक्ष महोदय के नेतृत्व में दिनांक 06-05-2016 को सुबह 10:00 बजे वल्लभ भवन, भोपाल में राज्य स्तरीय समीक्षा

बैठक हेतु पहुँचा, जहाँ पर आयोग के माननीय अध्यक्ष, उपाध्यक्ष व सचिव महोदय का स्वागत मध्य प्रदेश राज्य के माननीय आदिवासी विकास मंत्री माननीय श्री ज्ञान सिंह, श्री एस. आर. मोहन्ती, अतिरिक्त मुख्य सचिव मध्य प्रदेश शासन, श्रीमती अलका उपाध्याय, प्रमुख सचिव, आदिम जाति कल्याण विभाग, मध्य प्रदेश शासन एवं श्री शोभित जैन, आयुक्त, आदिवासी विकास, मध्य प्रदेश शासन द्वारा अन्य गणमान्य अधिकारियों की उपस्थिति में किया गया। मीटिंग में सबसे पहले श्री एस. आर. मोहन्ती, अतिरिक्त मुख्य सचिव महोदय द्वारा आयोग के दल का स्वागत किया गया तथा इस मीटिंग के आयोजन के उद्देश्य पर प्रकाश डाला गया।



राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा वल्लभ भवन, भोपाल में ली जा रही राज्य स्तरीय समीक्षा बैठक के दृश्य।

G15 बैठक के प्रारंभ में सचिव महोदय, राष्ट्रीय अनुसूचित जनजाति आयोग, भारत सरकार ने आयोग के गठन, इसके कार्यों एवं शक्तियों पर प्रकाश डाला और राज्य सरकार के अधिकारियों से अनुरोध किया कि केन्द्र सरकार एवं राज्य सरकार द्वारा आदिवासियों के हित में चलाई जा रही योजनाओं का पूर्ण विवरण दें ताकि इस पर सार्थक चर्चा हो सके तथा समस्याओं का समाधान किया जा सके। माननीय अध्यक्ष ने कहा कि आयोग के द्वारा योजनाओं के क्रियान्वयन की स्थिति के अवलोकन हेतु झाबुआ जिले का चुनाव इस कारण किया गया कि वहाँ पर अधिक आदिवासी जनसंख्या है जो कि 85 प्रतिशत के आस-पास है। वहाँ पर रह रहे आदिवासियों की स्थिति आयोग जान सके एवं वहाँ पर चल रही केन्द्र सरकार एवं राज्य सरकार की विभिन्न विकास एवं सामाजिक न्याय इत्यादि योजनाओं की समीक्षा कर सके, यही भ्रमण का उद्देश्य है। ग्राउंड रिपोर्ट जानने पर तथा वहाँ पर 2 दिन बिता कर आयोग द्वारा जन सामान्य को प्रभावित करने वाले मुद्दों एवं समस्याओं की जानकारी ली गई। उन सभी बिंदुओं पर इस बैठक में चर्चा करना एवं उनका समाधान ढूँढना आवश्यक है। इसके बाद माननीय अध्यक्ष महोदय ने एक-एक कर उपरोक्त वर्णित सभी बिंदुओं/समस्याओं को राज्य स्तरीय बैठक में विस्तार से रखा। प्रमुख सचिव, आदिम जाति कल्याण विभाग, मध्यप्रदेश शासन द्वारा प्रदेश में चल रही केन्द्र सरकार व राज्य सरकार की विकास योजनाओं की प्रगति दिखाने हेतु पावर पॉइंट प्रजेन्टेशन दिया गया जिस पर विस्तार से चर्चा की गई। बैठक में हुई बिंदुवार चर्चा निम्नानुसार है

- अत्याचार निवारण :- अनुसूचित जाति तथा अनुसूचित जाति (अत्याचार निवारण) अधिनियम, 1989 के विभिन्न प्रावधानों के अधीन पिछले 3 वर्षों के दौरान अनुसूचित जनजातियों पर अत्याचार के मामलों का अवलोकन करने पर पाया गया कि वर्ष 2012 के बाद फिर से दर्ज मामलों में बढ़ोतरी हुई है। इस पर राज्य के गृह विभाग के अधिकारियों से अत्याचार (।जतवबपजल) के स्टेटस की जानकारी ली गयी। इस पर उनके द्वारा बताया गया कि पहले महिलाएं सामाजिक बन्धनों, गरीबी, पिछड़ेपन व अशिक्षा के कारण उन पर हुए अत्याचारों की रिपोर्ट नहीं करती थीं किंतु अब स्थिति में बदलाव आया है जो कि उनके द्वारा प्रस्तुत रिपोर्ट में परिलक्षित हो रहा है। दर्ज मामलों की संख्या में बढ़ोतरी नजर आ रही है क्योंकि अब आदिवासियों की हर शिकायत को दर्ज किया जाता है तथा आदिवासी महिलाओं को पीड़ित होने पर अत्याचार निवारण नियम, 1995 (संशोधन नियम 2014) के अंतर्गत तुरंत सरकारी राहत राशि दी जाती है तथा उन्हें रिपोर्ट लिखाने हेतु आने जाने का किराया, खाना एवं रहने की व्यवस्था की जाती है। अदालत में दोष सिद्ध होने पर शेष राहत राशि भी बैंक खातों में योजना के अंतर्गत जारी की जाती है। इसके अतिरिक्त यह भी जानकारी दी गई कि अनुसूचित जाति तथा अनुसूचित जाति (अत्याचार निवारण) नियम, 1995 के नियम 8 के तहत अतिरिक्त पुलिस महानिदेशक के अधीन प्रदेश स्तर पर सैल का गठन किया गया है जिससे प्रकरणों में प्रभावी कार्रवाई की जा सके। प्रदेश के प्रत्येक जिले में विशेष थानों (अजाक) की स्थापना की गई है। इसके अतिरिक्त राज्य, जिला एवं थाना स्तर पर किये गये उपायों की जानकारी भी दी गई। उपरोक्त स्थिति से अवगत होने के बाद आयोग द्वारा सलाह दी गई कि चूंकि आदिवासी समाज हमारे देश का सबसे पिछड़ा एवं गरीब वर्ग है इस लिए पुलिस विभाग बहुत ही विनम्रता से उनके दुखों एवं कष्टों का निवारण करे तथा दोषियों के खिलाफ उचित धाराओं में त्वरित कार्रवाई सुनिश्चित करें ताकि उन्हें न्याय मिले। विशेष तौर पर समझाइश दी गई कि आदिवासी बहुत भोले-भाले होते हैं, अतः उन्हें झूठे या अन्यथा बनावटी केसों में न उलझाएं। सभी मामलों में रिपोर्ट दर्ज करना, किसी भी शिकायत को न दबाना, समय सीमा में अत्याचार के मामलों की जाँच पूर्ण करना, समय पर राहत राशि के भुगतान, आरोपियों की गिरफ्तारी, अत्याचार वाले क्षेत्रों की पहचान करना और विधिक एवं चिकित्सा सहायता भी उपलब्ध कराना सुनिश्चित किया जाये।
- आदिवासी उपयोजना की समीक्षा :- इस पर चर्चा करते हुए माननीय अध्यक्ष महोदय द्वारा झाबुआ जिले की समीक्षा के दौरान संज्ञान में आई आदिवासी उपयोजना में राशि के विलंब से आवंटन की बात का जिक्र किया और कहा कि इस योजना के अंतर्गत उन्हें राशि मार्च माह में प्राप्त हुई

थी जो कि उपयोग में नहीं लाई जा सकी हालांकि प्रभारी कलेक्टर द्वारा यह भी संज्ञान में लाया गया था कि यह राशि लेप्स नहीं होगी तथा वर्तमान वित्त वर्ष में खर्च की जा सकेगी। इस पर राज्य सरकार के अधिकारियों से कहा गया कि इस तरह से धनराशि का आवंटन एवं स्थानांतरण वर्ष के शुरू में किया जाना चाहिए ताकि शासन की योजना के अंतर्गत धनराशि का आदिवासियों के हित में सदुपयोग किया जा सके। इस पर राज्य सरकार के अधिकारियों द्वारा आश्वासन दिया गया कि भविष्य में इस पर निश्चित ही ध्यान दिया जायेगा।

- शिक्षा :- आयोग ने पाया कि शिक्षा के क्षेत्र में आदिवासी एवं अन्य समुदायों के बीच साक्षरता में जो लगभग 20 : शिक्षा का गैप है वह बहुत अधिक है। यह राज्य सरकार द्वारा दर्शाए गए आंकड़ों में स्पष्ट नजर आता है। उन्होंने पूछा कि इसे कम करने के लिए राज्य सरकार द्वारा क्या प्रयास किये जा रहे हैं ? आदिवासी क्षेत्रों में पढ़ाई का माध्यम केवल हिंदी होने के कारण जनजाति के बच्चों को आगे चलकर प्रतियोगी परीक्षाओं में विकट दिक्कत आती है एवं ये बच्चे अन्य वर्ग के छात्रों से प्रतियोगिता नहीं कर पाते हैं एवं अपने आप को एडजेस्ट न कर पाने के कारण आत्महत्या जैसे कदम भी कभी-कभी उठा लेते हैं जो बहुत ही दुर्भाग्य पूर्ण हैं। अतः सरकार आदिवासी क्षेत्रों में भी अंग्रेजी विषय के अध्यापक पर्याप्त संख्या में पदस्थापित करें ताकि आदिवासी बच्चे भी आगे चलकर अन्य बच्चों के साथ प्रतियोगिता कर सकें। इसके साथ ही विज्ञान एवं गणित के गुणवत्तापूर्ण अध्यापकों की भी भारी कमी है जिससे बच्चे इन विषयों में शिक्षा नहीं ले पाते एवं छोटी कक्षाओं में पढ़ाई छोड़ देते हैं क्योंकि आगे चलकर इन्हें यह विषय बहुत कठिन प्रतीत होते हैं। अध्यक्ष महोदय द्वारा यहाँ पर यह भी सुझाव दिया गया कि इन क्षेत्रों में गुणवत्तापूर्ण अध्यापकों की कमी दूर करने के लिए सरकार कोई कदम उठाए जैसे कि कुछ समय के लिए अध्यापक बाहर से/अन्य जिलों से पदस्थापित करे और यदि जरूरत पड़े तो इनको कुछ अधिक वेतन का लाभ दे क्योंकि शिक्षा ही किसी भी समाज के विकास के लिए सबसे प्रमुख माध्यम है एवं जनजातियों के विकास के लिए यह सबसे बड़ा कदम साबित हो सकता है। माननीय अध्यक्ष द्वारा राज्य सरकार के द्वारा चलाए जा रहे एकलव्य स्कूलों की प्रशंसा की गई तथा और अधिक मात्रा में ऐसे स्कूलों को खोलने की आवश्यकता बताई गई। साथ ही राज्य सरकार द्वारा किये गये प्रयासों, जिनसे कुछ आदिवासी बच्चे प्रतियोगी परीक्षाओं में पास होकर रोजगार पा रहे हैं, की भी सराहना की। उपरोक्त के अतिरिक्त अध्यक्ष महोदय द्वारा यह भी बताया गया कि कुछ छात्रों ने छात्रवृत्ति समय पर नहीं मिलने या गैप होने पर नहीं दिये जाने की शिकायत की जिसका समाधान निकाला जाये। यह स्थिति अच्छी नहीं है।

उपरोक्त विषय में राज्य सरकार के अधिकारियों ने उनके विभाग द्वारा किये जा रहे विशेष प्रयासों की जानकारी दी तथा माननीय अध्यक्ष महोदय द्वारा उठाए गए शिक्षकों की कमी के मुद्दे पर सहमति जताई। अतिरिक्त मुख्य सचिव द्वारा जानकारी दी गई कि राज्य सरकार द्वारा अभी लगभग 40,000 शिक्षकों की भर्ती का कार्यक्रम बनाया गया है तथा इस भर्ती के दौरान अंग्रेजी, विज्ञान एवं गणित के शिक्षकों की पूर्ति करने के विशेष प्रयास किये जाएंगे। इस अवसर पर प्रमुख सचिव, शिक्षा विभाग द्वारा जानकारी दी गई कि मध्य प्रदेश शासन द्वारा इंजिनियरिंग एवं मेडिकल की पढ़ाई की हिंदी भाषा में विषय वस्तु अटल बिहारी वाजपेयी हिन्दी विश्वविद्यालय की मदद से तैयार की जा रही है जिससे आने वाले 2-3 वर्ष की अवधि में आदिवासी छात्र हिंदी माध्यम में पढ़कर भी प्रतियोगी परीक्षा देकर इंजिनियर एवं डॉक्टर बन सकेंगे। इस पर माननीय अध्यक्ष द्वारा कहा गया कि वह मातृभाषा हिंदी का पूरा सम्मान करते हैं और राज्य सरकार का यह प्रयास बहुत सराहनीय है। इसमें 2-3 साल लगने की अवधि बताई गई है परन्तु आज के समय में दूसरे समाजों के साथ तरक्की करने हेतु अंग्रेजी विषय को भी जानना जरूरी है। अतः इस सच्चाई को भी ध्यान में रखना चाहिए। आयोग के माननीय उपाध्यक्ष के द्वारा जो बच्चे प्रवजन के कारण स्कूल छोड़ देते हैं, उनके बारे में पूछा गया। इस पर सचिव महोदय द्वारा यह बताया गया कि उनके द्वारा छात्रों की फोटो उनके बायोडाटा के साथ वेबसाइट पर अपलोड करने की योजना शुरू की गई है ताकि ऐसे बच्चों का पता कर उन्हें वापस स्कूल में लाया जा सके। साथ ही प्रमुख सचिव, आदिम जाति कल्याण विभाग द्वारा यह भी बताया गया कि कक्षा आठवीं तथा दसवीं के बोर्ड की

परीक्षा समाप्त करने से शिक्षा की गुणवत्ता/स्तर में भारी कमी देखने में आई है तथा राज्य सरकार द्वारा निर्णय लिया गया है कि इसे फिर से शुरू किया जाए। बैठक में यह आश्वासन दिया गया कि आयोग द्वारा दिये गये सुझाव पर पूरी तरह गौर किया जाएगा और यथा संभव इन समस्याओं को प्राथमिकता के तौर पर दूर किया जाएगा एवं पढ़ाई के गैप को भी दूर करने का भरपूर प्रयास किया जाएगा। साथ ही छात्रवृत्ति भी समय पर दी जाएगी एवं ऐसे छात्रों, जिनका उच्च शिक्षा लेने के प्रयास में गैप होता है उन्हें भी छात्रवृत्ति का पात्र माना जाएगा। माननीय अध्यक्ष आयोग द्वारा यह भी राज्य सरकार के संज्ञान में लाया गया कि छत्तीसगढ़ राज्य में वहाँ की सरकार द्वारा बहुत अच्छा प्रयास किया गया है तथा रामकृष्ण मिशन एवं प्रयास संस्थान के सहयोग से रायपुर के शासकीय हॉस्टल में आदिवासी जिलों के प्रतिभाशाली बच्चे चुन कर लाये गये हैं जहाँ पर 50 प्रतिशत बच्चे आदिवासी और 50 प्रतिशत बच्चे अन्य वर्गों के साथ में रख कर पढ़ाए जाते हैं जिससे बच्चों में हिचक खत्म होती है और साथ में मिल कर अच्छी पढ़ाई करते हैं। उन्हें इंजिनियर एवं डॉक्टर बनने हेतु कोचिंग दी जाती है। मध्य प्रदेश में भी सरकार द्वारा कुछ अच्छे गैर सरकारी शिक्षण संस्थानों जैसे कि भारत सेवा संघ, रामकृष्ण मिशन एवं डी. ए.वी. के साथ मिल कर इस योजना को लागू किया जा सकता है। इस सुझाव का प्रमुख सचिव, आदिम जाति कल्याण विभाग द्वारा स्वागत किया गया एवं ऐसा करने की इच्छा जताई गई। चर्चा के दौरान माननीय अध्यक्ष द्वारा झाबुआ जिले में लॉ कॉलेज नहीं होने का जिक्र किया जिसकी लोगों ने वहाँ पर माँग की थी। इस पर राज्य सरकार के द्वारा बताया गया है कि अगले साल तक वहाँ पर लॉ कॉलेज शुरू हो जाएगा जिसकी जानकारी से आयोग को अवगत कराया जाएगा।

- स्वास्थ्य एवं पेय-जल :- इस पर चर्चा के दौरान माननीय अध्यक्ष महोदय द्वारा विशेष तौर पर पेय-जल की समस्या पर फोकस किया गया था। मीटिंग के दौरान झाबुआ के फुट तालाब गाँव से पानी का सैंपल जो ग्रामवासियों ने दिया था, उसे भी राज्य सरकार के अधिकारियों को दिखाया गया तथा बताया गया कि आस-पास के लगभग 12 गाँवों के लोग यह कैमिकल युक्त प्रदूषित पानी पीने को मजबूर हैं जो कि उनके आस-पास स्थित कैमिकल फैक्ट्री से निकलने वाले रसायन युक्त पानी के कारण है। यह पानी जमीन के अंदर स्थित पीने के पानी से मिल चुका है जिसके कारण आदिवासी एवं उनके मवेशी इस पानी को पी कर बीमार पड़ रहे हैं और बहुत सारे लोगों एवं मवेशियों की मृत्यु होने की भी जानकारी ग्रामवासियों द्वारा दी गई है। माननीय अध्यक्ष महोदय ने राज्य सरकार के अधिकारियों से इस पर तत्काल कदम उठाने की जरूरत बताई क्योंकि यह मानवीय अधिकारों का प्रश्न है एवं लोगों का मूलभूत अधिकार है कि उन्हें पीने का स्वच्छ पानी उपलब्ध हो। इसके अतिरिक्त झाबुआ में फैल रही अन्य बीमारियों जैसे मलेरिया, डायरिया, सिलकोसिस, फ्लोरोसिस एवं एड्स इत्यादि की तरफ भी शासन के अधिकारियों का ध्यान खींचा गया। साथ ही आदिवासी क्षेत्रों में डॉक्टरों की कमी विशेषतः महिलाओं डॉक्टरों की कमी पर भी ध्यान आकृष्ट किया। आयोग द्वारा प्रभारी कलेक्टर, जिला झाबुआ की भूरि-भूरि प्रशंसा की गई तथा उन्हें बहुत ही योग्य अधिकारी बताया क्योंकि उनके द्वारा कई सारे त्वरित निर्णय लिये गये जिसमें से एक प्रमुख निर्णय दो कैमिकल उद्योगों को बंद करने का निर्णय भी था तथा इंदौर से विशेषज्ञों को बुला कर पानी की गुणवत्ता जाँच करने का निर्णय भी लिया गया। आयोग ने इस तरह के अधिकारियों की हमारे देश में सख्त जरूरत बताई। अध्यक्ष महोदय द्वारा यह भी जानकारी दी गई की उनके झाबुआ भ्रमण के दौरान थांदला में सरकारी अस्पताल का निरीक्षण किया गया तो वहाँ पर पता चला कि अस्पताल में कोई भी महिला डॉक्टर नहीं है। उन्होंने निर्देश दिया कि इस संबंध में आवश्यक कार्रवाई की जाये।

उपरोक्त समस्या पर राज्य सरकार के संबंधित अधिकारियों द्वारा जानकारी दी गई की आदिवासी क्षेत्रों में उनके द्वारा पर्याप्त मात्रा में मेडिकल स्टाफ एवं डॉक्टर इत्यादि की पदस्थापना की गई है हालांकि आयोग के सुझाव के अनुसार इसकी समीक्षा की जाएगी तथा महिला डॉक्टरों की भी पदस्थापना सुनिश्चित की जाएगी। मलेरिया रोकने के लिए दवाइयों का छिड़काव कराया जाएगा एवं मच्छरदानी देने हेतु विचार किया जाएगा। अतिरिक्त मुख्य सचिव द्वारा इस अवसर पर जानकारी दी गई कि कैमिकल युक्त प्रदूषित पानी के विषय पर जिला कलेक्टर, झाबुआ से

उनकी बातचीत हो चुकी है तथा आवश्यक कदम उठाए जाएंगे जिसकी जानकारी आयोग को भी दी जाएगी। जहाँ तक सिलिकोसिस बीमारी का सवाल है, इसका मुख्य कारण यहाँ के मजदूरों का रोजगार हेतु गुजरात में पलायन कर स्टोन/टाइल्स इंडस्ट्री में काम करना है जहाँ पर उन्हें मनरेगा के मुकाबले ज्यादा मजदूरी प्राप्त होती है और अधिकतर मजदूर वहीं से यह बीमारी लेकर आते हैं। राज्य सरकार द्वारा पीड़ित व्यक्तियों को सरकारी मदद दी जा रही है तथा जिला प्रशासन द्वारा कौशल विकास प्रशिक्षण कार्यक्रम भी चलाए जा रहे हैं ताकि लोगों का पलायन रोका जा सके। इस पर चर्चा के दौरान आयोग द्वारा यह सुझाव दिया गया है कि पेय-जल समस्या दूर करने एवं भूमि का जल स्तर बढ़ाने हेतु पुराने तालाबों का पुर्नजीवीकरण / गहरीकरण करना चाहिए। साथ ही अधिक से अधिक वृक्षारोपण किया जाना चाहिए जिससे पर्यावरण भी सुरक्षित होगा तथा वर्षा भी अधिक होगी और लोग स्वस्थ रहेंगे। शासकीय आश्रम शालाओं में फलदार और छायादार उपयोगी पेड़ लगाये जाने चाहिये ताकि वहाँ रह रहे बच्चों को भोजन के अतिरिक्त फल भी प्राप्त हो सकें और वे पर्यावरण के प्रति जागरूक हों।

- खाद्य सुरक्षा एवं सामाजिक सुरक्षा :- इस बिन्दु पर चर्चा के दौरान अध्यक्ष महोदय द्वारा झाबुआ में प्राप्त शिकायतों का जिक्र किया गया जिसमें ग्रामवासियों द्वारा प्रति माह राशन न मिलने, घटिया गुणवत्ता का राशन मिलने तथा कुछ हितग्राहियों द्वारा उनके गाँव में राशन की दुकानें न होने की शिकायत की गई थी। इस पर अधिकारियों द्वारा जानकारी प्रस्तुत करते हुए बताया गया कि लगभग 35 लाख आदिवासी परिवार म.प्र. में हैं और अधिकतर गाँवों में राशन की दुकाने खोली गई हैं और शेष गाँव में खोलने के प्रयास जारी हैं। जहाँ तक प्रतिमाह राशन न मिलने का सवाल है इस पर जाँच कराई जाएगी और इसे सुचारू रूप से चलाना सुनिश्चित किया जाएगा। माननीय अध्यक्ष महोदय द्वारा अधिकारियों को सचेत किया गया कि सूखे के कारण गाँव के लोग पहले से ही दुखी हैं अतः भारत सरकार एवं राज्य सरकार द्वारा चलाई जा रही खाद्य सुरक्षा योजना की हर स्तर पर समीक्षा किया जाना चाहिए। यह लोगों की मूलभूत आवश्यकता है तथा सरकार की यह जिम्मेदारी है। इसके साथ ही आयोग द्वारा कुपोषण का मुद्दा भी उठाया गया तथा अधिकारियों को इस विषय पर अधिक सचेत रहने का कहा गया।

उपरोक्त के अतिरिक्त आयोग द्वारा यह भी बताया गया कि वृद्धावस्था पेंशन योजना में मिली शिकायतों को दूर किया जाना चाहिए जिसमें बैंक प्रतिनिधि द्वारा भोले-भाले आदिवासियों से अंगूठा का निशान लगाकर पूरे पैसे न देने की शिकायत उनके झाबुआ भ्रमण के दौरान बोरडी एवं फुट तालाब गाँवों में प्राप्त हुई थी। इसके लिए आयोग द्वारा सुझाव दिया गया कि पेंशन वितरण के समय सरपंच/उपसरपंच या अध्यापक इत्यादि की उपस्थिति में किया जाना चाहिए। इस पर राज्य के अधिकारियों द्वारा बताया गया कि उक्त प्रकरण की जाँच की जाएगी एवं आयोग के सुझाव को लागू करने का प्रयास किया जाएगा।

- वन अधिकार पत्रों का वितरण :- इस विषय पर चर्चा में आयोग द्वारा कहा गया कि आदिवासी क्षेत्रों में वन अधिकार कानून, 2006 के बारे में प्रचार-प्रसार सुनिश्चित किया जाए तथा योग्य हितग्राहियों को अधिकार पत्रों का वितरण सुनिश्चित किया जाना चाहिए। इसको अपना कर्तव्य समझते हुए आदिवासियों को उनके घरों एवं खेतों का सर्वे करते हुए डोर स्टेप सुविधा उपलब्ध कराई जानी चाहिए। जो आदिवासी नियमानुसार लंबे समय से जमीन पर काबिज हैं उनको जमीन का अधिकार पत्र दिया जाना सुनिश्चित किया जाना चाहिए। इस पर राज्य सरकार के अधिकारियों द्वारा बताया गया कि राज्य के सभी जिलों में त्रि-स्तरीय कमेटियों का गठन किया गया है जो इस तरह के अधिकारों/आवेदनों की समीक्षा कर रही हैं और एक विशेष अभियान के तहत 24 फरवरी से 30 जून 2016 तक इस कार्य को पूरा करते हुए इसे वेबसाइट पर पब्लिक डोमेन में अपडेट किया जाएगा। राज्य सरकार द्वारा इन दावों के परीक्षण के लिए 9 बिन्दु तैयार किये गये हैं और उन 9 में से कोई 2 बिन्दु उपलब्ध हैं तो भी आदिवासियों को पट्टा दिया जा रहा है। यहाँ तक कि उस गाँव के वरिष्ठ नागरिकों द्वारा यदि यह वेरीफाई किया जाता है कि निर्धारित अवधि से किसी आदिवासी का जमीन पर कब्जा है तो उसे भी मान्य किया जा रहा है। आयोग का

सुझाव था कि यदि सरकार के पास कोई रिकॉर्ड है तो उसे भी मान्य किया जाना चाहिए जैसे कि कोई आदमी किसी जमीन के टुकड़े/खेत पर अवैध कब्जे या पशुओं द्वारा वनों पर चराई के लिए कभी जेल में गया था तो उसे भी मान्य किया जाना चाहिए। यदि विगत में उनके पशु वन विभाग द्वारा पकड़े गये हों जिसका उन्होंने जुर्माना भरा हो तो यह भी उनके वहां पर निवासरत रहने का सबूत है। आयोग के सचिव ने यह सुनिश्चित करने का सुझाव दिया कि 30 जून तक सभी व्यक्तिगत और सामुदायिक दावों का निपटान करते हुए आयोग को तत्संबंधी रिपोर्ट भेजी जाये।

- आवासीय भूमि के पट्टों का वितरण :- इस विषय पर चर्चा में राज्य के अधिकारियों द्वारा बताया गया कि यदि किसी सरकारी जमीन पर आदिवासी का कब्जा है तो उसे राजस्व पट्टा दिये जाने का अधिकार एस.डी.ओ को दिया गया है तथा ग्रामीण क्षेत्र हेतु ग्राम पंचायत को अधिकार दिया गया है। आयोग ने जानकारी दी कि झाबुआ शहर में सरकारी जमीन पर दशकों से मकान बनाकर निवासरत अनुसूचित जनजाति के सदस्यों को आवासीय भूमि का पट्टा नहीं दिया गया है जिस पर राज्य सरकार की ओर से आश्वासन दिया गया कि इस संबंध में आवश्यक कार्रवाई की जायेगी।
- आदिवासियों की जमीन का अधिग्रहण एवं पुर्नवास :- इस पर चर्चा के दौरान अध्यक्ष महोदय द्वारा राज्य सरकार के अधिकारियों को बताया गया कि यदि किसी आदिवासी की जमीन का अधिग्रहण किया जाता है तो उसके पुर्नवास की समुचित व्यवस्था होनी चाहिए। उनके झाबुआ भ्रमण के दौरान शिकायत मिली थी कि मावली डूंगरी गाँव में इंदौर की किसी इंडस्ट्री को खनन हेतु जमीन का पट्टा दिया गया है जिस पर आदिवासियों का कब्जा है तथा उन्हें कोई मुआवजा भी नहीं मिला और उनका पुर्नवास भी नहीं हुआ। खनन पट्टा प्राप्त करने वालों द्वारा उन्हें धमकी दी जा रही है तथा जिला प्रशासन के लोग भी कोई मदद नहीं कर रहे हैं। अतः इस तरह की शिकायतों पर गौर किया जाना चाहिए एवं सर्वप्रथम आदिवासियों को उनकी जमीन का मुआवजा एवं पुर्नवास की व्यवस्था होनी चाहिए। झाबुआ जिले की समीक्षा के दौरान खनिज अधिकारी भी अनुपस्थित थे। इस पर राज्य सरकार के अधिकारियों द्वारा आश्वासन दिया गया कि इसकी जाँच की जाएगी तथा आयोग के सुझाव को अमल में लाया जाएगा।
- झाबुआ से पलायन रोकने का प्रयास:- इस पर चर्चा करते हुए अध्यक्ष महोदय ने राज्य सरकार के अधिकारियों से कहा कि झाबुआ भ्रमण के दौरान आयोग को पता चला कि लगभग 60 हजार आदिवासी भूमिहीन मजदूर हैं जो रोजगार की तलाश में दूसरे राज्यों में पलायन कर जाते हैं। इसका मुख्य कारण मनरेगा में कार्य दिवस कम होना, इसकी मजदूरी कम होना और समय पर भुगतान न होना है। आय के लिये उन्हें वर्ष भर काम करना पड़ता है एवं बाहर जाने से उन्हें ज्यादा मजदूरी प्राप्त होती है। इसको रोकने के लिए आयोग ने सुझाव दिया है कि मनरेगा के कार्य दिवस में बढ़ोतरी की जानी चाहिए जिसे कम से कम 100 दिनों से बढ़ाकर 150 दिन किया जाना चाहिए एवं समय पर भुगतान सुनिश्चित किया जाना चाहिए। आयोग ने लोगों की मनरेगा में किये गये कार्य की मजदूरी का समय पर भुगतान न होने की शिकायत की ओर राज्य सरकार के अधिकारियों का ध्यान खींचा। इस पर संबंधित अधिकारियों द्वारा बताया गया कि कार्य दिवस बढ़कर 150 दिन कर दिये गये हैं और गत वर्ष केंद्र सरकार द्वारा मनरेगा का भुगतान देर से जारी किया गया था जिसकी वजह से भुगतान में कुछ देरी हुई। इस समय धनराशि की कोई कमी नहीं है तथा भविष्य में मनरेगा का भुगतान समय पर किया जाएगा।
- बैकलॉग भर्तियाँ:- आयोग जानकारी चाही गई कि बैकलॉग भर्तियों की क्या स्थिति है। इस पर राज्य सरकार के अधिकारियों द्वारा जानकारी दी गई कि आदिवासियों हेतु आरक्षित पदों पर उनके द्वारा अनुसूचित जाति या अन्य किसी वर्ग की नियुक्ति नहीं की जाती तथा इन रिक्तियों को भर्ती होने तक खाली रखा जाता है। एस.टी. की भर्ती हेतु विशेष भर्ती अभियान चलाया जाता है। उनके द्वारा साक्षात्कार के माध्यम से योग्य उम्मीदवारों की पी.टी.जी. अध्यापकों के पदों पर भर्ती निरंतर

की जा रही है। यहाँ पर माननीय अध्यक्ष ने गुजरात सरकार द्वारा किये जा रहे प्रयासों की सराहना की जहाँ पर पढ़ाई में कमजोर विद्यार्थियों की अतिरिक्त कक्षाएं ली जाती हैं ताकि वे परीक्षाएं पास कर सकें। इस योजना को "गुणोत्सव" नाम दिया गया है। उन्होंने राज्य सरकार के अधिकारियों के द्वारा भी ऐसे प्रयास किये जाने की जरूरत बताई तथा इंजिनियरिंग व मेडिकल की प्रतियोगी परीक्षाओं में बैठने वाले आदिवासी छात्रों हेतु बड़े कोचिंग संस्थानों में मुफ्त कोचिंग क्लास आयोजित करने की सलाह दी।

- अन्य विषय:— (1) मध्य प्रदेश के दौरे में आयोग के सामने कुछ लोगों द्वारा आदिवासियों के फर्जी प्रमाण पत्र लगाकर नौकरी किये जाने का मामला उठाया गया। इस संबंध में माननीय अध्यक्ष द्वारा जिला झाबुआ में आबकारी विभाग के अधिकारी का मामला प्रकाश में आया था। इस पर अधिकारियों द्वारा बताया गया कि फर्जी प्रमाण पत्रों की जाँच एक उच्च स्तरीय समिति द्वारा की जाती है तथा उक्त अधिकारी का मामला कोर्ट में विचाराधीन है। अतः इसमें कुछ नहीं किया जा सकता है। इस पर आयोग ने सलाह दी कि राज्य सरकार द्वारा प्रो-एक्टिव होकर ऐसे मामलों में कोर्ट को तथ्यात्मक जानकारी देकर शीघ्र कार्रवाई के लिए प्रार्थना करनी चाहिए ताकि लोग गलत लाभ न ले सकें एवं आदिवासियों का अधिकार न मारा जाए। (2) आयोग द्वारा राज्य सरकार को उसे प्राप्त शिकायत के बारे में बताया गया कि ग्रामीण एवं पंचायती राज विभाग द्वारा लगभग 20,000 पदों पर उन्हें एकल पद बताकर पर भर्ती किये जाने की शिकायत प्राप्त हुई है। इस आधार पर इन पदों को आरक्षण के दायरे से बाहर रखा गया है जो कि पहली नजर में गलत प्रतीत होता है तथा ऐसा नहीं किया जाना चाहिए। इस पर तत्काल रोक लगाते हुए आरक्षण नियमों के अनुरूप भर्ती होनी चाहिए। इस पर प्रमुख सचिव द्वारा तत्काल कार्रवाई का आश्वासन आयोग को दिया गया। (3) राज्य सरकार के अधिकारियों का ध्यान पशु चिकित्सकों की कमी की तरफ भी ध्यान दिलाया गया ताकि आदिवासियों के मवेशियों की देख-भाल हो सके। आदिवासी क्षेत्रों में वे गांवों में जायें तथा साप्ताहिक बाजार-हाट वाले दिन पशु डॉक्टर की वैन वहां पर जाये, यह सुनिश्चित करने का निर्देश दिया गया। (4) आदिवासियों पर अत्याचार के मामले पर विधिक सहायता एवं मेडिकल सहायता प्राथमिकता से उपलब्ध कराई जानी चाहिए। (5) सभी छात्रावासों एवं स्कूलों में फल एवं छायादार वृक्षों का वृक्षारोपण किया जाना चाहिए जिससे पर्यावरण भी सुधरेगा एवं बच्चों को वृक्षों से प्यार होगा तथा उन्हें फल भी खाने को मिलेगा। (6) विभिन्न आदिवासी संस्थाओं एवं संगठनों द्वारा की गई मांग के तहत म.प्र. राज्य लोक सेवा आयोग में कम से कम एक सदस्य आदिवासी समुदाय का होना चाहिए।
- राष्ट्रीय अनुसूचित जनजाति आयोग की वार्षिक रिपोर्टों पर त्वरित कार्रवाई एवं आयोग से प्राप्त होने वाले पत्रों का निर्धारित समय सीमा में उत्तर दिया जाना :- बैठक के अंत में श्री ए. के. अग्रवाल, सचिव, राष्ट्रीय अनुसूचित जनजाति आयोग ने राज्य सरकार के अधिकारियों से कहा कि आयोग की वार्षिक रिपोर्टों पर त्वरित कार्रवाई करते हुए कार्रवाई प्रतिवेदन जनजातीय कार्य मंत्रालय, भारत सरकार को भेजा जाना सुनिश्चित किया जाये ताकि बिना किसी विलंब के कार्रवाई रिपोर्ट संसद में रखी जा सके। साथ ही आयोग के माननीय अध्यक्ष, उपाध्यक्ष एवं सदस्यों द्वारा राज्य में किये गये दौरों, समीक्षा बैठकों में दिये गये सुझावों तथा आयोग में प्राप्त होने वाली शिकायतों पर आयोग से भेजे गये पत्रों का उत्तर समय सीमा में देना सुनिश्चित किया जाये।

दिनांक 07-05-2016 को महामहिम राज्यपाल, म.प्र. एवं माननीय मुख्यमंत्री, म.प्र. से मुलाकात :-

G16 निर्धारित कार्यक्रम के अनुसार आयोग के माननीय अध्यक्ष, उपाध्यक्ष एवं सचिव श्री शिवराज सिंह चौहान, मुख्यमंत्री म.प्र. शासन से 15:30 बजे मुख्यमंत्री निवास पर मिले एवं केंद्र सरकार एवं राज्य सरकार की विकास योजनाओं एवं कार्यक्रमों पर विचार-विमर्श किया और अपने मध्य प्रदेश दौरे में सामने आये विषयों की जानकारी दी। इसके पश्चात लगभग 17:30 पर वे माननीय राज्यपाल महोदय से सौजन्य भेंट करने के लिए मिले।

G17 अगले दिन दिनांक 07-05-2016 को सुबह दिल्ली से आया आयोग का दल माननीय अध्यक्ष महोदय के नेतृत्व में भोपाल से वापस दिल्ली के लिए एयर इंडिया की फ्लाईट से रावाना हुआ।

आयोग के दल द्वारा झाबुआ जिले के भ्रमण व समीक्षा एवं भोपाल में म.प्र. राज्य की राज्य स्तरीय समीक्षा के पश्चात आयोग की अनुशंसा निम्न प्रकार की जाती है ताकि आदिवासियों के विकास की योजनाएं एवं अनुसूचित जाति तथा अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम के प्रावधानों को अधिक प्रभावी तरीके से लागू किया जा सके।

G18 आयोग के दल द्वारा माननीय अध्यक्ष के नेतृत्व में म.प्र. राज्य में आदिवासियों से संबंधित विकास योजनाओं एवं सुरक्षण/संरक्षण उपायों की समीक्षा दिनांक 01-05-2016 से 07-05-2016 की अवधि के दौरान की गई। इस दौरान प्रगति की जो मॉनिटरिंग की गई उसकी अनुशंसा संक्षेप में निम्नानुसार की जाती है:-

- (1) अनुसूचित जनजातियों पर अत्याचार निवारण हेतु अनुसूचित जाति तथा अनुसूचित जाति (अत्याचार निवारण) अधिनियम, 1989 के अंतर्गत उचित धाराओं में प्रकरण दर्ज करते हुए तत्काल कार्रवाई सुनिश्चित की जाए तथा इस तरह के मामलों की निरंतर थाना, जिला एवं राज्य स्तरों पर वरिष्ठ अधिकारियों द्वारा समीक्षा की जाए जिससे पीड़ित को राहत तथा न्याय मिले एवं दोषियों को सख्त सजा मिले।
- (2) आदिवासी उपयोजना में बजट का आवंटन एवं आवंटित धनराशि का अंतरण वित्त वर्ष के शुरू में किया जाए ताकि योजना के अंतर्गत आदिवासियों के हित में इसका सदुपयोग हो सके।
- (3) मनरेगा योजना अंतर्गत आदिवासियों को दिये जाने वाले अधिकतम कार्य दिवसों में बढ़ोतरी की जाए जिससे वर्ष में अधिक से अधिक रोजगार मिल सके एवं उनका मजबूरी में पलायन न हो। साथ ही यह भी आवश्यक है कि मनरेगा की मजदूरी का भुगतान तुरंत हो और उसमें किसी तरह की देरी न हो जिससे आदिवासी अपनी प्राथमिक जरूरतों को पूरा करने के लिए उधार लेने के लिए मजबूर न हो।
- (4) आदिवासी छात्र/छात्राओं की अच्छी गुणवत्ता युक्त शिक्षा हेतु अंग्रेजी, विज्ञान एवं गणित के काबिल अध्यापकों की नियुक्ति आदिवासी जिलों/क्षेत्रों के स्कूलों एवं कॉलेजों में की जाए ताकि आदिवासी छात्र/छात्राएं भी दूसरे वर्गों के छात्रों के साथ प्रतियोगिता कर सकें एवं उच्च शिक्षा हासिल कर रोजगार प्राप्त कर सकें।
- (5) आदिवासी छात्र/छात्राओं हेतु अधिक से अधिक आवासीय स्कूल एवं कॉलेज खोले जाएं तथा उनके लिए विभिन्न परीक्षाओं हेतु मुफ्त कोचिंग की व्यवस्था की जाए।
- (6) आदिवासी छात्र/छात्राओं को शासन की योजनाओं के अंतर्गत छात्रवृत्तियाँ समय पर एवं उच्च शिक्षा में गैप होने पर भी दी जाए। इस संबंध में आई शिकायतों का तत्परता/प्राथमिकता से समाधान किया जाए।
- (7) आदिवासी छात्र/छात्राओं को अच्छी शिक्षा प्रदान करने के लिए सरकार को कुछ अच्छे गैर सरकारी संस्थानों जैसे कि भारत सेवा संघ, रामकृष्ण मिशन एवं डी.ए.वी. इत्यादि का चयन कर अनुबंध के तहत स्कूल में पढ़ाई की व्यवस्था करानी चाहिए जिसमें 50 प्रतिशत छात्र आदिवासी व 50 प्रतिशत छात्र दूसरे वर्गों के हों। इससे न केवल शिक्षा की गुणवत्ता में सुधार होगा बल्कि आदिवासी छात्र दूसरे छात्रों के साथ सामंजस्य स्थापित कर पायेंगे।
- (8) सभी आदिवासी जिलों के विकास खण्ड स्तर पर विज्ञान विषयों की पढ़ाई होनी चाहिए तथा जिला स्तर पर विधि (लॉ) की पढ़ाई की सुविधा होनी चाहिए। झाबुआ जिले में चर्चा के अनुसार लॉ कॉलेज खोलने की कार्रवाई तुरंत होनी चाहिए तथा इस संबंध में आयोग को भी अवगत कराया जाना चाहिए।
- (9) सभी आदिवासी क्षेत्रों में पीने हेतु शुद्ध पेय जल की आपूर्ति की जानी चाहिए एवं झाबुआ जिले में प्राप्त हुई शिकायत पर तुरंत प्रभावी कार्यवाही होनी चाहिए तथा इस संबंध में हुई प्रगति से आयोग को अवगत कराया जाना चाहिए।

- (10) खाद्य सुरक्षा के अंतर्गत सभी हितग्राहियों को योजना के अनुसार खाद्यान्न की आपूर्ति सुनिश्चित किया जाना चाहिए एवं जहाँ पी.डी.एस. की दुकान नहीं है वहाँ पर खोली जानी चाहिए। इस योजना की प्रगति एवं पारदर्शिता की समीक्षा विकास खण्ड, जिला एवं राज्य स्तर पर होती रहनी चाहिए। कुपोषण से पीड़ित आदिवासी एवं उनके बच्चों को विशेष पौष्टिक आहार देते हुए उनकी देख-भाल होनी चाहिए।
- (11) आदिवासी जिलों में पर्याप्त चिकित्सा स्टाफ, डॉक्टरों विशेषकर महिला डॉक्टरों की पोस्टिंग की जानी चाहिए। झाबुआ जिले में थान्दला के सरकारी अस्पताल में महिला डॉक्टर की तुरंत पोस्टिंग होनी चाहिए जिसकी शिकायत वहाँ पर प्राप्त हुई थी। आदिवासियों को बीमारियों से बचाने हेतु विशेष प्रयास किये जाने चाहिए तथा मच्छरों से बचने हेतु मच्छर मार दवा का छिड़काव एवं मच्छरदानियों का वितरण किया जाना चाहिए।
- (12) सामाजिक सुरक्षा एवं संरक्षा के तहत चल रही विभिन्न योजनाओं की निरंतर समीक्षा होनी चाहिए तथा इन योजनाओं का लाभ पूरी पारदर्शिता से हो, ऐसा सुनिश्चित होना चाहिए। जैसे कि वृद्धावस्था/विधवा पेंशन योजना में बैंक के प्रतिनिधि द्वारा सरपंच/उपसरपंच या अध्यापक की उपस्थिति में धनराशि का वितरण किया जाना चाहिए।
- (13) वन विभाग तथा आदिम जाति कल्याण विभाग यह सुनिश्चित करें कि सभी आदिवासी छात्रावासों एवं स्कूलों में फलदार एवं छायादार वृक्षों का वृक्षारोपण छात्र-छात्राओं की सहभागिता से किया जाये ताकि उन्हें वृक्षों से प्यार हो, वे उसकी देख-भाल करें एवं उसके फल तथा छाया का लाभ प्राप्त करें जिससे हमारे पर्यावरण की सुरक्षा हो सके तथा वन विभाग का वन क्षेत्रफल भी बढ़ सके।
- (14) कृषि क्षेत्र में किसानों को फसली ऋण प्रदान किया जाना चाहिए। सूखे के कारण किसानों को ऋण जमा करने हेतु बैंकों द्वारा दबाव नहीं बनाया जाना चाहिए एवं लिए गये ऋण पर ब्याज की राशि सूखे के कारण माफ की जानी चाहिए। कृषकों को अनुदान के तहत मिलने वाले टूलकिट, यंत्र एवं इंजन इत्यादि कहीं से भी क्रय करने की अनुमति मिलनी चाहिए न कि ठेकेदारों से ही लेने का निर्देश देना चाहिए जिसमें भ्रष्टाचार होने की संभावना रहती है।
- (15) वन अधिकार कानून, 2006 का प्रचार-प्रसार सुनिश्चित किया जाना चाहिए तथा प्राप्त आवेदनों को स्वीकार करते हुए आदिवासियों को सरकारी भूमि/वन भूमि एवं आवासीय पट्टों का आवंटन नियमानुसार किया जाना चाहिए तथा गांव के वरिष्ठ नागरिकों द्वारा यह बताने पर कि संबंधित आदिवासी का कब्जा उक्त भूमि पर लंबे समय से है, उसका दावा स्वीकार कर पट्टा दिया जाना चाहिए। इसके अतिरिक्त सरकार के रिकार्ड में दर्ज किसी भी सबूत को इन मामलों में स्वीकार करते हुए पट्टे जारी किये जाने चाहिए।
- (16) बैकलॉग भर्तियों निरंतर की जानी चाहिए और जब-तक योग्य आदिवासी उम्मीदवार न मिलें, उसे खाली रखना चाहिए। किसी भी सूत्र में अनुसूचित जाति या अन्य वर्गों से नहीं भरा जाना चाहिए। झाबुआ जिले में बताई गई लगभग 12 सौ बैकलॉग पदों की भर्तियाँ करने का प्रयास किया जाना चाहिए।
- (17) राज्य सरकार द्वारा ग्रामीण एवं पंचायत विभाग में की जा रही लगभग 20 हजार भर्तियाँ एकल पद मानते हुए नहीं की जानी चाहिए तथा इसमें सरकार की आरक्षण नीति के तहत भर्ती होनी चाहिए जिस पर तुरंत ध्यान दिया जाना चाहिए तथा आयोग को की गई कार्यवाही से अवगत कराया जाना चाहिए।
- (18) पदोन्नति में आरक्षण के रोस्टर का नियमानुसार पालन किया जाना चाहिए।
- (19) फर्जी जाति प्रमाण पत्रों की जाँच की जाए एवं दोषी कर्मचारियों एवं अधिकारियों के खिलाफ सख्त कार्यवाही की जानी चाहिए तथा राज्य सरकार को कोर्ट में केस जाने पर प्राथमिकता के आधार पर कोर्ट के सामने सबूत पेश करते हुए दोषी को सजा दिलानी चाहिए। झाबुआ में प्राप्त आबकारी अधिकारी के फर्जी जाति प्रमाण पत्र की शिकायत पर तुरंत गौर किया जाना चाहिए चूंकि ऐसे अधिकारी आदिवासी का हक तो मारते ही हैं साथ ही भ्रष्टाचार में भी संलिप्त होते हैं।
- (20) भूमिहीन आदिवासियों हेतु कौशल विकास प्रशिक्षण आयोजित किये जाने चाहिए जिससे वह स्थानीय स्तर पर व्यक्तिगत तौर पर या समूह में रह कर अपना रोजगार चला सकें व पलायन से बच सकें क्योंकि मजबूरी में ही कोई अपना घर छोड़ता है। इस हेतु राज्य सरकार के आदिवासी विभाग कुछ

महिला समूहों का चयन कर श्री दाती महाराज के उज्जैन आश्रम से संपर्क कर उन्हें इस कार्य में शामिल कर सकते हैं क्योंकि वह बिना किसी सरकारी मदद के आदिवासी महिलाओं को प्रशिक्षण देने एवं कच्चा माल उपलब्ध कराने और तैयार माल उनसे खरीदने के लिए तत्पर हैं जिसकी जानकारी जिला संयोजक, आदिवासी विकास, उज्जैन को है।

- (21) आदिवासियों की जमीन का अधिग्रहण उनकी सहमति से, उनको उचित मुआवजा देकर एवं उनके पुर्नवास की व्यवस्था कर होना चाहिए तथा इस संबंध में मिली शिकायतों को प्राथमिकता से लेते हुए समाधान किया जाना चाहिए।

(H) KARNATAKA – Visit report of the Commission to the State from 16/6/2016 to 21/6/2016

H1 Dr. Rameshwar Oraon, Hon'ble Chairperson, National Commission for Scheduled Tribes visited State of Karnataka State from 16th September, 2016 to 21st September, 2016 as per tour programme communicated to Government of Karnataka, vide wireless message no. 11/2/2016/Karnataka/RU-IV, dated 08.09.2016. He was accompanied by Shri Ashok Pai, Joint Secretary, National Commission for Scheduled Tribes, Shri T.D. Kukreja, PS to Hon'ble Chairperson, National Commission for Scheduled Tribes and Shri R.K. Dubey, Assistant Director in the Commission.

Visit to Ramannagudi Village to interact with Siddi Community people

H2 Commission visited Ramannagudi village under Sunksala Gram Panchayat, Uttara Kannada district in the evening and discussed in detail, status of implementation of various development programmes for tribals with the representatives of Siddi Community. The Commission was informed as under:

H3 **Implementation of Forest Rights Act :** Under the Forest Rights Act,(FRA) in total 111 Siddi families of Gram Panchayat have been given pattas by the administration and some were not given or their cases were rejected. District authorities informed that 1661 forest right pattas have been issued to the tribals in the district, 243 pattas have been issued to OTFDs, 321 Community rights have also been recognised. It was reported that many claims were rejected on the ground of lack of evidence. Commission clarified that the statements of elders of the community is also an evidence for recognition of claims. Hence, in such cases they should follow the above method of evidence. The Commission further advised the District authorities that since Siddi Community is forest dwelling Community, hence all the eligible families who were not yet given pattas, should also be given individual and also community rights as per provisions under the FRA . The Commission advised the district administration to convene special drive to obtain claims from the left out families of the Community. For claims rejected earlier by the village level committee/Sub Divisional Committees, the same should be reviewed by the District Level Committee headed by Deputy Commissioner.

H4 Forest Rights issue of displaced families :The representatives of Siddi Community informed that many families were displaced for the project of Karnataka Power Corporation Limited but before their displacement, forest rights were not recognised by the Government. At the place of their resettlement also, these rights were not recognised. The Commission advised the DLC to review these cases and reasons of rejection of their forest right claims may be intimated to the Commission. District administration need to build collateral evidence if need be so that bonafide claimants rights are vested with their legitimate rights.

Ministry of Tribal Affairs may take note of above issues concerning Forest Rights Act and review the progress periodically.

H5 Health :

(I) Commission discussed the issue of their health condition with the concerned officers. It was informed that no specific disease has been noticed in the Siddi Community. The Joint Secretary of the Commission asked whether, Sickle Cell Anaemia screening has been conducted for the persons of this Community or not. It was informed that so far, this has not been done. **The Commission emphasized the need for Sickle Cell Screening of the whole Community as per the directives of Government of India as they are of African Origin which may have unique health issues.**

II) The representatives of Siddi Community informed that there is shortage of doctors in the medical institutions in the area. The District Authorities confirmed that the qualified MBBS doctors do not prefer to work in the remote areas even on contract basis. **The Commission advised that the State Government should make such policy so as to attract the doctors to work in the tribal areas by providing them special incentives for the purpose.**

III) About availability of ANMs / Asha Workers, it was reported that they are also not willing to serve in the area. **The Commission advised that the qualified girls of Siddi Community may be trained and appointed as ANMs / Asha workers to meet the shortage as they will be ready to work in their own village and for their Community.**

IV) The Commission was informed that many cases of Malnutrition have been reported in the Community. Hypertension is also reported in the Community. In the year 2009, some cases of chikungunya and dengue were also reported. Alcoholism is prevailing in them. The District Authorities informed that special attention is being given to address the issues of Malnutrition in Siddi Community by providing them nutritious food supplements and the situation is improving.

V) 108 ambulance services do not cover their villages as they are remotely located in the forest and road is un-metalled. Their villages should also be covered by this service.

VI) **There was no electricity in the Primary Health Centre** of Ramannagudi. There was transformer but due to lack of maintenance, it was not operational. The Commission directed the concerned authorities to take immediate action for providing 24x7 electric supply in the Centre.

H6 **MGNAREGA:** As the persons of Siddi Community mainly work as agricultural labourer, they demanded for providing employment under MG NAREGA particularly, during the lean period. It was noticed that the works undertaken in this scheme were not commensurate to the demand. **The Commission advised to provide them employment under this scheme as per the demand particularly during the lean period when there is no work in the fields related to agriculture.**

H7 FOOD/GAS CONNECTION /KEROSENE OIL:

i)The representatives of the Community confirmed that they have been issued BPL Ration Card by District Administration. They are being provided 3 kg. rice per person in the family and additional package for providing nutritious food is also being run for the Siddis. It includes 15 kg. rice, 5 kg. tour dal, 5 kg. mung dal, oil 2 litres, 2 kg. Pea dal, 2 kg. Sugar, 2 kg Gur, 45 eggs and 1 kg. Nandini Ghee every month.

II)The Commission was informed that Gas Cylinders have been provided to the Siddi families but it is not sufficient to cater their all energy requirements. Gas Cylinders were provided to them by the administration to save the environment as earlier they used to cut trees for firewood requirements. **Kerosene oil was required for lighting in the houses because electricity has not been provided by the Government in their villages, the Commission found their demand to be genuine and advised the District Authorities to provide kerosene oil to them.**

H8 **Education:** The members of the Siddi Community informed that primary schools are located in or around their villages but at many places, the students and villagers find it difficult to go to the schools and nearby places as there is no bridge constructed on the rivulets which overflow during the monsoon. The high schools are located about 8-10 kms. away from their villages and the administration has provided bicycles to them. However, as most of the roads from their habitations are un-metalled and without bridges, the movement in the area becomes difficult as there is no public transport. They demanded for construction of metalled roads, bridges for connecting their villages along with public transport to the schools, adjoining villages and taluka headquarters.

H9 **Housing: Commission** was informed that they were provided assistance, under the Ashray Housing Scheme 15 years ago which requires repairing and re-construction. At that time, they were provided Rs. 20,000/- for construction of house with the help of which only very small houses and huts could be

constructed. As their family size has increased and new adult members have been added, the present house is too small to fulfil their requirements. They demanded that pukka houses should be provided to the adult families of the Community. Earlier they were provided three Gunta land for construction of house and about 3 acre FRA pattas were given to some families, it is not sufficient due to increase in family size. The Deputy Commissioner, Uttara Kannada informed that presently, ST Development Department of the State provides Rs. 25,000/- for repairing the houses of Scheduled Tribes and in Valmiki Yojana, the landless Scheduled Tribes are provided Rs. 50,000/- for construction of house. However, the Siddi Community representatives demanded that they should be provided constructed pukka house instead of money as it will not be sufficient to construct the house in that much amount. It was mentioned that it is not possible to give benefit of IAY to a person twice, it was suggested that adult son of the family be treated as a separate unit for the purpose of IAY.

H10 Drinking water: Shortage of drinking water in some of the villages of the Siddi Community was reported. Tap water is being provided in their houses for half an hour once in a day which is not sufficient as per the requirement. For this, they have to pay Rs. 60 per month as charges. They demanded to augment the water supply from present half an hour to 1 hour to cater their needs.

H11 Employment: There are 150 PUC-II, 12 ITI, 22 Diploma Holders and 121-degree holder among Siddi Community in Uttara Kannada District. However, their representation in Government Services is negligible. Educated unemployed youth of this community should be given preference in employment to encourage literacy and professional education.

H12 Transport: Many villagers are facing problem in coming to taluka Headquarters Ankola due to lack of transport facilities, which is 50 kms. away from their villages. State transport busses do not ply as there are no bridges on the roads. TSP funds should be utilised for construction of bridges in the area. At some places, hanging bridges are required to be constructed on rivulets to facilitate a movement of villagers.

H13 Irrigation facilities: There is a need for providing irrigation facilities for agriculture. As most of the Siddi families are having 1 to 2 acres of land, the Director Tribal Welfare Department agreed to provide community borewells for irrigation purpose to those who apply for the same.

H14 Community Centre: Some villagers demanded for construction of Community Hall in Adardi Village where they require some space for teaching the girls and other Community activities.

Meeting with Tribal Delegates

H15 Several tribal delegates met the Commission and narrated their problems /difficulties concerning tribals of the State. The main issues raised by them are as under:

1) **Fake Caste Certificates:** Many persons belonging to Gonda Community are fraudulently obtaining ST Community Certificate despite the fact that they belong to Vokkaliga Community which is listed in the OBC list of the State and not as ST. These people misuse Gonda surname for this purpose. All the benefits meant for Scheduled Tribes are usurped by these fake ST Certificate holders. The Tourism Department provides vehicles to the Scheduled Tribes for promotion of tourism and to provide them self-employment but these fake certificate holders have taken all the benefits under the scheme and Siddis and other Scheduled Tribes could not get any benefit under various schemes.

Civil Rights Enforcement Directorate, which conducts investigation into cases of false caste certificate is not functioning properly as a result of which action against such fake certificate holders is not taken timely.

2) **Obstructions from Forest Department:** Forest rights pattas were provided to the tribals in the year 2009 but the forest department officials are not allowing construction of house and agricultural work in the allotted land.

3) Siddi Community is mainly engaged in collection and processing of %Supari+ (areca nut) which is a very laborious work. They are not paid properly and many of them are given two times meal and cloths once in a year for their work.

4) 34 fisherman Communities are trying to get the status of Scheduled Tribes for the Karnataka State. They do not deserve to be included in ST list. Hence, they should not be included as ST in the state.

5) Halakki Vokkal Community, which has not been included in the ST list of the state deserves ST status as they are actually tribals but left out in inclusion as ST. This Community has not been provided any benefit as OTFD under FRA and also in other development schemes.

6) Due to biometric system, many tribals are facing problem in procuring their ration from the fair price shops. Instead of this, token system should be started to address this problem.



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST with Members of HalakkiVokkal Community receiving memorandum for inclusion in ST list of Karnataka

17.09.2016 (Saturday) -Meeting with Deputy Commissioner, Uttara Kannada District at Karwar

H16 The Commission held a meeting with Deputy Commissioner, and other district level officers of Uttara Kannada District at Karwar and discussed about issues raised before the Commission by Tribal Representatives. In the meeting, Director Tribal Welfare Department, Government of Karnataka was also present. Commission observed /advised/recommended the following ;

- 1) Action should be taken by the District Administration to provide forest rights, -both individual as well as Community rights, to the uncovered Siddi for want of documents. Such cases should be reviewed and special camps should be organized to educate them about various provisions of FRA and rules framed under it.
- 2) The Forest Department should engage the Siddi in various activities related to the department to provide them employment as and when available.
- 3) The shortage of doctors and paramedical staff should be addressed at the earliest. The educated girls from the Community should be trained and appointed as ANM and Asha Worker in the Siddi Villages.
- 4) There is no mention of Community of land holders in their land records in the State.
- 5) The Directorate of Civil rights enforcement should scrutinize the complaints of false caste certificate particularly taken in the name of Gond

(ST) by Gonda Vokkaligas. The Tehsildars who are issuing caste certificates should be properly trained and educated to issue such certificate carefully so that this problem is addressed at the initial level.

6) Commission directed the Director, Tribal Welfare Department, Government of Karnataka to provide orders/instructions of the state government for issuance of ST caste certificates and their verification procedure. It was also directed that a report regarding issuance of Gond ST Certificates to the Gonda Vokkaligas stating number of certificates issued since 1976 onwards and action taken for verification of such certificates should be provided to the Commission with-in two weeks.

7) Siddis are mainly producing paddy, maize and ginger. Training in horticulture may be imparted to them to enhance their income. Besides marketing facilities, transport linkages and cold storage chain facilities are also needed. These should also be arranged at the earliest.

8) Presently as Siddis are getting only half an hour tap water supply per day, the same should be increased to at least one hour.

9) The Scheduled Tribes who have been provided LPG connection to promote clean energy are not being provided kerosene oil by the administration. Only BPL card holders are being provided 3 litres of kerosene oil per month. As kerosene oil was used by the tribals for lighting their houses, this decision has adversely affected them. As there is not electric supply in the villages, they should be provided kerosene oil as per their requirement.

10) State Tribal Development Corporation is not providing any training for skill development of the tribals in the district. District Manager mentioned that there were no funds for the same. It was pointed out that National Scheduled Tribes Finance and Development Corporation (NSTFDC) is providing grant for skill development programmes for self-employment / employment through State ST Development Corporation but the District Manager of State corporation stated that he was not aware of NSTFDC programme. Commission noted that it was due to lack of awareness of programmes of NSTFDC. Hence, NSTFDC should take steps to convene periodic awareness programmes for the economic development of STs. **(Action NSTFDC/ State ST Dev. Corporation).**

11) The projects which are being run under TSP should essentially include component of skill development of the Tribal Community. They should be provided training in poultry, dairying, paramedics, borewell repairing etc. The Deputy Commissioner, UK District should come up with a proposal in this regard so that the income of the tribals can be increased by way of enhancing their skills. **(Action: District Welfare department/ Ministry of Tribal Affairs)**

Visit to Ashram School at Byndor, District Udupi run by Tribal Welfare Department, Government of Karnataka

H17 For monitoring the conditions of tribal children and facilities provided to the students in the Ashram school, Commission visited Ashram School at Byndor run by Tribal Welfare Department, Government of Karnataka.

H18 Commission was informed that this Ashram School was started in the year 1992 and students of class 1st to 5th have been admitted in the Ashram School. Presently, the strength of Ashram School is for accommodating 104 students out of which 89 students belongs to ST Community. There are 58 boys and 31 girls of ST Community staying in the Ashram School. It was informed that after passing out class 5, the students take admission in Morarji Desai Residential school and other nearby schools. It was also informed that some students of this Ashram School have completed graduation and some others have completed their ITI and are working in software industry in Bengaluru. 3 girls have completed nursing course and are working in private institutions. The Commission was informed that health check-up of students is conducted regularly in the school and a diet chart has been prepared to provide nutritious meal to the students. There are 5 staff members working in the kitchen and for providing safe drinking water, aquagaurd has also been installed. During rainy season, the students are provided boiled water for safe consumption. There is solar power provided in the Ashram School. An amount of Rs. 1100 per student per month was provided to the Ashram School. Uniforms, Textbooks and notebooks are also provided to them.



Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST having discussion with tribal students

Visit to Dr.Ambedkar Colony of Koraga Community at Kundapur, District Udupi

H19 Commission was informed that 28 families have been settled on the Government land since 1994 but till now, they do not have ownership right of the land. Many of them are working as Safai Karamchari in the Kundapur Municipality. Water, electricity, health and school facilities etc. have been provided in their colony. The Chief Officer, Kundapur Municipality informed the Commission that four families have been given ownership rights, rest of the families would also be provided the rights shortly as the Municipality has already initiated the process.



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST having discussion with Koragatribals at Ambedkar Nagar, Kundapur

Visit to Kumbashi Gram Panchayat

H20 Issues emerged during interaction with tribals/ tribal delegates are as under:

- 1) Tribals demanded that financial assistance by the Government should be given to them for construction and repair of their houses.
- 2) Community Hall was constructed with the ITDP support where 12 girls of the Community were provided training of stitching of cloths. They informed that such skill development training should also be provided to the other un-employed youth.
- 3) For the last two years, there is no reimbursement of their medical expenses as no budget was available with the ITDP for the purpose. They are facing hardship due to the non-availability of funds under this scheme.

On the above, Director, Tribal Welfare Department of the State ensured that funds will be released shortly under this scheme.

4) The State Government is providing full reimbursement of expenditure of higher education but due to shortage of funds, there is delay in payment. In some cases, some families of this PVTG Community were not provided reimbursement of expenditure incurred on higher education despite the rules. Director Tribal welfare assured he would look into such cases.

5) There were about 50 houses under-construction and assistance of Rs. 1.75 lacs for construction of their house was provided but keeping the present cost of construction the above amount was not adequate. It was informed by the State Govt. Officials, that now the Government has increased the amount to Rs. 2.50 lacs. These houses should also be included in the revised scheme and additional amount of Rs. 75,000/- should be sanctioned for completion of these houses.

6) There was no regular officer posted in ITDP, Udupi which is adversely affecting the works related to implementation of various development schemes for tribals. Hence, a regular officer should be posted in the above ITDP.

7) The tribals are engaged in making baskets, vases and other various utility items from bamboos but they do not have working capital for this purpose. Hence, working capital should be made available to them through some government agency and also marketing linkages be provided. District authorities were advised to contact **State ST Dev Corp for NSTFDC working capital loan and TRIFED for marketing linkages and or other economical institutional arrangements may be made.**

[18.09.2016 \(Sunday\) -Meeting Deputy Commissioner, and IGP Dakshin Kannada at Mangalore and other officers](#)

H21 Issues /observations / recommendations.

- 1) Presently, amount provided under IAY for construction of houses is inadequate and hence the same may be enhanced to 3 lacs.
- 2) Due to non-allocation of funds for medical reimbursement of PVTGs, they are facing problem in their treatment. This issue should be sorted out at the earliest.
- 3) PVTGs requested for reservation in State Government job and they do not get employment as they have to compete with other dominant tribal Communities. As provided in some other states like MP and Chhattisgarh, special provision for reservation for PVTGs in services could be considered by the State Government of Karnataka.

- 4) There is shortage of doctors in the medical institutions in tribal and rural areas. It was informed to the Commission by district authorities that they do not prefer to work there. Commission advised that State Government should take appropriate measures such as providing incentives /special allowances to fulfil the gap in tribal areas and similar action is required for posting of paramedical staff.
- 5) For increase in self-employment and better remuneration of produce of tribals, adequate arrangements for working capital, marketing tie ups, transportation linkages, cold storage facilities should be provided. It was advised for availing NSTFDC concessional financial assistance through the State ST Corporation and for marketing tie ups TRIFED may be contacted or some other institutional arrangements can be made. Services of E-commerce portals can also be taken in this regard. **(Action: NSTFDC/TRIFED/State ST Corp).**
- 6) There was complaint from the tribals regarding non-payment of post metric scholarship to the students perusing higher studies. Action should be taken for sanctioning scholarship to the students in time so that their education is not adversely affected.
- 7) **MG NAREGA :** Efforts should be made to provide employment to tribals in the nearby areas of their respective villages under this scheme and arrangements for timely payment of wages should be made.
- 8) **Atrocities:** Commission was informed there were 76 cases of atrocities against Scheduled Tribes reported during 01.01.2016 to 31.08.2016 and compensation was paid in respect of 16 cases. The Commission directed that for remaining cases also compensation should be paid to the victims or their families as per provisions made under amended SC/ST (PoA) Act.

Meeting with Deputy Commissioner, Udupi District

H22 On the basis of feedback /inputs received during the visit of the Commission and interaction with tribals of the area, following is the gist of discussion held with the Deputy Commissioner, Udupi District.

- 1) The present incumbent posted as Headmaster of the Ashram School at Byndor was only SSC passed employee whereas other teachers posted in the Ashram School were MSc/. B.Ed. qualified hence, one of the qualified teacher should be made Headmaster of the institution.
- 2) There was no lady warden for the girls hostel.
- 3) The girls and boy toilets were functional but lighting was not provided inside of each of toilet. The passage for entry towards girl toilets was through the

boys toilets which needs to be altered for providing independent entry ensuring safety of the girls.

4) Cots or bed were not provided to the students in the Ashram School. It was informed that action has been taken to provide the same this year.

5) Health card has not been provided to the students. As per the instructions of Ministry of Tribal Affairs each student should be provided individual health card so that after leaving the school, they can carry the history of medical records with them for future reference.

6) Folic Acid supplement was not given to the students in the Ashram School.

7) Many posts of teachers and other categories were lying vacant including ITDP.

8) There are four Ashram Schools in the district. In order to provide required infrastructure and improve quality of education, all of them need to be periodically inspected by the Deputy Commissioner.

9) Ownership rights of land in Ambedkar Colony, Kundapur were not provided to some of the Koraga Tribals which should be provided to them at the earliest.

10) There was complaint related to delay in payment of post metric scholarships to the students pursuing higher education particularly MBBS. Timely payment of scholarship to the ST students should be ensured by the Deputy Commissioner.

11) Some of the families were reportedly not provided pattas under Forest Rights Act. The eligible tribals should be provided Forest Rights Pattas and cases of rejected claims of tribals and OTFDs should be reviewed by him. **It was advised that District authorities should take required steps /action and Commission may be informed of the same.**



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST having discussion with Deputy Commissioner, Udupi at Mangalore

Visit to Madhya Padhav Ashram School



Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST inspecting the hostel

H23 The Commission visited Madhya Padhav Ashram School in Dakshin Kannada district and observed that the kitchen of the Ashram School was neat and clean, diet chart was maintained and students were being served food according to the diet chart. There were no chairs and tables in the dining hall and the students used to take their meals sitting on the floor. The Commission advised the concerned authorities to make arrangement of chairs and tables in the dining hall of the Ashram School.

H24 The Commission was informed that the total sanctioned strength of the Ashram school was 144 and presently 125 girls and boys were staying there. Classes 1 to 10 were being run with the help of 11 teachers. The Headmaster and the other teachers were also qualified.

H25 The lady teachers who were appointed on contract basis informed that though they were given maternity leave but during their leave period, other teachers are appointed and after return from leave, they were not taken back in the same school.

Visit to Madhya Padhav Koraga Colony

H26 The Commission visited Madhya Padhav Koraga Colony in Dakshin Kannada District where large number of tribals of Koraga Community had assembled discussion. The Commission was welcomed with traditional dance of the tribal Community. During discussion, the tribals informed the Commission about various issues concerning their living conditions. Gist of issues of interaction is as under:

H27 In the Dakshin Kannada District, rights of land have not been given to them so far despite the fact that they are living in the locality since 1993. They demanded for allotment of land pattas to regularized their occupation of land. As they are landless and are not having land records, the benefits of various developmental programmes for Scheduled Tribes is not reaching them. They requested for allotment of land by the Government of Karnataka at the earliest.

H28 **Allotment of Land:** It was further submitted that report of Dr.

Mohammad Peer Committee should be implemented by the Government where in it was recommended to provide 2.5 acres of land to each Koraga family and the said report also accepts the Koraga as aboriginal tribe and observes them to be landless living in pre-agricultural stage of development.

H29 **Education:** It was reported that the quality of teachers in the Ashram Schools was not good resulting in poor results of students. There is high dropout rate in the students of the Koraga Community which also needs to be improved. As Koragas lead a semi-nomadic life, the children do not get properly educated in the educational institutions.

H30 **Employment:** There is un-employment among the educated youth and this Community is not able to compete with other tribal groups in reaping the benefit of various development programmes. Many of them are working as scavengers in municipality.

H31 **Health Facilities:** No funds were available for reimbursement of medical expenses incurred by Koragas during last two years as the result of which they are facing problem in treatment of various ailments.

H32 Life expectancy in the Community was also reported to be in the range of 40 - 45 years only. Alcoholism is very common among the Community and it is not only confined to males but also females and children. The population of the Community was also declining.

H33 Some tribals informed that they were allotted barren land by the Government on which no cultivation was possible. No assistance was provided for improving the land and making in cultivable.

19.09.2016 (Monday)- Meeting with Deputy Commissioner, Kodagu District at Medikeri

H34 The Commission held a meeting with Deputy Commissioner, Kodagu District and other officers of the district and ITDP to review the status of various development programmes being run by them for Scheduled Tribes. Following is gist of discussion:

H35 The Commission was informed that the total population of the district was 5,54,519 which included 2,74,608 males and 2,79,911 females. Thus, the

female population in the district was more than the male population. There are three talukas in the district namely Medikeri, Virajpet and Somvarpet. Total 9 tribal Communities are found in the district JenuKuruba, Soliga, Yarava, KaduKuruba, Melayekandi, Marati and Nayaka are the main tribal groups found in the district.

H36 Forest Rights Act Implementation: Commission was informed that in the District total of 2695 individual claims were received from tribals and 853 claims were received OTFDs. 65 community claims were received in the district up to end of August, 2016. Out of total claims, 1392 STs were given title deeds and 45 Community claims were accepted. No OTFD claim was accepted or distributed. All together 27, 988.65 acres of land was involved in the distribution of title deeds which included 1752.01 acres as individual and 26,236.61 acres as Community right. Commission noted that 1206 individual claims were rejected which was considered as a large number and desired to know the grounds of rejection. It was informed that in many cases the rejection was made as the claimants were residing or in possession of revenue land. It was also informed that many applications were rejected as they were claiming for the land which is used for worship. Keeping in view the large number of rejection of claims, the Commission advised the district administration to convene special drive for creating awareness among the Communities and invite applications afresh. All the rejected cases of ST may be reviewed and as per provision of the Act, the title deeds be distributed to them. It was informed that no development work could be undertaken in the places where FRA claims have been settled due to orders issued by Honble High Court and Supreme Court. The Commission advised the Deputy Commissioner to send the copy of Orders to the Commission at the earliest. The Commission emphasized the need for proper survey, demarcation and record of rights during the process of recognising the forest rights. The rights for the displaced persons should also be ensured in the process. The Commission also advised to dispose the 128 pending cases which include 97 claims from STs, 23 claims from OT FDs and 8 Community claims.

H37 The Commission was informed that about 1500 families of ST category were landless. The Commission desired to know about action plan to provide them land for agriculture and whether any land has been identified for the purpose. Commission was informed that as on date there was no programme in this regard. Deputy Commissioner was advised to take necessary action for providing them some land as many of the states have scheme to provide land for landless STs. Action also be taken for providing means of livelihood and their development. **The Deputy Commission was advised to send a brief note on it to the Commission.**

H38 Education: The General Literacy rate in the district was about 87% and amongst ST it was 48%. It was admitted that the Scheduled Tribe students were weak in education and their attendance is also poor as during festivals students

do not attend the school The Commission advised to prepare the school calendar keeping in view their festivals and keeping in view huge gap, there is imperative need to take steps to promote education among the tribals and also arrangements to retain them in the educational institutions in the districts.

H39 Health: Problem of malnutrition and anaemia and addiction to tobacco and liquor was reported. It was informed that in many cases tribal ladies do not come forward for institutional deliveries in Government run hospitals and depend of their traditional system. The Commission advised that the girls and educated ladies from the tribal community should be appointed as ANMs and Asha workers and they should be trained for the same. There is shortage of ANMs and Asha workers. They have stopped working as no payment has been sanctioned to them as honorarium/wages. It was reported that there is 50% shortage of doctors as most of them do not prefer to work in the rural and tribal areas. It was demanded that PHCs should be established in the tribal areas as they have to go far away for getting the treatment. The doctors suggested that blood component separation unit may be set up for the district.

H40 Safe drinking water and sanitation being inadequate, steps should be taken to provide such facilities in the tribal colonies.

H41 Housing: It was informed that 300 IAYs were sanctioned for the Jenu Kurubas and the construction work is in progress.

H42 Electricity: Solar lights have been provided in many tribal hadis and some of them have been electrified by the State Power Corporation.

H43 Road connectivity: There are 154 habitations of tribals in the Districts and most of the hadis are connected with metalled road. The hadis which are located in wild life sanctuaries are not connected with such roads due to restrictions under Forest Conservation Act.

H44 Food Security: It was informed that nutritious ration is provided in all the 154 hadis through fair price shops. It was noticed that many tribals were left out for want of ration card as they were not having Aadhar Card. The Commission advised to conduct a special drive to cover such left out families also.

H45 Skill development: It was noticed that there is coffee plantation in vast areas in the District for which skilled manpower is required. If the tribals are given training for coffee plantation, operation of coffee pulping machine, bean trading information etc., it will help in enhancing their income as most of the tribal farmers are having small piece of land for cultivation.

H46 The CEO, Zila Panchayat informed the Commission about new initiatives taken by the District Administrative and the State Govt. in the field of Education, Health and Child Welfare and submitted that it may take a few years in visible improvement in these sectors.



Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST having discussion with Deputy Commissioner, Kodagu CEO and other officers of the District

Visit to Basavanahalli Ashram School, Somvarpeth Taluka

H47 The Commission was informed that this Ashram School was started in the year 1961 and students are taught by way of joy learning, study material and nutritious food is provided to the students as per the diet chart. The Commission observed that students were taught by way of playing, dancing along with learning through games and quizzes. A Quiz shala was also being run for creating general awareness among the tribal students where the students are shown videos in the LED T.V available in the school. It was also informed that students of class I, II and III are taught through interactive video in Kannada language. The Commission appreciated innovation introduced in the field of education by the district authorities.

- Commission observed that some of the students were weak in English subject as they could not even read the text books with understanding of the subject.
- It was also noted that the teachers were appointed on contract basis and paid Rs. 4400 pm. and they demanded that their salary should be increased as it was below the minimum wages provided to the labours by the Govt.

Visit to Primary Health Centre, Mobile unit building, Basavanahalli



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST in PHC, Basvanahalli

H48 The Commission visited, Mobile unit building, Primary Health Centre, Basavanahalli and interacted with the doctor and staff about various issues related to tribal health care. It was informed that ANMs visits the hadis of Jenu Kuruba tribals and PHC mobile unit covers 12 hadi but Tribals do not continue prolonged treatment because of lack of knowledge. The ANMs were following their duty chart for visiting the tribal hadis.

H49 For effective control over the treatment /facilitates extended, the Commission advised to provide each ANMs a register to record date wise place of visit, number of patients attended by them along with names and quantum of medicines provided etc, and to ensure that same is checked periodically by the doctor.

Visit to Morarji Desai Model Residential School, Antharasanthe (Sollepura), HD Kote, District Mysuru



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST meeting tribals and public representatives in Morarji Desai Eklavya Model Residential School, Antharasanthe (Sollepura), HD Kote, District Mysuru

H50 The Commission visited Morarji Desai Eklavya Model Residential School, Antharasanthe (Sollepura), HD Kote, District Mysuru and held a meeting with local tribal representatives about the various issues related to their development. Following is the gist of interaction:

H51 The Public Distribution System: All the eligible STs have not been given BPL cards.

H52 It was alleged by the villagers that Forest Department Officials have implicated about 2000 tribals in false cases as a result of which they are suffering a lot.

H53 District Tribal Welfare officer had made complaint in the police against many tribals in the year 2008 when they were protesting against the department in non-violent way demanding for supply of water in many tribal villages. A case was registered by police against them under Section 243 IPC and since then, they are attending the court many times in a month resulting in mental torture and financial loss. It was urged that the case should be withdrawn immediately.

H54 There is more focus on construction of roads under Tribal Sub Plan in the District and other developmental activities are neglected. Moreover, works undertaken in the TSP is not visible. The progress of the works being carried out under TSP needs regular monitoring and tribal representatives should also be included in the decision making process of TSP expenditure.

H55 There is no reservation for PVTGs in the PR institutions which should be considered favourable as they do not get elected under the ST reservation quota because reservation is enjoyed by the dominant tribal groups.

H56 There is a need to provide marketing facilities and fair prices to the producers like minor forest produces in favour of tribals.

H57 Many tribals were displaced due to development projects and resettling of their villages for National Parks and Wild Life Sanctuaries but their forest rights were not recognised before displacement and at the new places of settlement, adequate facilities were not provided to them.

Visit to Basavanagiri, Kollapure, B. Hadi



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST meeting tribals in Basavanagiri, Kollapure, B. Hadi

H58 The Commission visited to Basavanagiri, Kollapure, B. Hadi which is a settlement of Kadukuruba ST community and interacted with the tribals . The Commission was informed as under:

H59 Forest Rights: They were shifted from their original villages located in the forests for creation of Bandipur National Park and Habbali Dam. Their rights admissible to them under the FRA were not recognised. They were provided some assistance for construction of houses and roads. They were given 2.5 acres of lands and 2 Oxen for agriculture but subsequently they died. Now they do not have any work to do. The land provided to these families after displacement is not cultivable. The Govt. should provide assistance for improvement, land reclamation, soil conservation and irrigation of the land.

H60 Drinking Water: There is problem of drinking water also in the hadi and no water storage facility is there. All the 150 families are suffering due to water scarcity.

H61 Road Connectivity: There is no metalled road connecting the hadi which needs to be constructed. Proper and regular public transport facilities have also not been provided to them.

H62 State Govt. through ST Corporation is implementing scheme %Ganga Kalyan Yojna#for providing Land to landless STs. In the hadis, nobody has been provided assistance under Ganga Kalyan Yojna.

H63 Community Hall should be made for the tribals of these hadis from the support of tribal development department.

H64 Employment: Traditionally, they have been making articles with the help of bamboos but do not have any revolving fund for production and marketing on credit. They collect minor forest produces but no marketing facility has been made available to them. Skill development training should be imparted to the tribal youth to make them self-dependent.

H65 Declaration of revenue village: For overall development of the village and the hadis, their settlement should be declared as revenue village and separate Gram Panchayat should be created for all the three hadis.

H66 **Electrification** : There is problem related to non- functioning of solar lamps and street lights and it require frequent repairing and maintenance. This problem should be addressed at the earliest.

H67 **PDS:** They are facing problem due to introduction of bio-metric system for PDS whereas the said system is not properly working. It should be improved so that they do not have to suffer.

H68 There is no boundary wall of the Anganwadi centre in the hadi which should be made.

H69 Education: The quality of education needs improvement as the contract teachers are paid very meagre amount as salary.

20.9.2016 Visit to Billigiri Rangana (BR) Hills Tiger Reserve, Yelander taluk, Chamraj Nagar



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST meeting Soliga tribals in BR Hills

H70 Commission was informed that total ST population of the District was about 33,000 out of which there were 8000 Soligas. BR Hills Tiger Reserve, has 10 colonies of Soliga. Commission interacted with the tribals and the officers in the village. **Gist of issues for further action:**

H71 Health :A total of 246 cases of traits of sickle cell anaemia have been reported in the District but screening has not been done so far for this disease. The Commission advised the District Administration to complete the sickle cell screening at the earliest.

H72 Forest Rights: It was informed that 252 families were given forest right pattas in the village and in total, 669 families have been provided forest right pattas in BRT Hills and 25 community rights have been recognised in the District. However, many families of Yelender taluka could not be provided individual forest rights as they were not in possession of forest land. The Commission advised the District Administration to educate the tribals by organising special camps as many of them are not aware about the various provisions of the Act.

H73 Tribals demanded for sanctioning of IAYs to the tribals who do not have proper houses and/ or who are residing in huts in the forest villages. The FRA beneficiaries should be supported by providing IAY in deserving cases.

Visit to Keredimba Village under Kollagala Taluka, Chamraj Nagar

Following information was given to the Commission by the villagers:

1) **Forest Rights:** Most of them have been issued forest rights pattas but still there are about 400 families who have not been provided forest rights pattas. They should also be provided the pattas. So far community rights have been issued in 25 Gram Sabhas and 79 cases are pending for distribution of these rights in the District.

2) **Drinking Water :** There is a drinking water problem in the village.

3) **Road connectivity:** The villagers reported that there is no public transport facility for which they are facing hardship. Roads are in very bad shape and need immediate repairing.

4) **The Commission directed the forest department officials present in the meeting to arrange repair the roads at the earliest and district administration to look into the transport needs.**

5) **Declaration of revenue village:** The villagers demanded that their village should be declared as revenue village so that they could get benefit of various development programs run by the Govt. for the welfare of the tribals as without it, those programs are not allowed to be run by the forest department.

6) **Loan for income generating activities :** They have been provided forest right pattas but the banks do not extent loan to the tribals as it is only recognition of rights on the land and it cannot be mortgaged. If the Govt. of Karnataka provides guarantee, then only the banks will agree to provide them loan to fulfil their requirements. Or the State ST Corp. may provide loans for income generating activities. Similarly, Crop insurances is also not provided by the companies to the tribals who occupy forest land and cultivate it. District Administration was advised to look into the above issues.

7) **Housing:** The houses in which they live are quite old hence need repairing and reconstruction. Due to increase in family size, a bigger house should be provided to them. There is no scheme to provide land to the landless tribals and the State Govt. should allot them land for agriculture.

8) **Education :** Ashram Schools in the District needs improvement as there is a high drop-out rate after class V among the soliga tribals. The local tribals could not get of their wards admitted in Morarji Desai Model Schools. One Residential Model School should be opened in the BR Hills area and local tribals should be given priority in admission. The teachers of the schools have been appointed through outsourcing agency who are paid only Rs. 5000 pm.

as a result of which they do not continue and run away. The local educated tribals should be given preference in the matter.

9) Products made from Lantana plant by Soliga tribes do not have facility for marketing of the same. The Govt. should come up with a plan to facilitate marketing of lantana and other produces.

10) There is no Asha worker in the village. The Commission suggested the District Administration to appoint educated tribal girls of the village. The officials present in the meeting agreed to appoint as Asha worker and Anganwadi worker.

11) **PDS** :Some problem in distribution of ration was also reported by the tribals as it was distributed through sub-contractors. The Commission suggested to form a SHG of the tribals and give them responsibility to manage the distribution of ration.

12) **Funds for self-employment and skill development** : Some female members have formed **Stri Shakti Sangh** and they are working as a Self Help Group but they have not received any revolving fund and they require skill development training. The concerned officer of Women and Child Development Department immediately agreed to provide them assistance.

Meeting with Deputy Commissioner, Chamraj Nagar and other District level officers:



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST with District Officers in Chamraj Nagar District

H74 The Commission held meeting with Deputy Commissioner, Chamraj Nagar and other District level officers and discussed the issue which emerged

during field visits and implementation of developmental programs in the District. Gist of points /advise is as under:

H75 Forest Rights : The Commission noted that a total of 1915 individual and 25 community rights have been provided to the STs in the Districts. A total of 2512 individual claims were received in the District. The Deputy Commissioner informed that 106 cases are ready for distribution of rights. The Commission advised to complete the process at the earliest. It was noted that 67 cases of community claims were rejected. The Commission advised that such claims should be reviewed by the Deputy Commissioner.

H76 It was informed to the Commission that Soliga tribals were ousted from the forest and their settlements were relocated in the periphery but community rights were not provided to them. Commission advised that all Soliga families should be given forest rights-both individual and community, as they were residing and depending on the forests for their livelihood. The Communities which are residing outside BRT hills should also be informed of provisions of FRA and claims for rights should be received if they were in possession of land prior to the date notified under FRA. For this purpose, the District Administration was advised to hold Gram Sabha and proceed further for recognition of rights, survey and demarcation. Commission be informed of the action taken.

H77 Deputy Commissioner and the State Govt. to look into the matter of conversion of forest villages to revenue villages to enable the tribals to get benefits and facilities.

H78 Road: Steps may be taken for roads constructed to connect tribal villages and hadis from the nearby towns by using TSP and MNREGA funds.

H79 Primary Health Centre in BRT hills area may be created. Some hadis do not have Asha workers. The District administration to look into this.

Provision of land for landless STs:

H80 It was reported that 20% of STs are landless and there is no policy of the State Govt. to provide land to the landless families, it was advised that the State should consider framing such policy for tribals. It was informed in a meeting that 10 ST families were provided land from the assistance of NSTFDC out of which 3 were from Soliga community but the Commission noted that only 50% assistance is provided in the scheme and remaining 50% is contributed by the individual which was not considered viable for the tribals.

H81 PDS :The Commission noted with concern that there was problem of distribution of ration in PDS due to sub-contracting. The Commission advised for formation of Self Help Groups from the tribals and they may be provided licence to run fair price shops so that business is handed over to the community for running it properly.

H82 Electrification :During the field visits, it was brought to the notice of the Commission that there was a need for repairing of solar units provided to the tribals residing in the BRT hills. It was suggested that local person should be trained for repairing of solar units and annual maintenance contract to the local firm so that necessary maintenance is not delayed.

H83 Drinking water : Some villagers in the BRT hills area had reported of inadequacy of drinking water, it was informed that water was not found even after drilling 250ft. If the depth of the bores is further increased, the solar pumps are not capable to lift the water up to the surface. The Deputy Commissioner assured that open wells shall be constructed in Keradimba and also in other villages where there is a problem of drinking water.

H84 Crop Insurance : During the discussion with the tribal villagers, the Commission had noted that no crop insurance cover was given to the FRA patta holders and in case of failure of crop, they do not have any help from insurance companies. The Commission advised Deputy Commissioner to take up with the M/o Agriculture through Govt. of Karnataka.

H85 MGNREGA : Complaints regarding delay in payments of wages under MGNREGA were made . It was advised to the District Authorities for timely payment to the workers. District Administration mentioned that the delay had occurred due to delay in allocation of the funds from the Central Govt.

H86 The Commission was informed that a new initiative called **SMART** (Support Mentoring and Responsive Teaching) has been undertaken in the District which is a yearlong program for the students in which the teacher is trained to be a mentor for the students. Skill developments among the tribals particularly girl students are also being promoted and there is a plan to train them to prepare for manufacturing of sanitary napkins. The Govt. of Karnataka has approved this as pilot project. Another step taken in the District is creation of **“DISHA” (Digital Information of Students and Hostel Assets Management System)** which is likely to be useful in management of students and the hostels.

H87 Income generating activities :Commission suggested that women self-help groups should be promoted among tribals and revolving funds should be made available to them for running their income generating activities. They may be imparted training for making artistic material from bamboo and other locally available resources to enhance their income. They can be trained for processing and marketing of minor forest produces.

Meeting with Deputy Commissioner, Mysuru and other District officials.



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST being welcomed by Deputy Commissioner, Mysuru

H88 The Commission held meeting with the Deputy Commissioner and other District level officers regarding various issues raised by the tribals during field visits. The brief of discussion and points for action are as under:

H89 During field visits, tribals informed that more than 2000 false cases were instituted against tribals by the forest officials under Wild Life Protection Act and Indian Forest Act. District authorities responded that institution of 2000 cases was not correct. District Commissioner informed the Commission that only few cases were registered and the same would be reviewed at his level. As some other tribals complained that cases were registered against them on the complaint of tribal welfare officer of the District in the year 2008 for obstructing of duties, they are made to appear in the court till date without any fault. After detailed discussion, the Deputy Commissioner assured the Commission to review the cases to avoid hardship to these tribals.

H90 Funds for Income Generating Activities: Tribals submitted that banks are not extending loans for income generating activities. Commission advised the District Administration to see that the banks are mandated to assist STs therefore tribals need to be assisted by the banks and steps should be taken in providing concessional financial assistance under NSTFDC schemes. District authorities/State ST Corporation and NSTFDC to look into the needs of financial assistance of tribals for undertaking income generating activities and requirement of skill development . **District Admn/State ST Corpn/NSTFDC to take action and apprise the Commission of the same.**

H91 ST Community Certificate: Hiranshikari community belonging to Bagalkot District submitted petition as they are not being provided ST certificate by the Administration and described the facts that their community has been included in the ST list of the State. Presently, they are residing in Mandya

District. During the meeting petition was handed over to the Deputy Commissioner with the advice from the Commission advised that Deputy Commissioner, Mysuru to take up the issue with his counterpart in Bagalkot District to sort out the problem as the number of such persons was reported to be around 350. As result of non-availability of ST certificate petitioners were not getting benefit of various developmental schemes like IAY etc.

Enhancement of Funds under IAY:

H92 It was informed that the per unit amount sanctioned under IAY is not sufficient to complete construction of house hence there is need to increase the same.

H93 Ashram Schools: Commission was informed by the tribals that the ST youths are not getting employment in Ashram Schools despite having qualification of B.Ed and D.Ed qualification. Further 50% posts of teachers should be reserved for teachers knowing tribal language. It was observed that quality of education in the Ashram School was poor, hence Proper monitoring by Deputy Commissioner is required in this matter.

H94 **Health:** STs particularly, Soliga and Jenu Kurubas should get focus as they are facing problems of malnutrition, anaemia etc. It was noted that sickle cell screening of tribals was not done in the District. District Authorities were advised to get the same to be completed at the earliest.

H95 Forest Rights: Many tribal villages were shifted due to establishment of Bandipur National Park. They were shifted in the year 1972 out of the forest but till date their forest rights have not been recognised in many places. For example, in Nagarod, community rights have not been given so far. The Commission was informed that due to lack of documents required under rules, they could not be given individual or community rights. The Commission advised the Administration to keep in mind that they are the displaced persons and in their cases, the non-availability of documents should not be a reason for denial of rights. In such cases, statements of elders of the concerned villages could also be taken as evidence under the rules and thus, they could be provided individual and community rights, as admissible to them. The Commission advised the District Administration to ensure that the rejected cases should be reviewed at the earliest. It should be kept in mind that the FRA is having overriding effects on wildlife Conservation and Forest Acts.

H96 The villagers also pointed that they are not allowed to visit in the forest areas for collection of Minor Forest Produce. Commission advised the District Administration to respect the traditional rights of the tribal community in the matter of collection of MFPs and their social, cultural and religious practices.

H97 Employment: It was informed that 60 STs were employed by the forest departments to work for protection of forest and conservation of wild life, similar action is required from other departments to provide employment to tribals.

H98 TSP Funds : Tribals complained that TSP funds are not been properly utilised in Mysuru District and the work is not visible. No work is taken up under TSP for Kadu Kuruba tribals. It was also reported that Jenu Kurubas do not have houses, lands, drinking water, health facilities and education. The District Administration was advised to look into above and take up the issues for overall development of Tribals.

H99 Restoration of Land: It was reported by Deputy Commissioner that 5 cases of restoration of tribal land are pending in the District. The Commission advised him to get it restored at the earliest.

H100 Representation/Association of PVTGs in Govt. programmes: There is no representation of PVTGs in the District Level Committees formed for implementation of developmental programs for them. They have also not been given representation in the TSP committee, CCD Plan and the management committee of the Ashram Schools. The Commission found this demand to be genuine and advised the District and State Govt. to consider it favourably.

H101 There is no political reservation for PVTGs though there is 7.25% reservation for STs. The PVTGs are not getting representation in Panchayati Raj Institutions hence, some seats should be reserved for them in the three tier system of Panchayati Raj.

H102 PDS: The tribals have reported that they are facing problem in receiving ration through PDS fair price shops due to problems related to bio-metric system. This problem should be solved at the earliest and there should be no denial of ration for this reason.

H103 The District Administration should focus on skill development of tribals and provide them employment wherever available under various schemes like MGNAREGA. They should be provided benefit by way of convergence of different programs.

H104 Director, Tribal Welfare Department, Govt. of Karnataka and MD, State ST Corporation met the Commission at Bengaluru. Commission advised them to look into the issues and take action as were pointed out by the Commission during meeting with the District Officials. Action taken report on the same may be sent to the Commission within one month by the District Authorities. (**Action Department of Tribal Welfare Govt of Karnataka/ State ST Corpn**).



Dr.Rameshwar Oraon, Hon'ble Chairperson, NCST and Shri Ashok Pai, Joint Secretary, NCST with MD, KSTFDC and other officer of Tribal Welfare Department, Govt. of Karnataka

H105 In addition to the action to be taken by the Department of Tribal Welfare Govt .of Karnataka on the issues listed herein above, Commission noted that intervention of the following is required ;

- a) Ministry of Tribal Affairs in implementation of FRA,
- b) NSTFDC in creating awareness of their programmes and for providing financial assistance for Income Generating Activities and grant for skill development programmes and
- c) TRIFED in assisting in marketing tie ups of the produce /products of tribals for their overall development.

(I) ODISHA - Report on the visit of National Commission for Scheduled Tribes (NCST) to State of Odisha from 12.7.2016 to 14.7.2016 for investigation into the incident of death of five persons including tribals during firing by state police in anti-naxal operations in Balliguda Block of Kandhamal district.

I1 The Commission took cognizance of newspaper reports regarding killing of six tribals in Kandhamal District. In this regard, Commission vide communication no. CP/NCST/2016/ODISHA/6 dated 11.7.2016 requested the District Collector and Superintendent of Police, Kandhamal District to submit a brief report to the Commission on the subject, the same is awaited.

I2 A team of the Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST accompanied by Shri Anil Kumar Agarwal, Secretary, NCST and Shri R. K. Dubey, Assistant Director, NCST visited Bhubaneswar and Kandhamal Districts from 12.7.2016 to 14.7.2016 for investigation of the above incident reported in media.,

Commissioner cum Secretary ST and SC Development Department, Government of Odisha also accompanied the team during the visit.

13 During the visit, the team met and discussed about the circumstances in which the incident took place with District Collector and S.P, Kandhamal and IGP of the Division at Phulbani, District headquarter of Kandhamal District. The team went to Balliguda to meet the family members of the deceased and some injured persons to know their version of the incident. After returning to State headquarter, the team held a meeting with Chief Secretary, Principal Secretary (Home) and other senior officers of the State Govt. about the incident and further course of action proposed to be taken by the State Govt.

Discussion with District Authorities on 13.7.2016

14 The Commission discussed about the incident with District Authorities on 13.7.2016 in detail. S.P, Kandhamal District informed that on 8.7.2016 noon at about 9.30 PM, while an anti-naxal operation was going on by Special Assault Team No. 58 of Special Operation Group (SOG) in Gumudumaha forest under Balluguda PS of Kandhamal District. The team leader has reported that there was exchange of fire between a group of outfit of CPI (Maoist) and police personnel. During exchange of fire, one auto rickshaw came in between while travelling on the kuchcha road and got stuck in the wet mud. As a result, the passengers got caught in the exchange of fire. Due to this, 9 persons in auto sustained bullet injuries. Five of them died subsequently. Four others are being treated in the hospitals. Three sustained minor injuries.+

15 The District Collector, Kandhamal informed that the Hon^{ble} Chief Minister, Odisha has declared a compensation of Rs. 5 Lakhs to the family members of the deceased which has been paid to them. As the deceased and the injured are very poor and belongs to SC & ST category, additional amount of Rs. 2 Lakhs have also been paid to the next of kins of deceased along with others relief measures. An amount of Rs. 50,000/- is being provided to the injured to meet their immediate requirements. They are being treated free of cost in Govt. hospitals.

Meeting with family members of the deceased and injured persons on 14.7.2016

16 In Balliguda, the Commission met the family members of the deceased, some injured persons and witnesses of the incident including the auto driver. They included Shri Petranga Mallick, Shri Dapala Mallick, Shri Dulara Diggal, Shri Midilai Mallick, Ms. Sangita Mallick, Ms. Kimari Mallick, Shri Sahalu Mallick and Shri Jahon Majhi (auto driver). Shri Ashok Sahu Ex IPS and Shri Prakash Majhi Ex. Member of Parliament were also present during the interaction.

17 The family members of the deceased, injured persons and witnesses informed that the villagers had hired an auto rickshaw form their village Gumudumaha (under Parampanga Gram Panchayat) for Balliguda to withdraw the amount of wages earned by them under MGNREGS from banks and for purchasing items of their daily needs. Village Gumudumaha is 35 Kms away from Balliguda and is having 45 families there is no other bank in the nearby area. They reached Balliguda at around 11.00 AM and after withdrawing the money, they purchased the items of daily need. They started for

return journey around 5.30 PM and it was raining at that time. They reached at a culvert near Gumudumaha forest area. As it was a kuchcha road, the soil of the road had eroded and the level of the culvert was much higher than the road. They had to stop for putting some soil to make it convenient for the auto to move ahead. After an effort of 5-10 minutes, they succeeded and the auto rickshaw was started. In the meantime, some women had crossed the culvert and started moving upwards on the mountainous road. After moving some distance, the auto rickshaw driver stopped and asked these women to board the auto rickshaw. Some men travelling in the auto rickshaw got down to facilitate these women to board the auto rickshaw. When they were sitting, all of a sudden firing was started by the police personnel. They shouted that we are not Maoists and don't fire but the firing continued for about 15 minutes resulting in death of five persons and injuries to many others. Throughout the night, the deceased and injured were there at the place of incident. Some of the passengers went to the village and returned with the villagers. The police came in the morning for collecting the fired bullet cartridges. The dead bodies were taken for post mortem and the injured were shifted to the hospitals at about 11.00 AM in the morning. The behavior of police personnel was also not good and they threatened and abused the family members of the deceased and the injured.

18 The Commission specifically asked them about the movement of Maoists in their village but they denied having seen them ever. They also denied that there was any sound like that of firing at the place of incident before the police started firing at them. Public leaders Shri Ashok Sahu and Shri Prakash Majhi also stressed that there was no cross firing at the place of incident and the police had opened fire on the villagers without any provocation.

Meeting with Chief Secretary and other senior officers of the State Government on 14.7.2016.

19 The Commission met Chief Secretary, Principal Secretary (Home), Director General of Police and other senior officers of Govt. of Odisha and discussed about the action taken by the State Government for investigation of the incident and providing relief to the family members of the deceased. The Commission described the incident as very unfortunate in which innocent villagers including some tribals had to lose their life and some others became injured.

Officials of the State Govt. informed the Commission of the following:

110 Action taken and implemented by the State Government:

- (a) The State Govt. has constituted a SIT for inquiry of the firing incident.
- (b) Compensation of Rs. 5.00 Lakhs has been provided to each of the family members of the five deceased from Chief Minister relief fund. In addition of Rs. 2.00 Lakhs has also been provided to them as assistance. And amount of Rs. 50,000/- has been paid to four injured persons .
- (c) Injured persons are being treated in the Government hospitals free of cost.

I11 Action promised/ announced by the State Government:

The Commission was informed that as a relief measure, the authorities have decided to provide Biju Pakka Ghar (IAY) to 7 victims costing Rs. 1,30,000 each. Widow pension shall be provided to one eligible victim at the rate of Rs. 300 per month. She will also be provided onetime payment of Rs. 20,000/- under National Family Benefit Schemes.

I12 Observation/ findings/ recommendations of the Commission

1. The State Govt. has constituted SIT for inquiry into the circumstances which led to the unfortunate incident. It has been decided to hold a judicial inquiry of the incident. Both of them should be completed within a time limit of **3 months** to ensure credibility of inquiry and faith of people in justice.
2. The compensation declared so far is not adequate keeping in view the loss suffered by the family of the deceased which should be over and above the norms prescribed by NHRC in such cases. The State Govt. should suitably increase the same.
3. The State Govt. should provide regular employment to the eligible family members of the victims in Govt. run hostels as cook and Anganwadi workers as promised and declared before NCST.
4. The Road connectivity to the village is very poor and presently there is a kuchcha road. The hilly terrane makes the connectivity very difficult during the monsoons. Pucca road should be made from the highway end to the village.
5. There is no electricity in the village Gumudumaha. The village should be electrified at the earliest.
6. Medical facilities are inadequate and it is recommended that Medical Mobile Van should be provided so that villagers have the first aid facilities at their door steps.
7. There is no adequate facility for Drinking water and steps should be taken by the State Government in this regard.
8. There are no Teachers posted in the local Govt. Schools of the village. The State Govt. assured that all vacant positions would be filled shortly.
9. Auto rickshaw damaged during cross firing should be got repaired by the State Govt. at its cost and returned the same to the owner for operating the same to ensure the livelihood of the owner is not disturbed.
10. Considering the action taken by the police force, Commission feels that circumstances did not warrant police firing hence, the police force involved requires sensitization and it may perhaps require psychiatric test.
11. Tribal Sub Plan- Commission suggested the State Govt. may consider to follow the pattern of TSP model in vogue in the State of Maharashtra and other many tribal dominated States.

I13 The Commission desired to know about the incident from S.P, Kandhamal District who informed that on 8.7.2016 noon, there was an intelligence input about movement of a naxali group on the Kalahandi- Kandhamal border near Basma village which was coming for purchasing ration. A team of Special Operation Group left for the place at about 3.30 PM and after reaching Gumudumaha forest under Balliguda PS, they took position near the culvert and became ready for ambush. It is a mountainous

area and it was raining at that time. Team leader of Special Assault Team No-58 of SOG has reported that there was exchange of fire between a group of banned outfit of CPI (Maoist) and police personnel. During exchange of fire, one auto rickshaw came in between while travelling on the kuchcha road and got stuck in the wet mud. As a result, the passengers got caught in the exchange of fire. Due to this, some persons travelling in the auto rickshaw sustained bullet injuries. SP was informed about the casualties in mid night. A reinforcement team of police personnel was sent to the place from Balliguda in night. The police reached the place and it was seen that nine persons had sustained bullet injuries. In this incident five persons had died, four others are being treated at hospital. Three sustained minor injuries. Total 37 rounds were fired by police. There was agitation from the villagers and they were not allowing the police to bring the bodies of the deceased. The mob was violent and District Collector and S.P had to pursue them to let the police bring the bodies for post mortem. After post mortem, the bodies were cremated. The Hon'ble Chief Minister, Odisha has declared a compensation of Rs. 5 Lakhs to the family members of the deceased which has been paid to them. As the deceased and the injured are very poor and belongs to SC & ST category, additional amount of Rs. 2 Lakhs have also been paid to the next of kins of deceased along with others relief measures. An amount of Rs. 50,000 is being provided to the injured to meet their immediate requirements. They are being treated free of cost in Govt. hospitals.

(J) रांची - हैवी इंजीनियरिंग कॉर्पोरेशन लि. (एच.ई.सी.एल.), हटिया, रांची की स्थापना हेतु विस्थापित किये गये परिवारों की स्थिति के अवलोकन हेतु डॉ. रामेश्वर उराँव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली के दिनांक 10-09-2016 एवं 11-09-2016 को रांची जिले के विस्थापित ग्रामों के दौरे एवं दिनांक 12.09.2016 को एच. ई.सी.एल. प्रबंधन व जिले के संबंधित अधिकारियों के साथ बैठक की रिपोर्ट।

J1 डॉ. रामेश्वर उराँव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली ने दिनांक 10-09-2016 एवं 11-09-2016 को एच.ई.सी.एल., हटिया, रांची की स्थापना हेतु विस्थापित किये गये परिवारों की स्थिति के अवलोकन हेतु रांची जिले के पुनर्वास ग्रामों का दौरा किया। दौरे में श्री आर.के. दुबे तथा श्री एन.एम. त्रिपाठी सहायक निदेशक भी उनके साथ थे। आयोग मुख्यालय ने इस संबंध में अपने बेतार संदेश संख्या RO/17/2016/STGJH/SEOTH/RU-III दिनांक 06-09-2016 के द्वारा झारखंड राज्य के मुख्य सचिव, सचिव, अनुसूचित जनजाति कल्याण विभाग, उपायुक्त, रांची, अध्यक्ष-सह-प्रबंध निदेशक, एच.ई.सी.एल., हटिया, रांची तथा विस्थापित परिवारों के प्रतिनिधियों को दौरे की सूचना दी थी और संबंधित अधिकारियों को पुनर्वास ग्रामों में उपस्थित रहने का निर्देश दिया था।

J2 आयोग के दल ने दिनांक 10-09-2016 को नया सराय, आनी तथा लाबेद ग्रामों का दौरा किया और अगले दिन सतरंजी, लालखटंगा, पुगडू-बेरमात एवं नया नचियातू, ग्राम-चेटे में ग्रामवासियों से मूल ग्राम से विस्थापन के बाद पुनर्वास ग्रामों में उन्हें प्रदान की गई सुविधाओं के संबंध में विस्तारपूर्वक चर्चा की तथा उनकी जीवन दशा का अवलोकन किया। ग्रामवासियों में अधिकांशतः अनुसूचित जनजाति के विस्थापित थे।



एच.ई.सी.एल. विस्थापित नया सराय के ग्रामवासियों से चर्चा करते हुए डॉ. रामेश्वर उरांव, अध्यक्ष, रा ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली।



एच.ई.सी.एल. विस्थापित नचियातु के ग्रामवासियों से चर्चा करते हुए डॉ. रामेश्वर उरांव, अध्यक्ष, रा ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली।

J3 विस्थापित ग्रामवासियों ने आयोग को निम्नलिखित जानकारियां दी और समस्याओं से अवगत कराया:—

1. एच.ई.सी.एल. की स्थापना हेतु भूमि का अधिग्रहण वर्ष 1957-58 से 1959-60 तक तत्कालीन बिहार सरकार द्वारा किया गया था। इस कम्पनी की स्थापना वर्ष 1964 में हुई। Deed of conveyance वर्ष 1996 में किया गया। विस्थापितों को मुआवजे के रूप में रुपये 3200/-से रुपये 4200/- प्रति एकड़ राशि का भुगतान किया गया है। यह फसल हेतु क्षतिपूर्ति थी या भूमि की एवज में दी गई राशि थी, यह स्पष्ट नहीं है। उन्हें मकान, पेड़ पौधों, कुओं आदि की कोई क्षतिपूर्ति नहीं मिली।
2. विस्थापितों को उनके मूल गांव के ही नाम के पुनर्वास स्थलों पर बसने के लिए 10 से 20 डेसिमल भूमि प्रति परिवार उपलब्ध कराई गई जिसके लिए उन्हें 368/- रुपये सरकार के पास जमा

कराना पड़ा। उन्हें जमीन के एवज में जमीन नहीं दी गई। उन्होंने उक्त भूमि पर मकान भी अपने व्यय पर बनाया है। 60 वर्ष से अधिक समय बीत जाने पर भी उन्हें आज तक भूमि का मालिकाना हक नहीं दिया गया है क्योंकि रजिस्टर-2 में नाम दर्ज नहीं हुआ है। रसीद न काटे जाने के कारण विभिन्न योजनाओं के लाभ से वे वंचित हैं और उन्हें भारी परेशानियों का सामना करना पड़ रहा है। परिवार में बढ़ोतरी के कारण कई सदस्य वयस्क हो गए हैं और बाल-बच्चेदार होने के कारण उन्हें घर बनाने के लिए पुनर्वास स्थलों पर दी गई पर 10 से 20 डेसिमल भूमि कम पड़ रही है तथा जमीन के मालिकाना हक के कागजात नहीं होने के कारण उन्हें जाति प्रमाण पत्र, आय प्रमाण पत्र, मूल निवासी प्रमाण पत्र प्राप्त करने में दिक्कत हो रही है। साथ ही अनुसूचित जनजातियों के विकास हेतु चलाई जा रही विभिन्न सरकारी योजनाओं के लाभ जैसे सामाजिक सुरक्षा-वृद्धावस्था, विधवा पेंशन आदि से भी वे वंचित हैं क्योंकि बहुत से लोगों के पास विस्थापित प्रमाण पत्र भी नहीं है।

3. एच.ई.सी.एल. द्वारा भूमि अधिग्रहण करते समय आदर्श ग्राम विकसित करने का वादा किया गया था पर एक भी ग्राम आदर्श ग्राम नहीं बनाया गया।
4. एच.ई.सी.एल. द्वारा सभी विस्थापितों के परिवार के 1 सदस्य को नौकरी दी जानी थी पर बहुत से परिवारों में किसी भी सदस्य को नौकरी नहीं दी गई। कुछ परिवारों के एक सदस्य को नौकरी दी गई थी किंतु उनकी सेवानिवृत्ति के बाद किसी अन्य परिजन को नौकरी नहीं मिली जबकि परिवार बढ़ चुका था और एच.ई.सी.एल. की स्थापना के लिए उसकी पूरी जमीन ली जा चुकी थी। एच.ई.सी.एल. द्वारा जिन विस्थापितों के परिवार के एक सदस्य को नौकरी दी गई थी, उनका सेवा काल में देहांत होने पर परिवार किसी अन्य सदस्य को भी नौकरी नहीं दी गई।
5. विस्थापितों को जिन ग्रामों में बसाया गया है वहाँ उन्हें रहने के लिए बुनियादी सुविधाएँ प्रदान नहीं की गई हैं। कुछ ग्रामों में प्राथमिक विद्यालय हैं किंतु माध्यमिक तथा उससे उच्चतर विद्यालयों में अध्ययन के लिए बच्चों को कई किलोमीटर दूर स्थित विद्यालयों/कॉलेजों में जाना पड़ता है। पुनर्वास ग्रामों में सड़क, बिजली और पानी की पर्याप्त व्यवस्था नहीं की गई है। कई आदिवासी परिवारों को भूमिहीन हो जाने के बावजूद बी.पी.एल राशन कार्ड नहीं दिया गया। कई पुनर्वास ग्रामों में स्वास्थ्य सुविधाएँ भी उपलब्ध नहीं हैं और जिन ग्रामों में उपलब्ध भी हैं, वहाँ चिकित्सकों, पैरा.मेडिकल स्टाफ एवं दवाइयों की कमी है। सभी पुनर्वास ग्रामों में शौचालय भी नहीं बनवाए गए हैं तथा लोग शौच के लिए खेतों में जाते हैं।
6. विस्थापितों ने आयोग को जानकारी दी कि कौशल विकास एवं रोजगार देने हेतु स्थापित CTA/ITA में विस्थापितों के परिजनों को प्रवेश नहीं मिल पा रहा है। जिन सदस्यों ने CTA/ITA में प्रशिक्षण लिया, वे भी बेरोजगार हैं या ठेकेदार के साथ काम कर रहे हैं। CTA/ITA में प्रवेश पाने के लिए 60 प्रतिशत अंकों की अनिवार्यता के कारण विस्थापितों के लिए प्रवेश पाना बहुत कठिन हो जाता है तथा उन्हें अंकों में कोई छूट भी नहीं मिलती है जबकि उन्होंने एच.ई.सी.एल. के लिए अपनी जमीन दी है और अधिकांश विस्थापित अनुसूचित जनजाति के भी हैं। अतः विस्थापितों के परिजनों हेतु CTA/ITA में प्रवेश पाने के लिए अंकों में छूट और आरक्षण दिया जाना चाहिए।
7. एच.ई.सी.एल. द्वारा पूर्व में विस्थापितों की समस्याओं की सुनवाई हेतु लायजन सेल कार्यरत था जिसे बाद के वर्षों में बंद कर दिया गया। अतः उनकी समस्याओं की सुनवाई हेतु कोई शिकायत निवारण व्यवस्था उपलब्ध नहीं है। अतः एच.ई.सी.एल. को बंद किए गए लायजन सेल को फिर से प्रारम्भ करना चाहिए।
8. अपने मूल ग्राम से विस्थापित लोगों, विशेषकर आदिवासियों और अल्पसंख्यकों के धार्मिक, सामाजिक व सांस्कृतिक स्थानों को संरक्षण किया जाना चाहिए। जैसे सरना, मसना, कब्रिस्तान, खेल-कूद स्थल, नृत्य स्थल (अखाड़ा) आदि का सीमांकन कर घेराबंदी की जानी चाहिए तथा वहाँ तक आने-जाने पर रोक न लगाई जाए।

9. ग्राम लाबेद में एच.ई.सी.एल. एवं हटिया डैम बनाने के लिए पी.एच.डी. के लिए 30.89 एकड़, एच.ई.सी. टाउनशिप के लिए 72.37 एकड़ तथा सी.आर.पी.एफ कैम्प के लिए 101.26 एकड़ कुल रकबा 204.52 एकड़ भूमि अर्जित किया जाना बताया गया है जबकि मौजे का कुल रकबा 342.20 एकड़ भूमि है। शेष भूमि की मालगुजारी अंचल पदाधिकारी द्वारा नहीं काटी जा रही है तथा वे इस भूमि को एच.ई.सी.एल. का बताते हैं और आदिवासी रैयतों से अनापत्ति प्रमाण पत्र मांगते हैं। ग्रामवासियों को अधिग्रहण की जानकारी नहीं है। इस प्रकार Land acquisition किए बिना टाउनशिप, पी.एच.डी. एवं CRPF को भूमि आवंटन किया गया है। उन्हें कोई मुआवजा नहीं दिया गया है। वे गांव में ही रह रहे हैं। यदि उनकी भूमि अधिग्रहित की गई है/की जा रही है तो उन्हें नई दर से मुआवजा दिया जाए। सी.आर.पी.एफ द्वारा उन्हें दी गई जमीन की घेराबंदी कर ली गई है तथा उन्होंने ज्यादा भूमि घेर ली है। गांव में पक्की सड़क भी नहीं है और सी.आर.पी.एफ. उन्हें अपने धार्मिक स्थलों पर जाने भी नहीं देती।
10. एच.ई.सी.एल. द्वारा Deed of conveyance से इतर प्रयोजनों के लिए अधिग्रहित भूमि को विभिन्न संस्थाओं को Sub-lease दिया गया है जो कि नियम के खिलाफ है। कम्पनी द्वारा इसके एवज में काफी मूल्य लिया जा रहा है। अतः अतिरिक्त भूमि को मूल मालिकों को वापस किया जाना चाहिए।
11. पुनर्वास ग्राम नचियातू में विस्थापितों को वन भूमि पर बसाया गया है। उन्हें भूमि का आवंटन पत्र नहीं दिया गया है। वन अधिकार अधिनियम के तहत उन्हें उनके आधिपत्य की पूरी भूमि का अधिकार पत्र दिया जाना चाहिए न कि सिर्फ उतनी भूमि का, जितने पर उनका मकान बना है।
12. नियमानुसार यदि भूमि का उस प्रयोजन के लिए उपयोग नहीं किया गया है जिसके लिए भू-अर्जन किया गया था तो पांच वर्षों बाद भूमि मूल भूमि स्वामी को वापस की जानी चाहिए थी किंतु एच.ई.सी.एल. के मामले में ऐसा नहीं किया गया है। अतः विस्थापितों को भूमि वापस की जानी चाहिए।

एच.ई.सी.एल., हटिया, रांची के प्रबंधन के साथ विस्थापितों की समस्याओं के संबंध में चर्चा।

J4 दिनांक 12-09-2016 को प्रातः 11:00 बजे डॉ. रामेश्वर उरांव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली ने एच.ई.सी.एल. में श्री अविजित घोष, अध्यक्ष, सह प्रबंध निदेशक तथा अन्य वरिष्ठ अधिकारियों के साथ विस्थापितों की विभिन्न समस्याओं के संबंध में विस्तारपूर्वक चर्चा की। बैठक में जिला प्रशासन की ओर से श्री अर्जुन मांझी, जिला कल्याण अधिकारी, रांची, श्री अंजनी कुमार मिश्रा, अतिरिक्त कलेक्टर, रांची और श्री सौरभ प्रसाद, जिला भू-अर्जन अधिकारी, रांची भी उपस्थित थे। विस्थापितों के प्रतिनिधियों ने भी बैठक में भाग लिया। बैठक में सर्वप्रथम एच.ई.सी.एल. की ओर से द्वितीय पंचवर्षीय योजना में कम्पनी की स्थापना, भू-अर्जन तथा पुनर्वास के बारे में संक्षेप में जानकारी दी गई। वर्तमान में कम्पनी की कमजोर वित्तीय स्थिति तथा सी.एस.आर. के तहत चल रहे कार्यों से अवगत कराया गया। आयोग के माननीय अध्यक्ष ने कहा कि विस्थापितों की देखभाल एच.ई.सी.एल. की जिम्मेदारी है तथा उन्हें पुनर्वास ग्रामों में शिक्षा, पानी, बिजली, सड़क, स्वास्थ्य सुविधाएं आदि उपलब्ध कराई जानी चाहिए। उन्होंने कहा कि आदर्श स्थिति में जिस परियोजना के लिए भू-अर्जन किया गया है, उसे विस्थापितों को नौकरी, फसल, जमीन और मकान का मुआवजा, रियायती दर पर बुनियादी सुविधाएं आदि उपलब्ध कराना चाहिए जैसा कि राउरकेला स्टील प्लांट की स्थापना में किया गया है।



एच.ई.सी.एल. प्रबंधन से चर्चा करते हुए डॉ. रामेश्वर उरांव, अध्यक्ष, रा द्वीय अनुसूचित जनजाति आयोग, नई दिल्ली।

J5 बैठक में विस्थापितों की सभी समस्याओं पर विस्तार से चर्चा के बाद माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग ने एच.ई.सी.एल. प्रबंधन से निम्नलिखित बिंदुओं पर शीघ्र कार्रवाई करने का निर्देश दिया जिस पर प्रबंधन ने भी सहमति प्रकट की:

1. विस्थापितों की समस्याओं के समाधान के लिए एच.ई.सी.एल. प्रबंधन द्वारा पूर्व की भांति लायजन् सेल स्थापित किया जाएगा। यह सेल पुनर्वास ग्रामों में रहने वाले लोगों की समस्याओं के निवारण के लिए कार्य करेगा।
2. सी.एस.आर. के तहत चल रहे कार्यों में विस्थापितों की आवश्यकताओं को प्राथमिकता दी जाएगी। इसके तहत चलने वाले नर्सिंग पाठ्यक्रमों में विस्थापितों के आश्रितों को प्रशिक्षण में प्राथमिकता दी जाएगी।
3. एच.ई.सी.एल. ट्रेनिंग इंस्टीट्यूट (CTI/ITI) में प्रवेश हेतु विस्थापितों के आश्रितों के लिए अलग से आरक्षण करेगा जिसमें 60 प्रतिशत अंकों की आवश्यकता नहीं रहेगी ताकि इस श्रेणी के पात्र लोग कौशल विकास के माध्यम से नौकरी प्राप्त कर सकें अथवा स्वरोजगार कर सकें।
4. एच.ई.सी.एल. द्वारा 18 सरकारी और निजी शिक्षण संस्थानों को स्कूल/कॉलेज खोलने हेतु लीज पर भूमि दी गई है, उन संस्थानों में विस्थापितों के आश्रितों के लिए सीटें आरक्षित रखी जाएंगी तथा एच.ई.सी.एल. प्रबंधन शीघ्र ही संबंधित प्राचार्यों के साथ बैठक करके यह सुनिश्चित करेगा कि उन्हें प्रवेश से वंचित न किया जाए।
5. ग्राम लाबेद में यदि भू-अर्जन किया गया है तो उपलब्ध रिकार्ड के आधार पर पारदर्शिता हेतु ग्रामवासियों को जानकारी सार्वजनिक की जाए। यह भी स्पष्ट किया जाए कि सी.आर.पी.एफ कैम्प और पी.एच.डी. के लिए कितनी भूमि दी गई है और कितनी भूमि अर्जित नहीं की गई है। विस्थापितों, विशेषकर अनुसूचित जनजाति के लोगों के धार्मिक, सामाजिक व सांस्कृतिक स्थानों को संरक्षण किया जाएगा। जैसे सरना, मसना, कब्रिस्तान, खेल-कूद स्थल, नृत्य स्थल (अखाड़ा) आदि का सीमांकन कर घेराबंदी की जाएगी तथा वहाँ तक आने-जाने पर रोक नहीं लगाई जाएगी।
6. पुनर्वास ग्रामों में सड़क, बिजली तथा पेय जल प्रदान करने के लिए शीघ्र कदम उठाए जाएंगे।
7. एच.ई.सी.एल. द्वारा महिंद्रा, डेयरी आदि को लीज पर भूमि आवंटित की गई है किंतु उनके द्वारा विस्थापितों को नौकरी पर नहीं रखा जाता है। एच.ई.सी.एल. संबंधित फर्मों के मालिकों से चर्चा के बाद यह सुनिश्चित करेगा कि कुछ प्रतिशत नौकरियां विस्थापितों के आश्रितों को भी दी जाएं।

J6 बैठक में माननीय अध्यक्ष महोदय ने झारखण्ड सरकार से विस्थापितों के पुनर्वास से जुड़ी समस्याओं के समाधान के लिए निम्नानुसार कार्रवाई किए जाने की सलाह दी:

1. रांची जिले के भू-अर्जन अधिकारी सभी ग्रामों के विस्थापितों के नाम, अर्जित की गई भूमि के रकबे तथा उन्हें दिए गए मुआवजे का डाटाबेस (**database**) तैयार कर सार्वजनिक करेंगे ताकि विस्थापित तथा उनके आश्रित परिजन दस्तावेजों के अभाव में वंचित न हों। जिन विस्थापितों के पास पुनर्वास ग्राम में आवंटित भूमि के दस्तावेज नहीं हैं, खो गए हैं या नष्ट हो गए हैं, उन्हें लिखित आवेदन पर दस्तावेज प्रदान किए जाएंगे।
2. सभी संबंधित अंचल अधिकारी माह अक्टूबर, 2016 की समाप्ति से पूर्व सभी पुनर्वास ग्रामों में कैम्प लगाएंगे और रजिस्टर-2 में संबंधित विस्थापित और उनके परिजनों का नाम दर्ज करेंगे और रसीद काटेंगे।
3. उक्त कैम्प में सामाजिक सुरक्षा की विभिन्न योजनाओं का लाभ पहुंचाने के लिए भी व्यवस्था की जाएगी ताकि पात्रतानुसार वृद्धावस्था, निराश्रित, विधवा पेंशन आदि योजनाओं का लाभ पहुंचाया जा सके।
4. नचियातु, तिरिल और अन्य ग्रामों में वन भूमि पर बसाए गए विस्थापितों को वन अधिकार अधिनियम के प्रावधानों के तहत अधिकार पत्र दिए जाएं। इसके लिए जागरूकता अभियान चलाया जाए और प्राप्त दावों के परीक्षण के बाद व्यक्तिगत तथा सामुदायिक दावे मान्य किए जाएं।
5. शासकीय योजनाओं के तहत पेय जल, सड़कों तथा शौचालयों का निर्माण कराया जाए। नया सराय में हाई स्कूल न होने के कारण बच्चों को पढ़ाई में समस्या होती है। अतः वहां हाई स्कूल बनाया जाए।
6. ग्राम लाबेद में भू-अर्जन के संबंध में स्थिति स्पष्ट की जाएगी कि वहां भू-अर्जन किया गया है या नहीं और यदि किया गया है तो कब और कितनी भूमि ली गई है। साथ ही किन व्यक्तियों की भूमि अर्जित की गई है और यदि अब तक नहीं की गई है तो उन्हें नए अधिनियम के अनुसार मुआवजा पाने की पात्रता है। जो भूमि अर्जित नहीं की गई है उसके संबंध में भू-स्वामियों को स्थिति स्पष्ट की जाए क्योंकि अर्जित न की गई भूमि पर एच.ई.सी.एल. अथवा उन संस्थानों का कोई अधिकार नहीं है जिसे एच.ई.सी.एल. ने लीज पर दिया है।

(K) डा. रामेश्वर उराँव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, के दिनांक 25-9-2016 से 28-9-2016 तक इंदौर, धार आलीराजपुर तथा बड़वानी (मध्य प्रदेश) दौरे की रिपोर्ट।

K1 डा. रामेश्वर उराँव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, ने इंदौर, धार आलीराजपुर तथा बड़वानी (मध्य प्रदेश) का दौरा किया। दौरे में उनके साथ श्रीमती के.डी. बंसोर, निदेशक, क्षेत्रीय कार्यालय, भोपाल में पदस्थ सुश्री दीपिका खन्ना, अनुसंधान अधिकारी, तथा श्री प्रकाश पाटिल गए। साथ ही श्री जी.एस. नेताम, अपर आयुक्त, आयुक्त आदिवासी विकास विभाग, भोपाल ने दिनांक 25-9-2016 से 28-9-2016 तक इंदौर, धार आलीराजपुर तथा बड़वानी (मध्य प्रदेश) का दौरा किया। आयोग ने धार, आलीराजपुर तथा बड़वानी में सरदार सरोवर बाँध की डूब क्षेत्र से प्रभावित हुए अनुसूचित जनजातियों के विस्थापन, भूमि अधिग्रहण एवं राहत तथा पुनर्वास से प्रभावित/विस्थापित परिवारों की वर्तमान जीवन स्थिति को देखना था।

आयोग के दौरे का विषय:-

K2 31 अगस्त 2016 को सुश्री मेधा पाटकर, नर्मदा बचाओ आंदोलन द्वारा आयोग को पत्र भेजा। जिसमें उन्होंने आरोप लगाया कि विगत 31 वर्षों से न्याय के लिए लड़ते आ रहे सरदार सरोवर बांध के डूब प्रभावित आदिवासियों की समस्याओं के बारे में आयोग को अवगत कराया। आलीराजपुर, बड़वानी, धार और खरगौन जिलों में बसे अनुसूचित जनजाति को आज तक पूर्ण रूप से पुनर्स्थापित नहीं किया गया है तथा इन परिवारों की जीवन स्थिति जहां की तहां बनी हुई है। पत्र के मुख्य बिन्दु निम्नानुसार हैं:-

- मध्य प्रदेश में मात्र 50 परिवारों को आज तक भूमि दी गई है।
- नर्मदा जल विवाद अवार्ड (एनडब्ल्यूएल अवार्ड) सर्वोच्च न्यायालय के निर्णय के विरुद्ध अनुसूचित जनजाति के घर, खेत बिना पुनर्वास डुबाये गये।
- डूब क्षेत्र में आज भी 40,000 से 50,000 परिवार निवासित हैं।
- 1993 से शुरू करते हुए 2004 तक मध्य प्रदेश में भूमि अधिग्रहण हुआ, जिसका उन्हें मुआवजा कई वर्षों बाद मिला।
- 18 साल की उम्र के वयस्क पुत्रों को भू-अधिग्रहण के समय अवयस्क मानते हुए भूमि से वंचित होना पड़ा। उन्हें वर्ष 2013 के नये भूमि अधिग्रहण कानून की धारा 24.2 के तहत मालिकाना हक मिले।
- माननीय न्यायालय झा आयोग की रिपोर्ट के अनुसार 1589 फर्जी विक्रय पत्र पाये गये।
- इस रिपोर्ट के अनुसार पुनर्वास स्थलों पर भ्रष्टाचार हुआ है जिसके लिए अधिकारी एवं दलाल दोषी हैं। किन्तु मध्य प्रदेश शासन आयोग की रिपोर्ट के विरुद्ध क्रेता-विक्रेता एवं दलालों के विरुद्ध अपराधिक प्रकरण दर्ज करने जा रहा है।



डॉ. रामेश्वर उरॉव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग पुनर्वासित गांव अवल्दा जिला बड़वानी का दौरा करते हुए

सरदार सरोवर परियोजना का उद्देश्य तथा मूल समस्या की उत्पत्ति :

K3 सरदार सरोवर परियोजना मूलतः मध्यप्रदेश, गुजरात, महाराष्ट्र एवं राजस्थान राज्य की संयुक्त बहुउद्देशीय परियोजना है। जिसके अंतर्गत नर्मदा नदी पर, गुजरात राज्य के भरुच जिले के ग्राम वडगाम में 138.68 मीटर (455 फिट) ऊँचा बांध बनाया जा रहा है। नर्मदा नदी पर 30 बड़े बांध बनाये जा रहे हैं, जिसमें सरदार सरोवर परियोजना एक है। यह परियोजना आधुनिक भारत की एक महत्वपूर्ण परियोजना

मानी जाती है। इस परियोजना की संकल्पना 1946 में की गई थी। 1961 में इसकी नींव रखी गई थी। इस परियोजना की शुरुआत से ही चार राज्यों की बीच (म.प्र., महाराष्ट्र, गुजरात एवं राजस्थान) विवाद रहा। जिसके कारण 1969 में नर्मदा जल विवाद न्यायधिकरण का गठन हुआ। इस न्यायधिकरण ने बांध से विस्थापित होने वाले परिवारों के लिए सिंचित और अति उपजाऊ जमीन, घर-प्लॉट, मूलभूत सुविधाओं युक्त पुनर्वास स्थल तथा जीविकोपार्जन हेतु वैकल्पिक रोजगार के साधन हेतु नीति व योजना भी बनाई थी।

K4 इस बांध से बड़े पैमाने पर सामाजिक, मानवीय व पर्यावरणीय प्रभावों के आंकलन व निगरानी हेतु नर्मदा घाटी विकास प्राधिकरण की स्थापना भी की गई। इस संदर्भ में नर्मदा जल न्यायधिकरण अवार्ड धारा IV (6) (ii), (7), IV (2) (iii) (V) विस्थापितों के पुनर्वास हेतु मापदण्ड दिये गये हैं।

K5 इस परियोजना से 1450 मेगावाट विद्युत उत्पादन होगा एवं उत्पादित विद्युत की 56 प्रतिशत बिजली म.प्र को प्राप्त होगी और महाराष्ट्र को 27 प्रतिशत प्राप्त होगी। परियोजना से गुजरात एवं राजस्थान को सिंचाई एवं अन्य कार्य हेतु जल उपलब्ध कराया जायेगा, परन्तु म.प्र. एवं महाराष्ट्र को परियोजना से सिंचाई एवं कार्य हेतु पानी नहीं मिलेगा।

परियोजना संबंधी सांख्यिकी:-

(मध्य प्रदेश के संबंध)

K6 सरदार सरोवर परियोजना से मध्य प्रदेश में डूब के प्रभाव के संदर्भ में मूलभूत सांख्यिकी निम्नानुसार है:-

1.	डूब से प्रभावित भूमि	
	निजी भूमि	8246 हे.
	वन भूमि	2731 हे.
	शासकीय भूमि	16873 हे.
	कुल	27850 हे.
2.	विस्थापित परिवारों की संख्या	
	121.92 मीटर (वर्तमान ऊंचाई) से प्रभावित विस्थापित परिवार	24421 (177 गाँव)
	138.68 मीटर (द्वितीय चरण) से प्रभावित विस्थापित परिवार	38023 (192 गाँव)
	138.68 मीटर (संशोधित बैकवाटर) से प्रभावित विस्थापित परिवार	22077 (176 गाँव) आलीराजपुर-26 गाँव, 2152-अनु.ज.जा. परिवार धार-76 गाँव, 2546-अनु.ज.जा. परिवार बड़वानी-65 गाँव, 4467-अनु.ज.जा. परिवार खरगौन-9 गाँव, 0-अनु.ज.जा. परिवार

Fact Sheet of Rehabilitation of SSP Oustees in Madhya Pradesh, Maharashtra and Gujarat (*As per Report of Independent Peoples Tribunal of 4 Judges, November 2015)

S. No.	Indicator	Madhya Pradesh	Maharashtra	Gujarat
1.	Total number of villages	192 villages + 01	33 villages	19 villages

	(245) affected	town		
2.	Total land in submergence including 13,385 ha of forest land	20,822 ha	9,590 ha	7,112 ha
3.	Total number of families affected (official figures)	43021 PAFs (reduced to 22701* and **)	4,227 PAFs	4,500 PAFs
4.	Villages affected at 121.92 m height (official figure)	177	33	19
5.	PAFs residing in the submergence area as on today	48,000 families (2,40,000 people)	500 families	200 families
6.	100% Tribal villages	About 70	All 33	All 19
7.	Total PAFs entitled to land (official figures)	13,402 (62 nd Meet of R&R Sub Group)#	4300 (NCA Annual Report 2014-15)	4765 (NCA Annual Report 2014-15)
8.	PAFs actually given land (includes those with problems in land allotment)	35 PAFs	3,600 PAFs	About 10,500 PAFs of M.P., Gujarat and Maharashtra
9.	PAFs yet to be given land (as admitted by NCA)	2345 PAFs (R&R Sub Group letters and NCA Report 2011 . 2015)	620 PAFs (Affidavits before SC) / 791 PAFs (Joint	-----

			Survey-July 14)	
10.	Families yet to be given agricultural land as per entitlement (declared and undeclared) . Assessment of various official records	About 6,000 PAFs	About 1200 to be given 01 or 02 hectares	A few hundred (includes those with less land allotted, bad land and not declared)
11 .	Total no. of R&R sites Built	88	10+1 (partial)	238
12 .	No. of PAFs shifted to R&R Sites	About 3,500 PAFs	3,600 PAFs + Families yet to be given land or declared but not given land.	About 10,500 PAFs of M.P, Gujarat and Maharashtra
13 .	Landless oustees (Official figure)	13,289 PAFs [GoMP Affidavit dt. 11/4/2000]	Hundreds treated as landless due to wrong land records in forest villages	No Govt. surveys
14 .	Orders passed by GRA (with no details of status of compliance)	About 15,000 (since 2000 . till date)	About 3,000	About 1082 (GoG-GRA Report dt. 21/8/2015)

* 15,946 PAFs are claimed to be unaffected by submergence (GoMP Affidavit dt. 17/4/2015) due to the revised back water levels (BWLs), although their properties have been acquired and partial R&R entitlements have been given.

** 4374 PAFs declared as ineligible by NVDA vide letter dt. 29/4/2006. This category includes PAFs who have already been given certain R&R benefits. However, in the subsequent years, GRA has declared a few hundred PAFs as eligible and they have been given R&R benefits.

reduced to 4566 in the subsequent years. this reduction from 13,402 is unexplained in any official records verified by the Tribunal.



डॉ. रामेश्वर उरॉव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग डूब में आए हुए गांव ककराना जिला आलीराजपुर के विस्थापितों से वार्तालाप करते हुए।

परियोजना से जुड़े विवाद:-

K7 सरदार सरोवर परियोजना से प्रभावित विस्थापित परिवारों को नियम/प्रावधानों के अनुसार शासन द्वारा पुनःस्थापित नहीं किये जाने के कारण विस्थापितों द्वारा बांध का विरोध किया जा रहा है। विस्थापितों का यह मानना रहा है कि नर्मदा जल न्यायाधिकरण अवार्ड एवं राज्य शासन की पुनर्वास नीति व सर्वोच्च अदालत के फैसले के आधार पर विस्थापितों की संपत्ति नहीं डूबायी जा सकती है। साथ ही बांध की ऊँचाई बढ़ाई नहीं जा सकती है। पर्यावरणीय शर्तों व कानून के फैसले के बिना बांध की ऊँचाई नहीं बढ़ सकती है। जब-जब अगली ऊँचाई की मंजूरी दी गई तब-तब विस्थापन और डूब बढ़ती गयी। विस्थापितों की ओर से सशक्त संघर्ष, स्थानीय से राष्ट्रीय स्तर तक लम्बे अनशन, रैली, धरना, शासन से संवाद जारी रखा गया। आंदोलन ने पर्यावरणीय और पुनर्वास संबंधित अपने सुझावों के साथ कई रिपोर्टें प्रकाशित की। पिछले कई सालों में विभिन्न जांच दलों ने नर्मदा घाटी में आकर जमीन की हकीकत का जायजा लिया तथा तटस्थ रिपोर्टें प्रस्तुत की। संघर्ष के चलते 1993 में केन्द्र सरकार के पांच सदस्यों के विशेष दल ने भी रिपोर्ट पेश की जिसमें विवाद के कई मुद्दों को सम्मिलित किया गया था। विश्व बैंक ने भी 1990-91 में इस परियोजना को पूरी करने के लिए स्वतंत्र आयोग का गठन किया। विविध विशेषज्ञों वाले इस आयोग की अध्यक्ष युएनडीपी के श्री एफ. ब्रेडफोर्ड मोर्स को बनाया गया था। आयोग की रिपोर्ट के बाद विश्व बैंक ने परियोजना के लिए स्वीकृत वित्तीय सहायता रोक दी थी। विस्थापितों द्वारा उठाये गए विवाद से जुड़े मुद्दे आज भी कायम हैं।

विस्थापितों को वैकल्पिक भूमि के बदले नगद भुगतान किए जाने से उत्पन्न समस्या:—

K8 नर्मदा जल न्यायाधीन अवार्ड एवं मध्य प्रदेश की पुनर्वास नीति में यह प्रावधान है कि जिस विस्थापित परिवार की 25 प्रतिशत से अधिक भूमि डूब प्रभावित होने के आधार पर अर्जित की गई है, उसे अर्जित भूमि के समतुल्य रकबे की वैकल्पिक भूमि जिसकी न्यूनतम सीमा 2.00 हे. एवं अधिकतम सीमा 8.00 हे. होगी, सशुल्क एवं निर्धारित शर्तों के अधीन प्राप्त करने की पात्रता होगी। मध्यप्रदेश की पुनर्वास नीति में वैकल्पिक भूमि, घर-प्लॉट एवं पुनर्वास व आजीविका अनुदान, कानूनन, सभी विस्थापितों को देने का प्रावधान है। सर्वोच्च न्यायालय के हर फैसले ने इन प्रावधानों को पूर्ण क्रियान्वयन करने का आदेश दिया है। इन प्रावधानों की व्याख्या पुनर्वास नीति व कार्य योजना या एक्शन प्लॉन 1993 में दी गई है। इन प्रावधानों के अनुसार हर विस्थापित खातेदार, सहखातेदार विस्थापित परिवार को वैकल्पिक 5 एकड़ सिंचित कृषि भूमि आवंटित करने का प्रावधान है। सर्वोच्च न्यायालय के 15/3/2005 के आदेश अनुसार विस्थापित वयस्क पुत्रों को भी वैकल्पिक कृषि भूमि की पात्रता दी गई। इसके फलस्वरूप, विस्थापितों की संख्या में बढ़ोतरी हुई है जिन्हें कृषि भूमि के साथ-साथ पुनर्वासित करना राज्य की कानूनी जिम्मेदारी है। वैकल्पिक भूमि आवंटन हेतु म.प्र. द्वारा ग्रामों में चरनोई रकबा कम करते हुए लगभग 5000 हेक्टर क्षेत्रफल शासकीय भूमि का एक लैण्ड-बैंक बनाया गया। बहुतांश जमीन कृषि के लिए अयोग्य, अनउपजाऊ व पहाड़ी-पथरीली है। जो कृषि योग्य जमीन है वह अतिक्रमित होने के कारण विस्थापितों को प्राप्त नहीं हुई। कुछ लैण्ड-बैंक की जमीन उपजाऊ थी, वहां पीने का पानी व खेती-सिंचाई के अन्य साधन बनाने पर विस्थापितों ने जमीन स्वीकार कर ली है और अपना जीवनयापन कर रहे हैं।

म.प्र. शासन ने जमीन उपलब्ध न होने का कारण देकर विशेष पुनर्वास अनुदान की योजना बनायी:—

K9 इस योजना में विस्थापितों से जमीन का हक छोड़ने के बाद उन्हें जमीन के बदले नगद राशि देना प्रारंभ किया। 2005 में इस योजना के तहत 5 एकड़ जमीन के बदले 5.58 लाख रु. देना प्रस्तावित किया जो आज तक जारी है। इसके अंतर्गत 50 प्रतिशत राशि प्रथम किश्त के रूप में विस्थापित को देकर जमीन का अधिकार छोड़ने का शपथ-पत्र लेकर उस पैसे से, 5 एकड़ सिंचित जमीन खरीदने की अपेक्षा की जाती है। 5 एकड़ सिंचित जमीन खरीदने का विक्रय पत्र प्रस्तुत करने के बाद दूसरी किश्त की राशि विस्थापित को दी जाती है। 2.79 लाख रु में 5 लाख 58 हजार मूल्य की 5 एकड़ जमीन न खरीद पाने की मजबूरी का लाभ लेकर कुछ व्यक्तियों ने दलाल बन कर विस्थापितों को फंसाया जिससे बड़े पैमाने पर फर्जी विक्रय पत्र बनाए गए। म.प्र. शासन की तरफ से 2009 में 686 विक्रय पत्र फर्जी होना मंजूर किया गया था जिसकी संख्या बढ़ माननीय न्यायाधीश झा आयोग की रिपोर्ट आने के बाद 1,589 हो गई है।

K10 सन् 2006 में तीन केन्द्रीय मंत्रियों के एक दल द्वारा प्रभावित क्षेत्रों का दौरा किया गया और विस्थापितों की सुनवाई के बाद इस दल ने विशेष पुनर्वास अनुदान को तत्काल बंद करने की सिफारिश की थी। सन् 2007 में सुश्री मीरा कुमार, मा. पूर्व मंत्री, सामाजिक न्याय मंत्रालय और पुनर्वास उपदल के अध्यक्ष ने मध्यप्रदेश को निर्देशित किया कि विशेष पुनर्वास अनुदान के कारण संपन्न फर्जी विक्रय में सबसे अधिक मात्रा में अनुसूचित जनजाति के विस्थापित प्रभावित हो रहे हैं। उन्होंने यह भी कहा कि उनके जमीन का हक कानूनी रूप से सुनिश्चित किया जाए।

K11 करीबन 1500 परिवार विशेष पुनर्वास अनुदान की प्रथम किश्त लेने के बाद जमीन नहीं खरीद पाए। शासन उन्हें जमीन खरीदवाने की प्रक्रिया में सहयोग की जगह दबाव बना कर उन्हें द्वितीय किश्त का पैसा लेने को मजबूर कर रहा है तथा सर्वोच्च न्यायालय की मंशा के खिलाफ बिना जमीन खरीदे ही नगद पैसे के आधार पर पुनर्वास होना बता रही है, परन्तु नर्मदा नियंत्रण प्राधिकरण ने अपनी सन् 2012-13 की वार्षिक रिपोर्ट में स्पष्ट लिखा है कि जिन्हें विशेष पुनर्वास अनुदान की प्रथम किश्त के बाद भी जमीन की पात्रता बनती है उन्हें जमीन देना चाहिए।

K12 महाराष्ट्र तथा गुजरात सरकार ने जमीन के बदले जमीन देने की प्रक्रिया चालू रखी। मध्यप्रदेश की राज्य पुनर्वास नीति की धारा 5.1 के अनुसार यदि कोई अनुसूचित जनजाति का विस्थापित परिवार, जमीन के बदले नगद राशि के भुगतान की मांग करेगा तो उसके आवेदन पर कलेक्टर से आदेश प्राप्त करना आवश्यक होगा। कलेक्टर उचित जांच के पश्चात यह प्रमाणित करेंगे की मुआवजे की पूरी राशि एक मुश्त प्रदान किये जाने और जमीन के बदले जमीन न चाहने से संबंधित आवेदन उक्त परिवारों के हितों के विपरित नहीं है। कलेक्टर द्वारा इस प्रकार का प्रमाणीकरण किये जाने के पश्चात ही अनुसूचित जनजाति विस्थापित परिवारों के ऐसे आवेदन पत्र मान्य किये जाएंगे।

K13 विस्थापितों द्वारा निरंतर यह मांग की जा रही है कि उनको अनिवार्यतः भूमि ही दी जावे एवं आवंटित भूमि उसके पसंद अनुसार हो तथा भूमि अतिक्रमण मुक्त एवं सिंचित कृषि भूमि ही दी जाए, जिसके लिये शासन वैकल्पिक भूमि आवंटन हेतु निजी भूमि क्रय कर उपलब्ध कराये। विस्थापित परिवारों में से अब तक 52 परिवारों की लैंडबैंक में से उनकी पसंद की भूमि उपलब्ध कराई जा चुकी है तथा 186 परिवारों को एक तरफा भूमि आवंटित की गई है। इस प्रावधान के सरलीकरण करते हुए भूमि के बदले नगद राशि चाहने वाले परिवारों को अब द्वितीय किशत की राशि प्राप्त करने हेतु रजिस्ट्री प्राप्त करने की अनिवार्यता समाप्त कर दी गई है।

आवासीय भूखण्डों का नगदीकरण किए जाने से उत्पन्न समस्या:-

K14 पुनर्वास प्रावधानों के अंतर्गत प्रत्येक विस्थापित परिवार के मुखिया को वयस्क पुत्र को तथा अविवाहित वयस्क पुत्री को 60'x90' के विकसित आवासीय भूखण्ड निशुल्क आवंटन पाने की पात्रता है। मध्य प्रदेश में इस प्रयोजन हेतु कुल 88 पुनर्वास स्थलों में 26487 भूखण्ड विकसित किये गये हैं। इसके अतिरिक्त यदि कोई विस्थापित परिवार विशेषकर वयस्क पुत्र अविवाहित वयस्क पुत्री आवासीय भूखण्ड के बदले नगद राशि चाहती है तो उसे रु. 50000/- दिये जाने का प्रावधान है। विस्थापितों द्वारा आवासीय नगद राशि दिये जाने संबंध प्रावधान का विरोध किया जा रहा है। इसी प्रकार नर्मदा बचाओ आंदोलन द्वारा विस्थापित परिवारों को दिये जाने वाले पुनर्वास के अन्य लाभ जैसे पुनर्वास अनुदान उत्पादक परिसंपत्ति अनुदान आदि के वितरण पर भी आपत्ति उठाई गई है।

डूब क्षेत्र में विस्थापित परिवारों के पुनर्वास कार्य के स्तरीय न होने के कारण उत्पन्न समस्या:-

K15 सरदार सरोवर परियोजना की वर्तमान बांध ऊंचाई 121.92 मी. तक मध्य प्रदेश में स्थायी डूब का अत्यन्त कम क्षेत्र में प्रभाव उत्पन्न हुआ है। अतः बड़ी संख्या में प्रभावित परिवार पुनर्वास के पूर्णतः/अंशतः लाभ लेने के बावजूद डूब क्षेत्र में पूर्ववत् निवासरत होकर अपना जीवन यापन कर रहे हैं। NWDI अवार्ड में भी यह प्रावधान है कि शासन द्वारा संभावित डूब के 6 माह पूर्व डूब क्षेत्र रिक्त करने हेतु एक अधिसूचना जारी की जावेगी। इस अधिसूचना जारी होने के पूर्व प्रभावित परिवार अपनी डूब संपत्ति का उपभोग कर सकेंगे। किंतु एक ओर जमीन के बदले जमीन न मिलने के कारण, नगद राशि के भुगतान के बावजूद 5 एकड़ जमीन न खरीद पाना तथा सभी 88 पुनर्वास स्थलों में रहने लायक पूरी सुविधाएँ न होने के कारण बड़ी संख्या में प्रभावित परिवार अपने मूलगांव में ही निवासरत हैं। नर्मदा जल न्यायाधिकरण अवार्ड व विभिन्न पुनर्वास नीति व कार्य योजना के अंतर्गत दिये गये प्रावधानों के अनुरूप कार्य पूर्ण नहीं हुआ है। जबकि नर्मदा घाटी विकास प्राधिकरण की कार्य योजना 1993 के अध्याय 4 जिसमें पुनर्वास पुनर्बसाहट की बात कही गयी है, इसके अंतर्गत मुख्य सिध्दांत निम्नानुसार हैं:-

1. राज्य शासन का उद्देश्य है कि सभी विस्थापित परिवारों को पुनर्वास के बाद उनके पहले के जीवन स्तर में सुधार होगा।
2. विस्थापित परिवारों को मूलगांव से पुनर्वास स्थल में कोई परेशानी नहीं आए।
3. अनुसूचित जनजाति, अनुसूचित जाति, मध्यम व छोटे किसानों के पुनर्वास के लिए विशेष प्रावधान रखे जायेंगे।

4. पुनर्वास नीति इस तरीके से क्रियान्वित की जायेगी जिसमें मिडिलमेन और प्रोपोराइटर को बाहर रखा जायेगा।
5. विस्थापितों को पुनर्वास करने से पहले कम से कम उन्हें तीन बार अच्छी वैकल्पिक भूमि दिखा कर उनकी मंजूरी लेना अनिवार्य होगा।
6. भूमिहीन खेतीहर मजदूर और गैर खेतीहर मजदूर को पुनर्वास के समय शुरूआती अनुदान दिया जायेगा जिससे विस्थापितों को स्वयं तथा दैनिक रोजगार मुहैया करवाने के लिए जीवनयापन और स्थायी जीविका के साधन तथा व्यवसाय के साथ पुनर्वास किया जायेगा।
7. विस्थापित परिवारों को उनके सामाजिक समुदाय के आसपास तथा डूब प्रभावित गांव के आसपास उनकी इच्छा अनुसार पुनर्वास किया जायेगा। उनके पुनर्वास स्थल पर मूलभूत सुविधाएं उपलब्ध कराई जायेंगी।

बैंक वाटर पुनरीक्षण से उत्पन्न समस्या:-

K16 NWDI अवार्ड में प्रावधान है कि सरदार सरोवर परियोजना के पूर्ण होने पर उत्पन्न होने वाले अधिकतम बैंकवाटर लेवल का आंकलन केन्द्रीय जल आयोग द्वारा परियोजना के सहयोगी राज्यों से परामर्श उपरांत निर्धारित किया जायेगा। इस प्रावधान के अंतर्गत केंद्रीय जल आयोग द्वारा वर्ष 1989-90 में आंकलित बैंकवाटर की ग्राम वार आंकड़े उपलब्ध कराये थे, तदनुसार मध्य प्रदेश में आंकलित बैंकवाटर के अंदर स्थित संरचनाओं का अर्जन किया गया एवं विस्थापित परिवार की संख्या, पुनर्वास पात्रता आदि का निर्धारण किया गया। मध्य प्रदेश शासन के अनुसार सरदार सरोवर बांध के ऊपर नर्मदा एवं सहायक नदियों में अनेक बांधों का निर्माण होने के फलस्वरूप वर्ष 2008 में नर्मदा नियंत्रण प्राधिकरण के निर्देश पर केंद्रीय जल आयोग ने बैंकवाटर की पुनर्गणना की, जिसके फलस्वरूप मध्य प्रदेश के डूब क्षेत्र में कमी आई एवं अनेक परिवार, जिन्हें पूर्व में विस्थापित मान्य किया गया था, अब परियोजना से अप्रभावित परिवारों की श्रेणी में आ गये हैं। मध्य प्रदेश शासन द्वारा ऐसे परिवारों से दिये गये कोई लाभ वापस लिये जाने की कोई कार्यवाही नहीं की गई है। नर्मदा बचाओ आंदोलन द्वारा बैंक वाटर पुनरीक्षण की कार्यवाही को अनुचित बताते हुए पूर्व आंकलन अनुसार प्रभावित परिवारों को भी पुनर्वासित किये जाने की मांग की जा रही है।

न्यायालय के फैसलों की संक्षिप्त व्याख्या:-

K17 सरदार सरोवर परियोजना के संदर्भ में अब तक दायर याचिकाओं का विवरण निम्नानुसार है:-

माननीय उच्चतम न्यायालय के समक्ष :- नर्मदा बचाओ आंदोलन बनाम भारत शासन एवं अन्य

(i) **WP No. 319/1994**

[2000(10)SCC-664]

नर्मदा बचाओ आंदोलन द्वारा माननीय सर्वोच्च न्यायालय के समक्ष सरदार सरोवर परियोजना के अंतर्गत पर्यावरण एवं पुनर्वास संबंधी बिन्दुओं पर वर्ष 1994 में याचिका दायर की गई थी, जिसमें माननीय उच्चतम न्यायालय ने वर्ष 1994 में बांध ऊंचाई 85 मी. पर आगे के निर्माण कार्य पर स्थगन आदेश जारी किया था एवं दिनांक 18-10-2000 को विस्तृत निर्णय पारित किया जिसमें मुख्यतः निम्न निर्देश दिये गये:-

- सरदार सरोवर बांध का निर्माण एन.डब्ल्यू.डी.टी. अवार्ड के प्रावधानों के अनुसार निरंतर रखा जायेगा।
- बांध की ऊंचाई बढ़ाने की चरणवार अनुमति नर्मदा नियंत्रण प्राधिकरण द्वारा दी जावेगी।

- बांध के चरणवार निर्माण की अनुमति देने के पूर्ण नर्मदा नियंत्रण प्राधिकरण के अंतर्गत सचिव भारत शासन सामाजिक न्याय एवं अधिकारिता मंत्रालय की अध्यक्षता में गठित पुनर्वास उप दल की अनुशंसा प्राप्त की जायेगी।
- प्रत्येक राज्य में विस्थापितों की पुनर्वास संबंधी शिकायतों के निराकरण के लिये निवारण प्राधिकरण का गठन किया जायेगा जिसकी अध्यक्षता, उच्चतम न्यायालय के सेवानिवृत्त न्यायाधीश करेंगे तथा बांध ऊंचाई बढ़ाने की अनुमति देने के पूर्व नर्मदा नियंत्रण प्राधिकरण द्वारा अध्यक्ष, शिकायत निवारण प्राधिकरण से भी परामर्श किया जायेगा।
- इसी प्रकार बांध ऊंचाई बढ़ाने के पूर्व पर्यावरण उप-दल, जो कि सचिव भारत शासन पर्यावरण मंत्रालय की अध्यक्षता में गठित है, की भी स्पष्ट अनुशंसा प्राप्त की जायेगी।
- हर संभव प्रयास किया जायेगा कि परियोजना का कार्य यथासंभव तेजी से पूर्ण किया जावे।

(ii) **WP No. 328/2002:-** वर्ष 2000 के उपरांत नर्मदा बचाओ आंदोलन द्वारा वर्ष 2002 में पुनः माननीय उच्चतम न्यायालय के समक्ष अपर्याप्त पुनर्वास की शिकायत लेकर याचिका क्रमांक डब्लू.पी. 328/2002 दायर की गई। जिस पर दिनांक 09-09-2002 को माननीय उच्चतम न्यायालय द्वारा आदेश पारित किया गया कि "यदि किसी विस्थापित को विस्थापन से जुड़ी कोई शिकायत है तो वह शिकायत निवारण प्राधिकरण के समक्ष अपने आवेदन प्रस्तुत करेगा एवं शिकायत निवारण प्राधिकरण द्वारा प्रस्तुत शिकायत पर समुचित निर्णय पारित किया जायेगा।

(iii) **L.A. No. 4 and 7/2004 in WP No. 328/02 [2005(4)SCC-32]**

इसके पश्चात् नर्मदा बचाओ आंदोलन द्वारा वर्ष 2004-05 में माननीय उच्चतम न्यायालय के समक्ष विस्थापितों की ओर से दो अंतरिम आवेदन L.A. No. 4 and I.A. No. 7/2004 in WP 328/02 प्रस्तुत किया गया, जिस पर पुनः उच्चतम न्यायालय द्वारा दिनांक 15-03-2005 को विस्तृत आदेश पारित किया गया। जिसमें मुख्यतः निम्न निर्देश किये गये:-

- (अ) विस्थापित परिवारों के पुनर्वास कार्य में स्थायी एवं अस्थायी डूब से प्रभावित परिवारों के मध्य कोई भेद नहीं किया जायेगा।
- (ब) 25 प्रतिशत से अधिक भूमि प्रभावित परिवारों के वयस्क पुत्रों को भी वैकल्पिक भूमि आवंटन की पात्रता होगी।
- (स) विस्थापितों को शासन लैण्ड बैंक से भूमि दी जायेगी एवं विस्थापित की पसंद की भूमि क्रय करने हेतु शासन बाध्य नहीं होगा।

(iv) **WP No. 14765/02** मध्य प्रदेश उच्च न्यायालय जबलपुर :-

इसके पश्चात् वर्ष 2007 में नर्मदा बचाओ आंदोलन द्वारा म.प्र. उच्च न्यायालय के समक्ष सरदार सरोवर परियोजना बांध के पुनर्वास कार्यों में भ्रष्टाचार संबंधी आरोप लगाते हुए एक जनहित याचिका **WP No. 14765/07** दायर की गई जिस पर माननीय उच्च न्यायालय जबलपुर द्वारा दिनांक 21-08-2008 को अंतरिम आदेश पारित करते हुए याचिका में उठाई गई भ्रष्टाचार संबंधी शिकायतों की जांच हेतु एक न्यायिक आयोग, सेवानिवृत्त न्यायमूर्ति श्री एस.एस. झा की अध्यक्षता में, गठित किये जाने के आदेश दिये गये।

(v) **L.A. No. 40-50/2014 in WP No. 328/02 :-**

नर्मदा बचाओ आंदोलन द्वारा वर्ष 2014 में प्रथम चरण की दी गई अनुमति का विरोध करने हेतु प्रथमतः म.प्र. उच्च न्यायालय जबलपुर में याचिका प्रस्तुत की गई जिसे अंततः उच्चतम न्यायालय ट्रांसफर किया गया एवं पुनः नर्मदा बचाओ आंदोलन ने कुछ विस्थापितों की ओर से उच्चतम न्यायालय के समक्ष

प्रथम चरण के कार्य को दी गई अनुमति के विरोध में अंतरिम आवेदन प्रस्तुत किये गये जिस पर सुनवाई वर्ष 2014 से प्रचलित है।

(vi) उच्चतम न्यायालय के समक्ष प्रचलित प्रकरण की सुनवाई करते हुए माननीय उच्चतम न्यायालय द्वारा आदेश दिये गये कि म.प्र. में विस्थापितों की लंबित शिकायतों के निराकरण के लिये उच्च न्यायालय के 5 सेवानिवृत्त न्यायाधीशों की अध्यक्षता में शिकायत निवारण प्राधिकरण की 5 सदस्यों की एक बेंच गठित की जाये, जो वर्तमान में अस्तित्व में हैं।

(vii) उच्चतम न्यायालय में प्रचलित सुनवाई के दौरान दिनांक 31-12-2015 को मध्य प्रदेश उच्च न्यायालय के निर्देशों पर गठित माननीय ज्ञा आयोग द्वारा अपनी जांच रिपोर्ट प्रस्तुत की गई। जांच रिपोर्ट के अनुसार निम्नलिखित बिन्दुओं पर अपना मत दिया गया:-

(क) न्या. ज्ञा आयोग की रिपोर्ट के अनुसार दोषी ठहराये गये 186 दलालों के अलावा नर्मदा विकास प्राधिकरण के शासकीय अधिकारी कर्मचारी जिन्होंने वित्तीय आवंटन का कार्य किया, राजस्व विभाग के पटवारी व अन्य रजिस्ट्री विभाग के कर्मचारी अधिकारी तथा बैंक अधिकारी, दस्तावेज लेखक, इन्हें भी संलिप्त किया गया है।

(ख) आयोग की रिपोर्ट के अनुसार कुल 1560 रजिस्ट्रियां फर्जी हैं, (जबकि मध्य प्रदेश शासन 686 ही मंजूर करती थी) जिन्हें पाँच वर्गों में बांटा गया है।

i) ऐसी रजिस्ट्रियां, जिनके दस्तावेज रखने वाले, स्वयं को भूधारक बताने वाले विक्रेता फर्जी हैं।

ii) झूठे व्यक्ति ने शासकीय या अस्तित्व में ही न हो, ऐसी जमीन की रजिस्ट्री की।

(इन दोनों वर्गों में आने वाली कुल रजिस्ट्रियों एवं विक्रय पत्रों की संख्या माननीय ज्ञा आयोग की रिपोर्ट अनुसार 999 हैं।)

ii) सही भूधारको से विक्रय पत्र पेश करवाये गये हैं, उनसे प्रत्यक्ष में किसी न किसी प्रकार के (खेती, कुआ इत्यादि के लिए) कर्ज लेने के नाम से कागजों पर हस्ताक्षर करवाये गये हैं।

iv) कुछ विक्रेताओं से उनकी जमीन अंततः उनसे ली नहीं जाएगी, इस स्पष्ट समझाव के साथ जमीन बेची गयी है। केवल विशेष पुनर्वास अनुदान (एस आर पी) की दूसरी किश्त निकालने के उद्देश्य से ही यह किया गया है, जो बोगस या झूठा हस्तांतरण है।

v) पांचवे वर्ग में ऐसी रजिस्ट्रियां आती है जिसमें जमीन विस्थापित को बेची जाकर फिर वहीं जमीन दूसरे विस्थापित को फिर से बेची गयी। यह प्रक्रिया जारी रहते हुए जमीन बाकी मूल भूधारक के पास उसके कब्जे में ही रह गयी।

(ग) आयोग ने कहा है कि " यह आश्चर्यजनक बात है कि मूल जमीनधारक ने शिकायत करने पर भी राजस्व विभाग के अधिकारियों ने नामांतरण कर दिया और "विक्रेता" बताकर मूल भूधारक के खाते से जमीन का रिकॉर्ड सर्वे नं. हटा दिया गया" "यह भी विशेष है कि जबकि किसी एक जमीन की एक से अधिक रजिस्ट्रियां बांध प्रभावितों ने पेश की, तब भी किसी प्रकार की जांच के बिना नगद रकम अदा की गयी।" जहां फर्जी विक्रय पत्र पेश किये हैं, वहां गतिमानता से दूसरी किश्त दी गयी किंतु जब सही विक्रय पत्र प्रस्तुत किए गए तब उस पर अनेक प्रकार की कड़ी जांच करवाई गयी।" "कई प्रकरणों में विक्रय पत्र दलालों ने ही न.घा.वि.प्रा. के कार्यालय में पेश किए गए और उस पर आधारित चेक वितरण किया गया।"

(घ) आयोग ने 186 दलालों की सूची जोड़कर कहा कि जबकि दलालों ने अपना सहभाग नकारा है, आयोग की जांच से यह प्रथमदर्शनी साबित होता है कि उन्होंने इस अवैध लेने देन में हिस्सा लिया है। आयोग के अनुसार इतने बड़े पैमाने पर पैसे का आवंटन करने वाले, अंजड, राजपुर, जिला बडवानी तथा मनावर, कुक्षी, धरमपुरी जिला धार में पदस्थ भूअर्जन व पुनर्वास अधिकारियों ने विक्रय पत्रों की सत्यता की जांच नहीं की। आयोग ने अपनी संपूर्ण खोज से भ्रष्ट प्रक्रिया का वर्णन करते हुए निष्कर्ष निकाला है कि "विशेष पुनर्वास अनुदान" की नगद राशि देने की पूरी नीति ही गलत होना, इस फर्जीवाड़े के पीछे का प्रमुख कारण है।

आयोग ने अपनी संपूर्ण जांच का वर्णन करते हुए निष्कर्ष निकाला है कि "विशेष पुनर्वास अनुदान की नगद राशि देने की पूरी नीति ही गलत होना, इस फर्जीवाड़े के पीछे का प्रमुख कारण है।"

(च) 88 पुनर्वास स्थलों के निर्माण में

आयोग ने 88 पुनर्वास स्थलों पर बने निर्माण कार्यों की जांच मौलाना आजाद इंस्टिट्यूट ऑफ टेक्नोलोजी (MANIT), भोपाल व आईआईटी, मुंबई के द्वारा करवाई थी।

आयोग ने इस रिपोर्ट पर अपनी टिप्पणी और निष्कर्ष निकाले हैं, जिनमें प्रमुख निम्न हैं:-

न.घा.वि.प्रा. के इंजिनियर अधिकारियों तथा ठेकेदारों ने पुनर्वास स्थल नियोजन में कई सारे नियमों का उल्लंघन किया है जैसे कि, किसी भी निर्माण में भू-गर्भशास्त्रीय जांच (भूमि की) होना आवश्यक होता है जो नहीं की गई। विविध स्थलों की विशेषता को ध्यान में लेने के बदले एक ही "मॉडल डिजाइन" निकालकर ठेके दिए गए। ट्रान्सफॉर्मर्स की खरीदी में बड़ा संदेह दिखाई देता है, 425 ट्रान्सफॉर्मर्स की संख्या दिखाई गई और प्रत्यक्ष में 1021 ही सर्टिफिकेट दिखाए गए। इसमें निश्चित ही एक ही ट्रान्सफॉर्मर 10 से 20 पुनर्वास स्थलों के लिए खरीदा गया और न.घा.वि.प्रा. तथा इलेक्ट्रिक सप्लायर कंपनी इसमें सम्मिलित है।

पुनर्वास निर्माण कार्य में "रपटों" का कार्य, जरूरत से ज्यादा किया गया जिसमें खर्चा भी अधिक होकर उद्देश्य अनेक स्थलों पर पूरा नहीं हो पाया।

पानी की परीक्षा, आर्सेनिक, फ्लोराइड की दृष्टि से न करते हुए पानी पुनर्वास स्थल पर उपलब्ध कराया गया है।

नियोजन तथा निगरानी का पूर्ण अभाव, आयोग के निष्कर्ष में है। पीडब्ल्यूडी मैनुअल अनुसार कार्य नहीं किया गया। जीरो तकनीकी जांच, तकनीकी मंजूरी की प्रक्रिया, क्वालिटी कंट्रोल आदि में काफी त्रुटियां बताई गई हैं। अनेक निर्माण कार्य में भी नियमों का पालन नहीं करते हुए, क्वालिटी कंट्रोल नहीं किया गया।

(छ) माननीय न्यायधीश श्री एस.एस झा, अध्यक्ष एसएसपी जांच आयोग इंदौर की रिपोर्ट का निष्कर्ष निम्नानुसार है:-

a. The reason for fake sale deeds in is faulty SRP Policy of the Government. The Government was not having sufficient irrigated agricultural lands in their Land Banks near the R & R sites. The Policy itself is against Narmada Award, and the judgment of the Supreme Court. Supreme Court has observed that the PAFs and PAPs should live better life has been frustrated by this Policy.

b. By not allowing any scrutiny of the sale deeds and free hand has been given to the Rehabilitation Officers and Land Acquisition Officers in disbursing the compensation which resulted into large number of fake sale deeds.

c. The free access to middlemen in the Office of NVDA in getting the money withdrawn of the oustees also reflects about the interest of middlemen and nexus with NVDA officials. Though evidence is not received against the NVDA officials all the oustees have stated that they were made to sit outside the NVDA Office and their work was done by the middlemen and they were made to sign on the papers without explaining the contents discloses that NVDA officials had obtained signatures or thumb impressions of the oustees without explaining the contents demonstrate irregularity on their part and they are prima facie responsible for large number of fake registries.

d. The quality of construction was very poor without any planning. No geographical mapping was done before selecting the R & R sites house building sited for residential plots. There was a faulty policy of not establishing a laboratory to test the soil for carrying out constructions on the black cotton soil. The construction was done on the R & R sites on common maps and designs of the building. Superior officers had never cared to visit R & R sites to examine the construction work. The Government has found 40 engineers responsible for substandard quality of construction, but has not cared to rectify the defect after finding the substandard construction. Most of the places the expenditure on construction has gone waste as the R & R sites are not occupied by the oustees or they are occupied by very few PAPs and PAFs. Thus, the expenditure on these sited is waste of money.

e. The NVDA has not maintained proper records relating to livelihood grants and alternative livelihood which itself demonstrate that there was large scale corruption in the livelihood grants and alternative livelihood.

The officers of NVDA involved in allotment of house plot sited have not followed the Rules framed by the Government in allotting the plots. They have allotted the plots in an arbitrary manner and usurp the power of changing the allotment which was not vested with them. Thus, this shows their corrupt intention. Any arbitrary action attracts the vice of mala fide. The officers involved in allotment of plots are wholly responsible for irregularities and corruption in allotment and change of plots.

वर्तमान में सरदार सरोवर बांध की परिप्रेक्ष्य में उच्चतम न्यायालय के समक्ष आई.ए. क्रमांक 40-45/2014 in WP No. 328/2002 प्रचलित है इसी प्रकार माननीय उच्च न्यायालय म.प्र. जबलपुर के समक्ष डब्लू.पी. 14765/07 प्रचलित है।

विस्थापितों की व्यक्तिगत शिकायतों के निराकरण हेतु उच्च न्यायालय के 5 सेवानिवृत्त न्यायाधीशों की अध्यक्षता में 5 खंडपीठ कार्यरत है।

(ज) उच्च न्यायालय म.प्र. खंडपीठ इंदौर में शिकायत निवारण प्राधिकरण के पारित आदेशों के विरुद्ध अनेक प्रकरणों में याचिकायें विचाराधीन है।

(झ) म.प्र. उच्च न्यायालय खंडपीठ इंदौर के समक्ष नर्मदा बचाओ आंदोलन की ओर से दायर अनेक याचिकाये जिसमें भू-अर्जन अधिनियम 1894 के अंतर्गत लंबे समय पूर्व पारित भू-अर्जन अवार्ड को असामान्य करते हुए नवीन भू-अर्जन अधिनियम 2013 की धारा 24(2) के अंतर्गत नये सिरे से मुआवजा दिये जाने की मांग की गई है, विचाराधीन है।

माननीय न्यायालय के फैसलों पर मध्य प्रदेश शासन द्वारा की गई कार्यवाही:-

(1)WP No. 319/1994 [2000(10)SCC-664] मध्य प्रदेश शासन द्वारा माननीय उच्चतम न्यायालय के निर्णय दिनांक 18-10-2000 के पश्चात् सरदार सरोवर बांध का निर्माण 90 मीटर तक तत्काल तथा वर्ष 2001 में 95 मीटर, 2002 में 100 मीटर, 2004 में 110 मीटर तथा 2006 में 121.92 मीटर जो कि बांध का क्रैस्ट लेबल है, तक का निर्माण कार्य किया गया। बांध के प्रत्येक चरण में शिकायत निवारण प्राधिकरण, पुनर्वास उप-दल, पर्यावरण उप दल, की अनुशंसाओं के उपरांत नर्मदा नियंत्रण प्राधिकरण द्वारा समुचित रूप से बांध ऊंचाई बढ़ाने की विधिवत अनुमति जारी की गई है।

(2)WP No. 328/2002 :- मध्य प्रदेश शासन द्वारा शिकायत निवारण प्राधिकरण का गठन किया गया। वर्तमान में यह प्राधिकरण प्राप्त होने वाली शिकायतों पर कार्यवाही कर रहा है।

(3)L.A. No. 4 and 7/2004 in WP No. 328/02 [2005(4)SCC-32]:- माननीय उच्चतम न्यायालय के सभी आदेशों का पालन मध्य प्रदेश शासन द्वारा किया जा रहा है।

(4)WP No. 14765/02 मध्य प्रदेश उच्च न्यायालय जबलपुर:-

मध्य प्रदेश शासन की ओर से बांध ऊंचाई 138.68 मीटर से डूब प्रभावित होने वाले समस्त ग्रामों का भू-अर्जन कार्य पूर्ण किया जा चुका है तथा पूर्ण जलाशय स्तर पर विभागीय सूची में सम्मिलित विस्थापित परिवारों को पात्रतानुसार पूर्णतः अथवा अंशतः लाभ दिये जा चुके हैं एवं इस आशय का कार्यकृति प्रतिवेदन (ए.टी.आर.) नर्मदा नियंत्रण प्राधिकरण एवं शिकायत निवारण प्राधिकरण को दिनांक 24-03-2008 को प्रस्तुत किया जा चुका है। इन सब विवादों के फलरूप वर्ष 2006 से 2014 तक सरदार सरोवर परियोजना बांध का निर्माण कार्य, बांध के क्रैस्ट लेबल 121.92 मीटर पर यथा स्थिति पर रहा जबकि नर्मदा नियंत्रण प्राधिकरण द्वारा बांध ऊंचाई 121.92 मीटर के बाद का निर्माण 2 चरणों में कराये जाने का निर्णय लिया था।

- क्रैस्ट लेबल पर बांध के पियर्स, ब्रिज का निर्माण किया जाना तथा बांध पर गेट्स खुली स्थिति में लगाये जाना।
- गेट्स को बंद किया जाना।

मध्य प्रदेश शासन द्वारा की गई अन्य कार्रवाई:-

K18 मध्य प्रदेश शासन के अनुसार सरदार सरोवर परियोजना बांध की वर्तमान ऊंचाई 121.92 मीटर तक म.प्र. में डूब का कोई बहुत अधिक प्रभाव उत्पन्न नहीं हुआ है इसलिये भू-अर्जन अवार्ड की मुआवजा राशि एवं पुनर्वास का पूर्ण/आंशिक लाभ लेने के उपरांत भी अधिकांश विस्थापित अपने मूल ग्राम में पूर्ववत निवासरत होकर जीवन यापन कर रहे हैं।

K19 वस्तुतः सरदार सरोवर परियोजना के अंतर्गत अब तक गुजरात राज्य में 5542 विस्थापित परिवारों को 11084 हे. कृषि भूमि, मध्य प्रदेश में 52 विस्थापित परिवारों को उनकी पसंद की 108 हे. भूमि एवं 175 विस्थापित परिवारों को 379 हे. भूमि आवंटित की जा चुकी है। इसके अतिरिक्त मध्य प्रदेश में 2906 विस्थापितों ने 2033 हे. अर्जित भूमि के बदले व शेष पुनर्वास अनुदान राशि से 6117 भूमि क्रय करने की रजिस्ट्री प्राप्त की तथा 950 विस्थापितों ने रूपये 28.79 करोड़ की राशि बिना भूमि क्रय किये स्वेच्छा से प्राप्त की है।

K20 जिन विस्थापित परिवारों के विक्रय पत्र माननीय ज्ञा आयोग की रिपोर्ट में पूर्णतः फर्जी पाये गये हैं उनके क्रेता-विक्रेता एवं दलाल, जिनके नाम आयोग ने अपनी रिपोर्ट में दिये हैं, के विरुद्ध अपराधिक प्रकरण दर्ज कराये जा रहे हैं।

K21 राज्य शासन द्वारा सरदार सरोवर के परियोजना के भू-अर्जन, एवं पुनर्वास के अंतर्गत किये जा रहे प्रयासों के अतिरिक्त मॉनिटरिंग हेतु केन्द्र शासन के प्रतिनिधि के रूप में नर्मदा नियंत्रण प्राधिकरण मॉनिटरिंग कार्यरत है। अर्द्ध न्यायिक संस्था के रूप में शिकायत निवारण प्राधिकरण की 5 खण्डपीठ कार्यरत है। माननीय सर्वोच्च न्यायालय एवं माननीय उच्च न्यायालय मध्य प्रदेश द्वारा समुचित निर्णय पारित किये गये है/ प्रकरण प्रचलित हैं। राज्य शासन के अनुसार अभी तक नर्मदा नियंत्रण प्राधिकरण द्वारा बांध के गेट बंद करने संबंधी कोई निर्णय नहीं लिया गया है, इसलिये मानसून 2017 के पूर्व कोई अतिरिक्त डूब क्षेत्र निर्मित होने का प्रश्न ही नहीं है।

गवाहों के बयान



डॉ. रामेश्वर उरॉव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग विस्थापितों से उनकी समस्याओं को सुनते हुए।

जिला आलीराजपुर, ककराना के विस्थापित श्री सुरभान: -

K22 श्री सुरभान ने आयोग को बताया कि उनकी 1.7 हेक्टेयर जमीन डूब में गई है। उन्होंने बताया कि ग्राम रिगनौद, तहसील सरदारपुर जिला धार में कृषि जमीन तथा ग्राम धरमराय, तहसील कुशी जिला धार में घर का प्लॉट दिया गया है। इनकी आपस में दूरी काफी है जिसके कारण वे खेती नहीं कर पा रहे

हैं। लेन्ड बैंक द्वारा दी गई जमीन उपजाऊ नहीं है और पथरीली भी है। रिगनॉद में जमीन देने से पूर्व सुरभान व उनके गांव के विस्थापितों ने ग्राम खजूरी तहसील थान्दला, जिला झाबुआ में लैण्ड बैंक की जमीन की मांग की थी किंतु उन्हें यह जमीन आवंटित नहीं की गई। डूब प्रभावित होने से उन्हें 2 हेक्टेयर कृषि भूमि तथा घर का प्लॉट एवं सभी सुविधाएं पुनर्वास नीति के अनुसार देना थी जो आज तक नहीं दी गई हैं। आलीराजपुर के 26 गांव के लिए पुनर्वास स्थल नहीं बनाए गए।

जिला आलीराजपुर, रोलीगांव तहसील सोण्डवा, श्री सिरला, पिता कनिया:-

K23 सिरला ने बताया कि जिस समय सर्वे हो रहा था वह गुजरात में मजदूरी करने गया था जिस कारण उसका नाम आज तक सर्वे में नहीं आ पाया। तीन साल पूर्व जीआरए में इस विषय पर अपना अभ्यावेदन दिया था जिस पर आज तक कार्रवाई नहीं हुई है। उसकी पूरी जमीन डूब गई है। श्री सिरला का अनुरोध था कि उन्हें उनकी जमीन दिलाकर न्याय दिया जाए।

जिला बड़वानी, गांव भादल के श्री गोखरू, पिता मागल्या:-

K24 श्री गोखरू ने बताया कि उनके गांव के तीस लोग मुआवजे के लिए घोषित किए गए थे जिसमें से आज तक केवल ग्यारह विस्थापितों को खलघाट में भूमि दी गई है। बचे हुए 19 लोग आज तक भूमि से वंचित हैं। सर्वोच्च न्यायालय में पिटीशन भी लगाई थी। सर्वोच्च न्यायालय द्वारा दिए गए निर्णय अनुसार 19 लोगों को जमीन राज्य सरकार को दी जाना है। जो आज तक नहीं दी गई है। उनकी मां को जिस स्थान पर जमीन दी गई है वह भी उसी के आस पास अपनी जमीन चाहता है जिस पर आज तक कार्रवाई नहीं की गई है। जीआरए ने भी आदेश दिया है कि उसे जमीन दी जाए।

जिला धार के श्री कैलाश आवस्या, पिता गणेश :-

K25 श्री कैलाश आवस्या ने आयोग को बताया कि उनके पांच भाइयों को भूमि पात्रता है। उनके पिता की भूमि 2001 में अर्जित की गई थी। उन्हें मुआवजे की जमीन लेन्ड बैंक द्वारा पसंद करवादी गई है किंतु आज तक भूमि का आवंटन नहीं हुआ जबकि मेरा पंचनामा हो चुका है। सन् 2013 में शिकायत निवारण प्राधिकरण ने राज्य शासन को आदेश दिए थे कि उनके प्रत्येक भाई को 5 एकड़ भूमि दी जाए साथ ही वर्ष 2005 से प्रतिवर्ष 15 हजार रुपए के नुकसान की भरपाई की जाए। किन्तु अग्रिम कार्यवाही नहीं हो रही है।

जिला आलीराजपुर, भिताड़ा के श्री मकराम, पिता अवतार सिंह :-

K26 श्री मकराम ने आयोग को बताया कि वे वर्ष 1990 में वे सब संयुक्त परिवार में तीन भाइयों के साथ रहते थे उनके बड़े भाई को डूब की जमीन मिल गई है और बाकी दो भाइयों को जीआरए ने अवयस्क घोषित कर दिया था जिसके कारण उन्हें आज तक जमीन का मुआवजा प्राप्त नहीं हुआ है। पिता की मृत्यु हो चुकी है। वर्ष 1990 में उनके बड़े भाई 31 वर्ष के थे उसके बावजूद भी उन्हें अवयस्क घोषित किया गया तथा वे अपने मुआवजे की 2 हेक्टेयर भूमि लेने से वंचित रह गए। उन्होंने कहा कि उचित कार्यवाही कर उन्हें उनका हक दिलाने का कष्ट करें।

जिला धार, श्री सुनील, पिता फकर गांव धर्मपुरी :-

K27 श्री सुनील ने बताया कि उन्हें घर के लिए 60'x90' का प्लॉट दिया गया है जो नदी के किनारे है। यह भूमि डूब क्षेत्र में है इसके कारण वे आज तक अपना मकान नहीं बना सके हैं। जीआरए में उन्होंने अपनी समस्या का विवरण दे दिया है किंतु आज तक उनके अभ्यावेदन पर कार्रवाई नहीं हुई है।

जिला धार, ककराना के श्री नकला पिता नान सिंह:-

K28 श्री नकुला ने आयोग को बताया कि उनको गांव मूसापुर में 2 हेक्टेयर भूमि का मुआवजा मिला है तथा प्लॉट 60'X90' का मिल गया है किंतु वे आज तक घर नहीं बना पाए हैं और न ही फसल उगा पाए क्योंकि जो स्थानीय निवासी हैं वे उन्हें उस स्थान पर फसल नहीं लगाने देते और न ही घर बनाने देते हैं।

जिला आलीराजपुर, ग्राम खारया भादल श्री पांडिया, पिता जाम सिंह भिलाला:-

K28 श्री पांडिया ने आयोग को बताया कि उनकी पूरी जमीन सरदार सरोवर बांध की डूब में आ गई है। उनके पिता को कृषि भूमि नहीं मिली है। उनके पक्ष में शिकायत निवारण प्राधिकरण ने 2013 में विस्तृत आदेश दिया था जिसका पालन आज तक नहीं हुआ है।

जिला आलीराजपुर, श्री लाल सिंह पिता कोटवाल :-

K29 श्री लाल सिंह ने आयोग को बताया कि उनके बड़े भाई को मुआवजे की जमीन एवं प्लॉट प्राप्त हो गया है किंतु यह एक अपवाद है कि उनके पिता जो घर के मुखिया हैं उन्हें और वयस्क पुत्र होने के नाते मुझे जमीन का आवंटन आज तक नहीं किया गया है। अपनी शिकायत पटवारी को करने पर पटवारी कहता है कि पहले जमीन ढूँढ लो तब तुम्हें जमीन आवंटित की जाएगी।

जिला आलीराजपुर के श्री दिनेश, पिता बल्लू, तहसील सोंडवा:-

K30 श्री दिनेश ने बताया कि उनके भाई एवं पिता को 5 एकड़ भूमि दी गई है। उन्हें रहने के लिए भूखण्ड दे रहे हैं किंतु खेती के लिए 2 हेक्टेयर जमीन नहीं दी जा रही है।

जिला धार, श्री नान सिंह गांव हिम्मतगढ़ :-

K31 श्री नान सिंह ने बताया कि उसे मुआवजे की जमीन हिम्मतगढ़ जिला धार में मिली साथ ही रहने के लिए भूखण्ड भी दिया गया किंतु वहां के स्थानीय निवासी मुझे न तो घर बनाने देते हैं और न ही खेती करने देते हैं। उन्होंने उस जमीन पर ज्वार.बाजरा बोया किंतु स्थानीय निवासियों ने फसल नष्ट कर दी। उन्हें इस भूमि का पट्टा भी नहीं दिया गया है। उनके द्वारा शिकायत करने पर तहसीलदार ने स्थानीय लोगों को चेतावनी देते हुए भगा दिया था किंतु भूमि पर स्थानीय लोगों ने पुनः अतिक्रमण कर लिया है।

जिला आलीराजपुर श्री सारदिया पिता नरगावे, भिलाला, ग्राम कुकडिया:-

K32 श्री सारगिया ने आयोग को बताया कि उनकी 15 एकड़ भूमि डूब में आई है। शासन द्वारा उन्हें केवल 5,24,000रु मुआवजा दिया गया है। उनके परिवार को मुआवजा का रुपया नहीं चाहिए, जमीन के बदले में जमीन ही चाहिए। वे मुआवजे की राशि लौटा देंगे।

जिला आलीराजपुर, श्री प्रवीण भाई रणछोर तड़वी:-

K33 श्री प्रवीण भाई ने बताया कि 1987 को मुआवजे की कटऑफ वर्ष बताया गया था जिसमें वयस्क पुत्रों का नाम आना चाहिए था परंतु मुआवजा देते समय कुछ वयस्क पुत्रों के नाम छूट गए थे किंतु शिकायत करने बावजूद भी उनके नाम मुआवजा राशि/प्लॉट/भूमि के लिए नहीं जोड़े गए। जिन स्थलों को पुनर्वासित करने के लिए बसाया गया उनमें मूलभूत आवश्यकताओं को भी नहीं दिया गया है। मकान ऐसे स्थान पर बना दिए गए हैं जहां दिन में भी नहीं रह सकते। पानी की व्यवस्था नहीं है, बिजली नहीं है, सड़क नहीं है, स्कूल की पर्याप्त व्यवस्था नहीं है, कुछ जगह पर हण्डपम्प लगाए गए हैं किंतु व खराब हो चुके हैं जिनकी मरम्मत नहीं की गई है।

जिला आलीराजपुर, श्री शेरसिंह भिलाला, गांव उम्दा:—

K34 श्री शेरसिंह ने आयोग को बताया कि उन्हें जमीन के बदले जमीन ही चाहिए। उन्हें जो जमीन दिखाई गई है वो या तो पहाड़ी जमीन है या दलदल वाली जमीन है। उन्होंने बताया कि उन्हें मुआवजा की एक किश्त 2,00,000 रु मिल चुकी है लेकिन वे इस राशि को वापस करना चाहते हैं। उन्हें अपनी जमीन के बदले या तो आलीराजपुर में या गुजरात में जमीन दी जाए।

जिला आलीराजपुर श्री खेमा, गांव माछलिया:—

K35 श्री खेमा ने आयोग को बताया कि उनकी 11 एकड़ जमीन, 2 कुएं और कई पेड़ डूब में आए हैं जिसकी एवज में उन्हें रु 5,00,000 का मुआवजा दिया गया है। प्राप्त मुआवजा राशि, मिलने वाली मुआवजा राशि से कम है। यह मुआवजा राशि पूरी एक साथ न देकर किश्तों में दी गई जो 6-6 महीने में प्राप्त हुई, हर किश्त निकालने पर अधिकारियों द्वारा 5-5 हजार रुपए रिश्वत के तौर पर मांगे गए।

जिला आलीराजपुर, तहसील सोण्डवा ग्राम बेहड़वा श्रीमती वालकी बेवा रंगू :-

K36 श्रीमती वालकी ने आयोग को बताया कि उनके पति की 30 प्रतिशत से अधिक भूमि सरदार सरोवर बांध परियोजना की डूब से प्रभावित हुई थी। वे गुजरात राज्य में पुनर्वास का लाभ लेने के लिए पात्र थे। उसके पति की मृत्यु होने के बाद पुनर्वास की भूमि से वंचित रखा गया। उसने अपना प्रकरण शिकायत निवारण प्राधिकरण में रखा तथा न्याय नहीं मिलने की दशा में जीआरए में भी दिया। किंतु जीआरए में भी उनके प्रकरण पर सही न्याय नहीं मिलने कारण मुझे हाईकोर्ट जाने की सलाह दी गई। वे हाईकोर्ट के वकील की फीस देने के लिए सक्षम नहीं हैं। अतः आयोग से सहायता मांग रही हूं कि मुझे मुआवजा दिलवाएं।

जिला आलीराजपुर, ग्राम ककराना, श्री दिनेश मांझी पिता बल्लू :-

K37 श्री दिनेश मांझी ने आयोग को बताया कि उनके परिवार की जमीन डूब क्षेत्र से प्रभावित हुई है। दिनेश मछली पालन एवं नाविक का कार्य भी करते हैं। उन्होंने बताया कि मैंने अज्ञानतावश भूअर्जन एवं पुनर्वास कार्यालय आलीराजपुर से भूखण्ड के मुआवजे में 50,000 रु का अनुदान वर्ष 2006 में प्राप्त कर लिया था जबकि उनके पिता को भूखण्ड के बदले भूखण्ड तथा 2 हेक्टेयर भूमि गुजरात में मिली है। उन्हें अब अपनी गलती का एहसास हो रहा है। वे अब 50,000 रु लौटाकर भूखण्ड के बदले भूखण्ड चाहते हैं। उनके जैसे कुछ लोगों ने शिकायत निवारण प्राधिकरण में पुनर्वास के विकल्प के बदलने के लिए आवेदन दिया था जिस पर शिकायत निवारण प्राधिकरण ने उन्हें भूखण्ड के बदले भूखण्ड दिया है किंतु उनके आवेदन पर उन्हें न्याय नहीं मिला।

जिला आलीराजपुर, ग्राम बेहड़वा, श्री देवला पिता सुरतान :-

K38 आवेदक ने आयोग को बताया कि ग्राम बेहड़वा में स्थित वन भूमि पर उनके पिता स्वर्गीय सुरतान द्वारा वर्ष 1959-60 से अतिक्रमण किया गया था। इसी भूमि से उनके परिवार का जीविका चल रहा थी। इस भूमि का उन्हें खसरा भी मिला हुआ है। नर्मदा जल विवाद न्यायाधिकरण पुनर्वास एवं पुनर्वावस्थापन नीति के अनुसार किसी भी अतिक्रमणकर्ता को भूमि अधिग्रहण अधिनियम की धारा 4 के अनुसार एक वर्ष पहले के अतिक्रमणकर्ता को कम से कम दो हेक्टेयर कृषि भूमि एवं अन्य पुनर्वास सुविधा गुजरात राज्य में प्रदान करने का प्रावधान है। आवेदक के अनुसार उन्हें आज तक मुआवजे के तौर पर गुजरात राज्य में पुनर्वास का लाभ नहीं दिया गया है।

जिला आलीराजपुर, ग्राम रोलिगांव श्री भंगा पिता सतलीयर :-

K39 श्री भंगा ने आयोग को बताया कि पुनर्वास की सूची में उनका नाम है किंतु आज तक उन्हें घर, जमीन प्राप्त नहीं हुई है। उनके गांव के सभी लोग एवं रिश्तेदार गुजरात में जमीन प्राप्त हो जाने के बाद पुनर्वास स्थल पर जा चुके हैं किंतु उन्हें अभी तक पुनर्वास से वंचित रखा गया है। पटवारी से अपील करने पर पटवारी कहता है कि उनका जीआरए से आदेश प्राप्त नहीं हुआ है।

जिला आलीराजपुर, ग्राम कुलवट ,श्री गीलदार पिता कोलू :-

K40 श्री गीलदार तथा श्री डेंगरी पिता नटू, मिरला पिता हजला, पिरला पिता हजला, सिरला पिता हजला, हरसिंह पिता पहाड़ सिंह और नरसिंह पिता मकना ने आयोग को बताया कि उनकी जमीन का 25 प्रतिशत से अधिक भाग डूब में प्रभावित हो चुका है किंतु पारित अवॉर्ड में उसे 25 प्रतिशत से कम डूब प्रभावित बताया है जिसके कारण उन्हें गुजरात में कृषि भूमि एवं आवासीय भूखण्ड नहीं मिले हैं।

जिला आलीराजपुर, ग्राम कुकड़िया, श्री धुधरिया पिता पुनिया ग्राम :-

K41 श्री धुधरिया ने आयोग को बताया कि वे चार भाई हैं तथा उनकी मां उनके साथ रहती हैं। आवेदकगणों की भूमि डूब से प्रभावित नहीं बताई गई है जबकि भौगोलिक दृष्टि तथा साक्ष्यों के अनुसार उनकी भूमि डूब में आती है। वर्ष 2013 में पानी आने के कारण उनकी भूमि में पानी भर गया था। श्री धुधरिया ने आयोग से मांग रखी है कि उनकी जमीन का पुनः सर्वे किया जाए तथा उन्हें पुनर्वास का लाभ दिलवाया जाए।

जिला आलीराजपुर, गांव भीती के श्री जोहारसिंग पिता श्री रणसिंग:-

K42 जोहारसिंग ने आयोग को बताया कि उनकी 14 एकड़ जमीन बांध प्रभावित है जिसमें कुआं और कई पेड़ भी डूब में आए हैं। उन्हें मुआवजे की राशि प्राप्त हुई थी जिससे वो कोई जमीन नहीं खरीद पाए हैं। मेरे नाम से विक्रय पत्र का पंजीयन नहीं हुआ है परंतु शासन के रिकॉर्ड में खरगोन में मेरे नाम से कृषि भूमि खरीदी गई है। मुझे न्याय दिलाया जाए।

जिला धार, ग्राम कडमाल व खारपखेड़ा तहसील कुक्षी के श्री विजय पिता भारत:-

K43 श्री विजय ने आयोग को बताया कि सरदार सरोवर परियोजना से प्रभावित उनके गांव के कई मकानों का सर्वे होना बाकी है। उनके गांव के कई वयस्क पुत्र/पुत्री को घर का प्लॉट व कृषि भूमि आज तक प्राप्त नहीं हुई है। उनके गांव की कृषि भूमि (लगभग 800 एकड़) टापू बन गई है, जिसके कारण आने जाने का कोई साधन नहीं है।

जिला बड़वानी, ग्राम अवल्दा के श्री पेमा पिता बाबू:-

K44 श्री पेमा ने आयोग को बताया कि उनके गांव के 90 मकानों का आज तक मुआवजा नहीं मिला है। 10 विस्थापित परिवार ऐसे हैं जिन्हें जमीन के बदले जमीन मिलना बाकी है। उन्हें शासन ने विशेष पुनर्वास अनुदान की प्रथम किश्त 2005 में दी थी, किंतु आज तक जमीन नहीं प्राप्त हुई है। उनके गांव की जमीन टापू बन गई है।

जिला आलीराजपुर ,ग्राम ककराना, श्री निमजी गेरिया तथा अन्य आवेदकों का आवेदन :-

K45 श्री निमजी गेरिया तथा अन्य के आवेदन से आयोग को ज्ञात हुआ है कि इस गांव के विस्थापित परिवारों में वयस्क पुत्रों को मुआवजा राशि की सूची में नहीं रखा गया है, जबकि उनके पास राशन कार्ड, वोटर कार्ड हैं। किंतु दस्तावेजों को साक्ष्य के रूप में मान्य नहीं किया गया है। इस क्षेत्र में लगभग 26 गांव पुनर्वास के लिए सूची में रखे गए थे केवल दो पुनर्वास स्थल बनाए गए हैं। पहला ग्राम खजूरी

तहसील थान्दला जिला झाबुआ बनाया गया है किंतु उनमें ककराना, अंजनवाडा तथा सुगट के विस्थापितों को पुनर्वासित नहीं किया गया है। दूसरा ग्राम उम्दा, तहसील जोबट जिला आलीराजपुर पुनर्वास स्थल बनाया गया वहां पर भी कृषि के लिए भूमि नहीं दी गई। इस स्थल को माननीय न्यायाधीश झा आयोग ने भी अपनी जांच में रखा था तथा इसे पुनर्वासित स्थल के लायक नहीं पाया था। उन्होंने यह भी बताया कि 26 गांवों में से केवल 8 लोगों को जमीन के बदले जमीन मिली है, पुराने अतिक्रमणकारी अभी भी विस्थापितों को धमकाते हैं और जमीन पर काबिज हैं। इस जमीन पर दो चौकीदारों के मकान भी हैं जिन्हें नहीं हटाया गया है। ककराना तथा सुगट के 8 विस्थापितों को धार में जमीन दी गई है लेकिन उन्हें पट्टे आज तक प्राप्त नहीं हुए हैं।

मछली पालन सहकारी समिति का निर्माण :-

K46 निमजी गेरिया तथा अन्य के आवेदन के अनुसार ग्राम अंजनबाड़ा के विस्थापित लोगों ने मछली पालन सहकारी समिति मर्यादित के नाम से एक मछुआ समिति को विधिवत पंजीयन हेतु जिला आलीराजपुर में भेजा था। पंजीयन विभाग ने समिति के पंजीकरण हेतु मत्स्य विभाग और नर्मदाघाटी विकास प्राधिकरण को अनुमति देने हेतु भेजा था जहां से आज तक पंजीयन पत्र प्राप्त नहीं हुआ है। मछली पालन डूब प्रभावित क्षेत्र में रहने वाले आदिवासियों के लिए आजीविका का साधन है जिन कृषकों की 25 प्रतिशत से कम भूमि डूब में आई है अथवा अवयस्क विस्थापित श्रेणी में हैं उनके लिए यह पंजीकरण हो जाने से उनकी जीविका का साधन हो जाएगा।

राशन की दुकानों पर राशन नहीं मिलने की शिकायत:-

K47 ग्राम ककराना, झण्डाना, भीताड़ा, अंजनबाड़ा, डूबखेड़ा तथा जलसिंधी में भोजन के अधिकार के तहत राशन दुकान का आरम्भ हुआ था जिससे आदिवासियों को हर महीने सस्ता व सुविधाजनक राशन मिल जाता था किंतु इस वर्ष इस क्षेत्र के लोगों को अनाज नहीं मिल रहा है। ककराना में दो महीने छोड़कर एक बार राशन वितरण किया जा रहा है।

सामाजिक पेंशन नहीं मिलने की शिकायत:-

K48 वृद्धापेंशन, विधवा पेंशन तथा निराश्रित पेंशन एवं विकलांग पेंशन इस क्षेत्र में किसी को भी नहीं प्राप्त हो रही है। मातृत्व सहायता के लिए शासन की ओर से दी जाने वाली सहायता अप्राप्त है।

स्वास्थ्य से जुड़े मुद्दों की शिकायत:-

K49 ककराना में स्वास्थ्य केंद्र भवन है लेकिन केंद्र में न तो डॉक्टर रहता है और न ही दवाइयां उपलब्ध हैं। आज तक शासन की ओर से भीताड़ा तथा जल सिंधी में प्राथमिक स्वास्थ्य केंद्र नहीं शुरू किए गए हैं। बीमार पड़ने की स्थिति में आदिवासियों को मोटरवोट तथा जीप का भाड़ा देकर गुजरात ले जाना होता है जिससे उनका 3-4 हजार रुपय का खर्चा हो जाता है।

जिला बड़वानी से संबंधित समस्याओं पर चर्चा :-

K50 बैठक में उपस्थित जिला बड़वानी के कलेक्टर श्री तेजस्वी नायक से माननीय अध्यक्ष महोदय ने पूछा कि – (i) जिले में अनुसूचित जनजाति के हॉस्टल में सीट्स की कमी के विषय में छात्रों से शिकायत प्राप्त हुई है। शिकायत के अनुसार महाविद्यालय में पढ़ने वाले आदिवासी विद्यार्थियों के लिए 50 सीटर छात्रावास बालकों के लिए एवं 50 सीटर छात्रावास बालिकाओं के लिए हैं जबकि अनुसूचित जनजाति बाहुल्य जिला होने के कारण आदिवासी विद्यार्थियों की संख्या लगभग 5,000 है। शहर में पर्याप्त मात्रा में किराए पर कमरे नहीं मिलते हैं जिनमें छोटे-छोट कमरों में 4-5 विद्यार्थी एक साथ रहते हैं। कलेक्टर ने बताया कि वर्तमान में 50 सीटर छात्रावास है। जिन छात्रों को छात्रावास में रहने का स्थान नहीं मिलता है वे शहर में किराए से कमरा लेकर रह सकते हैं। छात्रों द्वारा दिए गए किराए को राज्य शासन द्वारा

दिए जाने का प्रावधान है। यह सत्य है कि छात्रावास कम हैं शीघ्र ही इस समस्या पर विभाग द्वारा कार्यवाही की जाएगी। अध्यक्ष महोदय द्वारा आश्रम शालाओं एवं छात्रावासों में कम्प्यूटर एवं लाइब्रेरी की कमी के लिए छात्रों द्वारा की गई शिकायत के विषय में पूछा। अध्यक्ष महोदय ने बताया कि छात्रों ने यह शिकायत की है कि वर्तमान ऑनलाइन आवेदन भरे जाने के नियम के कारण उन्हें कम्प्यूटर नहीं होने कारण समस्याओं का सामना करना होता है। जिला कलेक्टर ने आश्वासन दिया कि उन्हें जल्द ही कम्प्यूटर दिए जाएंगे। उन्होंने यह भी बताया कि छात्रावासों में खेल-कूद तथा जिम के साधन हेतु कार्रवाई कर रहे हैं। (ii) बड़वानी के अनुसूचित जनजाति छात्रों ने आयोग को शिकायत की है कि शासकीय महाविद्यालयों में नियमित पाठ्यक्रम के अलावा भागीदारी समितियों के माध्य से स्ववित्तीय पाठ्यक्रम चलाए जा रहे हैं। इन पाठ्यक्रमों में पढ़ने वाले आदिवासी छात्रों की फीस सत्र 2014-15 तक आदिमजाति कल्याण विभाग के माध्यम से शासन द्वारा वहन की जाती थी किंतु सत्र 2015-16 से यह फीस विद्यार्थियों से वसूली जा रही है। कलेक्टर बड़वानी ने इस विषय पर आयोग को अवगत कराया कि यह सत्य है कि सत्र 2014-15 तक फीस आदिमजाति कल्याण विभाग वहन कर रहा था किंतु सत्र 2015-16 से इस मद में राशि राज्य शासन द्वारा स्वीकृत नहीं की गई है। अध्यक्ष महोदय ने श्री जी.एस. नेताम, अपर आयुक्त, आयुक्त आदिवासी विकास विभाग, भोपाल से इस विषय पर चर्चा की। उन्होंने आश्वासन दिया कि वे शीघ्र ही इस मामले पर उचित कार्रवाई कर आयोग को अवगत करवाएंगे। (iii) अध्यक्ष महोदय ने अवलदा गांव के निकट पिछोरी गांव में स्थित निर्मित पानी की टंकी से जल वितरण न होने का कारण पूछा। उन्होंने बताया कि मैं कल इसी गांव में जाकर वह टंकी देखकर आ रहा हूं जो कई वर्षों से बन कर खड़ी है किंतु जल वितरण के लिए पाइप लाइन का निर्माण कार्य नहीं किया गया है। कलेक्टर बड़वानी ने बताया कि यह उनके भी संज्ञान में है और वे जल्दी ही जल वितरण की समस्या को दूर करेंगे। (iv) बड़वानी जिले में 7 वन ग्राम हैं (घजारा, तोड़खेड़ी, बोरखेड़ी, भादल, कोटवानी, मोंगसा आदि) जो डूब में आ गए हैं किंतु उन्हें पुनर्वास हेतु जारी सूची में नहीं रखा गया है। जिसके कारण उन्हें विस्थापित होने के बावजूद पुनर्वास का कोई मुआवजा प्राप्त नहीं हो पाया है। अध्यक्ष महोदय ने यह समस्या शासन के अधिकारियों के समक्ष रखी। प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण ने बताया कि यह मेरे संज्ञान में है किंतु 2005 का वन अधिकार का संरक्षण अधिनियम के तहत ऐसे गांवों को पुनर्वासित नहीं हो पा रहे हैं।

(कार्रवाई जिला कलेक्टर बड़वानी)

जिला आलीराजपुर से संबंधित समस्याओं पर चर्चा:-

K51 अध्यक्ष महोदय ने जिला आलीराजपुर में भ्रमण के दौरान अवलोकन की गई तथा विस्थापित अनुसूचित जनजाति से प्राप्त अभ्यावेदनों पर जिला कलेक्टर श्री शेखर वर्मा से चर्चा की—(i) आयोग के ककराना भ्रमण के दौरान शिकायत प्राप्त हुई की पिताड़ा, अंजनवाड़ा, जलसिंधी में राशन की दुकाने नहीं चल रही हैं। ककराना में भी दो महीने में एक बार राशन प्राप्त होता है। अध्यक्ष महोदय ने यह भी कहा कि राशन की दुकान हेतु सेल्फ फेयर ग्रुप बनाए जाएं एवं आशा वर्कर को नियुक्त किया जाए ताकि विस्थापित अनुसूचित जनजाति परिवारों को समय पर शासन द्वारा दी गई राशन की सुविधा में विलंब न हो। कलेक्टर आलीराजपुर ने आयोग को अवगत कराया कि उनके पास इस प्रकार की कोई शिकायत आज तक प्राप्त नहीं हुई है। उनके रिकॉर्ड के अनुसार इन स्थानों पर हर माह राशन का वितरण हुआ है। आयोग की इस शिकायत पर वे संबंधित तहसील/ब्लॉक स्तर पर जांच करेंगे। (ii) माननीय अध्यक्ष महोदय ने ककराना में पानी की टंकी के बनने के बावजूद पाइप लाइन नहीं बनने के कारण जल वितरण के समस्या पर कलेक्टर आलीराजपुर से उत्तर मांगा। कलेक्टर आलीराजपुर ने कहा कि शीघ्र ही इस समस्या का समाधान किया जाएगा। अध्यक्ष महोदय ने यह भी बताया कि इस क्षेत्र में पीने के पानी में फ्लोराइड की मात्रा अधिक पाई जाती है जिसके कारण विभिन्न शारीरिक बीमारियां होती हैं। पीने के पानी के वितरण से पूर्व यदि फिल्टर प्लांट लगवा दिए जाएं तो इस समस्या को दूर किया जा सकता है। आयुक्त, इंदौर ने तीनों कलेक्टरों को निर्देश दिए कि 15 दिन के भीतर सभी जल वितरण स्थानों पर फ्लोराइड की जांच की जाए तथा फिल्टर प्लांट के लिए उचित कार्रवाई कर उन्हें अवगत कराएं। (iii)

आलीराजपुर के कुछ गांव डूब क्षेत्र से लगे हुए हैं जहां पर पूर्व में बोट सर्विस राज्य शासन द्वारा रखी गई थी जो पिछले एक साल से बंद कर दी गई है। अध्यक्ष महोदय ने इस समस्या के समाधान हेतु कलेक्टर आलीराजपुर को कहा। उन्होंने आश्वासन दिया कि यह बोट सर्विस पुनः प्रारंभ कर दी जाएगी। (iv) ककराना के भ्रमण के दौरान आयोग को शिकायत मिली थी कि ककराना में प्राथमिक चिकित्सा केंद्र है लेकिन यह केंद्र सप्ताह में केवल एक दि ही खुलता है जिसमें डॉक्टर नहीं हैं केवल कम्पाउंडर ही आता है। कलेक्टर आलीराजपुर ने कहा कि यह समस्या जिले में विद्यमान है जिस पर शासन द्वारा कार्रवाई की जाना है। डॉक्टर तथा शिक्षकों की कमी इस क्षेत्र में विगत कई वर्षों से बनी हुई है।

(कार्रवाई जिला कलेक्टर आलीराजपुर)

K52 जिला धार से संबंधित समस्याओं पर चर्चा:— (i) निसरपुर गांव तहसील कुक्षी के पुनर्वासित स्थल पर एक अनुसूचित जनजाति शासकीय छात्रावास बनाया गया है जो 2007 में बनकर तैयार हो गया था। 2007 से आज तक उस छात्रावास में मूलभूत आवश्यकताएं जैसे पानी, बिजली नहीं होने के कारण छात्रावास में छात्र नहीं रह पा रहे हैं। यह शासन की ओर से एक पुनर्वासित बसाहट है जिसमें कुछ घर भी बने हुए देखे गए जो जीर्ण-क्षीण अवस्था में थे। यह स्थल पथरीला तथा ऊबड़-खाबड़ है जिसमें पुनर्वासित आदिवासी अपना घर नहीं बना सकते। आयोग के माननीय अध्यक्ष महोदय ने इस संबंध में मध्य प्रदेश शासन के अधिकारियों से पूछा तो उन्होंने बताया कि चूंकि निसरपुर की पुरानी बसाहट डूब में नहीं आई है जिसके कारण आदिवासी एवं अन्य लोग अपने मूल स्थान पर ही रह रहे हैं। यह स्थान उनके मूल स्थान से कुछ दूरी पर है। बसाहट न होने के कारण छात्रावास में सुविधाएं नहीं दी गई हैं। बसाहट न होने के कारण इस छात्रावास में कोई छात्र नहीं रह सकता। (ii) धार जिले में एक मेडिकल कॉलेज खोले जाने की मांग आदिवासी संस्थाओं द्वारा रखी गई थी। अध्यक्ष महोदय ने इस विषय पर शासन से जानकारी चाही तो उन्होंने बताया कि धार से 60 किलो मीटर की दूरी पर स्थिति जिला खण्डवा में अगले वर्ष मेडिकल कॉलेज प्रारंभ होने जा रहा है।

(कार्रवाई जिला कलेक्टर धार,)

K53 आयोग ने धार, आलीराजपुर तथा बड़वानी के दौरे में विस्थापित अनुसूचित जनजातियों से प्राप्त अभ्यावेदनों एवं सुनी गई शिकायतों के आधार पर संबंधित जिलों के कलेक्टर से कार्यवाही किए जाने हेतु उपरोक्त चर्चा की। साथ ही संबंधित कलेक्टर से कार्यवाही कर आयोग को एटीआर भेजने हेतु कहा गया।

दिनांक 28.09.2016 को श्री के. के. सिंह प्रमुख सचिव, राजस्व एवं पुनर्वास, श्री रजनीश वैश्य, प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण, श्री संजय दुबे, आयुक्त, संभाग इंदौर एवं अन्य अधिकारियों के साथ चर्चा एवं सलाह :-

K54 दिनांक 28.09.2016 को दोपहर 12:00 बजे आयुक्त इंदौर के मीटिंग हॉल में बैठक हुई। इस बैठक में मध्य प्रदेश, राज्य शासन के अधिकारी सम्मिलित हुए। श्री के. के. सिंह प्रमुख सचिव, राजस्व एवं पुनर्वास, श्री रजनीश वैश्य, प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण, श्री संजय दुबे, आयुक्त संभाग इंदौर, श्रीमती रेणु पंत, निदेशक नर्मदा घाटी विकास प्राधिकरण, श्री श्रीमंत शुक्ल, कलेक्टर, धार, श्री तेजस्वी नायक कलेक्टर, बड़वानी तथा श्री शेखर वर्मा कलेक्टर आलीराजपुर ने भाग लिया।

K55 अध्यक्ष महोदय ने मध्य प्रदेश शासन के अधिकारियों को जिला आलीराजपुर, धार तथा बड़वानी के दौरे में अवलोकित अनुसूचित जनजातियों की जीवन परिस्थितियां एवं उनकी समस्याओं की जानकारी दी। अध्यक्ष महोदय ने कहा कि वे दौरे में विस्थापित अनुसूचित जनजाति के वर्तमान जीवन को निकट से देखकर आए हैं। उनके जीवन निर्वाह की दशा के संकेतकों का अध्ययन किया गया है। शासन द्वारा दिए जा रहे संकेतकों तथा अवलोकन किए गए संकेतकों में भारी अंतर पाया गया। विस्थापित आदिवासी अपनी मूल परिस्थिति में कोई सुधार नहीं कर पाए हैं। नर्मदा अवॉर्ड के आधार पर पारित सर्वोच्च न्यायालय के

निर्णय दिनांक 18.10.2000 में यह स्पष्ट कहा गया था कि संविधान के अनुच्छेद 21 के अनुसार पुनर्वास एवं पुनर्व्यवस्थापन का कार्य होगा। वर्तमान स्थिति से बेहतर विकास के साथ हर परिवार को बसाया जाएगा। सरदार सरोवर के विस्थापितों एवं जोबट के विस्थापित अनुसूचित जनजाति से मिलने के बाद जो मुख्य तथ्य सामने आए हैं वह यह हैं कि महाराष्ट्र तथा गुजरात राज्य ने विस्थापितों के लिए मध्य प्रदेश राज्य से कुछ बेहतर सुविधाएं दी हैं। इन दोनों राज्यों के विस्थापित अनुसूचित जनजाति राज्य सरकार द्वारा किए गए पुनर्वास कार्यक्रमों के स्तर से संतुष्ट हैं। किंतु अत्यंत खेद है कि मध्य प्रदेश राज्य के विस्थापित अनुसूचित जनजाति राज्य शासन द्वारा किए गए पुनर्वास कार्यों से असंतुष्ट हैं।

अध्यक्ष महोदय ने निम्नलिखित बिंदुओं पर राज्य शासन से वार्तालाप की एवं अपने सुझाव दिए:-

संयुक्त सर्वेक्षण :-

K56 माननीय अध्यक्ष महोदय ने राज्य शासन से डूब में आए हुए गांवों का एक संयुक्त सर्वेक्षण करवाने का सुझाव दिया। उन्होंने कहा कि इस सर्वे में बांध के पानी का डूब क्षेत्र में स्तर नापने हेतु विशेषज्ञ इंजीनियरों को नियुक्त किया जाए ताकि वे डूब में आ रहे गांव का वर्तमान परिस्थितियों में अध्ययन कर सकें। इस सर्वेक्षण का यह लाभ होगा कि जो क्षेत्र पूर्व में डूब क्षेत्र में नोटिफाइड नहीं हो पाए हैं उन्हें नर्मदा विकास प्राधिकरण द्वारा नोटिफाइड किया जा सकेगा। इस सर्वेक्षण के बाद वे विस्थापित अनुसूचित जनजाति जो आज तक विस्थापित होने का दावा कर रहे हैं उन्हें मुआवजा मिल सकेगा। अध्यक्ष महोदय ने यह भी कहा कि उदाहरण के तौर पर यदि कोई विस्थापित परिवार 2 एकड़ भूमि के स्थान पर 3 एकड़ भूमि जोत रहा है तो उसे वर्तमान में काबिज भूमि का एवॉर्ड मिल जाएगा जिससे उसकी यह भूमि रिकॉर्ड में शामिल हो सकेगी। आयोग के इस सुझाव को मध्य प्रदेश राज्य शासन द्वारा मान लिया गया। श्री रजनीश वैश्य, प्र.स.रा.वि. ने अध्यक्ष महोदय से कहा कि वे संबंधित जिलों के कलेक्टरों द्वारा संयुक्त सर्वेक्षण शीघ्र करवाएंगे।

कट ऑफ ईयर :-

K57 अध्यक्ष महोदय ने अधिकारियों को बताया कि उन्हें यह शिकायत प्राप्त हुई है कि पहाड़ी क्षेत्र के लगभग सभी गांव के लिए कट ऑफ डेट वर्ष 1993 है। अन्य स्थानों के लिए कट ऑफ डेट वर्ष 2001-04 के मध्य मध्य प्रदेश राज्य में भूमि अधिग्रहण हुआ है। वर्ष 1993 तथा वर्ष 2001-04 में विस्थापित परिवारों के वे पुत्र जो 18 साल की आयु प्राप्त नहीं कर सके थे वे अवयस्क घोषित किए गए। मुआवजा राशि कई वर्षों बाद प्राप्त हुई। अवयस्क पुत्र राशि मिलने के वर्ष तक वयस्क हो चुके थे तथा पुनर्स्थापना हेतु दिए जाने वाले मुआवजे के हकदार थे। राज्य शासन ने ऐसे अवयस्क आदिवासी विस्थापितों को मुआवजा नहीं दिया है। श्रीमती पंत निदेशक, न.घा.वि.प्रा. ने आयोग को आश्वासन दिया कि यदि इस प्रकार का प्रकरण सामने आया है तो यह परिवार मध्य प्रदेश राज्य शासन द्वारा गठित शिकायत निवारण प्राधिकरण में अपना प्रकरण दे सकते हैं जहां ऐसे प्रकरणों पर निर्णय लेकर उन्हें अवगत करा दिया जाएगा।

मुआवजा राशि को दो या दो से अधिक किशतों में दिए जाने का नियम :-

K58 अध्यक्ष महोदय ने राज्य शासन के अधिकारियों के समक्ष विस्थापितों की इस शिकायत का वर्णन किया। उन्होंने बताया कि विस्थापितों को भूमि खरीदने के लिए रु 5,50,000 दिए जाने का प्रावधान है जिसे दो या दो से अधिक किशतों में दिया गया। पहली किशत दो लाख रुपए दी गई जिससे सौदा करने के बाद विस्थापित को अतिरिक्त राशि दिए जाने का प्रावधान है। विस्थापित अनुसूचित जनजाति दो लाख रुपए में यदि भूमि खरीदने में अक्षम होता है तो उसे अतिरिक्त राशि भी प्राप्त नहीं होती। यदि एक मुश्त 5,50,000 रु दिए जाते तो विस्थापित अनुसूचित जनजाति भूमि का सौदा आसानी से कर सकता था। राज्य शासन ने आयोग को अवगत कराया कि सुप्रीम कोर्ट के निर्णय के बाद यह राशि दिए जाने का प्रावधान किया गया था। उन्होंने यह भी बताया कि इस प्रावधान के अंतर्गत ही बहुत सी शिकायतें बेनामी रजिस्ट्रियों की प्राप्त हुई हैं जो वर्तमान माननीय सर्वोच्च न्यायालय में लंबित हैं। वर्ष 2010 से इस प्रावधान को शिथिल कर पूरा पैसा एक मुश्त दिया जाना आरंभ किया गया है।

भूमि के बदले अनिवार्यतः भूमि दिए जाने के विषय में :-

K59 माननीय अध्यक्ष महोदय ने मध्य प्रदेश शासन को बताया कि उन्हें यह शिकायत मिली है कि विस्थापित अनुसूचित जनजाति परिवारों को भूमि के बदले भूमि नहीं दी गई वरन् उन्हें मुआवजा राशि 5,50,000 रु दे दी गई। अध्यक्ष महोदय ने कहा कि अनुसूचित जनजाति का हर त्यौहार धरती या फसल से जुड़ा रहता है यदि उनके पास भूमि ही नहीं रहेगी तो उनकी संस्कृति नष्ट हो जाएगी। भूमि ही अनुसूचित जनजाति की पहचान है। उन्होंने यह भी कहा कि भविष्य में भूमि नहीं रहने की स्थिति में आदिवासियों को जाति प्रमाण पत्र पाने में भी दिक्कत होगी। श्री वैश्य, प्रमुख सचिव ने बताया कि थांदला खजूरी के पास एक फार्म में विस्थापित अनुसूचित जनजाति को बसाने का कार्य आरंभ किया गया था किंतु उन्होंने इस भूमि को लेने से इंकार कर दिया। आज इस भूमि पर राज्य शासन द्वारा एक कृषि फार्म विकसित किया गया है जिससे अच्छी पैदावार प्राप्त हो रही है। इसी प्रकार ओंकारेश्वर के पास बाबई गांव में भी जमीन विस्थापित अनुसूचित जनजाति को दिखाई गई थी जो उन्होंने नहीं ली आज उस जमीन पर बासमती चावल की पैदावार की जा रही है। उन्होंने आयोग को आश्वासन दिया कि मध्य प्रदेश राज्य के विस्थापित अनुसूचित जनजाति लोगों के लिए लैण्ड बैंक में उपलब्ध भूमि पर विस्थापित अनुसूचित जनजाति की मर्जी के अनुसार भूमि दे दी जाएगी।

पुनर्वासित की पुरानी बसाहटों में रहने वाले अनुसूचित जनजाति के स्थानों पर मूलभूत आवश्यकताओं को जारी रखने हेतु सुझाव :-

K60 अध्यक्ष महोदय ने मध्य प्रदेश शासन को जिला धार की तहसील कुक्षी में स्थित चिखलदा, निसारपुरा तथा कड़माल ग्राम की स्थिति के बारे में रह रहे अनुसूचित जनजाति एवं अन्य परिवारों की समस्याओं के बारे में जानकारी दी। दिनांक 27.09.2016 को इन ग्रामों में जाकर भ्रमण किया था तथा वहां की वर्तमान समस्याओं की जानकारी ली थी तथा पाया कि इन स्थानों पर पानी, बिजली, सड़क, अस्पताल तथा स्कूल की स्थिति अच्छी नहीं है। यहां के स्थानीय लोगों ने आयोग को बताया कि जबसे पुनर्स्थापित करने का आदेश आया है उसके पश्चात ऐसे स्थानों पर विकास तथा पूर्व से स्थापित सुविधाओं को जारी रखने के लिए राज्य सरकार द्वारा दी जाने वाली राशि बंद कर दी गई है जिसके कारण यहां विकट स्थिति हो गई है। अध्यक्ष महोदय ने यह भी बताया कि वे कड़माल के शासकीय माध्यमिक विद्यालय में गए थे। विद्यालय का भवन जर्जर अवस्था में था जिसमें बालक बालिकाएं पढ़ रहे थे। विद्यालय में फर्नीचर, पानी, शौचालय, पंखे तथा अध्यापकों की संख्या का अभाव था। श्री वैश्य प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण ने आयोग को सूचित किया कि जो पुरानी बसाहटें हैं वहां पर नवीन निर्माण बंद कर दिए गए हैं। वे स्थान जो अभी तक डूब में नहीं आए हैं वहां से अनुसूचित जनजाति के लोग विस्थापित नहीं हुए हैं। वे अपनी पुरानी बसाहटों में ही वर्तमान में ही निवासित हैं जबकि उनके लिए नए पुनर्वास हेतु स्थान विकसित कर दिए गए हैं। चूंकि अभी यह परिवार नए स्थानों में स्थांतरित नहीं हुए हैं इसलिए नए स्थानों पर भी कुछ मूलभूत आवश्यकताओं की कमी हो सकती है। कलेक्टर धार ने भी इस विषय में बताया कि जो क्षेत्र डूब क्षेत्र के लिए चिन्हित कर लिए गए हैं उन पर शासन के आदेशानुसार कोई नया निवेश नहीं किया जा सकता है। अध्यक्ष महोदय ने शासन को यह सुझाव दिया कि वे स्थान जहां पर विस्थापित अनुसूचित जनजाति मूल स्थान पर ही रह रहे हैं उन स्थानों की मूलभूत आवश्यकताओं को सुविधाजनक रूप से चलते रहना दिया जाना उचित होगा। कुछ स्थानों पर तो शासन ही यह मान रहा है कि वे कभी डूब में नहीं आएंगे। अतः ऐसे स्थानों पर जहां बसाहटें हटी नहीं हैं वहां मूलभूत आवश्यकताएं जारी रखी जाएं तथा आवश्यक नए निर्माण जैसे शौचालय आदि बनाने के लिए उन्हें अनुमति दी जाए।

विस्थापित गांव के रहवासियों को बीपीएल में माना जाए :-

K61 माननीय अध्यक्ष महोदय ने सलाह दी कि सभी विस्थापित गांवों के रहवासियों को महाराष्ट्र शासन की तरह बीपीएल में रखा जाए ताकि उन्हें खाद्य सामग्री आदि की सुविधाएं प्राप्त हो सकें। उन्होंने बताया

कि आलीराजपुर जिले के ग्राम ककराना, झण्डाना, भीताड़ा, अंजनबाड़ा, डूबखेड़ा तथा जलसिंधी में शिकायत मिली है कि वहां राशन की दुकाने नहीं खुलती हैं जिसके कारण अनुसूचित जनजातियों को मिलने वाली खाद्य सामग्री से वंचित रहना होता है। श्री वैश्य ने आयोग को बताया कि शासन की योजना के अनुसार 100 प्रतिशत विस्थापित अनुसूचित जनजाति को बीपीएल की श्रेणी में रखा गया है तथा वे इसके अंतर्गत प्राप्त होने वाली सभी सुविधाएं प्राप्त कर रहे हैं। उन्होंने सभी मौजूदा कलेक्टरों से अपने अपने क्षेत्रों में इस संबंध में विशेष निगरानी रखने के आदेश भी दिए।

पांच साल से विस्थापित परिवार यदि अपने मूल स्थान पर ही रह रहे हैं तो उन्हें भविष्य में विस्थापित न करें :-

K62 माननीय अध्यक्ष महोदय ने कहा कि यदि कोई अनुसूचित जनजाति पांच साल से अपने मूल स्थान पर रह रहा है जबकि वह विस्थापित घोषित हो चुका है तो उसे विस्थापित न करें। प्रमुख सचिव नर्मदा विकास प्राधिकरण ने बताया कि 01 जनवरी, 2014 को जो परिवार अपने मूल स्थान पर रह रहे हैं और वे विस्थापित घोषित हो चुके हैं उन्हें विस्थापित नहीं माना जाएगा, ऐसा शासन के आदेश हैं। उन्होंने यह भी बताया कि ट्रब्युनल के आदेश के अनुसार जब तक विस्थापितों के मूल स्थान पर पानी नहीं भर जाता उन्हें वहां से नहीं हटाया जाएगा। वे अपनी उस मूल जमीन पर कब्जा बनाए रख सकते हैं।

क्रेता-विक्रेता-दलाल से संबंधित माननीय सर्वोच्च न्यायलय में न्यायधीन प्रकरणों के संबंध में :-

K63 अध्यक्ष महोदय ने कहा कि क्रेता-विक्रेता एवं दलाल के 999 प्रकरण माननीय सर्वोच्च न्यायलय में विचाराधीन हैं। इन प्रकरणों के अलावा भी ऐसे कई विस्थापित अनुसूचित जनजाति हैं जो अपनी जमीन भी खो चुके साथ उन्हें मुआवजे के तौर पर प्राप्त होने वाली जमीन भी नहीं मिली। शासन की यह जिम्मेदारी है कि वे उन दस्तावेजों की जांच करें जो जमीन के सौदे से जुड़े हुए थे। यदि यह जिम्मेदारी अधिकारियों द्वारा मुस्तैदी से निभाई गई होती तो अशिक्षित अनुसूचित जनजाति अपनी जमीन से वंचित नहीं होते और न ही ऐसे प्रकरण न्यायालय में विचाराधीन होते। अध्यक्ष महोदय ने कहा कि ऐसे प्रकरणों को यदि सीबीआई में दे दिया जाए तो न्याय की संभावना जल्द हो सकेगी। श्री वैश्य ने बताया कि ऐसे प्रकरण सीबीआई में पहले ही चले गए हैं। W.P. No. 14765/2007 (PIL) दिनांक 16.02.2016 के निर्णय के अनुसार जांच तथा अन्वेषण हेतु ऐसे प्रकरण सीबीआई को दिए जाने के आदेश दिए हैं। अध्यक्ष महोदय ने सलाह दी कि माननीय 'ज्ञा' आयोग की रिपोर्ट में दी गई अनुशंसाओं का पालन मध्य प्रदेश शासन को लागू करना चाहिए, जिसमें मुख्यतः विस्थापितों को जमीन के बदले जमीन देने तथा फर्जी सौदों के लिए जिम्मेवार पदाधिकारियों के विरुद्ध कार्रवाई अंकित है। आयोग का मानना है कि सभी पदाधिकारी जिन्होंने बिना जांच किए चैक बांटे हैं, उनकी सहभागिता इस मामले में अवश्य है।

विस्थापित अनुसूचित जनजाति क्षेत्रों में मछली पालन समिति का निर्माण करने की अनुमति दिए जाने के संबंध में :-

K64 आयोग के माननीय अध्यक्ष महोदय ने राज्य शासन के अधिकारियों से डूब क्षेत्र से लगे हुए अनुसूचित जनजाति लोगों को मछली पालन समिति का निर्माण किए जाने में शासन की सहायता करने का सुझाव दिया। उन्होंने कहा कि वे विस्थापित जो भूमिहीन थे अथवा मछली पकड़ना जिनका व्यवसाय था अथवा जिनकी 25 प्रतिशत भूमि डूब में नहीं आई थी, जिसके कारण उनको भूमि का मुआवजा भी नहीं प्राप्त हुआ है उनके जीविकोपार्जन हेतु उन्हें मछली पालन का प्रशिक्षण देते हुए स्थानीय समितियों का निर्माण किया जाए ताकि वे मछली बेचकर अपना जीवन-यापन कर सकें। यह काम कॉओपरेटिव के अंतर्गत होने से वे इस व्यवसाय के समान अधिकारी होंगे। शासन की ओर से आयोग को बताया गया कि वर्तमान में समितियों का निर्माण नहीं किया गया है जिसे जल्दी ही किए जाने का आश्वासन दिया। उन्होंने बताया कि शासन की यह योजना है कि नर्मदा नदी पर निर्मित सभी बांधों में कॉओपरेटिव सोसाइटीज के माध्यम से ही मछली का उद्योग होगा।

शासन द्वारा विस्थापितों को पुनर्स्थापित करने के आंकड़ों में जीरो बैलेन्स:-

K65 अध्यक्ष महोदय ने शासन से पूछा कि विस्थापितों को पुनर्स्थापित करने के लिए शासन द्वारा दी गई रिपोर्ट के अनुसार कोई भी परिवार अब पुनर्स्थापित होने के लिए शेष नहीं है। जबकि आयोग के दौरे से यह ज्ञात हुआ है कि ऐसे सैकड़ों परिवार हैं जिनको पुनर्स्थापित होने की प्रक्रिया से वंचित होना पड़ा है। ऐसे में सरकार द्वारा जीरो बैलेन्स कैसे दिखा दिया गया है। शासन द्वारा आयोग को बताया गया कि पुनर्स्थापन की सूची में आए हुए सभी परिवारों को मुआवजा राशि अथवा भूमि दी जा चुकी है। ऐसे भी परिवार हैं जो डूब क्षेत्र में नहीं आए हैं और उन्हें मुआवजा राशि भी प्राप्त हो चुकी है। अधिकतर पुनर्वासित गांव में सभी मूलभूत सुविधाएं दी जा चुकी हैं। कुछ प्रकरण ऐसे हैं जो माननीय न्यायालय में विचाराधीन होने के कारण उन पर कार्रवाई नहीं हो सकी है। माननीय न्यायालय द्वारा निर्णय के उपरांत ऐसे प्रकरणों पर कार्रवाई हो जाएगी।

विस्थापित अनुसूचित जनजाति क्षेत्रों में कृषि अनुसंधान संस्थान:-

K66 अध्यक्ष महोदय ने विस्थापित अनुसूचित जनजाति क्षेत्र में कृषि अनुसंधान संस्थान बनाए जाने का सुझाव दिया जिससे आस-पास के क्षेत्रों में अच्छी कृषि लेकर अनुसूचित जनजाति अपने आय के स्तर को बढ़ा सकें। शासन की ओर से आयोग को अवगत कराया गया कि सभी अनुसूचित जनजाति क्षेत्रों में कृषि विज्ञान केंद्र हैं जो हर ब्लॉक स्तर पर कार्यवाही करते हैं। वे प्रत्येक ब्लॉक से मिट्टी ले जाकर लैब में परीक्षण करते हैं तथा कृषकों को उसके संबंध में विस्तृत जानकारी देते हैं। श्री वैश्य नर्मदा घाटी विकास प्राधिकरण ने यह भी बताया कि झाबुआ जिले में सिंचाई के साधन आने से गेहूं की अच्छी पैदावार हुई है धान भी पैदा होने लगा है। हमारा उद्देश्य है कि यहां के स्थानीय कृषक एक फसल के स्थान पर दो फसल प्रति वर्ष लें ताकि वे कृषि स्तर पर उन्नत हो सकें।

अतिक्रमित भूमि पर गैर कानूनी रूप से काबिज लोगों द्वारा विस्थापितों को आवंटित भूमि से भगाए जाने के विषय में :-

K67 आयोग के प्रवास के दौरान यह शिकायत सभी जिलों के विस्थापित अनुसूचित जनजातियों से प्राप्त हुई है कि कुछ स्थानों पर विस्थापित अनुसूचित जनजातियों को आवंटित भूमि पर पूर्व से ही अवैधानिक रूप से लोगों को कब्जा था। जब यह भूमि विस्थापित अनुसूचित जनजाति को आवास एवं खेती के लिए आवंटित की गई तो वे इस भूमि से हटने के लिए तैयार नहीं थे। उन्होंने विस्थापित अनुसूचित जनजाति के साथ मार-पीट की एवं उनकी खड़ी फसल को भी नुकसान पहुंचाया। जिसके कारण अब ऐसे पीड़ित अनुसूचित जनजाति पुनर्वासित स्थल पर जाने को तैयार नहीं हैं। आयोग ने इस समस्या के लिए उचित कार्रवाई करने हेतु राज्य शासन को कहा। श्री वैश्य, प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण ने श्रीमती पंत, निदेशक, नर्मदा घाटी विकास प्राधिकरण को तथा संबंधित जिला कलेक्टरों को आदेश दिए कि ऐसे स्थानों पर पुलिस प्रोटेक्शन के साथ खेती कराएं। उन्होंने यह भी कहा कि यदि एक मौसम की खेती यह विस्थापित परिवार कर लेंगे तो अतिक्रमण-कारी अपना अधिकार छोड़ देंगे।

मलेरिया, सिलिकोसिस तथा सिकल सेल एनीमिया के विषय में :-

K68 आयोग को तीनों जिलों में ही मलेरिया, सिलिकोसिस तथा सिकल सेल एनीमिया की बीमारी के सुचारू रूप से इलाज नहीं हो पाने की शिकायत प्राप्त हुई। इस विषय पर उच्च अधिकारियों से चर्चा करते हुए अध्यक्ष महोदय ने कहा कि आदिवासियों को बीमारी का पूर्ण ज्ञान नहीं होता है, उनके शरीर में सिलिकोसिस तथा सिकल सेल एनीमिया हो जाने के कारण उनकी आयु घट जाती है एवं कार्य करने की शक्ति भी क्षीण हो जाती है। प्राथमिक चिकित्सा केंद्रों में यदि समय पर इन बीमारियों की पहचान हो जाए

तो उन्हें इसके दुष्प्रभाव से बचाया जा सकता है। शासन ने आयोग को आश्वासन दिया कि वे प्राथमिक चिकित्सा केंद्रों में इन बीमारियों के इलाज हेतु समुचित व्यवस्था की ओर ध्यान दिया जाएगा।

K69 उपरोक्त सभी तथ्यों को दृष्टिगत रखते हुए अध्यक्ष महोदय ने मध्य प्रदेश शासन के उच्च अधिकारियों से कहा कि इतिहास गवाह है कि जब भी देश के विकास के लिए भूमि की आवश्यकता हुई है, चाहे यह भूमि किसी बड़े प्लांट को बनाने के लिए, खदानों को खोदने के लिए, वन संरक्षण के लिए अथवा बांध बनाने के लिए ली गई है तो उस भूमि का स्वामी अनुसूचित जनजाति ही रहा है जो जंगल पहाड़ में रहने वाले हैं। आज तक के अनुभव में अनुसूचित जनजाति अपने को ठगा सा महसूस करता है। ऐसे भूमि अधिग्रहणों से आदिवासियों की विशेष प्रगति नहीं हो पाती तथा वह विकास की प्रक्रिया की धारा से अलग हो जाते हैं। सरदार सरोवर बांध के पुनर्विस्थापित अनुसूचित जनजातियों की जीवन स्तर की दशा देखकर ऐसा अनुभव हुआ कि वे विगत 30 वर्षों में 30 वर्ष पीछे हो गए। उनका विकास रुक गया है। अनुसूचित जनजाति की पहचान जमीन ही है। यदि हम अनुसूचित जनजाति को समस्या को समस्या ना मानकर समाज की एक 'इकाई' मानेंगे तभी हम उनके उत्थान हेतु कर रहे प्रयासों में सफल हो सकेंगे।

आयोग द्वारा विभिन्न जिलों के भ्रमण के दौरान प्राप्त अभ्यावेदनों एवम् अन्य प्राप्त सामग्री की जानकारी जिले वार इस प्रकार है:-

1. जिला धार, मध्यप्रदेश I

क्र.	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
1.	श्री रिकु गवली	सालखेडा कुक्षी, जिला धार	आदिवासी छात्रावास को नष्ट करने पर रोक लगाने एवम् छात्रों के निवास का प्रबंध कराने बाबत्
2.	श्री लक्ष्मण एवम् अन्य साथियों द्वारा	वि. ख. कुक्षी, जिला धार	आरक्षित आदिवासियों के हितार्थ विशेष आवंटित बजट राशि के निर्माण कार्यों में फर्जीवाडा व भ्रष्टाचार में लिप्त अधिकारी व कर्मचारियों की सेवाएँ समाप्त कराने एवं अ.ज.जा. अत्याचार अधिनियम के तहत प्रकरण दर्ज कराने के आदेश बाबत्
3.	श्री बुदा पिता कनसिंह	ग्राम तालनपुर तह. कुक्षी, जिला धार (म. प्र.)	प्रार्थी कृषक की खड़ी फसल नष्ट कराने वाले ठेकेदार जे. सी. सी. मशीन संचालक के खिलाफ तत्काल कार्यवाही करने एवम् उसकी मशीन जप्त करने बाबत्
4.	श्री बुदा पिता कलसिंह	लालनपुर तहसील कुक्षी, जिला धार	न्याय से वंचित कराने पर रोक व प्रताड़ितकर्ता आरोपियों के खिलाफ अ. ज. जा. अत्याचार अधिनियम के तहत प्रकरण दर्ज कराने बाबत्
5.	श्रीमती केजु निगवाल	ग्राम झडदा तह. कुक्षी, जिला धार (म. प्र.)	पीड़ित प्रार्थनी को परिवेषक, कार्य एवं अधिकारी द्वारा प्रताड़ना पर रोक एवं सुरक्षा प्रदान करने बाबत्
6.	श्री रमेश देसाई (सरपंच)	ग्राम नीमथल तह. कुक्षी, जिला धार	ग्राम पंचायत में निर्माण कार्य हेतु राशि प्रस्तावना अनुसार स्वीकृत कराने व निर्माण कार्य प्रारम्भ कराने के संबंध में।
7.	श्री बुदा पिता मानसिंह	तालनपुर, जिला धार	आदिम जनजाति कल्याण विभाग म.प्र. बालक छात्रावास नष्ट कराने रोक व जमीन पर अन्य उपयोग पर रोक लगाने बाबत्
8.	श्री महेन्द्र सिंह भिडे	सिल कुआ तह. उही, जिला धार (म. प्र.)	चिकित्सा महाविद्यालय में प्रवेश कराने बाबत्
9.	श्री मनीशा अलावा (वरिष्ठ अध्यापक)	शा. बा. उ. मा. विद्यालय, केसूर, जिला धार (म. प्र.)	कार्यस्थल कर महिला के साथ श्री स्मृतिरत्न मिश्र द्वारा अभद्र व्यवहार एवं जातिगत भेदभाव कर मानसिक रूप से प्रताड़ित करने बाबत्
10.	श्री कुलसिंह	मनावर, जिला धार	कन्या परिसर भवन निर्माण की स्वीकृति बाबत्

क्र. ०	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
12.	श्री मोहन भगवान जी पाटीदार एवम् अन्य सभी साथियों द्वारा	ग्राम भवरिया, तहसील कुक्षी, जिला धार	सरदार सरोवर परियोजना से प्रभावित परिवारों के संबंध में
13.	श्री रमेश देसाई	ग्राम निमथल तह. कुक्षी, जिला धार	संविधान के छठी अनुसूची लागू कराने व आदिवासियों के मौलिक अधिकारों के लगातार हनन करने पर रोक के बाबत
14.	श्री जगदीश पिता मंगु	निवास चिलवा तह. कुक्षी, जिला धार	आदिवासी छात्रावास में छात्रों को भूखे मारने वाले छात्रावास अधीक्षक श्री जितेन्द्र गढ़वाल, बी. इ. ओ. श्री यादव के खिलाफ अ.ज.जा. अत्याचार निवारण अधिनियम के तहत प्रकरण दर्ज कराने बाबत
15.	श्री जनपत पंचायत कुक्षी एवम् अन्य साथियों द्वारा	ग्राम पंचायत निमथल ज. प. कुक्षी, तह. कुक्षी जिला धार	ग्रामीण आदिवासियों के मौलिक अधिकारों के हनन पर रोकथाम व सामान्य वर्ग के अधिकारियों व कर्मचारियों के खिलाफ तत्काल कार्यवाही बाबत
15.	श्री जनपत पंचायत कुक्षी एवम् अन्य साथियों द्वारा	ग्राम पंचायत निमथल ज. प. कुक्षी, तह. कुक्षी जिला धार	ग्रामीण आदिवासियों के मौलिक अधिकारों के हनन पर रोकथाम व सामान्य वर्ग के अधिकारियों व कर्मचारियों के खिलाफ तत्काल कार्यवाही बाबत
16.	श्री रमेश देसाई	ग्राम निमथल तह. कुक्षी, जिला धार	जिला लोक कल्याणकारी शिविर ग्राम पंचायत नियम व आयोजित कराने के आदेश बाबत
17.	श्री बुदा पिता कनसिंह	तालनपुर तह. कुक्षी, जिला धार	पीडित प्रार्थी कृषक को प्रताड़ना पर रोक लगाने एवम् आरोपियों के विरुद्ध अ० ज० जा० के तहत कार्यवाही करने बाबत
18.	श्री सुरेन्द्र सिंह हनी बघेल	तहसील कुक्षी, जिला धार	कुक्षी विधानसभा क्षेत्र की विभिन्न पंचायतों के मूलभूत सुविधा विहीन पुर्नवासस्थल एवं विस्थापितों के लंबित मुआवजों की ओर ध्यानाकर्षण ।

2. जिला आलीराजपुर (म. प्र.) :

क्र. ०	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
1.	श्री मुन्ना पिता रफी,	ग्राम ककराना तहसील सोण्डवा, जिला आलीराजपुर, म. प्र.	गुजरात में पुनर्वास करने बाबत – जी आर ए प्रकरण क्रमांक ि 1. नि. प्रा. /2015
2.	श्रीमती खुकडी बाई, आंगनवाडी	ग्राम ककराना, पंचायत ककराना, तहसील सोडवा जिला आलीराजपुर	आंगनवाडी भवन दिलाने के विषय में।
3.	श्री तिन्डिया – लालसिंह – महलगौव	ककराना, जिला आलीराजपुर	गाँव की आर्थिक समस्या का निवारण करने हेतु
4.	श्री धुधरिया पुनिया एवम् अन्य साथी	कुकडिया जिला, आलीराजपुर	भू-अर्जन में छूटी हुई जमीन जो कि डूब से प्रभावित हो रही है, लेकिन उन्हें डूब प्रभावित मान्य नहीं किया जा रहा है, का पुनः सर्वे कर उनका अधिग्रहण कर पुनर्वास का लाभ प्रदान करने का आदे । पारित करवाने बाबत
5.	श्री भंगा रतनीय	पोस्ट वालपुर, तहसील सोण्डवा, जिला आलीराजपुर	प्रार्थी का नाम सरदार सरोवर सूची में है, परन्तु उसका पुर्नवास गुजरात में नहीं किया जा रहा है
6.	श्री जय आदिवासी युवा शक्ति	तहसील जिला, आलीराजपुर	अनुसूचित जाति/ जनजाति के रिक्त पद भरने बाबत
7.	श्री गंदालाल मांगीलाल राठौर	ग्राम ककराना, जिला आलीराजपुर	ग्राम खजुरी में कब्जा प्राप्त करने बाबत
8.	श्री गीलदार कोलू	ग्राम कुलवट, तहसील सोडवा, जिला आलीराजपुर	पारित अवार्ड 25 प्रतिशत से कम डूब प्रभावित बताकर मेरा पुनर्वास नहीं किया जा रहा।
9.	श्री किरता पिता बालजी एवम् अन्य 67 साथियों द्वारा	ग्राम भेडवा, पोस्ट वालपुर तहसील सोडवा, जिला- आलीराजपुर	जमीन नहीं मिलने बाबत
10.	श्रीमती अयोध्या बाई	ग्राम रोली गाँव विकास खंड सोडवा, जिला आलीराजपुर	पुनर्वास नीति अनुसार राि ि दिलाने बाबत
11.	श्री चंद्र खेर राठौर	ग्राम रोली गाँव तहसील सोडवा, जिला आलीराजपुर	भूखण्ड दिलाने बाबत
12.	श्री भीम सिंह, शंकर लाल राठौर	ग्राम ककराना तहसील सोडवा, जिला आलीराजपुर	आवटित भूखण्ड पर पुनर्वास करने बाबत
13.	श्री नीमजी गोरिया एवम् अन्य साथी द्वारा	ग्राम ककराना, तहसील सोडवा जिला आलीराजपुर	26, गाँव सरदार सरोवर, बांध से प्रभावित है इसका निवारण करने हेतु
14.	मध्यप्रदे ि अनुसूचित जाति जनजाति अधिकारी एवम् कर्मचारियों संघ	जिला कार्यालय 11/1 फतहकल्ब रोड चारबुजा होटल के पीछे, जिला आलीराजपुर	उच्च न्यायालय जबलपुर के निर्णय दिनांक 30. 04.2016 के संबंध पदोन्नति नियम 2016 बनाए जाने तथा अन्य मांगों की पूर्ति के सम्बंध में

क्र.	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
15.	श्री दिनेश पिता बल्लू माझी	निवासी पटेल फलिया, ग्राम ककराना, तहसील सोंडवा, जिला अलीराजपुर	प्राथी को गुजरात में भूमि व भूखण्ड आवंटन करने बाबत
16.	श्री खुमसिंह	गाँव धयाना जिला, आलीराजपुर	सिलिकोसिया बिमारी से प्रभावित आदिवासियों के संबंध में
17.	श्रीमती वालकी बेवा रंगु	बेहडवा पोस्ट वालपुर तहसील सोण्डवा, जिला अलीराजपुर जिला	प्राथी को गुजरात राज्य में कृषि भूमि व अन्य पुनर्वास लाभ दिलाने हेतु हाईकोर्ट में आवेदन प्रस्तुत करने के लिए सहायता दिला कर लाभ दिलाने बाबत ।
18.	श्री खेमा पिता वेस्ता	तहसील आलीराजपुर, जिला आलीराजपुर	जोबट बांध के डूब क्षेत्र में आये 13 आदिवासी गाँव की हकीकत बताने बाबत
19.	श्री जेतु पिता देसिंग	ग्राम उन्दा, तहसिल जोबट, जिला आलीराजपुर	विस्थापित आदिवासी प्राथी के सहमति एवं जानकारी के विरुद्ध आवंटित मुआवजा राशि नियमानुसार वापिस कर, पुर्नवास नीति और सर्वोच्च अदालत के आदेशानुसार सिंचित कृषि-योग्य, उपयुक्त जमीन एवं भू-खण्ड का आवंटन करने बाबत ।
20.	श्री वेस्ता पिता अमनसिंग	ग्राम उन्दा, तहसिल जोबट, जिला आलीराजपुर	ग्राम उन्दा, तहसिल जोबट, जिला आलीराजपुर
21.	श्री लालसिंह पिता पहाडसिंह	ग्राम बेहडवा, तहसील व जिला अलीराजपुर	भूमि के बदले में भूमि मिलने बाबत
22.	श्री नाम उगरसिंह पिता भागत्या	ग्राम वास्कल तहसील जोबट, जिला आलीराजपुर	कृषि भूमि का मुआवजा मिल गया है परन्तु कृषि भूमि में स्थित वृक्ष (पेड) का मुआवजा दिलाने बाबत
23.	श्री खेमा डुंगर सिंह	जोबट तहसील एण्ड टारुन, आलीराजपुर	पुनर्वास जोबट में रहने वाले 13 गाँव के आदिवासियों को बसाने बाबत
24.	श्री शब्बीर दारीया एवम् अन्य साथियों द्वारा	तहसील सोंडवा विकास खण्ड सोंडवा, जिला आलीराजपुर म. प्र.	पिता को गुजरात में विस्थापित किया गया किन्तु उनकी पुत्री को लाभ नहीं दिये जाने बाबत
25.	श्रीमती मंजु बाई	ग्राम-सुगट तहसील-सोण्डवा, जिला अलीराजपुर	फजी बीपीएल कूपन लगा कर मिनी ऑगनवाड़ी कार्यकर्ता का पद हड़पा गया जिसकी जाँच कर उचित कार्यवाही करने के संबंध में ।
26.	रेशिया पिता सैकड़िया	निवासी सोंडवा, जिला आलीराजपुर	आलीराजपुर तहसील में पदस्थ तहसीलदार श्री खतेडिया द्वारा अभद्र व्यवहार एवं धमकी देने के संबंध में
27.	श्री देवला पिता सुरतान व सुकलाल पिता सुरतान	ग्राम बेहडवा पोस्ट वालपुर तहसील व जिला आलीराजपुर	हम विस्थापित अतिक्रमक को पुनर्वास निधि के अनुरूप गुजरात राज्य में पुनर्वास लाभ दिलाने विषयक
28.	श्री महन्त रमेश गिरी	ग्राम ककराना, जिला आलीराजपुर	ग्राम ककराना में स्थित वैद्यनाथ धाम में मंदिर के डूब प्रभावित होने से इसका मुआवजा दिये जाने बाबत
29.	श्री कुलवत	तहसील सोण्डवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
30.	श्री वेस्ता पिता नुरला	तहसील सोण्डवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
31.	श्री पारिया पिता कोटवाल	तहसील सोण्डवा, जिला अलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
32.	श्री कारला पिता दशरीया	तहसील सोण्डवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
33.	श्री कुलजरी पिता श्री गुलाब माता श्रीमती नटी	तहसील सोण्डवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
34.	श्री लालमान पिता श्री गुलाब माता श्रीमती नटी	तहसील सोण्डवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
35.	श्री भलसिंह पिता श्री देआ माता श्रीमती बउदी	ग्राम ककराना तहसील सोंडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
36.	श्री हरी पिता गल्लु	ग्राम ककराना तहसील सोंडवा, जिला आलीराजपुर	मृत्यु प्रमाण पत्र जारी करने संबंध
37.	श्री रेमला पिता श्री गुलाब माता श्री वान्दली	ग्राम ककराना तहसील सोंडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
38.	श्री रामला माता श्रीमती भंगुडी पिता श्री प्रेमसिंह	ग्राम ककराना तहसील सोंडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
39.	श्रीमती चमारीया माता श्रीमती सारली पिता भुरसिंह	ग्राम ककराना तहसील सोंडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध

क्र.।	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
40.	श्री जीवल सिंह माता श्रीमती रजली पिता लालसिंह	ग्राम ककराना तहसील सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
41.	श्री हीरा लाल माता श्रीमती कारली पिता श्री रमेश	ग्राम ककराना तहसील सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
42.	श्री सयाराम माता श्रीमती झिनली पिता श्री सादिया	ग्राम ककराना तहसील सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
43.	श्री मजान पिता नुरला	तहसील सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने संबंध
44.	श्री जब्बर सिंह पिता रामसिंह	ग्राम पंवायत ककराना त. सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने बाबत
45.	श्री सबरीया पिता रामसिया	त. सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने बाबत
46.	श्री फदलिया पिता रामसिया	त. सोडवा, जिला आलीराजपुर	जन्म प्रमाण पत्र जारी करने बाबत
47.	श्री भू-अर्जन एवं पुनर्वास अधिकारी	सरदार सरोवर परियोजना, आलीराजपुर म. प्र.	आदे 1 आवासीय भूखण्ड आवंटन श्रीमान रमे चन्द्र मांगीलाल
48.	श्री गोखरू पिता मागला एवम् अन्य साथियों द्वारा	ककराना तहसील सोण्डवा, जिला आलीराजपुर म. प्र.	पुनर्वास नीति, नर्मदा जल विवाद न्यायाधिकरण के अनुसार पुनर्वास हेतु

3. जिला – बड़वानी (म. प्र.)

क्र.।	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
1.	मध्यप्रदे 1 अनुसूचित जाति – जनजाति अधिकारी कर्मचारी संघ	जिला बड़वानी (अजाक्स)	18 सितम्बर 2016 को भोपाल में राष्ट्रीय अनुसूचित जाति जन जाति युवा संघ मध्य प्रदे 1 के युवाओं पर पुलिस द्वारा किये गये बर्बरता पूर्ण लाठीचार्ज तथा उनकी संवैधानिक मांगों के संबंध में
2.	श्रीमती सेवतीबाई भाबर	ग्राम ओझर तह. राजपुर, जिला बड़वानी	गाँव के दबंगों द्वारा घर पर आकर मुझे एवं मेरे परिवार को जान से मारने की धमकी देने के संबंध में
3.	आदिवासी जयस नारी शक्ति	जिला बड़वानी	आदिवासी महिलाओं के ग्राम सभा आयोजित करने के अधिकार प्रदान करने बाबत
4.	श्रीमती रामीबाई पति िवराम नरगावें	ग्राम-पाल्या तह., जिला बड़वानी (म. प्र.)	ग्राम – मगरघाटी में बिजली, रा न कार्ड, आंगनवाड़ी केन्द्र, स्कूल एवं रोड आदि सुविधा देने बाबत ।
6.	श्रीमती धनुबाई बेवा उमरसिंह	नन्दगाँव, जिला बड़वानी	माननीय उच्च न्यायालय के समक्ष विचाराधीन रिट याचिका क्र. 2168/2016, 2164/2016 एवं 7840/2015 में अंतिम निर्णय पारित होने तक आवेदनकर्ता की िकायत लंबित रखने और कोई भी नगद भुगतान नहीं करने बाबत।
7.	श्री हरसिंग जमरे	जागृत आदिवासी दलित संगठन, जिला बड़वानी (म. प्र.)	विभिन्न समस्याओं का समाधान करने बाबत
8.	आरक्षण बचाओ – संविधान बचाओ समिति	आदिवासी विश्रामालय महिला अस्पताल के पीछे, बड़वानी, जिला बड़वानी जिला बड़वानी, म0 प्र0	जिला चिकित्सालय बड़वानी में पदपूर्ति एवं नि: शुल्क स्वास्थ्य सेवा उपलब्ध कराने बाबत
9.	श्री प्रका 1 बन्दोड (प्रदे 1 उपाध्यक्ष)	आदिवासी छात्र संगठन, जिला बड़वानी म0 प्र0	बड़वानी जिले में अध्ययनरत आदिवासी विद्यार्थियों की समस्याओं के संबंध में
10.	श्री तुकाराम जाधव एवम् अन्य छात्र	जिला बड़वानी म0 प्र0	क। तथा च्कक। मेट्रिक डिप्लोमा माखनलाल चतुर्वेदी, छात्रावास मरम्मत, खिड़की में जाली, कम्प्युटर लैब, पुस्तकालय, जिम, खेल सामग्री, मेस की राशि बढ़ाने हेतु, बाउंड्रीवाल, पानी की टंकी की मरम्मत की जाने के संबंध में
11.	श्री टी. सी. ठाकुर	न. वि. स. क्र. 11 बड़वानी	प्रति नियुक्ति पर आवेदन पत्र सम्बन्ध में
12.	श्री तारा चन्द	जिला बड़वानी	मुझे मकान मुआवजा और घर प्लॉट के साथ पुनर्वास लाभ प्रदान करने बाबत
13.	श्री मांगीलाल पिता माछीया	ग्राम सोन्दुल तह., जिला बड़वानी	सरदार सरोवर परियोजना से विस्थापितों को भूखण्ड के बदले नगद राशि दिलाने बाबत
14.	श्री कल्या पिता गणस्या एवम् अन्य साथियों द्वारा	ग्राम बिरलाई, जिला बड़वानी	फर्जी रजिस्ट्री करने वाले पटवारी के खिलाफ कार्यवाही किये जाने बाबत
15.	श्री अजयसिंह ठाकुर, रोगी कल्याण समिति, बड़वानी	जिला बड़वानी	जिला चिकित्सालय बड़वानी में रोगी कल्याण समिती द्वारा चिकित्सा सुविधाओं कि बढ़ाई गई दरों के ज्ञापन के संबंध में ।

क्र. ०	अभ्यावेदन कर्ता का नाम	तहसील / जिला	विषय
16.	श्रीमती रामीबाई विठ्ठलराव	ग्राम - पाल्या तह., जिला बडवानी (म. प्र.)	ग्राम - मगरघाटी में बिजली, राशन कार्ड, आंगनवाड़ी केन्द्र, स्कूल एवं रोड आदि सुविधा देने बाबत।
17.	श्री रामलाल पि. जलाल	ग्राम नंदगॉव, तहसील एवं जिला बडवानी	माननीय उच्च न्यायालय के समक्ष विचारधीन रिट याचिका क्र. 2168/2016, 2164/2016 एवं 7840/2015 में अंतिम निर्णय पारित होने तक आवेदनकर्ता लंबित रखने और कोई भी नगद भुगतान नहीं करने बाबत।
18.	श्री भरत पिता दामा	निवासी छोटा बड़दा तह. अंजड, जिला बडवानी	मेरे मकान का आज तक सर्वे नहीं किया गया है उसका सर्वे करवा कर उचित मुआवजा दिलावाया जाने बाबत
19.	श्री सुरसिंग पिता गुमाल	छोटा बड़दा तह. अंजड, जिला बडवानी	मेरे मकान का आज तक सर्वे नहीं किया गया है उसका सर्वे करवा का उचित मुआवजा दिलावाया जाने बाबत।
20.	अधीक्षिका बडवानी छात्रावास क्र. 2	बडवानी छात्रावास क्र. 2	विकासखण्ड शिक्षा अधिकारी द्वारा मानसिक व आर्थिक रूप से प्रताड़ित किये जाने बाबत
21.	आदिवासी जयस नारी शक्ति बडवानी	जिला बडवानी	आदिवासी महिलाओं के ग्रम सभा आयोजित करने के अधिकार प्रदान करने बाबत
22.	श्री रूखसिंह मुवेल	विधानसभा क्षेत्र मनावर, जिला-धार (म. प्र.)	विकास खण्ड उमखन में कस्तूरबा गांधी कन्या आश्रम से वार्डन को हटाने बाबत
23.	श्री राजाराम वास्कले (प्राचार्य)	शा. कन्या उ. मा. वि. बडवानी जिला - बडवानी	वरिष्ठ प्राचार्य को आहरण सवितरण अधिकार विषयक
24.	श्रीमान कमल यादव एवम् अन्य साथियों द्वारा	नवलपुरा, जिला बडवानी - 451551	सरदार सरोवर से लाखों का विस्थापन, नर्मदा घाटी का विनाश रोकने बाबत

4. सरदार सरोवर नर्मदा घाटी से जुड़ी अन्य जानकारी

क्र. ०	विवरण	तहसील / जिला	विषय
1.	नर्मदा नियंत्रण प्राधिकरण, जल संसाधन मंत्रालय	जिला धार, बडवानी, आलीराजपुर	वार्षिक रिपोर्ट 2012-13 एवम् स्टेटस रिपोर्ट, जून 2015
2.	सरदार सरोवर परियोजना	जिला धार, बडवानी, एवं आलीराजपुर	सरदार सरोवर बांध की 121.92 मीटर उंचाई पर म0 प्र0 पुनर्स्थापन व पुनर्वास स्थिति (एन. सी. ए. रिपोर्ट के अनुसार)
3.	सरदार सरोवर परियोजना	जिला धार, बडवानी, एवं आलीराजपुर	स्टेटस रिगार्डिंग जमीन की रजिस्ट्री व क्रय द्वारा एस. आर. पी.
4.	आयुक्त (पुन / फील्ड)	नर्मदा घाटी विकास प्राधिकरण, इंदौर	जोबट परियोजना क्रमांक 36937/10 में अतिरिक्त विभागीय प्रतिवेदन करने बाबत
5.	श्री मदनलाल	नर्मदा बचाओ आंदोलन, जिला अलीराजपुर	प्रधानमंत्री से प्राप्त जवाब (मिनिस्ट्री ऑफ वाटर रिसोर्स), दिल्ली
6.	श्री न्याय मूर्ती (ए. के. शर्मा)	शिकायत निवारण प्राधिकरण इंदौर (म. प्र.) सरदार सरोवर परियोजना	आयोग द्वारा दिये गये आदेश के संमंध (श्रीमती घुचरी बाई बेवा, पति मांगला, तह. बडवानी)
7.	श्रीमान् न्यायमूर्ती एस. पी. खरे, अध्यक्ष	सरदार सरोवर परियोजना शिकायत निवारण प्राधिकरण, म. प्र.	आदेश विरुद्ध श्रीमती कालीबाई बेवा कानिया, निवासी ग्राम - रोलीगॉव, तहसील व जिला - अलिराजपुर
8.	श्रीमान् न्यायमूर्ती एस. पी. खरे, अध्यक्ष	सरदार सरोवर परियोजना शिकायत निवारण प्राधिकरण, म. प्र.	आदेश विरुद्ध श्री गणेश पिता लक्ष्मण निवासी ग्रम - भीलखेडा तहसील व जिला - बडवानी
9.	श्रीमान् अमूल्य निधि मोहन सुलिया, राकेश शास्त्रीय (ग्राम) कमल अवास्था	जिला अलीराजपुर, झाबुआ, धार, म. प्र.	सिलिकोसिस के पीडितों के संमंध में पूर्ण जानकारी (2015-16)
10.	श्री सी. ई. लोआर्ड	जिला बडवानी	जिला बडवानी से सम्बंधित सम्पूर्ण जानकारी
11.	नर्मदा बचाओ आंदोलन	बडवानी एवं अलीराजपुर	नकशे द्वारा नर्मदा सरदार सरोवर परियोजना की जानकारी
12.	नर्मदा बचाओ आंदोलन	बडवानी एवं अलीराजपुर	फोटोग्राफस द्वारा नर्मदा सरदार सरोवर परियोजना की जानकारी
13.	नर्मदा नवनिर्माण अभियान श्रीमान लतीख राजपुत एवम् अन्य सहयोगी द्वारा	मुम्बई - 400 005	सरदार सरोवर नर्मदा परियोजना के सम्बंध में
14.	नर्मदा बचाओ आंदोलन	जिला - धार, ग्रम - पेरखड, ग्राम कवठी, तहसील मनावर, जिला - धार	सर्वोच्च न्यायालय द्वारा दिये गये निर्णय की जानकारी बाबत

क्र.	विवरण	तहसील / जिला	विषय
15.	आयुक्त (पुर्नवास/फीस) नर्मदा घाटी	नर्मदा घाटी, विकास प्राधीकरण इंदौर, स्कीम नं. 74 बी. जी. सेक्टर विजय नगर, इंदौर	जी. आर. ऐ. प्रकरण क्र. 375/12 में विभागीय प्रतिवेदन प्रस्तुत बाबत्
16.	श्रीमान न्यायधीश एस. एस. झा. (अध्यक्ष) जाँच कमीशन इंदौर	सरदार सरोवर प्रोजेक्ट, इंदौर	सरदार सरोवर प्रोजेक्ट, फेक सेल डीड्स एण्ड पुर्नवास स्थल की जाँच कमीशन इंदौर म. प्र.
17.	नर्मदा बचाओ आंदोलन	जिला नंदुरबार, महाराष्ट्र - 425414	नर्मदा, सरदार सरोवर बांध में मध्यप्रदेश, महाराष्ट्र, गुजरात के डूब क्षेत्र की जानकारी
18.	सुश्री मेघा पाटकर	नर्मदा बचाओ आंदोलन अलिराजपुर व जोबट (म. प्र.)	आदिवासी विस्थापितों के हित में म. प्र. शासन की पुलवास नीति की कंडिका 5.1 के उल्लंघन पर आयोग का ध्यान आकर्षित कर योग्य कार्यवाही करने के संबंध में
19.	श्रीमान दमडिया पिता हेंगा, श्रीमान रिसला पिता हेंगा	शिकायत निवारण प्राधिकरण, म. प्र. (सरदार सरोवर परियोजना)	प्रकरण क्र. 42 /2010 के विरुद्ध आदेश
20.	श्री कुमरिया पिता रेशिया,	ग्राम नेहड़वा जिला अलीराजपुर (म. प्र.)	सरदार सरोवर परियोजना से प्रभावित व्यक्तियों द्वारा शिकायत निवारण प्राधिकरण के समक्ष प्रस्तुत अभ्यावेदन प्रकरण क्र. शि. नि.प्र./2000/523 दिनांक 03-05-2001
21.	श्रीमान राधेश्याम पिता आत्माराम	ककराना तहसील अलीराजपुर, जिला अलीराजपुर	आवासीय भूखण्ड के पट्टे के संबद्ध में
22.	श्रीमान अजय कुमार, उप सचिव जल संसाधन नदी विकास और गंगा संरक्षण मंत्रालय, दिल्ली	श्रम शक्ति भवन, नई दिल्ली - 110001	सरदार सरोवर से संबंधित जानकारी
23.	कुमारी मेघा पाटकर अलिराजपुर	अलीराजपुर, म. प्र.	शिकायत निवारण प्राधिकरण को चेतावनी पत्र के बाबत्
24.	मानकर समाज उथ्थान समीति	मध्य प्रदेश	मानकर जाति को अनुसूचित जनजाति (एस. टी.) में शामिल करने बाबत्
25.	स्वतंत्र पिप्पुल्स ट्रबनल	मध्य प्रदेश	चार न्यायधीशों द्वारा स्वतंत्र रिपोर्ट प्रस्तुत करने बाबत्

2.5 Brief of successful cases dealt in the Commission during the year 2015-16.

(A) ATROCITY MATTERS

(j) A news item appeared in Bhopal edition of **Batrika+News Paper** on 05-09-2014 with heading **Tribal Sarpanch beaten by blusterer+in Damoh District (M.P.)**. As per the news, Sarpanch Devi Singh Gond of Gram Panchayat Hardua under Jabera development block of district was severely beaten in front of his family as he had refused to give his cock to the blusterers. The family had to leave the village due to threat and fear. The Commission took up the matter immediately with the District Collector and SP, Damoh vide notice dated 05-09-2014. SP, Damoh sent a detailed report and confirmed the incident. He informed that a case was registered on the complaint of applicant under section 151 CRPC and section 107/116 (3) with prohibitory orders by Thana incharge Nohata. On the basis of evidence, a case has been registered as crime no. 209/14 under section 451,353,327,294,506,34 IPC and section 3(1)(x) and 3(2)(v) of SC/ST (PoA) Act and the matter is being investigated. The Commission followed up the matter for arrest of the accused and payment of compensation vide letter dated 31-10-2014. A reply dated 03-12-2014 was received in the Commission wherein it was informed that 3 accused have been arrested. As far as payment of compensation is concerned, the case has been prepared by the police and submitted to the District Organizer, Tribal Welfare Department, Damoh where it is pending. The Commission further followed up the matter with District Collector, Damoh for payment of compensation vide letters dated 02-02-2015, 23-06-2015 and 07-08-2015. The District Collector, Damoh informed that an amount of Rs. 1,80,000/- has been deposited in his

bank account as monetary assistance. The applicant was informed vide letter dated 15-09-2015 by the Commission.

(ii) A news item appeared in Bhopal edition of Dainik Bhaskar News Paper on 08-07-2014 with heading "The Young Girl had died after rape committed in Indore and Bina". As per the news, a young tribal girl of Dindori District, who had jumped from the tower in Bina and died, was raped in Indore and Bina by some youth. The three youth had raped her for two days in Manishpuri and Saketnagar of Indore and forced her to consume liquor. Another youth of Indore brought her to Bina railway station from where he fled. In Bina also, another youth raped her. The Commission took cognizance of the new item and immediately issued notices to the District Collector and S.P., Sagar. As no reply was received, a reminder was also sent on 11-09-2014. In mean time, the District Collector, Sagar sent a report dated 11-09-2014 to the Commission forwarding a report of S.P. on incident where in, it was informed that initially a death case was registered in the Bina police station as the young girl had died after jumping from the tower in Bina. On investigation, rape at Indore and Bina by some youth was confirmed and a case was registered as crime no. 314/14 under section 373,306 IPC on 06-07-2014. On further investigation, section 3(2)(v) of SC/ST (PoA) Act was added in the case. All the accused have been arrested. The matter is being investigated thoroughly. The Commission followed up the matter for payment of monetary compensation to the family of the deceased vide letter dated 31-10-2014. The S.P., Sagar informed the Commission vide his letter dated 18-01-2015 that the case for payment of monetary compensation to the family of the deceased has been prepared and sanctioned. As per rules, the case has been transferred to District Dindori for payment as the deceased was native of that District. The Commission requested District Collector, Dindori to send report about payment of monetary compensation to the family of the deceased vide letter dated 26-02-2015 who informed the Commission that an amount of Rs. 1,20,000/- has been paid to Shri Lakkhu Parste, father of deceased.

(iii) A representation dated 22-12-2012 was received in the Commission on 01-01-2013 from Shri Pintu Bandu Bhill and others R/o Amdade, Tehsil-Bhadgaon, District-Jalgaon wherein it was informed that a temple of Bhil community is being constructed in the village which is recognized by the State Government as tribal land. The non-applicants have threatened the tribals and kept their shops in front of the temple. The tribals had requested the non-applicants to keep their shops elsewhere but they refused to do so. They requested for justice in the matter. The Commission took up the matter with the District Collector, Jalgaon (Maharashtra) vide notice dated 16-04-2013. Reminders were also sent on 13-08-2013, 18-09-2014, 13-02-2015 and 14-05-2015. District Magistrate, Jalgaon vide his letter dated 13-08-2015 sent a report to the Commission and informed that a report on the subject was sought from Chief Executive Officer, Zilla Parishad, Jalgaon who has informed that spot verification was carried out by Extension Officer (Village Panchayat) along with the Sectional Engineer, Panchayat Samiti, Bhadgaon they have had detailed conversation with complainant, Deponent, Village Sarpanch, Village

Development Officer and Members of Village Panchayat on the issue. As a result, both the parties were made acquainted about their misunderstandings in presence of all the members. Shri Pintu Bandu Bhill, complainant voluntarily agreed to withdraw his complaint and he satisfied with the same. The applicant was informed about the reply received from the District Magistrate vide letter dated 16-09-2015

(iv) A representation dated 06-08-2015 was received in the Commission on 11-08-2015 from Shri Nilabhai Bapu Bhill R/o Amdade, Tehsil-Bhadgaon, District-Jalgaon wherein it was informed that a Shri Bhaskar Bhalchandra Rathod has kept a grocery shop (tapari) in front of her house no. 751 located in the village. He is not removing it despite repeated requests. She requested the Commission to help in the matter. The Commission took up the matter with the District Collector, Jalgaon vide notice dated 10-09-2015. The District Magistrate vide his letter dated 13-08-2015 sent a report to the Commission and informed that a report on the subject was sought from Chief Executive Officer, Zillha Parishad, Jalgaon who has informed that spot verification was carried out by Block Development Officer, Panchayat Samiti. They have had detailed conversation with complainant, Village Sarpanch, Village Development Officer and Members of Village Panchayat on the issue. They have removed grocery shop (tapari) of Shri Bhaskar Bhalchandra Rathod kept in front of her house no. 751 located in the village. The applicant is now fully satisfied. A copy of the reply was sent by the Commission to the applicant for information.

(v) A news item appeared in Bhopal edition of Dainik Bhaskar News Paper on 02-05-2015 with heading "TTE threw woman from running train in Jabalpur". As per the news item, a railway TTE pushed a tribal woman Longa Bai from the running train as a result of which she fell down from the train and her one leg was cut by the wheels of the train. She had purchased General Ticket but was sitting in reserved compartment. The Commission took cognizance of a news item and sought report from the GM, WCR, Jabalpur, District Collector, Jabalpur and SP Jabalpur vide notice dated 06-05-2015. Assistant Commissioner, Tribal Welfare Department, Jabalpur sent a reply dated 29-05-2015 to the Commission wherein it was informed that a case as prime no. 119/15 registered in GRP Thana, Jabalpur under section 3(2)(v) of SC/ST (PoA) Act has been received in his office for payment of monetary compensation which is being forwarded to the authorities of Mandla District for payment as the victim was resident of village Patha, Thana Bijadandi, District Mandla. The Commission followed up the matter with Assistant Commissioner, Tribal Welfare Department, Mandla vide letter dated 15-01-2016 who informed the Commission vide letter dated 05-02-2016 that the victim has been paid Rs. 90,000/- as first installment in her bank account. The remaining amount shall be paid after conviction of the accused in the Court where the case is pending.

(vi) One Shri Chandra Mohan Haibru, LIC of India, Branch-I, Suryanagar, Bhubaneswar submitted a representation dated 25.05.2015 to the Commission wherein it was stated that the authorities of Orissa State Housing Board was harassing him in the matter of execution of lease cum sale deed in respect of Flats purchased from the OSHB as he belongs to Scheduled Tribe. The

Commission took up the matter with the Secretary, Orissa State Housing Board, Bhubaneswar vide letter dated 27.05.2015 and in response to the letter of the Commission, the Asst. Audit Officer(Urban), Odisha State Housing Board informed vide letter dated 08.07.2015 that the grievance of Shri Haibru has been attended and lease deed in respect of the flats was executed on 22.06.2015. It was further informed that the delay in execution of lease deed was due to misplacement of the concerned allotment file. The petitioner also confirmed about the settlement of his case on the intervention of the Commission.

(vii) The Commission received a representation dated 23.06.2015 from Nadendla Jayamma, O/o SKS Office of Nellore District on 02.07.2015. The fact of the case was the representationist was working in the M/s Sulabh International Social Service Organisation for a period of 7 years. But the Organisation all of a sudden dismissed her from the job without any reason. Her allegation was that she was a poor tribal lady having no source of income. She requested the Commission for settlement of differential wages. The Commission took up the matter with M/s Sulabh International Social Service Organization vide letter dated 06.07.2015 with a strong note. In response to the letter of the Commission, the Organization entered into a settlement with the petitioner & paid a Demand Draft for Rs.30,000/- towards her wage settlement. The petitioner also informed the Commission about the settlement of her case on the intervention of the Commission.

(viii) Shri Mahendra Diary, Contractual Teacher, Govt. U.G.High School, Hodia, Dist:Korput submitted a petitioner dated 09.09.2015 in the Commission wherein it was alleged that the Headmaster of the High School all the while misbehaves not only to him but also other higher officer belonging to ST in my presence. On protest he threatens him to write to higher officer for his dismissal from service. On receipt of the petition, the Commission took up the matter with the District authority vide letter dated 22.09.2015 followed by reminder dated 05.11.2015 and a reply was received from him vide letter No.4140/XVL-7/15 dated 18.12.2015 that the allegation was provided true and stern action has been taken against him such as transferring him from the School, lowering his designation and issued order that he should not be made Headmaster in any School in future.

(ix) Shri Hari Ganju, Vill.+Po. Budum, PS. Budum, Distt. Ranchi vide his representation dated 14.07.2015 to this office has stated that he had filed a case in the in the Court of Judicial Magistrate, 1st class, Ranchi and on the basis of the case FIR was lodged in the SC/ST Police Station, Ranchi. Vide SC/ST PS case No. 09/2015 dated 17.03.2015 u/s 323/506 IPC and u/s 3(1)(x) of SC/ST PAO, Act, 1989. The opposite party is threatening him to withdraw the case. He is unable to know about the case. He has therefore requested this office find out the status of the case. This office had taken up the matter with the Sr. Supdt. of Police, Ranchi vide this office letter No. File_No. JHK-1/24/2015-16-Gen. dated 17.07.2015 and in response this office the Supdt. of Police vide his letter No. 4933/ जितिशिको dated 30.10.2015 have intimated this office that the case was enquired into during inquiry the allegation of caste bases abused could not

be proved and the case is proved only u/s 323/506 IPC efforts are being made to arrest the named accused.

(x) Smt. Ranu W/o late Sanarjeet, Vill+PO. Kanecha, PS. Vasgaon, Distt. Gorakpur, Uttar Pradesh vide her representation dated nil addressed to the Commission has stated that on 30.12.2014 while her husband Sanarjeet was coming from market Sagar S/o Ram Daur and Risi S/o Rambali of the Village fired at him with illegal Pistol. He was badly injured and was hospitalized for three month and died while treatment. Smt. Ranu has alleged that the Police did not filed FIR against the accused persons nor they were arrested. This office took up the matter with the Supdt. of Police, Gorakpur vide this office letter No. UP-1/29/2015-16-Gen and in response to this letter the Supdt. of Police vide his letter No. 93/ रा० अनुसूचित जाति आयोग/15 dated 10.04.2016 has intimated this office that on the information of Sanarjeet S/o Ram Dari Police filed FIR against Sagar S/o Ram Daur and one unknown person on 30.12.14. vide case No. 387/14 u/s 307 IPC. The accused Shri Risi surrendered in the Court and was sent to jail. The case was converted to section 302.

(B) DEVELOPMENT MATTERS

(j) A representation dated 26-08-2015 was received in the Commission from Shri Dharmendra Solanki and others R/o Ranikhedi Rajod, Sardarpur, Dist-Dhar wherein, it was informed that they are residing in ward no. 18 and they are facing problem of illegal encroachment on roads. They have approached the concerned authorities for removing the encroachment but no action has been taken by them. As a result of which encroachment, there is garbage on the roads and drinking water tankers cannot enter in the locality. There is Anganwadi also in the ward where small children come for study but they also face problem in coming to the center due to encroachments. They requested the Commission to help in the matter. The Commission took up the matter with the District Collector, Dhar vide notice dated 11-09-2015 which was followed by a reminder dated 18-12-2015. As a result of this, the District Collector, Dhar informed the Commission vide his letter dated 18-02-2016 that the matter has been inquired into through into Sub-Divisional Officer, Sardarpur and the encroachment in ward no. 18, Ranikhedi Rajod, Sardarpur, Dist-Dhar has been removed by the Gram Panchayat. Applicant was informed accordingly.

(ii) A letter dated 20-03-2013 was received in the Commission on 26-03-2013 from Dean Students Welfare, Indira Gandhi National Tribal University, Amarkantak, M.P. regarding non-payment of Post Matric Scholarship to some SC/ST students of the University by the Tribal Welfare Department of the District. The Commission took up the matter with District Collector, Anuppur (M.P.) vide notice dated 22-04-2013. As no reply was received, the matter was followed vide reminders dated 14-02-2014, 18-09-2014, 20-03-2015, 26-05-2015 and 18-08-2015. The District Collector, vide letter dated 16-09-2015 informed that 2 SC and 2 ST students of the university have been given the Post-matric Scholarship and the matter is closed.

(iii) A representation dated 17-08-2015 was received in the Commission on 28-08-2015 from Shri Kishan Lal, Saurashtriya, Village-Abhaypur, District-Shajapur wherein, it was informed that he had worked under BSNL contractor Chandra Associates from the year 2001 to May 2015 and was given work of joining the cables. However, the contractor Shri Shubhash Nigam had discontinued him from work without assigning any reason. As per rules, he was expected to give 2 months notice before discontinuing him. He requested that the amount deposited in his Employees Provident Fund account may be paid to him. The Commission took up the matter with the Manager, BSNL, Shajapur District vide notice dated 29-10-2015 who informed the Commission vide letter dated 05-12-2015 that the said contractor has paid amount of EPF payable to the applicant and the applicant has given in writing that he does not want further action in the matter. The applicant was informed accordingly by the Commission.

(iv) A representation dated 10-01-2013 was received in the Commission on 22-01-2013 from Smt. Paliben Naginbhai Patel and one other co-applicant R/o Athola, Dadra and Nagar Haveli, Silvassa regarding encroachment of their agricultural land by a private industrial unit (KLJ) of Sily Village by passing high tension electric wire from her land. The Commission took up the matter with the Administrator, Dadra and Nagar Haveli, Silvassa vide notice dated 26-02-2013 which was also followed by a reminder dated 18-09-2014. As no reply was received, Hon'ble Chairperson, NCST decided to hold a sitting with the concerned authority at Silvassa on 23-02-2013 with the concerned authorities. In the sitting, the applicants and the District Collector, Dadra and Nagar Haveli were present. The applicants informed that an agreement has been reached between them and the KLJ industrial unit according to which Rs. 3 lacs have been given to Smt. Paliben Naginbhai Patel and Rs. 2 lacs have been given to the co-applicant by the company. The Commission asked whether they are satisfied with it or not. The applicants informed that they are satisfied with the agreement and thanked the Commission.

(v) A representation dated 11-07-2014 was received in the Commission from Shri Ramesh Jatav, District President, Anusuchit Jati . Jan Jati Chhatra Sangh, Bhopal wherein, it was informed that the State Government has amended the rules for admission in the SC/ST students hostel of Tribal Welfare Department vide order dated 05-03-2014 which is against the interest of students of this community. Earlier, there was instructions that the SC/ST students studying in class 11th and 12th should be given priority in the Departmental Pre-matric hostels. Now, instructions have been issued that in these hostels, students studying up to class 10th only may be admitted and the students of class 11th and 12th may be admitted on priority basis in Post-matric hostels. The students studying in the colleges and universities may be given benefits under Aawas Sahayata Naveen Yojna of the State Government on priority basis. The State Government has also issued another order for providing 10% seats for admission of unreserved category students in these hostels. It was requested that both the orders should be withdrawn in the interest of SC/ST students. The Commission took up the matter with the Principal Secretary, Tribal Welfare Department, Government of M.P. vide notice dated 16-07-2014. The matter was

followed by reminder dated 21-05-2015, 24-07-2015 and 08-10-2015. The concerned department informed vide letter dated 28-08-2015 that both the orders issued by the department have been withdrawn. The applicant was informed accordingly.

(vi) A representation dated 24-07-2014 was received in the Commission on 27-08-2014 from Shri Prahlad Singh Karma, District Vice President, M.P. Aadiwasi Parishad, Dewas (M.P.) wherein it was informed that road and culvert construction has been done in the backward tribal area of Dewas district connecting village Kalwar with Bhavana. Due to poor quality of construction, it was requested that payment should not be made to the concerned company. The Commission took up the matter with the District Collector, Dewas vide notice dated 26-09-2014 who informed that the matter was inquired through the Executive Engineer, RES, Dewas and as per his report, it is revealed that applicant had made complaint as the soil extracted for construction of culvert was kept in his fields which has been removed. The sand used for construction of culvert has been changed and new construction has been made. A copy of the reply received from the District Collector Dewas was sent to the applicant vide letter dated 10-11-2014 who submitted a rejoinder to the Commission vide his letter dated 17-12-2014 and informed that false information has been sent to the Commission and insisted that his complaint was correct and no officer has visited the site and inquired into the complaint. In view of the above submission, the rejoinder received from the applicant was again forwarded to the District Collector Dewas who sent a report dated 22-05-2015 to the Commission and informed the Commission that the matter has again been inquired into through the Executive Engineer, RES, Dewas and SDO, RES, Kannod who obtained the statements of the applicant and took action on all the complaints made by him. This includes construction of side wall on the culvert at Bhadakhal, repairing of pipe for draining the water from the field of applicant and pitching of boundary of field of Shri Ranglal near the school to stop erosion of soil by running water. The Executive Engineer, RES has visited the site after completion of above works and confirmed the same. A copy of this reply was sent to the applicant for information on 21-07-2015.

(vii) A representation dated 03-12-2013 was received in the Commission on 20-05-2014 from Shri Yashwant S/o Amaruk Erpachi, R/o Pipalpani, Tehsil-Pandhurna, District- Chhindwara (M.P.) regarding payment of compensation under Accidental Relief Scheme on the death of son of applicant. In the representation, it was informed that S/o applicant aged 20 years was going on foot from Pipalpani along with 9 others for darshan of Devi Katol in a temple. On the way, a vehicle no. MH34-M2900 stopped and driver of the said vehicle took them for Tigaon and took Rs. 50/- for the same. On the way, the vehicle collapsed due to high speed and careless driving as a result of which son of the applicant died and other were injured. He was the only bread winner of the family and till date no financial assistance/compensation has been paid to him. He requested the Commission to help him in the matter. The Commission took up the matter with the District Collector, Chhindwara vide notice dated 25-06-2014. Reminders were also sent on 11-09-2014, 31-10-2014 and 20-03-2015. The District Collector, Chhindwara informed the Commission vide letter

dated 06-04-2015 that an amount of Rs. 10,000/- has been paid to the applicant due to death of his son in road accident. The applicant was informed accordingly.

(viii) A representation was received in the Commission from Shri M.Ramar, S/o Sri P.Muthusamy, Asakkattupatty, Valappur Nadu, Kolli Hills Tk., Namakkal Dist. Tamil Nadu wherein it was informed that the Manager, Indian Bank, Vazhavanda Nadu Branch, Tamil Nadu is not providing any facility stipulated by CSIS in respect of sanction of Education Loan. The Commission took up the matter with the Manager, Indian Bank vide letter dated 24.06.2015 followed by reminder dated 05.10.2015. In response to the letter of the Commission, the Manager, Indian Bank, CC-Zonal Office, Salem vide letter dated 20.10.2015 informed that they had closed the education loan in respect of the petitioner out of the CSIS subsidy of Rs.35,481/- and the remaining amount of Rs.5,353/- was kept in sundry deposit due to non availability of SB Account. Further they had send DD for Rs..5,353/- by registered post, it was returned with the reason person not available in the addressq On receipt of the letter of the Commission, the Branch Manager personally visited the residence of the petitioner and handed over the Demand Draft No.011908 dated 11.04.2015 amounting to Rs.5,353/- to the mother of the petitioner on 02.07.2015. The petitioner also confirmed about the receipt of the Demand Draft.

(ix) Shri Jugal Kumar Ekka, Flat No.1B, 17/1, Jogendra Garden, Kolkata submitted a representation in the Commission wherein it was alleged that Shri Dilip Kerketta, Miss Dipali Kerketta, Miss Nilima Dhanwar and Shri Ambrose Dhanwar were applied for Caste Certificate the Sub-Divisional Officer, Sadar, Allipore during 2014. But the said Certificates were not issued to them. The Commission took up the matter with the District Magistrate, Alipurduar, West Bengal vide letter dated 24.06.2015 who informed vide letter dated 26.08.2015 that Certificates were issued to them on 15.07.2015.

(x) Shri Jugal Kumar Ekka, Flat No.1B, 17/1, Jogendra Garden, Kolkata submitted a representation in the Commission wherein it was alleged that Shri Babai Toppo, S/o Late Tara Toppo, 128/E, Motilal Gupta Road, Barisha, Kolkata applied for Caste Certificate vide acknowledgement No.1571/ST dated 22.04.2010 of the Sub-Divisional Officer, Sadar, Allipore. But even after expire of 5 years, the said Certificate was not issued to him. The Commission took up the matter with the Secretary, Tribal Development Department, Government of West Bengal vide letter dated 14.09.2015. In response to the letter of the Commission, the Assistant Commissioner for Reservation & Ex-Officio Assistant Secretary, Backward Classes Welfare Department directed the District Welfare Officer, Kolkata vide his letter dated 01.10.2015 to enquire into the matter and to submit a detailed report for the information of the Commission. The DWO enquired into the matter and stated that the petitioner applied for the caste certificate to the erstwhile certificate issuing authority, i.e. SDO Sadar Alipore in the year 2010. Subsequently, the DWO, Kolkata & Ex-Officio Jt. Director, BCW was empowered as certificate issuing authority for KMC. On receipt of the letter of the Commission, the DWO asked the petitioner to submit

a fresh application through on-line process to the DWO and the certificate was issued to him as per the information received from the Assistant Commissioner for Reservation & Ex-Officio Assistant Secretary, Backward Classes Welfare Department vide letter dated 02.12.2015.

(xi) The Commission received a representation from Shri P.Alagesan, S/o Periyasamy, North Street, Chinakarattour, Narepadi Post, Gangavalli TK, Salem, Tamil Nadu wherein it was alleged that the Corporation Bank harassed him in the matter of sanction of loan although he was eligible. The Commission took up the matter with the General Manager, Corporation Bank, Head Office, Pandeshwar vide letter dated 25.06.2015 and a reply was received from him vide letter dated 20.07.2015 wherein Commission was informed that the loan has been sanctioned to the petitioner on 09.07.2015. The petitioner also confirmed about the sanction of loan on the intervention of the Commission.

(xii) Shri R.C.Marandi, Janjati Hitarakshya Pramukh, Mayurbhanj submitted a petition dated 14.09.2015 wherein it was alleged that one Shri Sakhai Hansdah & Smt. Kalyani Hansdah, Mayurbhanj opened PLI account in the O/o the Inspector of RPLI, Baripada on 30.03.2013. But they were not handed over the Bond paper & Deposit Book etc. The Commission took up the matter with the Deputy Divisional Manager, PLI vide letter dated 22.09.2015 as a result of which both of them were issued the Policy documents which was communicated to the Commission vide their letter dated 13.11.2015.

(xiii) Smt. Basanti Murmu, Gram Panchayat Nabadih, Block-Saraiyahat, Dist-Dumka, Vide her representation dated 7.8.2015 has submitted that in Gram Panchayat nawadhi there are about 250 ST and in Village Risibell 10% population are Sch Tribe. There no other community is living. She is presently the Mukhiya. But during 2011 census Sch Tribe population has been shown as nil and the Nawadhi Gram Sabha has declared the post of Mukhiya as unreserved in Nawadhi Gram Panchayat . This office has taken up the matter with the Dy. Commissioner and Supdt. of Police, Dumka vide this office letter No. JHK-13/2/2015-16-Gen. dated 18.08.2015. In response to this office letter dy. Commissioner, Dumka vide his letter No. 754/ft0ia0 dated 08.09.2015 has intimated this office that on the application of Smt. Basanti Murmu the local inquiry was done and the matter was taken up with the Panchayat Raj Deptt. and State Election Commission. The State Election Commission had cancelled the earlier order and has issued a fresh order vide No. 2077 dated 17.08.2015 and has reserved the Post of Mukhiya in Nawadhi Panchayat.

(C) SERVICE MATTERS

(i) A representation dated 05-09-2014 was received in the Commission on 16-09-2014 from Vaidya Suryakant Duttatreya Rokade, R/o Dhadge Estate, Rahuri, Ahmadnagar (Maharashtra) wherein, it was informed that the applicant was working as Professor in Anatomy Department of Ayurvedic College, Rahuri Factory, Ahmadnagar since 1994. On the basis of his prolonged experience and tribal status, he was selected by Maharashtra Public Service Commission as

Professor (Anatomy) in backlog post of ST category for appointment to group A post in Government Ayurvedic College in March 2013 but a concerned department has not issued appointment letter despite repeated request. He also informed that other candidates who were selected with him in other subjects have already been appointed by the State Government. He requested the Commission to help in the matter. The Commission took up the matter with Secretary, Medical Education Department, Government of Maharashtra vide notice dated 22-09-2014. As no reply was received within the stipulated time, reminders were also sent on 12-11-2014, 06-01-2015, 26-05-2015 and 06-10-2015 as a result of which the concerned department, vide its letter dated 08-10-2015 informed the Commission that the order has been issued on 08-10-2015 appointing the applicant as Professor in Government Ayurvedic College, Nanded. The applicant was informed accordingly by the Commission.

(ii) A representation dated 14-08-2015 was received in the Commission on 24-08-2015 from Shri Ravi Kumar T., Senior Manager (Electrical), Hutti Gold Mines Co. Ltd, Karnataka regarding consideration for promotion to the post of Deputy General Manager (Engg.). He informed that he was working in the company for last 24 years with good academic reports and working as Senior Manager (Electrical) from last 5 years. He was due for promotion to the DGM grade against the eligibility norms of 3 years experience and was senior most officer in the Engineering Departments seniority list and working as Head of Department since 5 years during the absence of Head of Department. He submitted that his promotion held up by the company since year 2013 and even after repeated request, management was not considering his promotion as he belonged to ST community. He informed that one Junior most Senior Manager was promoted by the company as DGM (Materials) but his case was not been considered by the company. He requested the Commission for help in the matter. The Commission took up the matter The Managing Director, Hutti Gold Mines Co. Ltd., Bengaluru vide notice dated 11-09-2015 as a result of which the company, vide letter dated 07-10-2015 informed that the applicant has been promoted to the vacant post of Deputy General Manager (New Projects) w.e.f. 01-10-2015. The applicant also confirmed about the same and thanked the Commission for helping him in the matter.

(iii) A representation dated 09-10-2013 was received in the Commission on 11-10-2013 from Shri Vasant Patre, Senior Operator, Bank Note Press, Dewas wherein, it was informed that he was working in cut pack section for the last 20 years but the Senior Officers have transfer him in Intaglio printing section for harassing him. In that department, he has been given work which was below the level of his post. He requested the management in this regard but no action was taken by them. He requested the Commission to help him in the matter. The Commission took up the matter with The General Manager, Bank Note Press, Dewas vide notice dated 03-12-2013. As no reply was received, reminders were also send on 03-09-2014, 16-12-2014 and 04-03-2015 as a result of which The Deputy Manager (HR), Bank Note Press, Dewas, vide his letter dated 03-04-2015 informed the Commission that the matter has been

settled and applicant is now working in the department of his choice. The applicant also confirmed about the same.

(iv) Shri Sarat Ku. Dharua, Steno, Gr.II, Vigilance Department, Paradeep Port Trust(PPT), Paradeep submitted a representation dated 09.06.2014 in the Commission regarding his promotion to the post of Personal Assistant on adhoc basis. The petitioner alleged that the Management of PPT was in the process to fill up one vacant post of Personal Assistant by Direct Recruitment against ST quota which was a promotional post on the plea of non availability of candidates in the feeder cadre by ignoring his case as he was less experience of 2 years 8 months. The petitioner further alleged that if the post will be filled up by Direct Recruitment, his promotion will be blocked after completion of the requisite period of experience for regular promotion. Commission took up the matter with the Secretary, Paradeep Port Trust, Paradeep, Odisha vide letter dated 04.09.2014 and a reply was received from him vide letter dated 29.10.2014 wherein it was informed that Shri Dharua was promoted to the post of Steno Gr.II on 14.09.2008 and he had not completed the requisite period of experience in the grade in getting promotion. Hence, it was not possible to promote him to the post of PA. It was further informed that since the petitioner represented for consideration of his case of promotion to the post of PA on adhoc basis against the reserved vacancy for ST till he fulfills the eligibility conditions of the Recruitment Rule, the matter was under examination as per the guidelines of the Commission. As the petitioner was not given promotion, again the Commission took up the matter with the Secretary, PPT vide letter dated 28.05.2015 following by reminder dated 05.10.2015. On the intervention of the Commission, the petitioner got promotion to the post of PA as per the information received from the Secretary, PPT vide letter dated 10.11.2015.

(v) A representation dated 11.10.2014 was received from Shri Basanta Majhi, Ex-Employee of Mithani Colliery, R/o Patmohana Tali Dhowra, PO:Patmohana, Dist:Burdwan, West Bengal on 27.10.2014 wherein it was alleged that although he was retired from service w.e.f. 01.03.2010, pension was not granted to him. The Commission took up the matter with the Secretary, Ministry of Coal vide Notice dated 28.10.2014. In response to the letter of the Commission, the Under Secretary, Ministry of Coal took up the matter with the Chairman-cum-Managing Director, Eastern Coalfields Limited vide letter dated 14.11.2014 under intimation to the Commission. As the matter was not settled, the Commission again took up the matter with the Ministry of Coal vide letter dated 10.04.2015. The Under Secretary, Ministry of Coal vide letter dated 05.05.2015 informed the Commission that the Manager(Personnel), Mithani Colliery issued a demand notice to the petitioner on 13.03.2015 to deposit Rs.46,032/- on account of 2% Pension Contribution and the said amount was not deposited by the petitioner. A copy of the said letter was endorsed to the petitioner who informed the Commission that due to his poor financial condition, he was unable to deposit the amount and requested to adjust the same from his arrear pension. Accordingly, the Commission again took up the matter with the Chairman-cum-Managing Director, Eastern Coalfields Limited to consider the request of the petitioner and to submit the compliance report. The General Manager, ECL vide his letter dated 14.09.2015 informed that they have no

authority to settle the pension claim. However, they have requested the Regional Commissioner, CMPF(R-III), Asansol for consideration of the request of the petitioner. But the Regional Commissioner, Region-III, CMPF Organization insisted for payment of outstanding dues. Accordingly, the petitioner deposited the same on 17.11.2015 and his pension started.

(vi) Shri K.Kubendiran, General Secretary, All India Scheduled Tribe Employees Welfare Association, 231/1, Modern Builders, B.Colony, Alagapuram, Kattur, Salem, Tamil Nadu submitted a representation dated 01.09.2015 to the Commission wherein it was alleged that the management of Bharat Sanchar Nigam Limited, Tamilnadu Circle has not been implemented the Reservation Policy in the matter of promotion to the post of JTO under 35% quota who have appeared in LICE Examination. The Commission took up the matter with the Chief General Manager(Telecom), Bharat Sanchar Nigam Limited, Tamilnadu Circle vide letter dated 14.09.2015 and an interim reply was received from the Liaison Officer(SCT) vide letter dated 05.10.2015 that the matter has been taken up with the BSNL Corporate Office vide their letter dated 29.09.2015 and the reply is awaited from them. Finally as per the information received from the Liaison Officer vide letter dated 09.10.2015 that the Tamilnadu Circle issued orders vide letter No.RET/74-11/CON/2013/24 dated 07.10.2015 that 7 (seven) ST candidates have been declared as qualified in LICE for promotion to JTO(T) under 35% quota for STs.

(vii) A representation dated 21.12.2015 was received from Shri Bishnu Pada Munda, Village:Ranabhutia, PO:Panchpota, Kolkata by the Commission on 18.01.2016 regarding non-payment of retirement benefit to his cousin brother Shri Bhim Pada Sarda, who was working as Ex-Jr. Supervisor, Kolkata Port Trust and retired from service since Marc,2013. Commission took up the matter with the Chairman, Kolkata Port Trust vide letter dated 02.02.2016 and a reply was received from the Financial Adviser & Chief Accounts Officer vide letter dated 26.02.2016 wherein the Commission was informed that the PPO along with two cheques for Gratuity amounting to Rs.6,03,905/- and Leave Salary amounting to Rs.95,387/- has been handed over to Shri Bhim Pada Munda at his residence on 07.02.2016. Further, the monthly pension along with arrear has already been remitted to the A/c of Shri Sardar.

(viii) One Shri Rakesh Kumar Shaw, Village:Chotobelu, Sardarpara, PO:Belumilki, Dist:Hooghly, West Bengal submitted a representation dated 25.05.2015 to the Commission wherein it was stated that he has not been paid his pensioner and retirement benefits by the Department of Post although he retired from service since 06.02.2014(AN). The Commission took up the matter with the General Manager(PA&F), West Bengal Postal Circle, Kolkata vide letter dated 24.06.2015 and a reply was received from the Accounts Officer/Pension-I, Office of the General Manager, West Bengal Postal Circle vide letter dated 07.07.2015 wherein it was informed that the pension case of Shri Shaw has been settled vide their office letter No.Postal/2014/WB/784/GP-2/P-5216 dated 07.07.2015. The petitioner also confirmed about the settlement of his pensionery benefit on the intervention of the Commission.

(ix) A representation dated 02.08.2015 was received from Shri K.Ramesh, Intelligence Officer, Directorate of Revenue Intelligence, Chennai wherein it was alleged that although the DPC for the post of Superintendent was held on 27.04.2015, promotion order has not been issued. He further stated that although he had made several representations to the Department, no action was taken. The Commission took up the matter with the Chief Commissioner, Central Excise & Service Tax, Chennai Zone vide letter dated 14.08.2015 . Reminders were also issued vide letter dated 15.10.2015 & 16.12.2015. The Additional Commissioner(CCA) vide letter dated 23.12.2015 informed the Commission that due to stay granted by the Hon'ble CAT in OA No.310/00999/2015 filed by Shri S.Manikandan & three others, the promotion order could not be issued. The Department had filed counter affidavit for vacation of stay order and the case was listed for hearing on 22.12.2015 and subsequently on 23.12.2015 and finally the interim stay order granted by the CAT was vacated and the promotion order issued.

(x) Shri Suklal Singh Munday, JWM(Mech.), Ordnance Factory, Badmal, Dist: Bolangir submitted a representation wherein it was informed that the authorities of Ordnance Factory, Bolangir are harassing deliberately in depriving promotion. The Commission took up the matter with the Director General Ordnance Factories, Ministry of Defence, Kolkata vide letter dated 29.05.2015. A reminder dated 08.07.2015 was also issued. In response to the letter of the Commission, the Director(Admn.), Ordnance Factories vide his letter dated 28.07.2015 informed the Commission that the petitioner has been given promotion retrospectively w.e.f. 26.06.2014 vide their DPC held on 09.06.2015.

(xi) A petition dated 11.10.2014 was received by the Commission on 27.10.2014 from one Shri Shyamlal Majhi, Ex-Timber Mistry, Mouthdih Colliery, C/o Manasa Baski, Patmohana Tali Dhawra, Burdwan, West Bengal wherein it was informed that due to non-receipt of pensionary benefit after his retirement, he was facing difficulty in maintaining his family. The Commission took up the matter with the Secretary, Ministry of Coal, New Delhi vide Notice dated 28.10.2014, who took up the matter with the Chairman-cum-Managing Director, Eastern Coalfields Limited, West Bengal vide their letter dated 14.11.2014 with a copy to the Commission. As no information regarding settlement of the case of petitioner was received from the concerned authority, Commission again send a reminder dated 10.04.2015. The Under Secretary, Ministry of Coal vide his letter dated 05.05.2015 informed the Commission the pension of the petitioner has been settled and the pension amount is Rs.1489 per month. The petitioner vide his letter dated 20.05.2015 also confirmed about the settlement of his pension case due to intervention of the Commission.

(xii) The Commission received a representation on 16.12.2014 from Shri Ansumoi Lahary, Junior Engineer(Civil), Township Division, Farakka Barrage Project, Murshidabad wherein it was informed that he has not been given promotion to the next higher grade, although he has the requisite qualification for getting promotion. The Commission took up the matter with the Managing Director, Farakka Barrage Project vide letter dated 14.01.2015 followed by

reminders dated 09.04.2015, 01.10.2015 & 03.11.2015. The Executive Engineer, Township Division, Farakka Barrage Project vide his letter dated 02.12.2015 informed the Commission that the petitioner has been given promotion to the post of Assistant Engineer vide GM/FBP's Order No.E/P-51/(Part-VII)/1244(14) dated 01.06.2015.

(xiii) A representation dated 27.10.2015 was received from Shri Laxman Kumar Soren, Tracer, O/o the Joint Director, Geology, Zonal Survey, Koraput alleging therein that authority was not sanctioning his enhanced Grade Pay although he had already completed the required period of service. On receipt of the petition, the Commission took up the matter with the Director of Geology, Bhubaneswar on 16.11.2015. On intervention of the Commission, the authorities concerned granted Grade Pay to the petitioner which was intimated vide their letter dated 28.11.2015.

(xiv) The Commission received a representation dated 16.01.2015 from Shri Mangal Singh Purty, Asst. Teacher, Talcher Municipal High School, Talcher wherein it was alleged that the authority is not sanctioning his arrear pay & allowances after regularization of his service in the post. On receipt of the representation, the Commission took up the matter with the Commissioner-cum-Secretary, School & Mass Education Department, Government of Odisha followed by reminders dated 19.03.2015, 03.06.2015 & 22.07.2015. As a result of which the arrear claim of Shri Purty was sanctioned and paid to him. The petitioners also confirmed about the settlement of his claims on the intervention of the Commission.

(xv) One Smt. Susama Marandi, SPM, Satyanagar S.O., Bhubaneswar submitted a representation dated 09.07.2015 wherein it was alleged that she was posted as SPM in Satyanagar Sub-Post Office. The said Post Office is located in a corner place where the criminals as well as anti-socials are loitering in the area. Being a woman who is handling the cash & other valuable articles of public feels insecure and unsafe. Moreover, there is no Lavatory & Toilet in the Post Office which is an important factor on the part of a lady worker. Although Commission does not interfere in transfer case still this being a genuine complain interfered in the matter and took up the matter with the concerned authority vide letter dated 16.07.2015 followed by reminder dated 15.09.2015. Ultimately the authority concerned transferred her to a place conducive on the part of a lady worker to perform her duty as per the information received from the authority vide their letter No.ST/46-11/BBSR/2012 dated 03.11.2015. The petitioner also confirmed about the settlement of her case.

(xvi) Shri Jyotiranjana Patro, MES, JE(Civil), GE(KM), YDL Cantt. submitted a representation dated 16.05.2015 in the Commission wherein it was alleged that his pay & allowances are not drawn and paid to him although he reported his duty on 27.09.2014. The Commission took up the matter with the Director General (Persn.), Military Engineering Service, New Delhi vide letter dated 28.05.2015 followed by reminder dated 16.07.2015 asking for their comments for not sanctioning his salary. The petitioner vide his letter dated 15.10.2015

informed the Commission that he has been paid all the dues by the intervention of the Commission.

(xvii) On 05.10.2015 the Commission received a representation from Smt. Fullo Badaik, mother of Shri Rama Chandra Badaik requesting he Commission for transfer of her son Rama Ch. Badaik from Melapati, MAS Divn. To Chakradharpur Divn. As she is a widow old lady of 70 years with so many ailments and staying alone. There was no body to look after her except her son. Commission took up the matter with the Railway authority vide letter dated 14.10.2015 for sympathetic consideration of her request. Finally, the Railway authority acceded to the request of the Commission & transferred Shri Rama Ch. Badaik to his choice place of posting.

(xviii) A representation dated 02.11.2015 was received in the Commission from Smt. Goura Majhi , W/o Late Mangalnath Majhi alleging against non-payment of pensionary benefits to her after the death of her husband, who was working as Gangman in Railway Department. On receipt of the petition, the Commission took up the matter with the General Manager, East Coast Railway, Bhubaneswar vide letter dated 24.11.2015 followed by reminder dated 12.01.2016. In this regard Commission received a reply from he Chief Personnel Officer vide their letter dated 24.01.2016 wherein succession certificate was insisted upon from Goura Majhi for processing her pensioary benefit. Commission thoroughly went through their reply and wrote an analytical letter asking the General Manager not to insist upon the succession certificate with justification. Commission received a reply from the General Manager, East Coast Railway vide their letter No.Eco/pers/wel/payment/settlement dues/MM/KUR dated 15.02.2016 wherein it was intimated that Railway Department is processing her pensionary benefit for payment without insisting succession certificate. Finally, the case of Smt. Majhi was settled on the intervention of the Commission which was confirmed by the petitioner.

(xix) A representation dated 10.07.2015 was received from Ms. Rich Supriya Oraon, Probationary Officer, UCO Bank regarding retaining at Jharkhand Region in the United Bank of India. The employee is under transfer to Hoogli Region from Jharkhand Region, United Bank of India, as she was selected as Probationary Officer in 2010 batch. In this regard, another representation dated 15.07.2015 received by the Honble Chairperson, NCST from Shri Sunil Lakra, General Secretary, All Banks SC/ST/OBC Employees Association, Jharkhand State Unit Ranchi and the Association also quoted Ministry of Finance File No. 4/9/1/2014-IR dated 08.08.2014 regarding transfer of female employees in Public Sector Banks in order to minimize hardships. DoPT vide their O.M. No. 28034/7/86-Estt(A) dated 03.04.1986 and O.M. No. F. No. 28034/9/2009-Estt.(A) dated 30.09.2009 issued instruction on posting of husband and wife at the same station as far as possible on spouse grounds. The matter was taken up with the General Manager, Human Resource Management Department, United Bank of India, Kolkata vide NCST d.o letter dated 17.07.2015 and to the Managing Director & Chief Executive Officer, United Bank of India, Kolkata vide NCST d.o. letter dated 24.07.2015. Honble Chairperson, NCST fixed a Meeting

on **04.08.2015 at 16.00 Hrs.** to discuss the matter with the Managing Director & Chief Executive Officer, United Bank of India, Kolkata. A notice has also issued in this matter on 30.07.2015 from the National Commission for Scheduled Tribes. The Commission discussed the matter with the General and Assistant General Manager, Union Bank of India officers on 04.08.2015. The Commission advised them to follow the recent circular of Ministry of Finance dated 08.08.2014. The case relates to woman employee who is having small baby boy of one year and six months old. They assured to look into the matter positively and transfer the employee on spouse ground at the earliest, to a nearest working place of her husband or whichever is possible. Action taken report dated 18.08.2015 received from the United Bank of India, Kolkata informed that:

The Bank has complied with the decision arrived at during the meeting and have placed Ms. Richa Supriya Oraon on Spouse Ground at Santaldih Branch under Purulia Region which is around 50 Kms from DVC Chandrapura where her spouse is posted+

(xx) A representation dated 27.05.2015 was received from Shri Bonj Singh Khuntia, Jharkhand regarding requisition of experience certificate from Allahabad Bank. He alleged that Shri Bonj Singh Khuntia, Ex-Branch Manager, Allahabad Bank, Jharkhand was removed from Bank service since 31.03.2012 but though the bank has not restricted him for future employment, he has not been issued a experience certificate from the Bank. The Commission taken up the matter with the Chairman & Managing Director, Allahabad Bank, Kolkata on 28.05.2015. A reply received from the Allahabad Bank, Kolkatta vide their letter No. PA/SCT/F-3/011 dated 20.06.2015 informed that %Shri Kuntia was imposed a penalty of removal from service vide Disciplinary Authority Order dated 31.03.2012. However, as requested, Experience Certificate has been issued to Shri Bonj Singh Kuntia on 12.06.2015 by Allahabad Zonal Office, Ranchi+

(xxi) A representation dated 24.11.2015 was received from Shri Bishnu Pada Munda, Kolkata for grant of retirement benefits and pension to his brother Shri Bhim Pada Sardar, Ex-Jr Supervisor, Kolkata Port Trust. He alleged that his brother Shri Bhim Pada Sardar retired on 01.04.2013 and has not got his retirement benefits and pension appropriated, since 02.04.2013. He has also requested for payment of interest on delayed payment of pension and other retirement benefits. The Commission taken up the matter with the Chairman, Kolkata Port Trust, Kolkata on 28.12.2015. A reply received from the Kolkata Port Trust vide their letter No. FIN/PSLI/16/1661 dated 08.01.2016 that %he PPO of Shri Bhim Pada Sardar, Ex-Jr Supervisor along with two cheques for Gratuity amounting Rs. 603905/- and Leave Salary amounting to Rs. 95387/- has been handed over to Shri Bhim Pada Sardar at his residence on 07.01.2016 and his monthly pension will be remitted to the designated bank account on regular basis+

(xxii) Shri Sanjiban Kumar Bhumij, (ST) Ex-Senior Manager, Allahabad Bank, Dhanbad vide his representation dated 26.10.2015 that disciplinary action was taken by Allahabad Bank, Zonal office, Ranchi against him and imposed a

penalty of removal of service w.e.f. 01.07.2014, but no intimation has been given to him regarding release of terminal dues. He has applied for terminal benefits to the Bank on 11.12.2014 and again on 11.03.2015 but his arrears from 01.07.2012 to 30.06.2014 has not released even after lapse of more than 10 months the Bank. This office has taken up the matter with the CMD, Allahabad Bank vide this office letter No. 10-B/14/2015-16-Gen. dated 27.11.2015 and in response to this office letter Asstt. General Manager (HR), Allahabad Bank vide letter No. HO/PA/TD/27785 dated 22.12.2015 has intimated this office that upon receipt of the requisite papers and documents from our Zonal Office Ranchi, the admissible terminal dues and the arrear arising out of joint note dated 25.05.2015 has been released on 21/12/2015 and 19.12.2015 respectively for crediting to his account through our Adityapur Branch, Jamshedpur.

CHAPTER 3 SERVICE SAFEGUARDS

3.1 Constitutional Provisions

3.1.1 In our Country, the Scheduled Tribes have remained socially, educationally and economically backward due to isolation from the rest of the Society. Due to this backwardness, the Scheduled Tribes were not able to reap the benefits of general development. In order to eliminate these handicaps, the framers of the Constitution of independent India advocated positive discrimination in favour of the ST communities in matter of education and employment. The Constitution of India provides for reservation for Scheduled Tribes in civil posts and services under the Government. The essence of relevant articles of the Constitution, pertaining to service safeguards, is summarized, as under:

(i) **Article 16(4)** : This Article provides that "Nothing in this Article shall prevent the State from making any provision for reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State+.

(ii) **Article 16(4A)** : This Article was inserted vide the **Constitution (Seventy-seventh Amendment) Act, 1995** in the year 1995 with the provision: "Nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in this services under the State in favour of the Scheduled Castes & Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State".

Further amendment of Article 16(4A) : Article 16(4A), inserted by the Constitution (77th Amendment) Act, 1995, was further amended in the year 2001 to substitute the words " in matters of promotion to any class" by words "in matters of promotions, with consequential seniority, to any class" vide the **Constitution (Eighty-fifth Amendment) Act, 2001**. This amendment was made operative retrospectively from 17 June 1995, i.e. the date of addition of this Article vide the Constitution (Seventy- seventh Amendment) Act, 1995.

(iii) **Article 16(4B)**: This Article inserted vide the **Constitution (Eighty-first Amendment) Act, 2000**, provides that ~~Nothing~~ Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year+.

(iv) **Article 335**: This Article provides that "The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistent with the maintenance of efficiency of administration, in the making of

appointments to services and posts in connection with the affairs of the Union or of a State". The following proviso was added to this Article by the **Constitution (Eighty-second Amendment) Act, 2000-**

Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State+.

- (v) **Article 320 (4):** Clause (3) of Article 320 of the Constitution, inter alia, provides that the Union Public Service Commission or the State Service Public Commission, as the case may be, shall be consulted on all matters relating to methods of recruitment to civil services and for civil posts, and on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers. Clause (4) of this Article, however, provides that "Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provisions of Article 335".

3.1.2 The Government have issued instructions from time to time providing for reservation in matters of employment under the Government, public sector undertakings and other autonomous bodies under the control of the Govt. Compendium of instructions on this subject is available on the Department of Personnel and Training website¹. Office Memorandums issued by DoPT regarding instructions on the subjects are also available on the above mentioned website.

3.2 Constitutional validity of the amendments

3.2.1 The constitutional validity of the above-mentioned amendments i.e. point number (ii), (iii), (iv) & (v) was challenged in the Hon'ble Supreme Court of India in Writ Petition (Civil) No.61 of 2002 in M. Nagaraj & Ors. vs. Union of India & Ors. The Hon'ble Supreme Court observed that the impugned constitutional amendments, by which Article 16(4A) and 16(4B) have been inserted, flow from Article 16(4) and do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons, namely backwardness and inadequacy of representation, which enables the State to provide for reservation keeping in mind the overall efficiency of the State administration under Article 335. The Hon'ble Court further observed that the impugned amendments are confined only to SCs & STs and that they do not obliterate any of the constitutional requirements, namely ceiling-limit of 50% (quantitative limitation), and the concept of creamy layer (qualitative exclusion). In this regard, the Department of Personnel & Training, in consultation with the law officers of the Government, clarified vide their O. M. No.36036/2/2007-Estt.Res dated 29 March, 2007 addressed to the Chief Secretaries of all the States and Union Territories that reference to creamy layer in the concluding paragraph and other

¹ <http://persmin.gov.in>. Copy Also available on the NCST website <http://ncst.nic.in> subheading 'RTI Disclosureq->Important Circularsq->DOPT Circulars'

portions of the judgment mentioned above did not relate to the Scheduled Castes and Scheduled Tribes. Hon'ble Supreme Court also in its judgment dated 10.04.2008 in the case of Ashok Kumar Thakur Vs Union of India & Ors stated that "Creamy layer" principle is one of the parameters to identify backward classes. Therefore, the "creamy layer" principle cannot be applied to STs and SCs, as they are separate classes by themselves. A copy of the O. M. No.36036/2/2007-Estt.Res dated 29 March, 2007 is given at **Annexure 3.I**

3.3 Relaxations and Concessions for Scheduled Tribes.

3.3.1 As per the extant provision contained in Article 335 of the Constitution concessions were admissible to SCs and STs in all types of direct recruitment and promotion, such as relaxation in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration (larger than what is provided for general category candidates) etc. However, DoPT vide OM No. 36012/23/96-Estt.(Res) dated 22.07.1997 issued instructions that henceforth there shall be no separate standards of evaluation for candidates of the SCs/STs for promotion, and assessment of all candidates for this purpose will be with reference to uniform standards, and any other instructions of the Government, which provide for lower qualifying marks / lesser standards of evaluation in matters of promotion for candidates belonging to SCs/STs, may also be treated as having been modified to this extent. In pursuance of the enabling proviso of Article 335 of the Constitution, it was decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997; Article 335 of the Constitution was amended vide the **Constitution (Eighty-second Amendment) Act, 2000** and instructions to this effect were further issued vide DoPT OM No. 36012/23/96-Estt.(Res.) Vol.II dated 03.10.2000.

3.4 Ceiling on filling of vacancies reserved for SCs, STs & OBCs

3.4.1 The vacancies which were reserved for a category in an earlier recruitment year according to post-based reservation but remained unfilled in the previous recruitment attempt on account of non-availability of suitable candidates belonging to that category and are still lying unfilled are called **backlog reserved vacancies**. DoPT OM No. 36012/5/97-Estt(Res.) dated 29.08.1997 provided 50% limit on reservation to current as well as backlog reserved vacancies in a recruitment year. These instructions were modified by DoPT OM No. 36012/5/97-Estt(Res.) Vol.II dated 20.07.2000 to the effect that the backlog reserved vacancies of SCs and STs would be treated as a separate and distinct group; and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year. The DoPT vide its OM No. 36033/1/2008-Estt.(Res.) dated 15.07.2008 issued instructions to treat the backlog reserved vacancies of OBCs also as a separate and distinct group the same way as the backlog reserved vacancies of the SCs and STs are treated. Thus, the ceiling of 50% reservation on filling of reserved vacancies now applies only to the vacancies which arise in the current year; and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group.

3.5 Cadre strength- Direct Recruitment and Promotion-adjustments

3.5.1 It was clarified by DoPT through an illustration in their O.M. No.36012/2/96-Estt.(Res.) dated 2.7.1997 that the term 'cadre strength' meant the number of posts required to be filled by a particular mode of recruitment in terms of the relevant Recruitment Rules and not the total number of posts in a particular cadre.

3.5.2 As per DoPT O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990, where recruitment to a grade is made both by promotion and direct recruitment, i.e. where separate quota for promotion and direct recruitment are prescribed in the Recruitment Rules, reserved vacancies falling in the promotion quota, which cannot be filled due to non-availability of eligible persons belonging to SC/ST in the feeder cadre, may be temporarily diverted to the direct recruitment quota; and filled by recruitment of candidate(s) belonging to SC or ST, as the case may be, in accordance with the provisions relating to direct recruitment contained in the Recruitment Rules. In the subsequent year(s), when a reserved vacancy in the direct recruitment quota becomes available it may be diverted to the promotion quota to make up for the vacancies diverted earlier; and filled from SC/ST candidates in the feeder cadre who might by then become eligible for promotion. To meet this objective, the Ministries/Departments may themselves exercise the power of relaxation of the Recruitment Rules subject to approval of UPSC, wherever necessary.

3.6 Reservation in promotion

3.6.1 In modification of their OM dated 19.08.1993, the Department of Personnel & Training vide their OM No. 36012/18/95-Estt.(Res.), Part-II dated 13.08.1997, issued instructions to all Ministries/ Departments of the Govt. of India to continue reservation in promotion for the Scheduled Castes and Scheduled Tribes in the service/posts under the Central Govt. beyond 15.11.1997 till such time as the representation of each of these two categories in each cadre reached the prescribed percentage of reservation.

3.6.2 The present instructions of the Govt.² provide for reservation in promotion by selection for SCs & STs up to the lowest rung of Group ~~Aq~~ but not within Group ~~Aq~~. But when promotions by selection are made from a Group A post to another Group A post, which carries an ultimate salary of Rs.18,300/- (pre-revised), or less, the SC and ST Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. (DoPT O.M. No. 36028/21/2003-Estt.(Res) dated 29.01.2004)

3.7 Zone of Consideration

3.7.1 There is a prescribed **zone of consideration in the matter of promotion by selection** i.e. merit-cum-seniority. There is, however, no specified zone of consideration in the case of promotion by non-selection i.e. seniority subject to fitness. The following instructions are applicable for filling up the vacancies reserved for SCs & STs in promotions by selection:-

² DoP&AR OM No. 10/41/73-Estt. (SCT) Dated 20.07.1974

Scheduled Caste and Scheduled Tribe officers who are within the **normal zone of consideration** (i.e. twice the number of vacancies +4) shall be considered for promotion along with others and adjudged on the same basis as others, and those Scheduled Caste and Scheduled Tribe officers amongst them who are selected on that basis may be included in the general select list against unreserved vacancies.

- (i) If the number of candidates from Scheduled Castes and Scheduled Tribes, other than the candidates selected on their own merit and adjusted against unreserved (UR) vacancies, is less than the number of vacancies reserved for them, the difference should be made up by selecting candidates who are in the zone of consideration irrespective of merit, i.e. irrespective of whether they meet the prescribed benchmark or not, but who are considered fit for promotion.
- (ii) If the number of SC/ST candidates found fit for promotion against reserved vacancies is still less, the difference should be made up by selecting candidates of these communities who are in the **extended zone of consideration (i.e. five times the number of vacancies)** irrespective of merit, i.e. irrespective of whether they meet the prescribed benchmark or not, but who are considered fit for promotion.

3.7.2 **In case of promotion by non-selection**, if the number of Scheduled Caste/Scheduled Tribe candidates found fit within the range of actual vacancies is less than the number of vacancies reserved for them, additional Scheduled Caste/Scheduled Tribe candidates to the extent required are to be located by going down the seniority list provided they are eligible and found fit for appointment.

3.7.3 The Department of Personnel & Training vide their O.M. No.22011/2/2002-Estt.(D) dated 6 January, 2006 modified the existing provisions relating to the size of the zone of consideration. As per the O.M. the normal zone of consideration for one vacancy will be 5 and for vacancies more than one it will be twice the number of vacancies plus four. The extended zone of consideration for SC/ST will be five times the number of vacancies. As in the case of promotion by non-selection, there is no prescribed zone of consideration for making ad hoc promotions.

3.7.4 The Hon'ble Supreme Court of India in their interim order in Civil Appeal No.4026 of 1988 in the case of UP Rajya Vidyut Parishad SC/ST Karamchari Kalyan Sangh vs. U.P. State Electricity Board & Ors. held that there has to be a separate zone of consideration so far as SC/ST candidates are concerned.

3.7.5 The issue regarding drawl of a Separate Zone of Consideration for SCs and STs was extensively discussed in the Second Report of the Commission for the year 2006-07. **The Commission had recommended that in compliance with the Hon'ble Supreme Court's directions, the DOPT should revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res.) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by whatever method and whether on temporary or on regular basis. In the Action taken memorandum laid along with the Second Report in the Parliament, the DoPT quoted to have consulted the Department of Legal Affairs and also had sought the advice of the Ld. Attorney General of India on the issue. The Ld. Attorney General of India has given the following advice:**

- (i) **The extended zone of consideration for SC/ST candidates is substantially equivalent to a separate zone of consideration for SC/ST candidates. This is**

subject to the rider that in practice the extended zone appears to be more limited than the separate zone.

(ii) Conceptually, an extended zone of consideration would tantamount to a separate zone of consideration for SC/ST candidates as in the extended zone only SC/ST category candidates are considered. However, there has to be a limit how far one can go down in the overall gradation/seniority list.

3.7.6 The DoPT has stated in the Action Taken Memorandum that in view of the categorical advice of the Ld. Attorney General of India and with the approval of the competent authority, it has been decided to retain the existing provisions relating to the requirement of extended zone of consideration for filling up reserved vacancies for selection posts as provided in DoPT OM No. 22011/2/ 2002-Estt (D) dated 6.1.2006.

3.8 Adjustment of SC/ST candidates selected on own merit against un-reserved vacancies

3.8.1 DoPT vide its OM No. 36011/1/98-Estt.(Res) dated 01.07.1998 had ordered that such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, the SC/ST/OBC candidates are to be counted against respective reserved vacancies only when a relaxed standard like relaxation in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc. is applied in selecting an SC/ST/OBC candidate. Such candidates would be deemed as unavailable for consideration against unreserved vacancies. Exemption from payment of fee availed by such SC/ST/OBC candidates would, however, be not a hindrance in considering them as own merit candidates.

3.8.2 Department of Personnel and Training has prepared a Brochure of Oms issued from time to time in the matter of reservation for SC, ST and OBC in services in the year 2014 which has been circulated vide its letter No. A36011/1/2013-Estt (Res) dated 23.1.2014. All orders and instructions issued on the subject up to the year 2013 have been included in the brochure. The brochure has been posted on website of the DoPT at persmin.nic.in under [OMs & Orders](#) . Establishment Reservation . Brochure on Reservation for SCs, STs and OBCs in services. In this revised brochure, the relevant orders/ instructions have been mentioned at the end of the concerned para/ topic in each of the chapter. Further, the orders/ instructions, referred in the brochure have also been hyperlinked to enable the reader to refer to them quickly.

3.9 Reservation for SCs and STs beyond 15.11.1997 in financial institutions/ Banks consequent to judgment of Madras High Court dated 09.12.2009- DoPT O.M.No.36012/43/2008-Estt.(Res.) dated 14.01.2010³:

³ Complete O.M. can be seen on the web site of Ministry of Personnel (<http://persmin.nic.in>).

3.9.1 DoP&T O.M No. 36012/18/95-Estt.(Res.) Pt II dated 13.08.1997 provides that reservation for SCs and STs in promotion, as applicable on the date of issue of the O.M., shall continue beyond 15.11.1997 till such time as the representation of each of the above two categories in each cadre reaches the prescribed percentages of reservation, where after, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentages for respective categories. In their judgment dated 09.12.2009 the Madras High Court, in WA-304, 324 and 342/1998 and WP-4599 and 7031/1998 etc. has directed as given below:

" The respondent Banks are directed to implement O.M. dated 13.08.1997 issued by the Govt. of India within a period of eight weeks from the date of receipt of a copy of this order, keeping in view of the observations made by us supra."

3.9.2 In order to ensure implementation of the above directive of the Madras High Court the Department of Personnel and Training have issued the above OM directing the Department of Financial Services, Ministry of Finance which is the Nodal Department for framing and implementing the reservation policy in Financial institutions/ Banks for taking necessary action in the matter.

3.10 Representation of Scheduled Tribes in public services

(A) Representation of Scheduled Tribes in Central Ministries/ Departments

3.10.1 There are various organized Group ~~A~~ and Group ~~B~~ services in which induction is made through competitive examinations conducted by Union Public Service Commission (UPSC). Personnel recruited through these services are deployed in various Ministries/ Departments of the Government of India and their attached and sub-ordinate offices. In addition, personnel are also posted to various Group ~~C~~ and Group ~~B~~ non-gazetted posts in these Ministries/ Departments. Recruitment to these posts and services is done through Staff Selection Commission (SSC). Besides, various Ministries/ Departments have specialized cadres with local or all India basis service liability and also some Ex-cadre posts to meet the needs of the specific business/ mandate assigned to each Ministry/ Department. These posts are defined as ~~General Civil Services~~ posts. Recruitment to some other specialized or local duty posts are made by the competent authorities under the concerned Ministry/ Department. All the Special provisions relating to reservation in services and posts under the State for Scheduled Tribes are also applicable to all these posts and services.

3.10.2 Representation of Scheduled Tribes in Central Govt. services as on 01.01.2014 (71 Ministries/ Departments), as on 1.1.2015 (58 Ministries/ Departments) and as on 1.1.2016 (28 Ministries/ Departments) as uploaded on the URL as on 4.7.2016 provided by Department of Personnel and Training (Ministry of Personnel and Training) vide their letter No. 36027/1/2014-Estt. (Res.) dated 4.7.2016 is as given in the Tables 3.1, 3.2 and 3.3 below:

TABLE 3.1

Representation of Scheduled Tribes in Central Ministries/Departments as on 1.1.2014 (71 Ministries/ Departments)

Group	Total	STs	%age
(1)	(2)	(3)	(4)
A	72917	4099	5.62
B	199660	13907	6.97
C (Excl Safai Karamchari)	2661196	228536	8.59
C (Safai Karachari)	56368	3992	7.08
Total (Including Safai Karamchari)	2990141	250534	8.38

3.10.3 It is evident from the above table that representation of Scheduled Tribes in Group A and Group B category is below the required percentage of 7.5%. In other categories, it is satisfactory.

TABLE 3.2

Representation of Scheduled Tribes in Central Ministries/Departments as on 1.1.2015 (58 Ministries/ Departments)

Group	Total	STs	%age
(1)	(2)	(3)	(4)
A	72378	4211	5.82
B	218558	14687	6.72
C (Excl Safai Karamchari)	2838999	244368	8.61
C (Safai Karachari)	44420	2694	6.06
Total (Including Safai Karamchari)	3174355	265960	8.38

3.10.4 In comparison to table 3.1 above, lesser no of Ministries/ Departments have uploaded their figures regarding representation of Scheduled Tribes on the URL. Out of 58 Ministries/ Departments which had uploaded the figures, it is seen that the representation of Scheduled Tribes in Group A and B categories continue to be less than the desired percentage of 7.5%. However, in Group C it is 8.61% which is probably due to recruitments at regional/ locality level where the percentage of reservation for Scheduled Tribes is different based on the percentage of Tribal population in that State.

TABLE 3.3**Representation of Scheduled Tribes in Central Ministries/Departments as on 1.1.2016 (28 Ministries/ Departments)**

Group	Total	STs	%age
(1)	(2)	(3)	(4)
A	16590	774	4.67
B	49955	3789	7.58
C (Excl Safai Karamchari)	48984	3519	7.18
C (Safai Karachari)	7956	686	8.62
Total (Including Safai Karamchari)	123485	8768	7.1

3.10.5 As it is seen from the above table that only 28 Ministries/ Departments have uploaded the information on the URL, it is not reflecting the complete picture regarding representation of Scheduled Tribes in different Groups under Central Govt. However, as per the information available, the reservation in Group A continues to be on a lower side and in Group B it is satisfactory. In Group C category, it is slightly below 7.50% which is not conclusive to arrive at any final view. **It is recommended that the Union Govt. should take effective measures in a time bound manner to achieve the prescribed percentage of reservation for Scheduled Tribes in all categories and particularly in Group A and B services.**

(B) Representation of Scheduled Tribes in Teaching and Non-Teaching Posts in Central Universities and Deemed Universities.

3.10.6 The University Grants Commission has furnished information about a representation of Scheduled Tribes in Teaching and Non-Teaching Posts in Central Universities and Deemed Universities as on 31.3.2016 vide their letter No. F.1-24/2015 (SCT) dated 2.8.2016. The information is given below:

Group wise representation in non-teaching post in Central Universities as on 31.3.2016

S. No.	Name of the State	Name of University	Group A				Group B				Group C				Total				Vacant
			Sanctioned		In Position		Sanctioned		In Position		Sanctioned		In Position		Sanctioned		In Position		
			Tot al	S T	Tot al	S T	Tot al	S T	Tot al	S T	Tot al	ST	Tot al	ST	Tot al	ST	Tot al	ST	
1	Arunachal Pradesh	Rajiv Gandhi University	24	0	15	0	53	0	42	0	179	6	156	6	256	6	213	6	0
2	Assam	Assam University	34	1	32	1	85	4	82	4	205	12	181	12	324	17	295	17	0
3	Assam	Tezpur University	40	2	36	2	55	3	54	3	179	12	174	12	274	17	264	17	0
4	Bihar	Central University of South Bihar	21	0	12	0	30	0	18	0	67	3	55	3	118	3	85	3	0
5	Bihar	Mahatma Gandhi	5	0	0	0	3	0	0	0	5	0	0	0	13	0	0	0	0

		Central University																	
6	Chhattisgarh	Guru Ghasidas Vishwavidyalaya	43	0	26	2	65	3	30	5	393	54	280	37	501	57	336	44	13
7	Delhi	University of Delhi	205	12	107	4	590	44	380	20	2485	186	1131	20	3280	242	1618	44	198
8	Delhi	Jamia Millia Islamia	68	0	59	0	60	2	60	2	1118	7	1070	7	1246	9	1189	9	0
9	Delhi	Jawahar Lal Nehru University	104	7	81	6	259	18	209	15	1202	76	914	49	1565	101	1204	70	31
10	Gujarat	Central University of Gujarat	20	0	3	0	31	1	2	0	75	4	8	2	126	5	13	2	3
11	Haryana	Central University of Haryana	20	0	3	0	28	0	7	0	56	0	18	0	104	0	28	0	0
12	Himachal Pradesh	Central University of Himachal Pradesh	17	0	3	0	31	0	5	0	73	3	15	3	121	3	23	3	0
13	Jammu & Kashmir	Central University of Jammu	20	0	11	0	31	0	16	0	63	1	26	1	114	1	53	1	0
14	Jammu & Kashmir	Central University of Kashmir	20	0	7	0	29	0	14	0	61	1	39	1	110	1	60	1	0
15	Jharkhand	Central University of Jharkhand	14	1	8	0	16	1	12	1	45	3	39	2	75	5	59	3	2
16	Karnataka	Central University of Karnataka	20	0	6	0	32	0	8	0	69	0	32	0	121	0	46	0	0
17	Kerala	Central University of Kerala	21	0	11	0	30	0	18	0	80	1	30	0	131	1	59	0	1
18	Madhya Pradesh	Dr. Harsingh Gour Vishwavidhyalaya	47	1	27	1	167	9	77	1	916	134	590	39	1130	144	694	41	103
19	Madhya Pradesh	Indira Gandhi National Tribal University	20	2	9	2	35	2	10	1	87	17	30	7	142	21	49	10	11
20	Maharashtra	Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya	25	1	17	1	43	3	36	1	58	4	42	2	126	8	95	4	4
21	Manipur	Manipur University	39	3	22	4	69	5	44	9	399	42	261	58	507	50	327	71	-21
22	Meghalaya	North Eastern Hill University	0	0	60	0	183	13	130	12	746	327	384	131	929	340	574	143	197
23	Mizoram	Mizoram University	39	1	35	1	80	3	69	2	384	84	355	74	503	88	459	77	11
24	Nagaland	Nagaland University	37	0	32	4	89	1	81	7	493	135	492	135	619	136	605	146	-10
25	Orissa	Central University of Orissa	20	1	8	0	29	2	5	0	66	4	12	0	115	7	25	0	7
26	Punjab	Central University of Punjab	22	0	6	0	34	0	7	0	75	1	21	0	131	1	34	0	1
27	Rajasthan	Central University of Rajasthan	20	0	7	0	35	0	7	0	90	5	23	0	145	5	37	0	5
28	Sikkim	Sikkim University	16	1	11	1	29	1	19	1	85	5	62	3	130	7	92	5	2
29	Tamil Nadu	Central University of Tamil Nadu	20	1	7	0	32	2	6	0	74	5	11	1	126	8	24	1	7
30	Telangana	Maulana Azad National Urdu University	45	0	34	0	109	3	97	2	234	8	228	8	388	11	359	10	1
31	Telangana	University of Hyderabad	84	0	61	2	188	4	134	7	1068	60	661	44	1340	64	856	53	11
32	Telangana	The English & Foreign Languages University	46	3	22	2	47	3	34	4	353	26	155	17	446	32	211	23	9

33	Tripura	Tripura University	31	1	25	1	46	0	34	0	177	41	110	21	254	42	169	22	20
34	Uttar Pradesh	Aligarh Muslim University	179	0	130	0	1011	0	801	0	4857	0	4605	0	6047	0	5536	0	0
35	Uttar Pradesh	Banaras Hindu University	241	9	172	7	224	12	170	12	7273	351	4726	160	7738	372	5065	179	193
36	Uttar Pradesh	Babasaheb Bhimrao Ambedkar University	23	0	18	0	35	1	26	0	90	1	76	1	148	2	120	1	1
37	Uttar Pradesh	University of Allahabad	59	0	20	0	28	1	13	0	1299	31	1012	0	1386	32	1045	0	32
38	Uttarakhand	Hemwati Nandan Bahuguna Garhwal University	52	3	24	0	64	4	30	0	411	10	347	10	527	17	401	10	7
39	West Bengal	Visva Bharati	93	4	73	2	262	14	203	11	1445	98	616	33	1800	116	892	46	70
40	Puducherry	Puducherry University	77	1	53	1	153	3	126	3	493	19	427	19	723	23	606	23	0

3.10.7 It may be seen from the above table that in Group A services, the representation of Scheduled Tribes in almost all the Central Universities is much below the required number. In Group B also, the situation is not convincing. In Group C, the situation is slightly better but still it needs more emphasis on filling up the reserved posts for Scheduled Tribes.

Group wise representation in teaching post in Central Universities as on 31.3.2016

S. No.	Name of the State	Name of University	Professor				Associate Professor (Reader)				Assistant Professor (Lecturer)				Vacant
			Sanctioned		In Position		Sanctioned		In Position		Sanctioned		In Position		
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	
1	Arunachal Pradesh	Rajiv Gandhi University	24	2	14	1	41	2	28	1	119	22	113	22	2
2	Assam	Assam University	41	2	24	0	106	4	91	2	252	15	233	15	4
3	Assam	Tezpur University	54	4	39	1	76	6	54	1	150	11	126	11	8
4	Bihar	Central University of South Bihar	22	1	10	0	43	3	18	0	88	6	78	4	6
5	Bihar	Mahatma Gandhi Central University	20	1	0	0	40	3	0	0	80	6	0	0	10
6	Chhattisgarh	Guru Ghasidas Vishwavidyalaya	58	4	17	1	108	8	36	0	269	19	173	11	19
7	Delhi	University of Delhi	264	19	128	1	648	48	269	2	794	59	435	25	98
8	Delhi	Jamia Millia Islamia	127	0	71	0	202	0	156	0	504	20	448	20	0
9	Delhi	Jawahar Lal Nehru University	197	13	113	0	366	24	239	3	337	19	259	13	40
10	Gujarat	Central University of Gujarat	21	1	8	0	42	3	7	0	84	6	44	4	6
11	Haryana	Central University of Haryana	25	1	1	0	50	3	4	0	100	7	43	2	9
12	Himachal Pradesh	Central University of Himachal Pradesh	27	1	5	0	53	3	11	1	108	8	51	3	8
13	Jammu & Kashmir	Central University of Jammu	22	1	1	0	42	3	1	0	84	6	44	2	8
14	Jammu & Kashmir	Central University of Kashmir	21	1	6	0	41	3	3	0	90	6	37	3	7
15	Jharkhand	Central University of Jharkhand	23	1	7	0	45	3	9	0	99	7	73	4	7
16	Karnataka	Central University of Karnataka	20	0	6	0	40	0	8	0	80	2	38	2	0
17	Kerala	Central University of Kerala	21	1	5	0	42	3	16	0	84	6	59	3	7
18	Madhya Pradesh	Dr. Harsingh Gour Vishwavidhyalaya	51	4	6	0	93	7	32	0	185	14	210	7	18
19	Madhya Pradesh	Indira Gandhi National Tribal University	34	2	10	0	62	4	18	0	131	9	71	4	11

20	Maharashtra	Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya	18	1	11	0	15	1	13	0	72	5	53	2	5
21	Manipur	Manipur University	38	2	15	0	87	6	47	3	189	9	172	10	4
22	Meghalaya	North Eastern Hill University	93	3	55	1	147	6	91	5	205	16	188	15	4
23	Mizoram	Mizoram University	47	0	27	0	74	3	52	1	261	19	239	19	2
24	Nagaland	Nagaland University	45	2	13	1	62	2	44	2	146	7	116	11	-3
25	Orissa	Central University of Orissa	23	1	0	0	43	3	1	0	88	6	17	1	9
26	Punjab	Central University of Punjab	21	1	4	0	42	3	18	0	84	6	61	2	8
27	Rajasthan	Central University of Rajasthan	27	1	6	1	53	3	20	0	108	8	76	6	5
28	Sikkim	Sikkim University	29	2	6	1	68	4	32	0	116	8	97	6	7
29	Tamil Nadu	Central University of Tamil Nadu	22	1	2	0	48	4	7	0	96	7	23	1	11
30	Telangana	Maulana Azad National Urdu University	47	3	30	1	88	6	50	0	249	18	223	13	13
31	Telangana	University of Hyderabad	108	8	60	0	229	17	170	1	219	14	161	10	28
32	Telangana	The English & Foreign Languages University	32	2	20	1	60	4	38	0	146	13	119	13	5
33	Tripura	Tripura University	46	3	7	0	69	5	28	1	163	18	121	15	10
34	Uttar Pradesh	Aligarh Muslim University	193	0	121	0	384	0	262	0	1035	0	864	0	0
35	Uttar Pradesh	Banaras Hindu University	253	18	139	0	528	37	341	1	1139	84	899	48	90
36	Uttar Pradesh	Babasaheb Bhimrao Ambedkar University	27	1	9	0	49	3	36	0	99	6	73	5	5
37	Uttar Pradesh	University of Allahabad	79	5	13	0	201	15	46	0	572	42	254	8	54
38	Uttarakhand	Hemwati Nandan Bahuguna Garhwal University	43	3	14	0	84	6	35	0	341	25	237	4	30
39	West Bengal	Visva Bharati	73	5	50	0	156	11	116	2	421	31	363	26	19
40	Puducherry	Puducherry University	67	4	27	0	144	10	101	0	278	20	235	17	17

3.10.8 It may be seen from the above table that out of 40 Central Universities hardly few Universities are having professors from ST category. Situation is similar in the posts of Associate Professors (Readers). It is comparatively better in Assistant Professors (Lecturer) category. A large number of teaching posts reserved for ST category are lying vacant in almost all the Universities specially University of Delhi, JNU, Dr. Harisingh Gour Vishwavidhyalaya , Indira Gandhi National Tribal University, Banaras Hindu University, University of Hyderabad, Central University of Tamil Nadu, Visva Bharati, Pondicherry University and HNB Garhwal University. These Universities are advised to concentrate on filling up the backlog posts of Scheduled Tribes category in a time bound manner.

**Group wise representation in non-teaching post in Deemed Universities as on
31.3.2016**

S. No.	Name of the State	Name of University	Group A				Group B				Group C				Total				Vacant (ST)
			Sanctioned		In Position		Sanctioned		In Position		Sanctioned		In Position		Sanctioned		In Position		
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	
1	Andhra Pradesh	Rashtriya Sanskrit Vidyapeetha	11	1	8	0	16	1	15	0	30	2	29	1	28	2	28	2	3
2	Delhi	Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapith	12	1	10	0	31	2	23	0	77	6	59	3	0	0	0	0	6
3	Gujarat	Gujarat Vidyapith	30	2	12	1	57	4	36	2	113	8	50	5	53	4	12	2	8
4	Maharashtra	Tata Institute of Social Sciences	31	2	25	1	102	8	84	3	114	9	95	9	0	0	0	0	6
5	Tamil Nadu	Avinash. Instt. For Home Sc. & Higher Edu. For Women	20	2	18	0	15	1	12	0	63	5	46	2	31	2	27	3	5
6	Tamil Nadu	The Gandhigram Rural Institute	23	2	15	0	46	3	37	2	170	13	116	6	0	0	0	0	10
7	Uttar Pradesh	Dayalbagh Educational Institute	15	1	12	1	28	2	23	1	156	12	135	2	84	6	78	0	17
8	Uttarakhand	Gurukula Kangri Vishwavidyalaya	18	1	15	1	34	3	24	0	147	11	119	2	0	0	0	0	12

3.10.9 Out of eight Deemed Universities, in Group A services only one ST officer was in-position. In four Universities and there was none in remaining four Universities. In Group B category also the situation is not convincing. It is slightly better in Group C category but it needs further improvement. In Group D category also, it is same situation. Many posts are lying vacant in all the eight Universities which needs immediate attention of the concerned authorities.

**Group wise representation in teaching post in Deemed Universities as on
31.3.2016**

S. No.	Name of the State	Name of University	Group A				Group B				Group C				Vacant (ST)
			Sanctioned		In Position		Sanctioned		In Position		Sanctioned		In Position		
			Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	Total	ST	
1	Andhra Pradesh	Rashtriya Sanskrit Vidyapeetha	7	1	5	0	16	1	14	0	63	5	54	4	3
2	Delhi	Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapith	11	1	8	0	21	2	12	0	88	7	57	1	9
3	Gujarat	Gujarat Vidyapith	21	2	10	0	33	2	14	0	122	9	95	9	4
4	Maharashtra	Tata Institute of Social Sciences	29	2	26	2	60	5	56	2	88	7	80	5	5
5	Tamil Nadu	Avinash. Instt. For Home Sc. & Higher Edu. For Women	23	2	14	0	20	2	15	0	175	13	167	6	11
6	Tamil Nadu	The Gandhigram Rural Institute	19	1	13	0	29	2	23	0	115	9	113	8	4
7	Uttar Pradesh	Dayalbagh Educational Institute	6	0	70	0	29	2	36	0	233	17	140	3	16
8	Uttarakhand	Gurukula Kangri Vishwavidyalaya	20	2	96	0	30	2	19	0	99	7	77	2	9

3.10.10 Out of eight Deemed Universities, seven are without any professor from ST category in position. Only Tata Institute of Social Science is having two professors in position. The situation is similar in case of Associate

Professors (Readers). There are some lecturers in position in these Deemed Universities but many ST posts are lying vacant in almost all of them which needs immediate attention.

(C) Representation of Scheduled Tribes in different cadres of the Public Sector Banks

3.10.11 The Department of Financial Services, under the Ministry of Finance, acts as a nodal agency for all Banks and assists in policy formulation pertaining to the role of Banks in the economy as also in laying down policy guidelines on performance, improvement and evaluation of their services and HR policies/ personnel management and related areas.

3.10.12 In the matter relating to Personnel management in Banks, the Nationalised Banks are also expected to follow the general instructions relating to reservation policy for STs, SCs and OBCs, issued by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensioners. As per the mandate given to the Ministry of Finance (Department of Financial Services), that Ministry ensures that the instructions relating to reservation matters issued by the Department of Personnel and Training are properly implemented by all the Nationalised Banks, which are also under the administrative control of the Department of Financial Services. Accordingly, Department of Financial Services propagates among all the Banks, all the instructions relating to reservation matters issued by Department of Personnel and Training in the manner as applicable to the Banks.

3.10.13 The detailed information relating to representation of ST for the year 2014-15 has been taken from the website of Ministry of Finance (Department of Financial Services). The representation of Scheduled Tribes in the Public Sector Banks in respect of the cadre of (i) Group A and B (Officers), (ii) Group C (Clerks), (iii) Group D (Excluding Safai Karamchari) and (iv) Group D (Safai Karamchari) for the year 2014-15 (as on December, 2015) is given in Table 3.3 below:-

TABLE 3.3

GROUP-WISE STATUS OF GROWTH OF REPRESENTATION OF ST EMPLOYEES OF ALL BANKS (as on December, 2015)

S. No.	Name of Bank	Group 'A' & 'B'			Group 'C'			Group 'D' (excluding Safai Karamcharis)			Group 'D' (Safai Karamcharis only)		
		Total	ST	%age	Total	ST	% age	Total	ST	% age	Total	ST	% age
1	Allahabad Bank	13803	1027	7.44	7105	547	7.70	4648	268	5.77	0	0	0.00
2	Andhra Bank	10475	853	8.14	5404	357	6.61	2977	217	7.29	1335	98	7.34
3	Bank of Baroda	23327	1855	7.95	19640	1702	8.67	8407	859	10.22	0	0	0.00
4	Bank of India	21463	1757	8.19	19850	1993	10.04	5392	576	10.68	3357	355	10.57
5	Bank of Maharashtra	6781	513	7.57	4998	369	7.38	2149	211	9.82	0	0	0.00
6	Canara Bank	24512	1801	7.35	20484	1249	6.10	5005	246	4.92	4683	275	5.87
7	Central Bank of India	15884	1334	8.40	13547	1098	8.11	5611	462	8.23	2946	287	9.74
8	Corporation Bank	8493	518	6.10	7896	422	5.34	1989	139	6.99	1194	72	6.03

9	Dena Bank	6481	627	9.67	5409	550	10.17	1839	232	12.62	321	37	11.53
10	Indian Bank	9106	751	8.25	9938	411	4.14	1403	68	4.85	601	19	3.16
11	Indian Overseas Bank	16302	1383	8.48	12650	588	4.65	2578	100	3.88	981	27	2.75
12	Oriental Bank of Commerce	11205	617	5.51	7385	440	5.96	3050	212	6.95	0	0	0.00
13	Punjab National Bank	27452	1933	7.04	28397	1358	4.78	10486	625	5.96	15723	904	5.75
14	Punjab & Sind Bank	6790	479	7.05	2241	71	3.17	604	23	3.81	1253	21	1.68
15	Syndicate Bank	14519	1140	7.85	11177	614	5.49	3626	253	6.98	1633	81	4.96
16	Union Bank of India	19065	1377	7.22	11612	729	6.28	5124	446	8.70	0	0	0.00
17	United Bank of India	7908	642	8.12	5232	380	7.26	2274	116	5.10	1525	61	4.00
18	UCO Bank	12309	1021	8.29	8524	561	6.58	2319	148	6.38	2031	141	6.94
19	Vijaya Bank	7124	526	7.38	4551	346	7.60	2159	157	7.27	795	61	7.67
20	State Bank of India	81337	5878	7.23	89333	7858	8.80	38521	2696	7.00	0	0	0.00
21	State Bank of Bikaner & Jaipur	5416	550	10.16	5010	563	11.24	2312	227	9.82	870	38	4.37
22	State Bank of Patiala	5554	262	4.72	6088	73	1.20	3338	56	1.68	501	12	2.40
23	State Bank of Hyderabad	7528	631	8.38	7673	569	7.42	2152	115	5.34	1535	100	6.51
24	State Bank of Travancore	5526	252	4.56	6952	189	2.72	1823	56	3.07	592	14	2.36
25	State Bank of Mysore	3761	227	6.04	4991	265	5.31	1865	114	6.11	0	0	0.00
26	IDBI	15346	826	5.38	1044	36	3.45	931	74	7.95	0	0	0.00
27	RBI	7184	433	6.03	3767	213	5.65	3851	322	8.36	1360	88	6.47
28	Bhartiya Mahila Bank	402	18	4.48	0	0	0.00	0	0	0.00	0	0	0.00
29	NABARD	3274	248	7.57	764	93	12.17	0	0	0.00	0	0	0.00
30	NHB	96	3	3.13	0	0	0.00	0	0	0.00	0	0	0.00
31	EXIM BANK	311	21	6.75	0	0	0.00	1	0	0.00	0	0	0.00
32	SIDBI	913	58	6.35	92	7	7.61	57	11	19.30	0	0	0.00
33	IIFCL	87	2	2.30	0	0	0.00	1	0	0.00	0	0	0.00
	Total	399734	29563	7.40	331754	23651	7.13	126492	9029	7.14	43236	2691	6.22398

3.10.14 It is seen from the above table that a total number of 9,01,216 Officers and Employees were working in all the 33 banks out of it 64,934 (7.20%) belonged to ST category. In Group A and B posts, reservation for Scheduled Tribes in State bank of Travancore, State bank of Patiala, National Housing Bank, IIFCL, Bhartiya Mahila Bank and IDBI bank is much below the required percentage. In case of Canara Bank, Corporation Bank, Oriental bank of Commerce, State bank of India and State bank of Mysore, it is slightly below the required percentage. In Group C posts, it is very low in Indian bank, Punjab National Bank, Indian Overseas Bank, Punjab & Sind Bank, State Bank of Patiala, State Bank of Travancore and IDBI. There is no ST candidate posted in Group C post in Bhartiya Mahila Bank, NHB, EXIM Bank and IIFCL. It is slightly below the required percentage in many other banks like Andhra Bank, Canara Bank, Corporation Bank, Union Bank of India, Syndicate Bank, United Bank of India,

State Bank of Mysore and RBI. In case of Group D (excluding safai karamcharis), the percentage of Scheduled Tribes is very low in Indian Overseas Bank, Punjab & Sind Bank, United Bank of India, State Bank of Patiala, State Bank of Trivancore and Canara Bank. It is slightly below the required percentage in many other banks like Punjab National Bank, Syndicate Bank, UCO Bank, State Bank of India, State Bank of Hyderabad and State Bank of Mysore.

3.10.15 It is noteworthy that most of the nationalised Banks were setup more than 60 years ago and DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Detailed instructions were issued by DoPT for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. Despite above the representation of Scheduled Tribes in respect of almost each category of post in Officer Cadres, Clerk Cadres or even Sub. staff cadres is low even after more than 25 years of issue of such instructions. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Department of Financial Resources (Banking Division) should direct the banks to fill up the backlog posts reserved for Scheduled Tribes in a time bound manner and review the performance of banks on quarterly basis to improve the situation.**

(D) Representation of Scheduled Tribes in Public Sector Insurance Companies

3.10.16 The Ministry of Finance, Department of Financial Services acts as a nodal agency for all Financial Institutions including Insurance Companies and assists in policy formulation pertaining to the role of the Public Sector Insurance Companies as also in laying down policy guidelines on performance, improvement and evaluation of their services and HR policies/ personnel management and related areas.

3.10.17 As far as Personnel management in Insurance Companies is concerned, the Public Sector Insurance Companies are expected to follow the general instructions relating to reservation policy for STs, SCs and OBCs, issued by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensioners. As per the mandate given to the Ministry of Finance (Department of Financial Services), that Ministry ensures that the instructions relating to reservation matters issued by the Department of Personnel and Training are properly implemented by all the Public Sector Insurance Companies, which are also under the administrative control of the Department of Financial Services. Accordingly, Department of Financial Services propagates among all the Public Sector Insurance Companies, all the instructions relating to reservation matters issued by Department of Personnel and Training in the manner as applicable to these Companies.

3.10.18 As per information available on the website of the Ministry of Finance, Department of Financial Services contained in its Annual Report for the year 2014-15, the representation of Scheduled Tribes under each Group of posts in each of the 7 Public Sector Insurance is as given in **TABLE 3.4** below:

TABLE 3.4**Representation of Scheduled Tribes among all employees in Public Sector Insurance Companies (as on December, 2015)**

S No.	Name of Insurance Company	Group	Total employees	ST employees	% age
-1	-2	-3	-4	-5	-6
1	LIC of India	Group A	32847	2626	7.99
		Group B	24925	1689	6.78
		Group C	54635	4293	7.86
		Group D (Excl. Safai Karamcharis)	3523	169	4.80
		Group D (Safai Karamcharis)	962	56	5.82
		Total (Including Safai Karamcharis)	116892	8833	7.56
2	GIC of India	Group A	458	26	5.68
		Group B	0	0	0.00
		Group C	82	10	12.20
		Group D (Excl. Safai Karamcharis)	23	1	4.35
		Group D (Safai Karamcharis)	0	0	0.00
		Total (Including Safai Karamcharis)	563	37	6.57
3	NIAC Ltd.	Group A	7606	531	6.98
		Group B	1476	39	2.64
		Group C	7431	591	7.95
		Group D (Excl. Safai Karamcharis)	1889	149	7.89
		Group D (Safai Karamcharis)	0	0	0
		Total (Including Sweepers)	18402	1310	7.12
4	NIC Ltd.	Group A	6107	452	7.40
		Group B	1036	26	2.51
		Group C	6344	537	8.46
		Group D (Excl. Safai Karamcharis)	1108	95	8.57
		Group D (Safai Karamcharis)	481	34	7.07
		Total (Including Sweepers)	15076	1144	7.59
5	OIC Ltd.	Group A	4953	346	6.99
		Group B	1335	43	3.22
		Group C	5900	502	8.51
		Group D (Excl. Safai Karamcharis)	926	82	8.86
		Group D (Safai Karamcharis)	809	51	6.30
		Total (Including Sweepers)	12997	942	7.25
6		Group A	6990	511	7.31

	UIIC Ltd.	Group B	1098	31	2.82
		Group C	6461	486	7.52
		Group D (Excl. Safai Karamcharis)	1792	137	7.65
		Group D (Safai Karamcharis)	4	0	0.00
		Total (Including Sweepers)	16345	1165	7.13
7	AIC Ltd.	Group A	267	19	7.12
		Group B	0	0	0.00
		Group C	26	3	11.54
		Group D (Excl. Safai Karamcharis)	1	0	0.00
		Group D (Safai Karamcharis)	2	0	0.00
		Total (Including Sweepers)	296	22	7.43
	GRAND TOTAL		180571	13453	7.45

3.10.19 As it is evident from the above table, the representation of ST employees working in LIC of India in Group D (excluding safai karamcharis) category was 4.80% which is much below the prescribed percentage. In Group B category and Group D (safai Karamcharis) also it is marginally on a lower side. In GIC of India, the representation of STs officers in Group A was 5.68% which is less than required percentage. In NIAC Ltd, the representation of ST officers in Group A was 6.98% which is slightly below the desired percentage. On the other hand, it is very low (2.64% only) in Group B category. In other insurance companies also like NIC Ltd, OIC Ltd and UIIC Ltd, the representation of ST officers in Group B category was similarly low.

3.10.20 **The Commission reiterates that in order to enhance/ achieve the representation of STs in Group A posts in each insurance company mentioned above, the Department of Financial services under the Ministry of Finance may issue necessary instructions for taking special measures like SRD to achieve the required representation of 7.5 percent in all groups of services and posts in all the Insurance companies through a time bound action plan in the promotions.**

3.11 DERESERVATION OF POSTS RESERVED FOR SCHEDULED TRIBES

(1) Existing instructions

3.11.1 The instructions relating to appointment to civil posts require that, the vacancies reserved for Scheduled Tribes are required to be filled from the candidates belonging to Scheduled Tribes only, both in respect of direct Recruitment and promotion⁴. In this connection, instructions have been issued from time to time for launching Special Recruitment Drive (s) for filling the reserved vacancies. However, sometimes, it is not possible to fill a vacancy reserved for ST candidates by

⁴ Ministry of Home Affairs Resolution No. 42/21/9/NGSad 13.9.1950

promotion because of non-availability of eligible candidate in the prescribed zone of consideration in the seniority list of the feeder grade; and at the same time, it is administratively not possible to keep the post vacant indefinitely as it may adversely affect the performance of a Ministry/ Department/ Organization. Such situations arise because, very often, adequate efforts are not made while making appointment to the posts in the feeder grade (or its next below feeder grade) through direct recruitment from candidate(s) belonging to ST category.

(2) Ban on De-reservation in Direct Recruitment

3.11.2 In view of the alarming situation due to non-appointment of Scheduled Tribes in Direct Recruitment the Govt. of India imposed a ban on de-reserving the post(s) to be filled by direct recruitment⁵. The instructions relating to ban on de-reservation in Direct Recruitment provide that in exceptional cases in Group A services where posts cannot be allowed to remain vacant in public interest, the administrative Ministry/Department under which the recruitment was being made shall make a proposal for de-reservation giving full justification for such action and consult NCST / NCSC by obtaining comments and place the same for consideration before the Committee comprising the Secretaries in the (i) Ministry of Personnel & Training (ii) Ministry of Welfare (now the Ministry of Social Justice Empowerment or the Ministry of Tribal Affairs, as the case may be) and (iii) the administrative Ministry under which recruitment was being made. The recommendations of the Committee are required to be placed before the Minister in-charge of DoPT for a final decision.

(3) Procedure for De-reservation of posts to be filled by promotion

3.11.3 As inadequate appointment through Direct Recruitment in the past caused non-availability of ST candidates for promotion, the Government of India, made it permissible to exchange a vacancy in a post reserved for Scheduled Tribes with that of Scheduled Castes or de-reserve the vacancy subject to adherence to stipulated procedure while making appointment by promotion.

3.11.4 A detailed procedure was prescribed by DoPT vide OM No. 36011/20/79-Estt.(SCT) dated 02/11/1979 for de-reserving a reserved vacancy and filling the same by a candidate other than ST while making promotion, also ensuring that the rights of Scheduled Tribes, temporarily curtailed by the process of dereservation due to non-availability of eligible ST candidates in the feeder grade in a recruitment year, are restored to them in the next or subsequent recruitment year by carrying forward the reserved point for ST from the previous year. Thus, an additional vacancy out of the vacancies occurring in the next or subsequent recruitment year is reserved for the Scheduled Tribes and is filled by promotion from amongst eligible ST candidates. In case the eligible ST candidate is not available in the next recruitment year, the same procedure of dereservation and filling the carried forward reserved point in the next recruitment year has to be followed.

3.11.5 Vide OM No. 16/27/74-Estt. (SCT) dated 12/11/1975, DoPT, *inter- alia*, provide that the Liaison Officers(SCs/STs) should ensure proper working of service safeguards for SCs/STs and that they should concur in the proposals of dereservation after carefully examining them with reference to the DoPT's

⁵ Department of Personnel & Training OM No. 16012/6/88-Estt.(SCT) dated 25.04.1989

instructions on dereservation. DoPT, vide OM No. 28/14/74/Estt. (SCT) dated 12/07/76, OM 36011/25/79-Estt (SCT) dated 16/11/79 and OM 36012/17/2002/ Estt. (Res.) dated 06/11/2003 has streamlined the procedure for submission of proposals for de-reservation. However, in view of a number of subsequent developments like replacement of vacancy-based rosters by post-based rosters, creation of separate Commissions viz; National Commissions for the Scheduled Castes and the National Commission for Scheduled Tribes respectively in place of erstwhile NCSCST, ban on exchange of reservation between SCs and STs have taken place, it became necessary to modify the Performa for seeking de-reservation. Department of Personnel and Training Vide OM No. No. 3602012/2007-Estt (Res) dated 7th December 2009 issued revised instructions and revised Performa for sending the de-reservation proposal.

3.11.6 As per these instructions, the administrative Ministries and Deptts. have been delegated the power to accord approval to the de-reservation of reserved vacancies subject to the following conditions:

- (i) There is no eligible SC/ST candidate available or likely to be shortly available for promotion in the feeder cadre;
- (ii) A copy of the proposal for de-reservation in the appropriate prescribed Performa is sent immediately to (i) the Department of Personnel and Training and (ii) the National Commission for Scheduled Tribes in case of post reserved for ST or the National Commission for Scheduled Caste in respect of post reserved for SC as the case may be and thereafter the concerned Deptt. is required to wait for a period of 15 days before going for de-reservation;
- (iii) The proposal for de-reservation has been seen and concurred with by the Liaison Officer of the Ministry/Department concerned;
- (iv) The proposal for de-reservation has been agreed to at a level not lower than that of the Joint Secretary to the Government of India in the administrative Ministry/ Department (Proper) concerned;
- (v) In the event of a disagreement between the appointing authority and the Liaison Officer, the advice of the DoPT has been obtained;
- (vi) The proposal contains a certificate that it is being made with the full knowledge and concurrence of the Liaison Officer of the Ministry/ Department concerned.

3.11.7 These instructions further require that the proposal for de-reservation of reserved vacancies in respect of posts under attached/ subordinate offices etc. should not be sent directly. Such proposals should be sent to the administrative Ministry/ Department who will examine the proposals and send them to the Department of Personnel & Training and NCST / NCSC after satisfying itself that the prescribed procedure has been followed.

(4) Examination of de-reservation proposals

3.11.8 As de-reservation in promotion has not been banned, the National Commission for Scheduled Tribes receives a large number of proposals for de-reservation in promotions from various Ministries/ Departments during the year 2015-16. Detailed list of such proposals is placed at **ANNEXURE-3.II**

3.11.9 As mentioned in the earlier Reports of the National Commission for Scheduled Tribes, most of these proposals reflect one of the following two situations:-

- (i) The mode of filling a post or chain of posts in a cadre was 100% by promotion from the feeder grade post(s) and there is no ST candidate in the feeder grade and also in the next below feeder grade post(s). This situation might occur either because reservation instructions were not followed for years together while making Direct Recruitment to the lowest grade feeder post(s) or due to non-availability of ST candidates. Consequently, as no ST candidate is available for several years for making appointment by promotion against reserved points in various grades of posts in the channel for promotion, the concerned Ministry/ Department/ Organisation frequently resorted to de-reservation. This leads to the situation in which "carried-forward" reserved points would never be filled in the absence of ST candidates in the feeder posts and also absence of suitable provisions in the RRs that a certain percentage of posts be filled up through direct recruitment. This situation also results in non-filling up higher promotion posts reserved for ST by the ST candidates.
- (ii) The eligible ST candidates are not available even after enlarging the zone of consideration (ZoC), upto five times the total number of vacancies to be filled in one recruitment year. In many cases, candidates fulfilling the eligibility conditions for promotion are available outside the extended ZoC.

3.11.10 From the perusal of the proposals for de-reservation received in the Commission, it is felt that the ban on de-reservation in Direct Recruitment applied in the year 1989 has not been followed in letter and spirit by various Ministries and Departments as non-availability of ST candidates amongst a long seniority list of the feeder grade/initial grades of cadres continues to be the main reason for seeking de-reservation in promotion. On the one hand reservation has not been applied at Direct Recruitment stage in the initial/ feeder grade; and on the other hand, there is no provision for Direct Recruitment, or transfer on deputation, besides promotion in the recruitment rules for appointments to the higher grade. **The National Commission for Scheduled Tribes, therefore, recommends again that de-reservation should be banned totally; and each cadre controlling/ recruiting authority should ensure the following for effective implementation of policy of reservation for Scheduled Tribes in posts/ services:**

- (i) **Recruitment Rules for each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (wherever applicable).**
- (ii) **Recruitment Rules should provide elements of Direct Recruitment as well as deputation/transfer on deputation, beside promotion, instead of 100% by promotion (or, at least provision for relaxation of the same for filling up ST vacancies), so that deficiencies due to non-availability of reserved category candidate(s) in the seniority list of the feeder grade may be made up through Direct Recruitment or deputation/transfer on deputation as the case may be. As per DoPT O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990, reserved vacancy can be temporarily transferred from one mode of recruitment to other and this relaxation of RRs can be exercised by Ministries/ Departments themselves subject to approval of UPSC.**

- (iii) As per instructions of the Supreme Court of India separate list of eligible ST and SC candidates, fulfilling the prescribed conditions relating to educational and experience qualification may be prepared for filling the posts reserved for Scheduled Tribes and Scheduled Castes respectively.**
- (iv) No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.**
- (v) In case of non-availability of ST candidates in the feeder grade, in the near future, the post may be filled by deputation of ST candidates from other Organizations and the reserved point in promotion to be carried forward as shortfall/ backlog vacancy till such time the eligible ST candidates becomes available for promotion.**
- (vi) In case of non-availability of ST candidates, at all, in the feeder grade, the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.**

CHAPTER 4

SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED TRIBES

4.1 TRIBAL POPULATION, ITS DISTRIBUTION AND GROWTH

4.1.1 The Scheduled Tribe population of the Country which was 3.01 Crores in 1961 Census and constituted 6.9% out of the total population of 43.92 Crores rose to 8.61% of the total population of the Country in 2011 Census. As far as distribution of tribal population is concerned, there are several areas of tribal concentration in India. Some areas have no Scheduled Tribe population while other areas have Scheduled Tribe population concentration in various ratios. A statement indicating State/UT-wise population of Scheduled Tribes and their percentage to the total population in the respective State/ UT and to the total ST population in the country, as per Census 1991, 2001 and 2011 and decadal growth, is placed at **ANNEXURE 4.I** .

4.1.2 The Tribal communities, which constitute 8.61% of the total population as per Census 2011, live in about 15% of the country's area in various ecological and geo-climatic conditions ranging from plains to forests, hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted the mainstream way of life at one end of the spectrum, there are 75 Primitive Tribal Groups, now called as Particularly Vulnerable Tribal Groups (PTGs), at the other end, who are characterized by (a) a pre-agriculture level of technology, (b) a stagnant or declining population (c) extremely low literacy and (d) a subsistence level of economy.

4.2 TRIBAL DEVELOPMENT STRATEGY

4.2.1 The first Five-Year Plan emphasized the provision of additional financial resources through a community development approach to address the problems of tribal people rather than evolving a distinct tribal development strategy. The first systematic effort for the development of the tribal areas was initiated in 1955 in the form of Special Multipurpose Tribal Development Projects and accordingly, 43 Special Multipurpose Tribal Development Projects (MTDPs) were initiated. These MTDPs could not fully serve the interests of the tribal people since the schemes were numerous and of a general nature. The modified version of this programme was taken up on a larger scale during the 2nd Five Year Plan when the Tribal Development Blocks were started. This programme was further expanded during the 3rd Five Year Plan and all areas with more than 2/3rd tribal concentration were covered by the end of this period. Although it was agreed, in principle, to extend the programme to all those areas which had more than 50% tribal population, yet it was not possible to do so during the 4th Five Year Plan. The development effort in the then existing Tribal Development Blocks was consolidated by extending the period of their operation and the area coverage therefore remained practically unchanged up to the end of 4th Five Year Plan. In the meantime, this programme was reviewed and it was found that the development effort from the general sector programmes was not adequate in these areas, particularly in the context of their comparatively lower

economic base. It was, therefore, decided to evolve a new strategy for the development of the tribals and the tribal areas.

4.3 TRIBAL SUB-PLAN STRATEGY

4.3.1 On the eve of the fifth Five Year Plan, a detailed and comprehensive review of the tribal problem was undertaken. An Expert Committee for the rapid socio-economic development of tribal people set up, under the Chairmanship of Prof. S.C. Dube, by the then Ministry of Education and Social Welfare (then Nodal Ministry for tribal development) in 1972 formulated the Tribal Sub Plan strategy and the same was adopted for the first time in the Fifth Five Year Plan. It was observed that an integrated approach to the tribal problems and needs was necessary in terms of their geographic and demographic concentration if a faster development of the tribal community and the tribal areas is to take place. Accordingly, the tribal areas in the country were classified under three broad categories:

- States and Union Territories having a majority scheduled tribe population.
- States and Union Territories having substantial tribal population but majority tribal population in particular administrative units, such as development blocks and tehsils.
- States and Union Territories having dispersed tribal population.

(A) Criteria for Identification of TSP Areas in the States and UTs

4.3.2 In view of the above, it was decided that tribal majority States like Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and U.Ts. of Lakshadweep and Dadra & Nagar Haveli may not need a Tribal sub-Plan, as the entire plan of these States/Union Territories was primarily meant for the S.T. population constituting the majority. For the second category of States and Union Territories, Tribal sub-Plan approach was adopted after delineating areas of tribal concentration into two categories (i) areas having more than 50% tribal concentration and (ii) dispersed tribals. In respect of the former, it was decided to adopt an integrated area development approach with focus on tribals. For dispersed tribals, family oriented programmes were decided to be taken up.

4.3.3 The Tribal Sub-Plan strategy adopted for tribal development comprised:

- (i) identification of development block in the State where tribal population was in majority and their constitution into ITDPs with a view to adopting therein an integrated and project based approach for development,
- (ii) earmarking of funds for the Tribal Sub-Plan and ensuring flow of funds from the State and Central Plan sectoral outlays, Special Central Assistance and from Financial Institutions; and
- (iii) Creation of appropriate administrative structure in tribal areas and adoption of appropriate personnel policy.

(B) Scheduled Areas and Tribal Sub-Plan strategy

4.3.4 There is a provision in the Constitution for special administration of certain tribal-predominant areas, specified as Scheduled Areas under the Fifth Schedule to the Constitution, in a number of States. Since the Scheduled Areas specified under the Fifth Schedule to the Constitution are well-defined compact tribal areas, it was decided that the (then existing) entire Scheduled Area in those States should be included in the Tribal Sub-Plan area of the State. In addition to the Scheduled Areas, all the Tribal Development Blocks and CD Blocks, which had more than 50% tribal population and were outside the Scheduled Area of the State, also formed part of the Tribal Sub-Plan areas. In the States which did not have Scheduled Area, the TSP area comprised all the Tribal Development Blocks and all the CD Blocks which had more than 50% tribal population in the State as per 1971 Census.

4.3.5 The TSP areas were made co-terminus with Scheduled Areas with an objective to give them special consideration by notifying fresh Constitution Orders specifying revised Scheduled Areas in respect of those States which were originally having Scheduled Areas. After reorganization of the States in the year 2000, the States having Scheduled Areas are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, and Rajasthan. The TSP areas in these States also have the benefits of special provisions relating to development and administration of Scheduled Areas as provided under the Fifth Schedule and Article 244 of the Constitution.

(C) Extension of TSP strategy to dispersed tribals

4.3.6 In the Sixth Plan, emphasis shifted from Area development only to include welfare of family and beneficiary-oriented development schemes within the general frame work of socio-economic programmes specifically directed at, and designed for, the benefit of the scheduled tribes. The ambit of the Tribal Sub-Plan was thus widened in the Sixth Plan to cover the dispersed tribal areas in all the States. The Modified Area Development Approach (MADA) was adopted for covering smaller contiguous areas of tribal concentration having a total population of 10,000 of which 50% or more were tribals. During the Seventh Plan, the Tribal Sub-Plan strategy was further extended to cover all tribals, including the dispersed tribals, for beneficiary-oriented programmes. Clusters or pockets of tribal concentration comprising of contiguous tribal villages having minimum of 5000 ST population constituting at least 50% of the total population were identified to cover the tribal beneficiaries living outside the Tribal Sub-Plan and MADA areas, thereby trying to assure that 100% tribal population in all the States and UTs having Tribal Sub-Plan were covered under the new strategy. The Planning strategy for tribal development during this Plan continued to be a mix of beneficiary-oriented and infrastructure and human development programmes. Special emphasis was placed on (i) minor irrigation, soil and water conservation, cooperation, rural roads and land reforms, in the infrastructure sector, (ii) drinking water supply, general education, technical education and health in the social services sector and (iii) agriculture, horticulture, animal husbandry, dairy development fisheries, forests and small, village, and cottage industries in the production sector.

(D) Preparation of Tribal Sub-Plans of States and UTs

4.3.7 The salient features in respect of the State/ UT Tribal Sub-Plan are:

- (i) Preparation of a plan meant for the welfare and development of tribals within the ambit of a State or a UT plan is a part of the overall plan of a State or UT, and is therefore called a Sub-Plan.
- (ii) The funds provided under the Tribal Sub- Plan out of State Plan have to be at least equal in proportion to the ST population of each State or UT.
- (iii) Tribals and tribal areas of a State or a UT are given benefits under the Tribal Sub-Plan, in addition to what percolates from the overall Plan of a State/ UT.
- (iv) The Tribal Sub-Plan should:
 - a) Identify the resources for TSP areas;
 - b) Prepare a broad policy framework for development; and,
 - c) Define a suitable administrative strategy for its implementation
- (v) The TSP funds, comprising the TSP component of various departments/ sectors of the States, have to be aggregated in a separate demand head in the budget of the Tribal Development Department of the State.

4.3.8 The TSP strategy has been in operation in 23 States and 2 UTs. The names of States and UTs having Tribal Sub-Plans are given in the following **TABLE 4.1**

TABLE 4.1

States & Union Territories having Tribal Sub-Plan

1	Andhra Pradesh	8	Jammu & Kashmir	15	Orissa	22	Uttarakhand
2	Assam	9	Jharkhand	16	Rajasthan	23	West Bengal
3	Bihar	10	Karnataka	17	Sikkim	1	A & N Islands (UT)
4	Chhattisgarh	11	Kerala	18	Tamil Nadu	2	Daman & Diu (UT)
5	Goa	12	Madhya Pradesh	19	Telangana		
6	Gujarat	13	Maharashtra	20	Tripura		
7	Himachal Pradesh	14	Manipur	21	Uttar Pradesh		

(E) Integrated Tribal Development approach within TSP

4.3.9 To focus on the needs of the tribal population under the new Tribal Sub-Plan strategy in a coordinated manner, Integrated Tribal Development Projects (ITDP) were conceived during the Fifth Five Year Plan, and these ITDPs have been continued. In accordance with the situation prevailing in each State, some ITDPs are co-terminus with the district boundaries while some other ITDPs extend to a Tehsil/ Sub-Division or part of the Tehsil/ Sub-Division depending upon the area identified under Tribal Sub-Plan. The Tribal development strategy now comprises the following multi-prong approach:

- (i) Integrated Tribal Development Project (ITDP) areas: These are generally contiguous areas of the size of a block or a tehsil or more within a district, in which the ST population is 50% or more of the total population.
- (ii) Modified Area Development Approach (MADA) pockets: These are identified pockets having 50% or more ST population of a total population of 10,000 or more.
- (iii) Clusters: These are identified clusters of villages, altogether having ST population of 5000 or more, which constitutes 50% or more of the total population of the cluster.
- (iv) Primitive Vulnerable Tribal Groups : These are characterized by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy. Keeping in view the need for special attention towards these communities these Groups originally defined as Primitive Tribal Groups have been rechristened as Particularly Vulnerable Tribal Groups.
- (v) Dispersed tribal population outside the categories at Sr. No.(i) to (iv) above

4.3.10 The funds under SCA to TSP are released for economic development in the following areas and for the following population: -

- (i) ITDP/ITDA areas (194 Nos.), which are generally contiguous areas of the size of at least tehsil or block or more in which the ST population is 50% or more of the total population;
- (ii) MADA pockets (259 Nos.), which are identified pockets having 50% or more ST population with a minimum population of 10,000;
- (iii) Clusters (82 Nos.), which are identified pockets having 50% ST population with a minimum population of 5,000,
- (iv) Particularly Vulnerable Tribal Groups (PTGs), characterized by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy;
- (vi) Dispersed tribal population - those tribals who fall outside the categories at SI No. (i) to (iv) above.

(F) Administrative set up for Tribal Sub-Plan in the States/ UTs

4.3.11 In the 5th Five Year Plan, detailed guidelines for preparation of Tribal Sub-Plan by the States and the Central Ministries were issued. Each State Government and Central Ministry/ Department was required to set up a Nodal Department/ Cell to monitor the preparation of Tribal Sub-Plan as part of Annual as well as Five Year Plan exercises. Accordingly, Tribal Welfare Departments in the States were created out of the then existing Social Welfare Departments. Similarly the Directorates of Social Welfare in most of the States were replaced by separate Directorates for Scheduled Castes, Scheduled Tribes and other Backward Classes respectively. The Directorates for Scheduled Tribes in major States were redesignated as Commissioners for Tribal Development and the Commissioners were given the power of Head of Department in the States. Some States also created separate Units namely Directorate of Tribal Area Development and Planning (TADP) for preparation and monitoring of the Tribal Sub-Plan in the States. TSP Cells were also set up in many of the Central Ministries/ Departments for similar objective.

(G) Funding of Tribal Development Programmes

4.3.12 Guidelines has been issued by the Planning Commission for the States to earmark funds for Tribal Sub-Plan, out of the total State Plan outlay, to be placed under a separate Budget Head. As per guidelines issued by the Planning Commission, the Tribal Welfare Departments will be nodal Departments for the formulation and implementation of the Tribal Sub-Plan in the States. Funds for Tribal Sub-Plan are sourced from- State Plans, Sectoral programmes of Central Ministries/ Departments, Grants under Article 275 (1) of the Constitution and funds under other Schemes of the Ministry of Tribal Affairs, Special Central Assistance (SCA) to Tribal Sub Plan and Institutional Finance.

4.3.13 The State Governments have to undertake an exercise to prepare a Tribal Sub-Plan along with the exercise for preparing the Annual/Five-Year Plan of the State. The Tribal Sub-Plan documents should be self-contained in respect of programmes and schemes to be taken up during the Plan period and the input of funds from various sources as indicated above. The States are expected to earmark under the TSP funds from the State Plan which are at least equal to the percentage of the tribal population to the total population in the State. Similarly, the Central Ministries/ Departments were also required to earmark funds in proportion to the population percentage of the Scheduled Tribes in the country, and release those funds for various schemes under the Tribal Sub-Plan.

(H) Quantification of funds from the State Plan to the TSP

4.3.14 Though, the actual flow of funds to the TSP areas has increased significantly after adoption of this approach since the Fifth Five Year Plan, yet it did not reach the desired level. A fundamental change in the process of formulating the Tribal Sub-Plan on the Maharashtra model was introduced at the end of the 8th Five Year Plan. The State Plan funds, in proportion to the ST population percentage of the State, were required to be separately earmarked and placed under the control of the Nodal Department for Tribal Development in the State; which would place those funds at the disposal of the line Department after approving the Scheme received from that Department. In this way the Nodal Department was expected to ensure full utilization of the TSP funds in the State. For this purpose, TSP funds were to be earmarked under a separate budget head of the State Nodal Department. This Model further helped in improving the actual expenditure under Tribal Sub-Plan in the States having TSP. The State Plan expenditure for tribal development, which was just 0.51% during Fourth Plan i.e. prior to adoption of TSP strategy, increased to 9.47% during the Eighth Plan and was approximately 8% during the Ninth Plan and is likely to be over 10% during 11th Five Year Plan due to adoption of TSP strategy since Fifth Plan. A statement indicating State/UT-wise TSP formulated for the financial year 2013-14 To 2015-16 along with percentage of ST Population as per 2011 census is at **ANNEXURE 4.II.**

4.3.15 On careful examination of the State-wise TSP outlay indicates that though the tribal population of Assam State is 12.45%, The TSP allocation was only 0.69% of the total State plan outlay during 2012-13. It reduced to 0.65% in the year 2013-14 and 0.64% in 2014-15. No information is available for the year 2015-16 in the matter.

Similarly, the TSP allocation in Andhra Pradesh was 5.53% in the year 2015-16 against the total tribal population of 7% in the State. In Gujarat, the tribal population is 14.75% of the total population and allocation of funds under TSP in the year 2015-16 was 12.22% which is on a lower side. Similarly, in Odisha also, in the same year, the TSP allocation was 20.68% of the total State Plan Outlay where the tribal Population in the State was 22.85%. However, in the State of Tripura, as per the information available in the Annual Report of Ministry of Tribal Affairs for the year 2015-16, the TSP allocation reported for the year 2015-16 was surprisingly high as 82.98% against the ST population of 31.76% in the State. In the States like Maharashtra and Rajasthan, the TSP allocation was in proportion to the tribal population percentage of the State.

(I) Quantification of funds from the Sectoral programmes of the Central Ministries/ Departments to the TSP -- Tribal Sub-Plan Component of Central Ministries/Departments

4.3.16 As the Central Government has special constitutional responsibilities towards the development of Scheduled Tribes and Scheduled Areas, the role of Central Ministries/ Departments assumes significance. The Planning Commission and the Ministry of Tribal Affairs (subject previously vested with Ministry of Home Affairs and then Ministry of Welfare) have been issuing instructions from time to time to the Central Ministries/Departments to formulate a clear idea of the problems of tribal people and tribal areas, to prepare specific programmes relating to their concerned sectors and adapt the programmes wherever necessary in consultation with the State Govt. In order to focus attention on tribal development, the Central Ministries were called upon by the then Prime Minister in 1980 to take the following steps:

- (i) quantification and earmarking of funds for tribal areas under the programmes of Central Ministries,
- (ii) formulation of appropriate need-based programmes for tribal areas,
- (iii) adaptation of the on-going programmes to meet the specific requirements of Scheduled Tribes,
- (iv) Identification of a senior officer in a Ministry to monitor the progress of implementation of programmes for the welfare of Scheduled Tribes.

4.3.17 These guidelines have been reiterated from time to time by the then Ministry of Welfare and now the Ministry of Tribal Affairs, and the Planning Commission, particularly that funds at least equivalent to the percentage of ST population in the country should be set apart under TSP by the concerned Central Ministries and Departments. The objective is that areas in which Central Ministries and Departments can play distinct role are to be identified and accordingly, quantified TSP outlays projected.

4.3.18 The contribution of Central Ministries has been reviewed from time to time and on the whole it has been found to be much below expectation. According to the Tenth Plan document of the Planning Commission, earmarking of funds for TSP was being carried out in 25 Ministries/Departments of the Central Government and 20 States/UTs. The 11th Five Year Plan document of the Planning Commission however,

mentions that 17 Ministries/ Departments were preparing Special Component Plan for Scheduled Castes (now called SCSP) but there is no information about preparation of Tribal Sub-Plan by the Central Ministries. The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes had observed that the quantification of benefits was not satisfactory. On occasions the Committee has expressed unhappiness at the performance of the Ministries and urged them as well as the Planning Commission to ensure that the intended funds and benefits from the general sectors are actually availed of for the welfare of Scheduled Tribes. The Parliamentary Committee has also suggested evaluation, to be undertaken periodically, to assess the extent of flow of funds and benefits with a view to rectification of shortcomings and augmentation of the provisions.

4.3.19 The Ministry of Tribal Affairs also, in its Annual Report for 2005-06, had given the details of the plan budget allocations for the year 2005-06 of 36 Central Ministries/ Departments with expected 8% allocation of funds for TSP areas, and almost the same position was been re-iterated in the Annual Report for 2009-10, stating that the TSP strategy is expected to be followed in the Central Ministries/ Departments also. It has been further stated that many Ministries have reported difficulty in segregation of their TSP component citing indivisibility of projects, because their projects are applicable to all communities, including SCs/ STs. The Annual Reports of the Ministry of Tribal Affairs for 2008-09 as well as 2009-10 have reiterated the following position:

Many Ministries have reported difficulty in segregation of their TSP component citing indivisibility of projects, because their projects are applicable to all communities, including STs. The Ministry, taking this into account has approached Planning Commission for devising a different strategy for Central Ministries on TSP.

Task Force to re-examine and review Guidelines on Scheduled Caste Sub-Plan & Tribal Sub-Plan-- Recommendations to Revise Guidelines for implementation of Scheduled Caste Sub Plan & Tribal Sub-Plan

4.3.20 Taking this into account the Ministry approached Planning Commission for devising a different strategy for Central Ministries on TSP. The Planning Commission set up the above mentioned Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, Planning Commission:

- i) *to re-examine and revise the extant Guidelines issued by the Planning Commission for implementation of Scheduled Caste Sub-Plan and Tribal Sub-Plan ;*
- ii) *to understand the operational difficulties in consultation with implementing Ministries and suggest remedial action so that Scheduled Caste Sub-Plan and Tribal Sub-Plan can be implemented effectively.*

4.3.21 The Task Force examined the situation in relation to implementation of Tribal Sub-Plan and Scheduled Caste Sub-Plan in the States and UTs and preparation of the Sub-Plans by the State Govts./ UT Adms. as well as Central Ministries / Departments. The Task Force had submitted the recommendations in respect of the

Central Ministries/ Departments only on 25/11/2010. The Task Force has made the following observations:

- (a) *Implementation of the guidelines has remained inadequate. Hardly any Ministry is showing its SCSP/TSP outlays under separate Budget Heads. Some Ministries are showing a notional earmarking, but the criterion followed in doing so is not uniform and transparent. Also, in the absence of this outlay being shown under a separate minor head (789 for SCSP or 796 for TSP, as the case may be), such notional earmarking does not have much significance, nor is its non-divertibility ensured. In the absence of separate earmarking and budgeting of funds under SCSP/TSP by Central Ministries/Departments, it is not possible, as of now, to quantify the total amount allocated and/or spent by the Central Government under SCSP/ TSP. The SCSP and TSP strategies thus remain substantially unimplemented at the level of the Central Ministries/ Departments mainly due to lack of an effective mechanism in this behalf.*

4.3.22 The Task Force has recommended that 68 Ministries / Departments of the Central Government can be grouped into four categories:

- I) *No Obligation;*
- II) *Earmarking less than 15 % for Scheduled Castes and 7.5 % for Scheduled Tribes ;*
- III) *Earmarking outlays between 15%-16.2% for Scheduled Castes and 7.5% - 8.2% for Scheduled Tribes ;*
- IV) *Earmarking more than 16.2% for Scheduled Castes and 8.2% for Scheduled Tribes.*

4.3.23 The Task Force has further observed that the subject, being a complex one, requires detailed examination and deliberations. Also, there are commonalities as well as differences between implementation of SCSP and TSP at the Central and State levels. Observing the problem to be more acute at the Central level, the Task Force, in the first instance, recommended that, from the financial year 2011-12, substantial reforms be introduced in the SCSP/TSP system, for Central Ministries/Departments, which can be further refined from the XII Five Year Plan commencing in 2012- 13.

4.3.24 The Task Force pursued this matter with the Ministry of Finance, which, consequently, in its Budget Circular for 2011-12 has incorporated the following instructions:

“From 2011-12 Budget, the Planning Commission will be making separate allocations for the SC Sub-Plan/Tribal Sub Plan as part of the Plan allocations, and the same will also be indicated clearly in the Memorandum of Understanding signed between the Planning Commission and the concerned Ministry/Department. The Ministries/ Departments for which such allocations are made by the Planning Commission as part of the Plan Agreement in Budget 2011-12, must ensure that the provisions are accurately reflected in the concerned Minor Heads relating to Scheduled Caste Sub-Plan and Tribal Sub Plan in their Detailed Demands for Grants by opening a minor head “Special Component Plan for Scheduled Castes” Code ‘789’ for SCSP and a

minor head 'Tribal Sub Plan' Code '796' below the functional major/sub-major heads whenever necessary, in terms of the instructions under Para 3.8 of the General Directions to the List of Major and Minor Heads of Accounts."

4.3.25 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise allocation of funds during the financial year 2013-14, 2014-15 and 2015-16. A copy of the statement showing allocation of funds by 30 Ministries/ Departments is placed at **ANNEXURE 4.III** Implementation of TSP strategy and review of TSP Guidelines in respect of Funding from State Plan for TSP of States/UTs and the Sectoral Programme of the Central Ministries/ Departments was discussed in detail in the Fifth Report of the Commission. **The recommendations of the National Commission for Scheduled Tribes in relation to working of the TSP and earmarking/ quantification of funds under TSP of the States and Central Ministries and treating the quantified funds as Non-lapsable fund and utilisation thereof, made in its Fifth Report still hold good and the Commission re-iterates those recommendations for prompt consideration and action.**

4.4 The revision of Guidelines for SCA to TSP and Grants under Article 275(1) of the Constitution

The operational guidelines for formulation, implementation and monitoring of Tribal Sub-Plan and Article 275(1) grants have been issued by the Ministry in March 2014. The revised guidelines, *inter-alia*, emphasize on the following:

4.4.1 Substantive amount of TSP funds are still utilized for infrastructure such as school building and hostels etc. In absence of its own engineering department, most of the ITDAs have to depend on other engineering Departments like PWD for whom our projects are not priority. Therefore, the ITDA and the Tribal Welfare Department must have a strong line of engineering set up.

4.4.2 As ITDAs/micro-projects have to play a big role in facilitating delivery of public goods and services, and particularly carry the schemes relating to livelihood to the people, the role of these institutions has become more important than it was decades ago. Therefore, these need to be strengthened.

4.4.3 2011 Census shows that new Block and pockets have emerged with more than 50% tribal population. New institution like ITDA have to come up in these areas.

4.4.4 New administrative units should be created in urban areas where the population of Scheduled Tribes exceeds 10,000. **5.6.5** In view of the situational analysis, the grants from Gol will be in the following order of priority: a) Strengthen ITDAs / dedicated micro projects / create new ITDAs. b) Support additional manpower in livelihood and engineering wings within ITDAs etc. c) Strengthen Tribal Research Institutes as stated above. d) Residential Schools and support to Government hospitals in tribal areas. e) Support to linkage with livelihood projects. f) Any other project relating to wellbeing of tribals. **Guidelines for Tribal Sub Plan for States**

4.4.5 The present Tribal Sub Plan strategy was initially developed by an Expert Committee set up by the Ministry of Education and Social Welfare in 1972 under the Chairmanship of Prof. S.C. Dube for the rapid socio-economic development of tribal people and was adopted for the first time in the Fifth Five Year Plan. The TSP strategy, with some modifications, continues till this day and the salient features with respect to TSP for States, are given below: i) The funds provided under the Tribal Sub Plan of the State have to be at least equal in proportion to the ST population of each State or UT; ii) Tribals and tribal areas of a State or UT are given benefits under the TSP, in addition to what percolates from the overall Plan of a State/UT; iii) The Sub-Plan should ; a) Identify the problems and need of tribal people and critical gaps in their development. b) Identity all available resources for TSP22

Prepare a broad policy framework for development,

- d) Prepare a detailed department wise plan
- e) Define a suitable administrative strategy for its implementation.
- f) Specify the mechanism for monitoring and evaluation.

4.4.6 A sizeable part of the TSP of each State comes from the %Welfare of Backward Classes+ Sector of the State Plan of each State. This Sector includes allocations largely from various Central sector and Centrally Sponsored Schemes of Ministry of Tribal Affairs. The funding and utilisation under these Schemes of the Ministry of Tribal Affairs are discussed in the following para.

4.5 SOCIO-ECONOMIC DEVELOPMENT & PLANNING FOR SCHEDULED TRIBES

4.5.1 Central and State Governments have launched several schemes for the welfare and development of the Scheduled Tribes. The main programs/ sub-schemes for which budget allocation was made during the year 2013-14 and 2014-15 is given below:

4.5.2 The Ministry of Tribal Affairs has allocated budget for the following schemes during the Financial Year 2015-16:

A.	Central Sector Schemes
(i)	Grant-in-Aid to Voluntary Organisations
(ii)	Special Incentives to NGOs performing exemplary tasks
(iii)	Coaching & Allied Scheme
(iv)	Vocational Training in Tribal Areas
(v)	Strengthening of Education among ST Girls in Low Literacy Districts
(vi)	Market Development of Tribal Products/produce
(vii)	State Tribal Dev. Coop. Corp. For Minor Forest Produce
(viii)	Development of Particularly Vulnerable Tribal Group (PGT)

(IX)	National Scheduled Tribes Finance & Development Corporation
(x)	State Tribal Development Finance Corp.
(xi)	Rajiv Gandhi National Fellowship for ST Students
(xii)	Scheme of Institute of Excellence/Top Class Institute
(xiii)	National Overseas Scholarship Scheme
(xiv)	Mechanism for marketing of minor forest produce through minimum support
(xv)	World Bank project- improving development programs in tribal areas
B.	Centrally Sponsored Schemes
(i)	Post Matric Scholarship for Scheduled Tribes
(ii)	Book Banks
(iii)	Upgradation of Merit of ST Students
(iv)	Pre matric scholarship for ST students
(v)	Girls and Boys Hostels
(vi)	Establishment of Ashram Schools DTE/ FTE/ OE/ Professional services and other charges under umbrella scheme for education of ST children (Administrative expenses)
(vii)	Research and Training
(viii)	Information and Mass Media
(ix)	National Tribal Affairs Award
(x)	Centre of Excellence
(xi)	Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes
(xii)	Organisation of Tribal Festival
(xiii)	Exchange of visits by Tribals
(xiv)	Monitoring and Evaluation
(xv)	Information Technology
(xvi)	Van Bandhu Kalyan Yojana
C.	Special Central Assistance
(i)	Special Central Assistance for Tribal Sub-Plan
(ii)	Scheme Under Proviso to Art.275 of the Constitution

4.5.3 A statement showing Budget Allocation, Revised Allocation and the expenditure incurred under the Central Sector Schemes and Centrally Sponsored Schemes of the Ministry of Tribal Affairs during 2013-14 and 2014-15 may be seen at **ANNEXURE 4.IV.** Information regarding budget allocation for the year 2015-16 (plan) & Expenditure upto 31.12.2015 is given at **ANNEXURE 4.V** The Statement has been taken from the Annual Report of the Ministry of Tribal Affairs for the year 2015-16.

4.5.4 As per information available on the website of the Ministry of Tribal Affairs and the Annual Report of the Ministry, the scheme of research for the Ministry of Tribal Affairs has two components namely:

(1) Grants to Tribal Research Institutes on 50-50 sharing basis between State and the Centre;

(2) Supporting projects of all India or inter State nature. The grant is provided on 100% basis to institutes, organizations and universities for conducting research, evaluation studies, holding seminars/workshops and for publication of literature relating to tribal issues.

4.5.5 Under the scheme of Grants- in-aid to Tribal Research Institutes Ministry of Tribal Affairs releases 50% Central share to the State Governments and 100% to Union Territories for effective functioning of the Tribal Research Institutes, for meeting the expenses, including administrative costs. 18 Tribal Research Institutes (TRIs) have been set up in the States of Andhra Pradesh, Assam, Chhattisgarh, Jharkhand, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, West Bengal, Uttar Pradesh, Manipur, Tripura and Union Territory of Andaman & Nicobar Islands. Although 50% expenditure on TRIs is funded by the Government of India, the administrative control over these Institutes vests with the concerned State Government.

4.5.5 These Institutes are broadly expected to be engaged in conducting research and evaluation studies, collection of data, conducting training, seminars and workshops, documentation of customary laws; setting up of tribal museum for exhibiting tribal artifacts, and other related activities and outcome of all those activities has to be utilized in providing planning inputs to the State Governments for formulation of Tribal Sub-Plan and for taking up new schemes for development of the Scheduled Tribes.

4.5.6 About a decade ago, Government of India had decided to set up a National level Central Tribal Research Institute under the direct control of the Ministry of Tribal Affairs. A Token Budget provision was also earmarked for establishment of the CTRI. This, however, could not be set up. Later, in order to effectively coordinate all the functions being carried out in various Tribal Research Institutes (TRIs) throughout the country, as well as for new activities, the Ministry of Tribal Affairs has evolved the concept of Nodal TRI (NTRI). The NTRI is to provide policy inputs to the Ministry of Tribal Affairs, carry out and coordinate research and evaluation studies, and undertake other related activities for the TRIs which are clubbed under their charge. The aims and objectives of NTRIs are as under:

- a) to provide policy inputs to the Ministry of Tribal Affairs as well as State Welfare Departments;
- b) to design studies and programmes that improve or support socio-economic aspects of tribal lifestyles;
- c) to become a nerve-centre of tribal concerns, issues and matters in academic, executive and legislative fields;
- d) to coordinate and network with related research institutes and organizations as well as academic bodies;
- e) to set up norms for improvement in the quality of research and training

4.5.7 The following table indicates the selected NTRIs and the linked TRIs:

Nodal TRI	Other TRIs in Nodal Group
Odisha	Andhra Pradesh, Jharkhand, West Bengal and Andaman and Nicobar Islands
Maharashtra	Kerala, Karnataka, Tamil Nadu and Gujarat.
Madhya Pradesh	Chhattisgarh, Uttar Pradesh, Himachal Pradesh and Rajasthan
Assam	Manipur and Tripura.

4.5.8 The scheme of Supporting Projects of All-India or Inter-State nature is in operation since 1979-80 for dissemination of knowledge about tribal issues, and developmental schemes/works through study, seminars/ workshops and publication of tribal literature. Under the scheme financial support is extended to Non Governmental Organisations/ Institutions/ Universities on 100% basis for

- i) Research and Evaluation studies,
- ii) Workshops/ Seminars helpful in orienting developmental programmes for the Scheduled Tribes and disseminating knowledge and experience concerning tribal people and their areas, and
- iii) Publication of literature on tribal development.

4.5.9 Under this Scheme assistance is provided to the Universities/ Institutions/ Non Governmental Organizations to carry out research/evaluation studies. The research grant is ordinarily given up to a maximum of Rs. 2.50 lakh for each project to be completed in a period of 8-12 months. Research Institutions/ Non-Governmental Organisations/ Universities desirous of undertaking research/evaluation studies are required to apply in accordance with the guidelines provided under the scheme. There is a Research Advisory Committee in the Ministry of Tribal Affairs which considers and approve the Research proposals received in the Ministry. The Research Advisory Committee, consisting of eminent persons in the field of tribal affairs/development, set up under the chairmanship of a Joint Secretary level officer of Ministry of Tribal Affairs conducts scrutiny of the project/ proposals and selects the project for sanction

4.5.10 Projects taken up under Research, Information & Mass Education, and Monitoring and Evaluation Schemes of tribal Development programmes and schemes act as back bone for improving the Policy issues involved and in formulating new policies relating to development of Scheduled Tribes. Therefore, funds earmarked under these schemes needs to be fully utilised and similarly the TRIs also needs to be fully functional to meet the objective for which these have been set up.

4.5.11 The Commission, during its visits to the States and discussions with the State Government Officials and the TRI Officials, has noted that these TRIs are generally non-functional due to acute shortage of Research staff and also due to shortage of funds. Similarly, the funds for supporting projects of all India nature are also not being fully utilized. The possible reason for it appears to be the late clearance of the projects by the Research Advisory Committee, late release of sanction order and the delayed release of the funds for those projects. **The Commission reiterates that Ministry of Tribal Affairs may revive the original concept of setting up the National Level Central Tribal Research Institute for better control over and coordination with the State level TRIs. All activities relating to Tribal Research and Training and grants to TRIs and to the Organisations for Supporting projects may be entrusted to the CTRI. The CTRI may have adequate support staff for Research as well as Secretariat support. The CTRI may also be responsible for inviting proposal for projects and other activities, holding meetings of the Research Advisory Committee and sanctioning and release of the funds to the State TRIs and the concerned Organisations.**

4.5.12 In the above context it may be recalled that the additional functions and duties vested with the Commission also call for in-depth research and monitoring of various programmes taken up by Government and thereafter advise the Government for taking suitable measures in each activity mentioned in the additional functions. This can be achieved only if adequate funds for the purpose are made available to the Commission. It may also be recalled that Ministry of Tribal Affairs in the past, had allotted some funds to the then National Commission for Scheduled Castes and Scheduled Tribes for conducting Evaluation of Tribal-sub Plans of various States. Ministry of Social Justice and Empowerment had also allotted similar funds for evaluation of Special Component Plans of the States. For the last few years, Funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget. **The Commission recommends that funds under Research and Training and Monitoring & Evaluation Heads may regularly be provided/ earmarked in the Budget separately to this Commission so that the Commission is able to fulfil the mandate assigned to it.**

CHAPTER 5

ATROCITIES AGAINST SCHEDULED TRIBES

5.1 Constitutional and Legal Rights of Scheduled Tribes

5.1.1 Being a welfare State, Government of India is committed for the welfare and development of its people in general and of vulnerable sections of society in particular. The Scheduled Tribes are the most disadvantaged segment of the weaker sections of our society. Educational backwardness, Economic dependence of Scheduled Tribes and social discrimination with them are the root cause of atrocities committed on them. A number of safeguards have been provided in the Constitution of India for ensuring all-round development of Scheduled Tribes and other weaker section of the society and to protect them from all types of exploitation. Equality of status and opportunity to all citizens of the Country is guaranteed by the Constitution of India, which also provides that no individual shall be discriminated on the basis of religion, caste or sex etc. Article 15(2) provides that no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public. Untouchability stands abolished under Article 17 and its practice in any form is forbidden and punishable under law. Similarly, Article 23 of the Constitution prohibits Traffic in human beings and forced labour. The Minimum Wages Act, 1948, provides for fixing minimum wages for different types of labour and the Bonded Labour System (Abolition) Act, 1976, provides for abolition of the bonded labour system and for release and rehabilitation of freed bonded labourers. Articles 38,39 and 46 in the Constitution of India stand testimony to the commitment of the State towards its people. The strategy of the State is to secure distributive justice and allocation of resources to support programs of social, economic and educational advancement of the weaker sections in general and persons belonging to Scheduled Castes and Scheduled Tribes in particular.

5.1.2. These provisions aim at protecting the Scheduled Tribes also from exploitation. Special enactments have been made by the Central and State Governments to protect STs and SCs from all forms of exploitation. There are two important legislations related to Article 17, viz., The Protection of Civil Rights Act, 1955 (PCR Act), and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act). Initially the Untouchability (offences) Act, 1955, had been enacted to abolish the practice of untouchability and social disabilities arising out of it against members of the Scheduled Castes. It was amended in 1977 and renamed as the Protection of Civil Rights Act, 1955. Under the revised Act the practice of untouchability was made both cognizable and non-compoundable and stricter punishment was provided for the offenders. This Act is applicable in matters of discrimination on ground of untouchability with any person belonging to any community. Under Section 15A (4) of the PCR Act, 1955 an Annual Report on the working of the Act has to be placed every year on the table of each House of Parliament by the Central Government. Ministry of Social Justice & Empowerment

which is the Nodal Ministry with respect to administration of this Act has been laying Annual Reports in Parliament and the latest report that has been laid in the Parliament relates to the year 2013.

5.1.3. In view increased number of incidents of crime against the Scheduled Caste and Scheduled Tribes more comprehensive and punitive measures to protect the members of SCs & STs from atrocities were taken by enacting the SCs & STs (PoA) Act, 1989, which came into force on 30.01.1990.

5.1.4 The SCs & STs (PoA) Act, 1989 extends to whole of India except the State of Jammu & Kashmir. The offences under this Act are mainly related to patterns of behavior which shatter the self-respect and self-esteem of the Scheduled Tribes, denial of economic rights, denial of democratic honour, deliberate abuse of the legal and/ or administrative process, assault and/ or exploitation of woman, damage and/ or destruction of property and heinous offences against person and property already covered under Indian Penal Code carrying a sentence of ten years or more. Willful negligence by public servant in performing their duties required to be performed under the Act has also been made a punishable offence. The offences under this Act are cognizable, non-bailable and trial is to be conducted by Special Court set up under the Act.

5.1.5. In exercise of the powers conferred by Sub Section (1) of Section 23 of the said Act, the Central Government made the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 which were notified on 31.03.1995 for carrying out the provisions under the SCs & STs (PoA) Act, 1989. These Rules have been amended in 2011, 2013 and twice in 2014. These Rules have assigned certain duties to be performed by the District Magistrate, District Superintendent of Police and State Government. The Rules, inter-alia, prescribe the amount of economic assistance and mode of rehabilitative measures to be taken by State Government for providing socio-economic rehabilitation of the victims and/ or their family members.

5.1.6. Under this Act, it has been made mandatory for the State Govt. and a UT Administrations to ensure prevention of atrocities and to assist the victims. Legal aid, traveling and maintenance allowance during investigation and trial have now to be provided. Identification of atrocity-prone areas and adoption of safety and preventive measures is to form a part of the scheme. Periodic surveys providing social audit of the working of the Act are also mandatory. Under Section 21(4) of the Act an Annual Report on the working of the Act has to be placed every year on the table of each House of Parliament by the Central Government. Ministry of Social Justice & Empowerment which is the Nodal Ministry with respect to implementation of this Act has been laying Annual Reports in Parliament and the latest report that has been laid in the Parliament relates to the year 2013.

5.1.7 Despite the deterrent provisions made in the, SCs & STs (PoA) Act, 1989 continuing atrocities against the members of Scheduled Castes (SCs) and Scheduled Tribes (STs) had been a cause of concern. Incidents of occurrences of offences against members of SCs and STs also indicated that deterrent effect of the SCs & STs (PoA) Act, 1989 was not adequately felt by the accused. It was, therefore, considered appropriate to strengthen the

Act and make the relevant provisions of the Act more effective. Base: on the consultation process with all the stakeholders, amendments in the SCs & STs (PoA) Act, 1989 were propose: broadly cover five areas namely (i) Amendments to Chapter II (Offences of Atrocities) to include new definitions, new offences, to re -phrase existing sections and expand the scope of presumptions, (ii) Institutional Strengthening, (iii) Appeals (a new section), (iv) Establishing Right of Victims and Witnesses (a new chapter) and (v) strengthening preventive measures. The objective of these amendments in the PoA Act is to deliver members of SCs and STs, a greater justice as well as be an enhanced deterrent to the offenders. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015 to effect amendments in the SCs & STs (PoA) Act, 1989 has been passed by the Lok Sabha on 04.08.2015 and by the Rajya Sabha on 21.12. 2015. Subsequently, as assented by the President on 31.12.2015, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No.1 of 2016) has been notified in the Gazette of India Extraordinary on 01.01.2016 (**Annexure-5.I**). In view of its sub-section (2) of section (1), the Central Government has appointed 26.01.2016 as the date of enforcement of the Amendment Act, as notified in the Gazette of India, Extraordinary, on 18.01.2016(**Annexure-5.II**).

5.1.8 The salient features of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, are:

(i) Addition of new offences of atrocities like tonsuring of head, moustache, or similar acts which are derogatory to the dignity of members of SCs and STs, garlanding with chappals, denying access to irrigation facilities or forest rights , dispose or carry human or animal carcasses, or to dig graves, using or permitting manual scavenging, dedicating a Scheduled Caste or a Scheduled Tribe women as devadasi, abusing in caste name, perpetrating witchcraft atrocities, imposing social or economic boycott, preventing SC and ST candidates from filing of nomination to contest elections, hurting a SC/ST woman by removing her garments, forcing a member of SC/ST to leave house , village or residence, defiling objects sacred to members of SCs and STs , touching or using words, acts or gestures of a sexual nature against members of SC and ST.

(ii) Addition of certain IPC offences like hurt, grievous hurt, intimidation, kidnapping etc., attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act. Presently, only those offences listed in IPC as attracting punishment of 10 years or more and committed on members of Scheduled Caste/Scheduled Tribe are accepted as offences falling under the PoA Act.

(iii) Establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to exclusively try the offences under the PoA Act to enable speedy and expeditious disposal of cases.

(iv) Power of Special Courts and Exclusive Special Courts, to take direct cognizance of offence and as far as possible, completion of trial of the case within two months, from the date of filing of the charge sheet. (v) Addition of new section on 'Appeals'.

(v) Addition of chapter on the 'Rights of Victims and Witnesses'.

(vi) Defining clearly the term 'willful negligence' of public servants at all levels, starting from the registration of complaint, and covering aspects of dereliction of duty under this Act.

(vii) Addition of presumption to the offences - If the accused was acquainted with the victim or his family, the court will presume that the accused was aware of the caste or tribal identity of the victim unless proved otherwise.

5.1.9 Consequent upon amendments done in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016), certain amendments have been necessitated in the subordinate legislation namely the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Accordingly, a Task Force has been constituted by the Ministry vide Order dated 22.01.2016 to draft required amendments in the PoA Rules.

5.1.10. Responsibility in regard to implementation of the Act is allocated as under: -

(i) Ministry of Home Affairs

Criminal offences against members of the Scheduled Castes and Scheduled Tribes, including those under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. (Administration of criminal justice).

(ii) Ministry of Social Justice & Empowerment

Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (in so far as they relate to Scheduled Castes) excluding the administration of criminal justice in regard to offences under the Act.

(iii) Ministry of Tribal Affairs

Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (in so far as they relate to Scheduled Tribes) excluding the administration of criminal justice in regard to offences under the Act.

5.1.11 Ministry of Home Affairs is the Nodal Ministry for crimes relating to atrocities on Scheduled Tribes. National Crime Record Bureau (NCRB), an organization under MHA, monitors data relating to various categories of crimes in India. This data also includes information about crimes against STs and the cases of atrocities on STs registered in various States and UTs by Police are entered online on the website of the NCRB.

5.2 Mandate of the Commission and Atrocities on Scheduled Tribes

5.2.1 Rule 16 of the SCs & STs (PoA) Rules, 1995 make it mandatory to associate the Director/ Dy. Director of the Regional office of the Commission as member of the State Level Vigilance Committee to monitor cases of atrocities on STs under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5.2.2 Clause 5 of Article 338A of the Constitution assigns the duties to the Commission which include investigation and monitoring of all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any

other law for the time being in force or under any order of the Government, and to evaluate the working of such safeguards and inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes. These matters and complaints also include atrocities on STs.

5.3 Procedure adopted by Commission in dealing with atrocity-related complaints.

5.3.1 Standard guidelines for dealing with atrocity-related complaints in a time-bound manner have been formulated by the Commission. The guidelines require the authorities of the State Governments/UT Administrations to be asked to furnish, within a stipulated period of 30 days (10 days in respect of offences relating to serious nature) report on the complaints. The concerned authorities are advised to take necessary steps e.g. timely registration of FIR under relevant sections of (PoA) Act, along with the applicable sections of IPC, filing of charge-sheet within stipulated time period and grant of relief and rehabilitation to the victims and their family members. The guidelines further lay down that the report received from the State authorities should be examined in an objective manner and on-the-spot inquiry should be conducted if found necessary. A hearing may be held in this Commission if the report is not received or reply received from the concerned authority is not found to be satisfactory.

5.4 Analysis of complaints received in the Commission

5.4.1 The Commission receives complaints from various sources regarding atrocities on STs. 423 cases of atrocities on Scheduled Tribes were registered in the National Commission for Scheduled Tribes (Headquarter Office as well as Regional Offices) during the report period 2015-16. The offences committed upon Scheduled Tribes by non-Scheduled Tribes which are treated as atrocities have been defined in sections 3(1), 3(2) and section 4 of the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989. These are broadly categorized as Murder, Rape, Grievous Hurt, Land Dispute, Caste Abuse and Miscellaneous nature (Others). The following **TABLE 5.1** gives the category-wise number of cases registered in the Headquarter Office and the Regional Offices.

TABLE 5.1**Analysis of complaints received in the Commission**

S. No.	Office/ Unit	Murder	Rape	Grievous hurt	Land Dispute	Caste Abuse	Others	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Hq Office							
1.	RU-I	-	-	06	-	-	14	20
2.	RU-II	-	-	-	-	-	07	07
3.	RU-III	02	04	-	33	14	09	62
4.	RU-IV	01	01	-	-	-	11	13
	Sub-Total (Hq)	03	05	06	33	14	41	102
	Regional Offices							
1.	Bhopal	06	05	28	00	00	36	75
2.	Bhubaneswar	05	02	18	28	01	44	98
3.	Jaipur	02	00	06	19	08	28	63
4.	Raipur	00	09	01	02	03	03	18
5.	Ranchi	02	02	09	37	01	16	67
6.	Shillong	00	00	00	00	00	00	00
	TOTAL (ROs Sub)	15	18	62	86	13	127	321
	TOTAL	18	23	68	119	27	168	423

5.4.2 As it is noted from the above table that altogether 423 cases were received in the Commission and its Regional Offices pertaining to various types of Atrocities committed on the Scheduled Tribes. In the Headquarter office of the Commission, 102 cases of atrocities on the Scheduled Tribes were reported in the year 2015-16 out of which 03 cases were related to murder, 05 cases were related to incidents of rape with Scheduled Tribes women, 06 case was related to grievous hurt, 33 cases were related to Land Dispossession. Remaining 55 cases were related to harassment and other types of atrocities. As far as Regional Offices of the Commission are concerned, altogether 321 cases of atrocities of different kinds committed against Scheduled Tribes were reported out of which 15 were related to murder, 18 were related to rape with tribal women, 62 were related to grievous hurt, 86 were related to land dispute, 13 were related to caste abuse and 127 cases were related to harassment and other types of atrocities. During the period under report, no case of atrocities against Scheduled Tribes was reported in Shillong Regional office of the Commission.

5.4.3 As per laid down guidelines and procedure, all the cases registered in the Commission were forwarded by the dealing Unit/ Regional Office of the Commission to the concerned State Government/ District Administration requesting them for furnishing their comments and action taken reports within specified days, which may not be more than 30 days. The Commission tries to ensure through the State Government/ District Administration that relevant sections of Scheduled Castes and

Scheduled Tribes (PoA) Act, 1989 beside applicable sections of IPC are duly invoked in the FIR, in case the matter relates to atrocity upon Scheduled Tribes by non-Scheduled Tribes. The Commission also ensures that the police authorities take prompt action for medical examination of the victims particularly in cases relating to rape and murder and also that the prescribed relief is provided timely to the victim and/ or his/ her family and that rehabilitation of the victims and their family members is also provided wherever necessary.

5.4.4 It has been noted that there was no proper and timely response from the concerned authorities in all the cases. So the response from the concerned authorities was not encouraging. Even in those cases where replies were received, details sought regarding registration of FIR, invoking of relevant section of Scheduled Castes and Scheduled Tribes (PoA) Act, 1989, filing of Charge sheet and grant of relief and rehabilitation to the victims and their families, as prescribed under the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 etc. were not received in many cases.

5.4.5 It has been seen that the outcome of the investigation as well as the rate of success in the appropriate court is adversely affected by the delay in investigation. This also adversely impacts on the process of grant and actual release of relief admissible to the ST victims and their families under PoA Rules 1995. Thus delay in investigation defeats the objective of the special law viz; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the SCs and STs (PoA) Rules, 1995. The Commission therefore recommends that the State Governments and the District Authorities may devise such measures as to ensure that investigation by police in the cases/ crimes involving Scheduled Tribes, to be carried out by the prescribed authorities, viz. Deputy Superintendent of Police, should be promptly completed within the time schedule provided under appropriate law.

5.4.6 The Commission, during the Review Meetings organized with the senior officers of the State Governments and District Officers concerned, regularly brings these issues to their notice and requests for extending cooperation to the Commission in discharge of its duties as per the mandate of the Constitution. The gist of discussions and important observations/ recommendations of the Commission in the Review Meetings are incorporated in the proceedings of those meetings are available on the website of the Commission and the same are forwarded to the State Governments for necessary action.

5.4.7 As the Commission is vested with the duty to *inter-alia* investigate and monitor the matters relating to safeguards provided to the Scheduled Tribes and to enquire into specific complaints related to violation of those safeguards and in that context power of civil Court has also been given to the Commission while dealing with such matters, it is mandatory on the part of the State Governments and the District Authorities to cooperate with the Commission and promptly furnish the requisite information sought by the Commission while investigating into such matters. The Commission, therefore, recommends that the Government of India may urgently advise all the State

Governments for furnishing the requisite information as sought by Commission within the time limit stipulated in the communication received by them from the Commission. The Commission also recommends that the State Governments may further advise on similar lines to the District Authorities for timely furnishing the information to the Commission.

5.4.8 Various State Governments and UT administration have constituted State Level Vigilance and Monitoring Committees as provided under Rule 16 of the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995. The sub Rule (2) of Rule 16 provides that the above Committee shall meet at least twice in a calendar year in the Month of January and July to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government. However, the Commission has noted that the meetings of the above Committee are not being held regularly and some times only one meeting could take place. In some meetings, Chairman of the Committee could not participate.

5.4.9 Similarly, Rule 17 of the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 provides for constitution of District Level Vigilance & Monitoring Committees which should meet atleast once in three months but it has been noticed that in some States, these meetings are not being held regularly. **It is strongly reiterated that the State level and District level Vigilance & Monitoring Committees should meet regularly as provided in the Scheduled Castes and Scheduled Tribes (PoA) Rules, 1995 and closely review the implementation of provisions regarding investigation and charge-sheeting of the cases in the courts and timely payment of monetary relief to the victims of atrocities strictly in accordance with the norms laid down under PoA Rules. Wherever, such committees are either not functional or not reconstituted as per the provision under the PoA Rules, 1995, as amended from time to time, necessary steps should be taken by the State Government to ensure smooth and periodic/regular functioning of the Vigilance and Monitoring Committees.**

5.5 Incidence & Rate of Crimes committed against Scheduled Tribes during 2015

5.5.1 As is well known, State-wise and national level data relating to the crimes occurring in the entire country is monitored through computerized system by the National Crimes Record Bureau and the same is published annually by the National Crimes Record Bureau. This includes data relating to crimes against Scheduled Tribes also. As per data made available on the website of the National Crimes Record Bureau, the State-wise incidence of all categories of crimes and crimes under PoA Act, 1989 committed on the members of the Scheduled Tribes by non-Scheduled Tribes in the country during 2015 is given in the **TABLE 5.2** below:

TABLE-5.2
State-wise incidence of crimes against Scheduled Tribes

S. No.	State/ UT	Population of STs (in Lakh) Census 2011	Total crimes against STs (in which SC/ST PoA Act invoked)		IPC crimes against STs (in which SC/ST PoA Act not applied)	
			Incidence of total crime against STs in the State during 2015	Rate of total crime against STs in the State during 2015	Incidence	Rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	ANDHRA PRADESH	26.3	362	13.8	352	13.4
2.	ARUNACHAL PRADESH	9.5	1	0.1	58	6.1
3.	ASSAM	38.8	0	0.0	0	0.0
4.	BIHAR	13.4	5	0.4	9	0.7
5.	CHHATTISGARH	78.2	373	4.8	816	10.4
6.	GOA	1.5	8	5.4	0	0.0
7.	GUJARAT	89.2	248	2.8	0	0.0
8.	HARAYANA	0.0	0	-	0	-
9.	HIMACHAL PRADESH	3.9	6	1.5	0	0.0
10.	JAMMU & KASHMIR	14.9	0	0.0	0	0.0
11.	JHARKHAND	86.5	266	3.1	1	0.0
12.	KARNATAKA	42.5	386	9.1	25	0.6
13.	KERALA	4.8	165	34.0	6	1.2
14.	MADHYA PRADESH	153.2	1358	8.9	171	1.1
15.	MAHARASHTRA	105.1	481	4.6	0	0.0
16.	MANIPUR	9.0	0	0.0	0	0.0
17.	MEGHALAYA	25.6	0	0.0	0	0.0
18.	MIZORAM	10.4	0	0.0	0	0.0
19.	NAGALAND	17.1	0	0.0	0	0.0
20.	ODISHA	95.9	691	7.2	696	7.3
21.	PUNJAB	0.0	0	-	0	-
22.	RAJASTHAN	92.4	1409	15.3	1746	18.9
23.	SIKKIM	2.1	0	0.0	4	1.9
24.	TAMIL NADU	7.9	25	3.1	0	0.0
25.	TELANGANA	32.9	386	11.7	302	9.2
26.	TRIPURA	11.7	3	0.3	1	0.3
27.	UTTAR PRADESH	11.3	6	0.5	0	0.0
28.	UTTARAKHAND	2.9	6	2.1	0	0.0
29.	WEST BENGAL	53.0	84	1.6	13	0.2
	Total State(s)	1040.0	6269	6.0	4203	4.0
30.	A & N ISLANDS	0.3	3	10.5	0	0.0
31.	CHANDIGARH	0.0	0	-	0	-
32.	D & N HAVELI	1.8	3	1.7	0	0.0
33.	DAMAN & DIU	0.2	0	0.0	0	0.0
34.	DELHI UT	0.0	0	-	0	-
35.	LAKSHADWEEP	0.6	0	0.0	0	0.0
36.	PUDUCHERRY	0.0	0	-	0	-
	TOTAL UT(S)	2.8	6	2.1	0	0.0
	TOTAL (ALL INDIA)	1042.8	6275	6.0	4203	4.0

@ The SCs & STs (PoA) Act, 1989 does not extend to the State of Jammu & Kashmir.
Source:NCRB report 2015

5.5.2 As it is seen from the above table that highest number of incidence of crimes against the STs during the year 2015 was registered in the State of Rajasthan (1409) followed by Madhya Pradesh (1358), Odisha (691), Maharashtra (481), Telangana & Karnataka (386 each), Chhattisgarh (373), Andhra Pradesh (362), Jharkhand (266) and Gujarat (248) were some other States with substantial number of such incidents. Among UTs, 3 cases each were reported in A&N Islands and D&N Haveli during the year. No cases were reported in other UTs. As far as IPC crimes against STs in which the SCs and STs (PoA) Act was not applied, the highest number of incidence of crimes was again reported in Rajasthan (1746) followed by Chhattisgarh (816), Odisha (696), Andhra Pradesh (352), Telangana (302) and Madhya Pradesh (171).

5.5.3 As far as rate of total crimes against STs in the States/ UTs during 2015 is concerned, the highest rate in the crimes in which SC/ ST(PoA), Act was invoked was in Kerala (34.0) followed by Rajasthan (15.3), Andhra Pradesh (13.8), Telangana (11.7) and A&N Islands (10.5). The rate of incidents of crimes registered in IPC against STs (in which SC/ ST(PoA), Act was not applied) was highest in Rajasthan (18.9) followed by Andhra Pradesh (13.4), Chhattisgarh (13.4) and Telangana (9.2).

5.6 State/ UT-wise analysis of Crimes against Scheduled Tribes

5.6.1 As per the information available on the website of the National Crimes Record Bureau, State/ UT-wise incidence of crime against Scheduled Tribes during 2015 is given at **ANNEXURE-5.III**

5.6.2 As it is seen from Annexure 5.III above, all together 10,914 cases of crimes committed against the STs were reported during 2015. It includes IPC crimes along with the SC/ST (PoA) Act, IPC crimes without the SC/ST (PoA) Act, the PCR Act and other related Acts. The Highest number of crimes against the STs were reported in the State of Rajasthan (3207) followed by Madhya Pradesh (1531), Chhattisgarh (1518), Odisha (1387) and Andhra Pradesh (719). Thus, 29.4% of the total cases reported against the STs in the Country were registered in Rajasthan followed by Madhya Pradesh (14%), Chhattisgarh (13.9%) and Odisha (12.7%).

5.6.3 The year-wise and crime-wise incidence of Crimes including Atrocities committed on the members of the Scheduled Tribes by non-Scheduled Tribes in the country during 2011 to 2015 is given in **TABLE 5.3** below:

TABLE 5.3**Crime-wise Comparative Incidence of Crime against Scheduled Tribes during 2011 to 2015**

S.No.	Crime . Head	Year						% age Variation in 2014 over 2013
		2010	2011	2012	2013	2014	2015	
(1)	(2)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Murder	142	143	156	122	157	144	-8.28%
2.	Rape	654	772	729	847	925	952	2.91%
3.	Kidnapping & Abduction	84	137	103	130	166	124	-25.30%
4.	Dacoity	7	7	5	8	2	4	100%
5.	Robbery	5	9	15	7	12	9	-25%
6.	Arson	39	24	26	33	28	25	-10.71
7.	Hurt	941	803	816	930	308	145	-52.92%
8.	Protection of Civil Rights Act	5	7	2	25	1	1	No Change
9.	SCs and STs (Prevention of Atrocities) Act	1169	1154	1311	1390	1122	832	-25.84%
10.	Others	2839	2700	2759	3301	3045	2974	-2.33%
	Total	5885	5756	5922	6793	6147	5210	-15.24%

Source: NCRB Report 2015

5.6.4 As it is seen from the above TABLE, the number of incidents of Rape against Scheduled Tribes have increased in the year 2015 in comparison to previous year. The incidents of Murder have decreased by 8.28%. All other crimes have decreased at different levels. The number of incidents of Dacoity have increased but the number of incident is meagre among the total number of crimes against Scheduled Tribes. Details of incidents, Victims and Rate of crimes committed against Scheduled Tribes during the year 2015 has been given at **ANNEXURE-5.IV**

5.6.5 In view of the above, it is felt that there is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and creating peace and harmony among all sections of the society. The States/ UTs in which the incidence of total crime against the STs and rate or crime was high during the year 2015 (irrespective of the fact whether SC/ ST(PoA), Act was invoked or not) should take effective measures to reduce such incidence of crimes against STs. The Government of India and also the State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Rajasthan, Andhra Pradesh, Gujarat, Madhya Pradesh, and Uttar Pradesh.

5.7 Disposal of cases under crimes committed against the STs by Police during 2015

5.7.1 As far as disposal of cases under crimes committed against STs by Police during year 2015 is concerned, altogether 2755 cases were pending

investigation from the previous year and 10914 cases were reported during the current year. Out of the above, 04 cases were withdrawn by the Govt. during investigation and 9 cases were transferred to other Police stations/ Magistrate. One case was not investigated under section 157 (1) (v) of the Cr. P.C. Thus, the total number of cases for investigation during the year 2015 were 13655. Out of the above, 346 cases ended as mistake of fact or of law, 61 cases ended as final report as non-cognizable submitted during the year and charge sheet was submitted in 8050 cases. In 204 cases, charge sheet were not laid but final report as true submitted and thus, a total of 10,413 cases were disposed by the police. At the end of the year 3242 cases were pending for investigation by the police. The pending percentage of disposal of cases by police was 23.7%. The details of Disposal of cases under crimes committed against Scheduled Tribes by Police during the year 2015 is given at Annexure-5.V

5.8 Disposal of cases under crimes committed against the STs by Court during 2015

5.8.1 In so far as disposal of cases under crimes committed against STs by Courts during 2015 is concerned, a total of 22,523 cases pending trial from the previous year existed. During the year 2015, 8,050 cases were sent for trial and 50 cases were withdrawn by the Govt. Altogether 34 cases were disposed by plea bargaining and 30,489 cases were under trial at the end of the year. 274 cases were compounded or withdrawn. Trials were completed in 4894 cases, out of which 1349 cases resulted in conviction of the accused and in 3545 cases, the accused were discharged acquitted. Thus, at the end of the year, 25,321 cases remained pending for trial. The average conviction rate in the crimes against STs during the year was 27.6 and the percentage of pendency of cases has been reported as 82.8%. The Disposal of cases by courts for crimes committed against Scheduled Tribes during 2015 is given at **ANNEXURE-5.VI**.

5.9 Performance by Special Courts setup for trial of offences under SC/ST (PoA) Act.

5.9.1 Designating Courts of Sessions in the Districts as Special Courts for trial of offences registered under this Act have been setup under Section 14 of the PoA Act, 1989. While some States designated the existing Sessions Courts or Additional Session Courts as Special Courts, 11 States have set up Exclusive Special Courts for trial of cases registered under the PoA Act. The Statement at **ANNEXURE 5.VII** gives the details of 190 Exclusive Special Courts set up in these 11 States (A.P, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, M.P, Rajasthan, Tamil Nadu U.P and Uttarakhand).

5.9.2 The poor rate of conviction is generally due to slow pace of investigation by Police in certain cases and very slow pace of trial by the courts. The delay at various stages reduces the interest of the victims as well as witnesses in the disposal of the case, which subsequently leads to very low conviction on account of dilution of the sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989 included in the FIR/ Charge-sheet due to undue delay in processing the case.

5.9.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for early disposal of pending cases and timely disposal of future cases in all the States having high incidence of crimes against Scheduled Tribes and also in the States which have high pendency. However, there is a need to ensure that the Exclusive Special Courts set up in various States function effectively and promptly otherwise the objective of making of Special provision in the Special Act aimed at curbing Atrocities of Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on the Scheduled Tribes.

5.10 General Issues and Recommendations

5.10.1 A large section of the general public and ST population is still unaware of the provisions the PoA Act and Rules. The Commission, therefore, consider it necessary to reiterate earlier recommendation that with a view to create awareness among the masses about various provisions of the Act and Rules including the provisions for relief and compensation, Special Awareness Programmes should be conducted by the Government through the mass media and by organizing seminars and workshops at different places, particularly in rural and remote areas. NGOs working for the cause of combating crimes of atrocities on STs along with the local bodies should also be involved in the task by extending adequate financial help to them. Awareness about the provisions of the Act/Rules may also be spread by installing hoardings at prominent locations.

5.10.2 There is an imperative need of timely investigation of atrocity cases so that a charge sheet is submitted in the Court at the earliest. The Commission, therefore, recommends that it should be ensured that the case is under PoA Act and involving STs as victim or accused investigated by an officer of the rank of Dy. SP and investigation report is submitted by him within 30 days. The Commission also feels that the charge sheet should be filed with due care and with a sense of urgency to ensure that the accused person is not acquitted on technical grounds or on account of delay in filing the charge sheet.

5.10.3 The delay in the arrest of the accused also leads to delay in investigation of the cases and which, in turn, causes delay in dispensing justice to the victim(s). The Commission, therefore, further recommends that all efforts should be made by the police to ensure that the accused is arrested as early as possible particularly in the cases of heinous crimes like murder, arson, rape, etc. and also in cases involving police as accused.

5.10.4 The Commission has noted that although there are clear-cut provisions in the PoA Act/ PoA Rules for providing monetary relief and rehabilitation facilities to the victims of atrocities, district authorities are not prompt in carrying out this important duty. **In order to ensure effective implementation of the PoA Act, the Commission recommends that the District Level Vigilance and Monitoring Committee should regularly review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration, at least once in three months in accordance with Rule 17 of the PoA Rules. It has also been noticed that many times that there is delay in payment of compensation to the victims/ their families due to inadequacy/ non-availability and exhausting of funds. The Central Govt. and State Govt. should device the ways and means to solve this issue, so that timely payment can be ensured.**

5.10.5 The Commission also re-iterates earlier recommendation that the police personnel at all level in every State/UT need to be sensitized about the importance of effective implementation of the PoA Act through regular training and refresher programmes by the Police Training Institutes. The training programmes for the police personnel should also include lessons about legal provisions and related procedures to ensure drafting of fool proof charge sheets in atrocity cases.

5.10.6 Section 14 of the PoA Acts lays down that all States should set up Special Courts for speedy trial of various offences under the Act. This provision has not so far been implemented by many States where only designated Special Courts have been set up which remain burdened with the cases with the result that the disposal of atrocity cases is very slow. **The Commission, therefore, reiterates earlier recommendation that requisites no. of exclusive Special Courts should be set up by all the States/UTs urgently for rendering speedy justice to the victims of atrocities. The Commission, also re-iterates its earlier recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Special Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**

5.10.7 There is an imperative need to strengthen working of the Special Public Prosecutors also for timely disposal of the cases with highest conviction rates in the Special Courts. **The Commission, therefore, reiterates earlier recommendation that Directorate of Prosecution should make all efforts to ensure that adequate number of Special Public Prosecutors is attached with the Special Courts for speedy trial of atrocity cases. The Special Public Prosecutor should possess requisite qualifications and experience and their selection should be made through a well laid down procedure. The fee of the Special PP requires to be suitably enhanced to attract more qualified persons dedicated to the cause of Scheduled Castes and Scheduled Tribes in particular. There is also a need for periodical Training of the Special Public Prosecutors.**

5.10.8 The Commission has noted that the ST persons are, very often, subjected to naxalism related violence and deprivation of rights in States like Chhattisgarh, Jharkhand and Orissa, ineffective implementation of Minimum Wages Act and Bonded Labour, non-implementation of land reforms and abnormal delay in redress of land disputes etc. These results in denial of not only basic rights and freedom granted to them under the Constitution, but may also lead to the atrocities covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. **The Commission, therefore, recommends that there is an imperative need to formulate a policy for taking up effective precautionary measures to check offences of atrocities and ensure effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in such cases.**

5.10.9 The Commission has noted that poor or delayed response to the communications from NCST is due to lack of effective monitoring of atrocity cases. **The Commission, therefore, re-iterates its earlier recommendations that the State Level Vigilance and Monitoring Committees should play a pro-active role in overseeing the implementations of PoA Act by holding quarterly meetings on regular basis. These Committees should issue necessary guidelines and directions to the District Level Committees. Registration of FIRs and the disposal of cases by the Special Courts should be particularly monitored by the State Level Committees.**

5.10.10 It was brought to the notice of the Commission during the Review Meetings with the State Governments that in a large number of cases, the victims and their witnesses become hostile during the hearing of PoA cases in the Courts. This results in the acquittal of the accused by the Courts. One of the main reason behind the victims and witnesses turning hostile in the Courts was that there is no clear policy /norms for payment of TA/DA to the victims and witnesses in most of the States; and a few amount is generally given to them for the days on which they are called in the Court which deprives them of their wages for the day(s) as most of the victims and witnesses earn their livelihood on daily wage basis. **The Commission, therefore, re-iterates its recommendations contained in its earlier Reports that the State Governments/UTs should issue instructions to ensure that the victims and witnesses are paid TA/DA which should not be less than minimum wages fixed from time to time.**

5.10.11 It has been observed by the Commission during the review meeting with various State Governments that a large number of cases are being closed by the Police Department on various counts including undue delay by police officials. **The Commission, therefore, recommends that all the State Governments/UTs Administration should issue necessary instructions that the Superintendent of Police in all the districts will review at least 5% of the closed cases on a quarterly basis and initiate action against the concerned police officials if the cases were closed due to delay on their part. This action by SP will in addition to the review by District level vigilance and Monitoring committee.**

CHAPTER 6

SUMMARY OF RECOMMENDATIONS

6.1 The recommendations of the Commission on various aspects have been highlighted in the respective Chapters to facilitate convenient identification for the purpose of taking up follow up action on them. A consolidated statement of each Para containing these recommendations is given below:-

CHAPTER-1 ORGANISATIONAL SET-UP AND FUNCTIONING OF THE COMMISSION

- 1 1.2.1 The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members of the National Commission for Scheduled Tribes are governed by the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules notified by the Ministry of Tribal Affairs on 20 February 2004. They are appointed for a period of 3 years from the date of assumption of charge. It has been noticed that the posts of Members remain unfilled for long duration adversely affecting the functioning of the Commission despite the fact that Ministry of Tribal Affairs, which is the Nodal Ministry is aware about the vacancies in the Commission. **In view of the above it is recommended that timely action for filling the posts of Chairperson, Vice-Chairperson and Members of the Commission may be initiated so that these posts do not remain vacant after demitting the office by the incumbents.**

- 2 1.9.3 **As it is evident from the above table that only 6 reports have so far been laid in the Parliament. It is taking long time to lay these reports along with Action Taken Memorandum in both houses of the Parliament. In view of the above, the Commission recommends that the reports be laid within six months of their submission to the President in the Parliament indicating Status of Action taken / being taken/ not taken.**

CHAPTER-2 ACTIVITIES OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

- 2.4.1 The Commission during the year 2015-16 and afterwards up to October,2016, has made recommendations on above policy issues on which comments/views/advise of the commission were sought, as required under Article 338A (9) of the Constitution. Government, while laying action taken memorandum on this report in parliament, may also lay the action taken/proposed to be taken by each ministry/department on the recommendation made in each of the policy issue.
- (A) **Tour Report of the visit of Shri Ravi Thakur, Hon'ble Vice-Chairperson, NCST to the State of Uttarakhand from 23.4.2015-28.4.2015**

 - 3 **Meeting with ST employees and management of Indian Council for Forestry Research and Education**

- 2.4.3 In the meeting with ST employees, Hon'ble Vice-Chairperson, NCST was appraised by the Scheduled Tribes employees that many posts reserved for Scheduled Tribes are lying vacant as no appointments are taking place since long time. The meetings of DPC are also not being held in the institutes and the Council. The employees are not getting benefits of MACP. Besides above, the post based rosters are not maintained in the institutes and council. No special recruitment drive is being conducted and the caste certificates of employees are also not being verified by the Competent Authority. **In the meeting with the management, Hon'ble Vice-Chairperson advised the the Director General of the Council to sort out the issues raised by the ST employees working in the organisation. Keeping in view the excellent research activities being carried out by the Council, he also advised to extend the benefit of research to the tribals and establish a 'Kissan Call Center' in the Council and institutes.**
- 4 **Meeting with SC/ST Employees Association and management of Tehri Hydro Development India Ltd.**
- 2.4.5 Hon'ble Vice-Chairperson held a meeting with members of SC/ST employees association and management of Tehri Hydro Development India Ltd on 26.4.2015. The members of association informed him that career upgradation scheme was implemented in the company in the year 2001 which has benefited 85 employees of unreserved category of no employee of reserved category has been benefited so far. They are not being given adequate representation for higher education and outsourcing of manpower. **The Commission advised the management to look into the issues raised by the employees and solve their problems at the earliest.**
- 5 **Review meeting with District Administrations of Tehri Garhwal District**
- 2.4.6 The Commission suggested the District Administration to extend maximum benefits of FRA, IAY, Tehri Dam rehabilitation plan, MGNAREGA, National Livelihood Mission, TSP, Education, Health ,Scholarship, Drinking water, Electrification, PMGSY, Water Shed Development Mission, Construction of Toilet in the Schools etc. to the tribal community of the District.
- (B) **Tour Report of the National Commission for Scheduled Tribes (NCST) to State of Tripura from 20-05-2015 to 24-05-2015.**
- State level review meeting with Incharge Chief Secretary, Tripura and other Senior officers of the State Administration**
- 6 2.4.33 After the power point presentation, detailed discussion was held on the basis of feedback received from the tribals during field visits of the Commission, meetings with representatives of various tribals Associations and reply to the questionnaire sent by the Commission. Following action points emerged for action:

- a) The Commission noted with concern that a large number of posts reserved for Scheduled Tribes remained unfilled for years. There is an urgent need to fill the posts reserved for Scheduled Tribes on priority basis for which Special Recruitment Drive should be under taken by all the departments under the State Government.
- b) Despite all efforts made by the State Government, there is a visible gap between the State General Literacy (87.20 %) and the literacy among Scheduled Tribes (79.05%). This gap is even more in the female literacy which is 82.70 % among general category and 71.59 % among ST category. Focused attention is required to enhance the female literacy among tribals of the State. There is a shortage of Science and Maths teachers in the educational institutions in the tribal areas which needs to be addressed urgently.
- c) The tribal students are facing problem in pursuing their education after class 10th and adequate hostel facilities do not exist for them. They are also facing hardship in getting the stipend as hostel borders in the event of Governments inability to provide them hostel. They are compelled to stay in rented houses and for being eligible for stipend as a hostel boarder; five students are required to stay together in rented house with common kitchen. This provision should be reviewed by the State Government. Moreover, adequate coaching facility is not available for them in relation to admissions to medical and engineering institutions in the Country and for National Level Competitive examinations conducted by UPSC and SSC. The coaching being provided at Agartala is of short duration and the tribal students are not adequately benefited by the coaching. The State Government should consider the demands of tribal students for providing them coaching in reputed organizations outside the State preferably in Delhi, Kota and other places after selecting them through examination.
- d) The Commission advised the State Government to ensure that the posts of Doctors and particularly Specialists in the health institutions located in the tribal areas are filled up in a time bound manner. Paramedical Staff, ANMs/ASHA workers should also be deployed in the area on priority basis. A nursing college should be opened in tribal area of the State as tribal girls have proved to be ideal in this profession. The tribal areas of the State are Malaria Prone areas and the tribals have reported that they have been provided one mosquito net per family which is inadequate for the prevention of this disease. The State Government should take necessary action in this regards.
- e) The Commission observed that many tribal villages and habitations are still uncovered with Drinking water facility. In Dhalai District, 416 habitations were reported to be uncovered. Many tribal villagers are dependent on nearby rivulets for their water requirement. The State Government should cover all the tribal villages within a period of one year.

- f) The State Government has provided assistance to the tribal farmers in rubber and pineapple plantation and they have been benefited with the scheme. Many tribals have demanded for more assistance in rubber and pineapple plantation so that they can earn more. State Government should increase the area under rubber and pineapple plantation and make arrangement for its marketing also. A food processing unit should be established in or around Dhalai District with the help of concerned Ministry in Gol so that the pineapple and other produces can be processed locally and marketed throughout the region.
- g) Poultry farming is also one activity which should be promoted among the tribal community of the State which has become very successful in increasing the income in some other State.
- h) The Commission was satisfied with the vast implementation of FRA in the State and appreciated the efforts of State Government in this regard. A total of 1,57,396 individual claims from Scheduled Tribes and 33,744 individual claims from Other Traditional Forests Dwellers (OTFD) were received as per 31-03-2015 position. Among STs, 1,24,539 Forest Rights were vested involving 1,77,196.34 Hectares of land. Among OTFD, only two Forest Rights were vested which reveals that hardly any OTFD claim has been accepted. As far as Scheduled Tribes are concerned, 31,908 claims were not considered, which is a substantial number. The Commission advised the State Government to review these claims as per the provisions of the Act. The Commission also noted that the average size of FR pattas was about 2.5 acres only which is not sufficient for the livelihood of poor tribals who were in possession of much more land and cultivating the same since decades. The Commission also observed that the tribals who were doing Jhum cultivation on different plots of land after cleaning forests were also given Forest Rights on small pieces of land. The Commission advised the State Government to see whether they are entitled for allotment of Patta on more area of land under FRA.
- i) The Commission observed that 22,130 Forest Dwellers have been benefited with Indira Awas Yojna (IAY) but still a large number of FR beneficiaries are waiting for benefit under this scheme. The Commission advised that the State Government should take steps to provide Indira Awas to these FR beneficiaries also in a time bound manner.
- j) The Commission discussed the issue of restoration of tribal land in the State. It was informed that 29,168 cases of restoration of tribal land were filed involving 25,487.68 acres of land order has been passed for restoration in 9572 cases involving 8146.04 acres of land and physical restoration has been done in 9478 cases involving 8096.32 acres of land. Another 94 cases of restoration of tribal land were pending for physical restoration involving 49.72 acres of land. The Commission noted with concern that 19,596 cases of restoration of land were

rejected involving 17,342 acres of land. The Commission desired that these cases should be reviewed at appropriate level so that the land belonging to tribal community is not taken away by others.

- k) The Commission also reviewed the cases of false caste certificates in the State and it was informed that 187 cases of doubtful ST certificates were received by the SLSC out of which 186 cases were disposed of. The SLSC cancelled 125 ST certificates and verified 44 cases to be correct. 17 cases were dropped due to different regions and only 1 case was under process of verification. The Commission was satisfied with the progress of disposal of cases but was concerned with the large number of cases cancelled by the SLSC and directed the State Government to be more vigilant while providing employment and admissions on the basis of ST caste certificates so that the genuine Scheduled Tribes are not deprived of the limited opportunities. The Commission also advised that FIR should be lodged against the false caste certificate holders as well as the issuing authorities so that such incidents could be effectively checked.
- l) The Commission opined that protection of culture, language and tradition of tribals is one of the duties of the State and tribals of the State are culturally very rich. There is a demand of the tribals to include Kok Borok language in the 8th Schedule of the Constitution of India. Though, in the State, it has been recognized as 2nd language, the tribals feel that it should be included in the 8th Schedule of the Constitution so that it is not extinct. Many tribal groups have also demanded for assistance in form of musical instruments, dress and ornaments so that they can preserve their art and culture. The State Government should assist them in the matter.
- m) The Commission was satisfied with the status of atrocities against STs and disposal of the cases by police and the courts. It was noted that a very few incidences atrocities on STs were reported in the State which is a convincing situation. The Commission advised that the State Government should organize awareness camps in tribal areas and sensitized the police personnel about various provisions of SCs and STs (PoA) Act, 1989 and rules framed therein. The State Government should also be careful in ensuring that in the cases related to encroachment of tribal land and their forceful dispossession from it, section 3 (1) (iv) or 3 (1) (v) of the Act is invariably invoked.
- n) The Commission observed that the State is having over 31 % ST population and many tribal groups, office bearers of tribal Associations and individuals met the Commission with their grievances. There is no grievance redressal mechanism for the Scheduled Tribes in the State. Hence, the State Government should consider for establishing a State Commission for Scheduled Tribes to look into their welfare.

- o) U/s 10 (26) of Income Tax Act, 1961 the STs are exempted from Income Tax Deduction residing in specific areas but in some cases, the Central Government/State Government employees are being harassed and forced to obtain Exemption Certificate following section 197 of form 13.
- p) The Commission informed that there is a demand from tribals of the State for imposition of inner line permit in the tribal areas of the State for protection of their identity and the State Govt. should consider it.

(C) Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Himachal Pradesh from 18-06-2015 to 26-06-2015

- 7. The Commission held a meeting with Additional Chief Secretary, Public works department, officers of Ministry of Defense, Govt. of India, Border Roads Organization and the petitioner Shri Sudarshan Thakur on the representation made by him before the Commission on the issue of acquisition of land of tribals in village Madhgram, PO- Udaypur, District Lahaul and Spiti for construction of Tandi . Killar-Pangi road without paying compensation to them.

2.4.43 Chairperson, NCST observed that it was the responsibility of the State Govt. to make payment to the villagers whose land was acquired for the construction of road without their consent. The land is a subject of State and as per the constitutional provisions, it is the responsibility of the State to protect the tribals. It is duty bound to protect the life and property of its citizen. The State Govt. is free to demand the compensation, solatium and interest from BRP/MoD. In this case, the land of the tribals was taken without paying any compensation to them. For this, the State Govt. and the BRO are equally responsible. The State Govt. should pay the tribals from its pocket first and then demand the same from MoD with full justifications and the Ministry should also make payment to the State Govt., as is being done in other cases.

- 8. 2.4.45 The General Secretary and Chief Adviser of Tribal Students Association, Himachal Pradesh University, Shimla met the Commission at 12:00 noon and presented following demands before the Commission:

- 1. payment of post- matric scholarship to the ST students.
Construction of tribal girls hostel in the Himachal Pradesh University, Shimla, and
- 2. Appointment of teaching faculty in colleges of tribal areas in the State.

2.4.46 The Commission advised the State Govt. to give vast publicity to the construction of girl's hostel so that the tribal girls can be fully benefited. Regarding non-availability of teaching faculty in the colleges located in tribal areas of the State, the Additional Secretary, Tribal welfare Department admitted that the students of tribal area have to go outside for completing their education. He informed that under National Higher Education Campaign, the students are free to choose any subject in

higher education course. Sometimes, teacher of a particular subject are not available in a particular subject.

Discussion on implementation of Forest Rights Act in Kinnaur district.

9. 2.4.56 Commission held discussion with Additional Secretary, Tribal Development Department, Govt. of HP on implementation of FRA in the District. The Deputy Commissioner and other concerned officers of the State were also present in the meeting. After detailed discussion, following advice was given by the Commission to the district Administration and the State to settle the issue:

1. **415 cases, where the Sub-divisional committee has given its consent, will be finalized within a period of two months and 955 cases will be sent to the SDLC for reviewing the same. The Commission advised that these 955 cases should also be decided by SDLC in a time bound manner preferably by December this year, so that the purpose of this Act is not defeated.**
2. **The Forest and Revenue Departments of the State will approach the High Court for obtaining relief for the FRA claimants from the above order of the High Court under section 4(5) of the FRA mentioned in Para III above.**
3. **If any clarification is required regarding eligibility of claimants under FRA referred in Para II above, the State will approach MoTA for guidance.**

- (D) **Report of visit of Vice Chairperson, National Commission for Scheduled Tribes (NCST) to Jabalpur from 07-08-2015 to 10-08-2015 for review meetings.**

Meeting with Senior General Manager and other officers of GCF, Jabalpur.

- 10 2.4.78 Following recommendations were made by the Commission during discussion on the issues:

1. The issue of declaring holiday on Rani Durgavati immolation day on 24th June, Raja Shankar Shah and Raghunath Shah Immolation day on 18th September and Birsa Munda Jayanti on 15th November every year should be considered by the Works Committee of the factory keeping in view the sentiments of tribal employees of the factory.
2. As far as issuance of caste certificate to SC/ST persons in the format for Central Government Departments, instructions are already there for the same. Certificates to the children of SC/ST employees hailing from other States can be issued on the basis of certificates issued to their fathers at the place of migration after verification from the concerned authority, if required. The matter pertains to the State Government and the caste certificate issuing authorities, not the GCF.

3. The Commission observed that there is no representation of SC/ST employees in JCM of different level and advised to consider for making provision of reservation for SC/ST employees in the JCM II, III and IV.
4. Though, the Commission was informed by the management of GCF that a total of 1431 Quarters have been allotted out of which 248 Quarters have been allotted to ST employees, the Commission opined that maintenance of reservation rosters in allotment of Government accommodation is mandatory and the same should be strictly adhered to .
5. The Commission was concerned about the complaint of declaring 18 SC/ST employees unsuccessful in skill test for promotion. The GCF was advised to ensure representation of SC/ST officers also among those conducting skill tests to ensure transparency and fairness in selection and also in compliance of Government orders on the subject. If there is no bar in the concerned SRO, more than 1 attempts of skill test for promotion may also be considered in a particular recruitment year.
6. As far as the matter of fulfilling the reservation quota in promotions is concerned, the Commission noticed that the existing SROs are not conducive to meet the reservation requirements. In many cases, SC/ST employees are not available in the feeder cadre for promotion in normal and extended zone of consideration. The revision of concerned SROs may be done in consultation with the DoPT by adding saving clause to facilitate direct recruitment from that particular reserved community. Ad-hoc promotions may also be given to the SC/ST employees who are short of required experience by amending the SROs. These Ad-hoc promotions can be regularized on completion of experience required for promotion.
7. The Commission observed that as on 30-07-2015, there was a short fall of 7 posts in group B and 16 posts in group C under direct recruitment quota for ST category. In the promotion quota, 2 posts reserved for STs were available in group C as a backlog. In the Industrial Establishment (IE), there was a short fall of 6 posts in group B and 13 posts in group C respectively. The Commission advised to fill up these posts by March, 2016.
8. In reply to the questionnaire sent by the Commission, the GCF had submitted reply that the ST candidates are interviewed along with the Un-reserved candidates. The Commission pointed out that as per DoPT OM dated 30-01-1973, separate interview should be conducted for selecting the SC/ST candidates in direct recruitment. The GCF Administration clarified that interviews are not being taken for any category candidates in direct appointment. The Commission advised to follow above instructions in case direct recruitment of reserved category candidates is done along with Un-reserved candidates and interviews are held.
9. The Commission took a serious note of the complaints regarding improper functioning of the reservation cell in GCF and directed to ensure that the Liaison officer and staff is available in the cell everyday at prescribed time. Adequate infrastructural facilities should also be provided to the cell for proper functioning of the cell. Awareness about

the functioning of reservation cell has to be created among SC/ST employees/officers so that they can present their grievances before this cell.

10. The Commission also advised to make available the rosters on website of the organization for transparency. Computerization of rosters should also be taken up for which a module was developed and presented by the sister Medak Factory under OFB.
11. The Commission was concerned with the complaint of indecent behavior with women employees and advised that these complaints should be inquired by the committee constituted for inquiry into complaints of harassment of women at work place.
12. The Commission stressed the need for adequate representation of SC/ST employees and officers in Training programmes so that they can be groomed to share higher responsibilities in the organization.
13. The Commission observed that there were complaints of discrimination in compassionate appointment with families of deceased SC/ST employees and demands for review of marks being provided for number of dependent children in the scale for compassionate appointment. Though there is no reservation applicable in compassionate appointments, it was advised that transparency should be maintained in the decision making to avoid such complaints.
14. As the Commission was informed that the issue of grant of financial up-gradation of pay under MACP to Subedar Darban Rathram and Security Supervisor Laxman is under active consideration, the Commission advised to follow up the matter at appropriate level and inform the Commission about the decisions taken in this regard.
15. The Commission was not convinced with the reply of the GCF management on the complaint sent to the Commission for providing justice by Shri Harish Singh Garbyal, P. No. 814986 Chageman/ NT who was allegedly being harassed by the Administration of GCF. The Commission advised to close the disciplinary proceedings against the employee who was admittedly termed as a good worker by the management. It was agreed by the management that on receipt of the reply from the concerned employee, the case shall be closed.

The Commission desired that due consideration shall be given to all the issues and a report on the implementation of the same shall be submitted to the Commission as early as possible.

Meeting with Senior General Manager and other officers of Vehicle Factory, Jabalpur.

11. 2.4.80 Following recommendations were made by the Commission during discussion on the issues:
 1. As per the demand of SC/ST employees, VFJ should organize workshop for SC/ST officers and employees to create awareness about Constitutional provisions and Safeguards available to them, Government orders on implementation of reservation policy and role of Liaison Officer for SC/ST. Liaison Officer for SC/ST may be provided

necessary Administrative and Budgetary support for the same. If required, The Commission may nominate experts for delivering lectures related to different aspects of the reservation policy.

2. The functioning of reservation cell should be improved. Dates and time of opening of cell should be fixed and notified to all concerned. Liaison Officer should be available at the prescribed place and time for listening to the grievances of the SC/ST employees.
3. The Commission advised the management to sponsor and nominate SC/ST officers and employees in training programmes/courses for their career upliftment.
4. The Commission observed that there is a backlog of 9 posts reserved for ST in group Bq and 8 posts in group Cq in promotion quota in the year 2014. The Commission also noticed that there was a backlog of 7 posts in group Cq reserved for ST category and advised the VFJ management to fill up these posts urgently. SRD may also be undertaken for filling the DR posts.
5. The Commission noticed that altogether 22 % of Government accommodation was allotted to ST employees and officers. However, their representation in type III, IV and V quarters was on a lesser side. The roster for allotment of Government accommodation was also not being maintained. The Commission opined that maintenance of reservation rosters in allotment of Government accommodation is mandatory and the same should be strictly adhered to.
6. Promotion of SC/ST employees completing minimum qualifying services/ experience in case of non-availability of SC/ST employees in the normal and extended zone of consideration was discussed. The revision of concerned SROs may be done in consultation with the DoPT by adding saving clause to facilitate direct recruitment from that particular reserved community. Ad-hoc promotions may also be given to the SC/ST employees who are short of required experience by amending the SROs. These Ad-hoc promotions can be regularized on completion of experience required for promotion.
7. There are instructions already issued by Government of India for providing 20% reservation to ST category in group Cq posts being filled on regional basis and all the Central Government organizations including VFJ should comply with the same.
8. The demand of tribal employees for declaring holiday on Rani Durgavati immolation day on 24th June, Raja Shankar Shah and Raghunath Shah Immolation day on 18th September and Birsa Munda Jayanti on 15th November every year should be considered by the Works Committee of the factory and the management of VFJ should provide community hall for the functions organized on the above days without charging any Rent.

Visit to Rani Awanti Bai Lodhi Sagar Project (Bargi Dam)

12. **2.4.84 The Commission advised to ensure that the Tribals displaced due to this project are provided compensation and all the facilities as per the policy and benefit of various developmental**

programmes being run by the Central and State Governments reaches them. The Commission also suggested that the district level officers of Tribal Development Department of the 3 districts viz. Mandla, Seoni and Jabalpur should make occasional visits to the tribal habitations for the purpose of monitoring the same.

Visit to Eklavya Model Residential School (EMRS), Jabalpur

13. 2.4.86 On the basis of discussion with the Students, Teachers, Principal and District level officer of Tribal Development Department and after inspection of the facilities, the Commission desired that action should be taken on the following points for betterment of the institution:

1. There is an urgent need for repairing the broken glasses of the windows and other repairing work due to ongoing monsoon. The students are facing problems as raining water enters in the rooms through broken glasses of the windows.
2. The bathrooms and toilets of the school and residential area require constant cleaning due to large number of students residing there and only 1 part time sweeper has been engaged. A full time regular sweeper is required for the EMRS.
3. Exhaust fans should be installed in the bathrooms.
4. It was felt that regular visits of doctors and nurses are required for treatment and health checkup of the students.
5. During discussion, it was revealed that most of the teachers were appointed in the EMRS on contract basis and they are continuing for many years. The process of regularization of their services is in progress. On enquiry, it was noticed that there is no representation of SC/ST/OBC category as no provisions of reservation in these contractual teaching posts was made. In case, the services of these teachers are regularized, the provision of reservation policy will have to be taken care of by the State Government and the Concerned Authorities.

District level review meeting with District Collector and other Senior Officers of the District.

14. 2.4.89 Following issues were discussed and recommendations were made by the Commission in this regard:

1. The Commission noticed that the overall literacy in the district was 71.30% and among unreserved category, it was 89.10% among males and 75.30% among females. However, in the ST category, it was only 50.54% among males and 49.32% among females. Thus, a wide gap between the Unreserved and tribal literacy is clearly visible. More efforts are required to fill this gap so that the literacy among tribals could be improved at par with the Unreserved Category.
2. It was also observed that the dropout at high school level was 21.06% among unreserved category whereas it was 38.54% among ST

category. It was explained that the tribal girls dropout from the school at this level as the high schools are far away and the State Government is providing Rs 2,400 /- per girl for purchasing bicycles to come to school for continuing their education. The Commission stressed the need to retain the tribal girls in the school so that they can be properly educated and developed.

3. The Commission desired to know whether the number of hostels and seats therein are adequate for the ST boys and girls and whether it is consonant to the demand. It was informed that more pre-matric and post-matric hostels for tribal girls and boys are required and demand of five such hostels has been made to the higher authorities of the State. The Commission directed to provide a copy of the proposals so that the matter can be pursued at higher level. The Commission also advised to get repaired the broken windows and doors of building of Eklavya Model Residential School, Jabalpur and Government SC residential school and also ensure cleanliness in the toilets and bathrooms of both the floors.
4. The Commission was satisfied with the distribution of pre-matric and post-matric scholarships and stipend to the tribal students in the district for which online facility has been created and money is transferred directly in the accounts of the beneficiaries. During the year 2014-15, an allocation of Rs 5.05 crores was received as ST post-matric scholarship out of which almost all the amount was distributed to the 2898 students. Similarly in the year 2015-16, an amount of Rs 1.48 crores was received as stipend for the tribal students residing in hostels/ Ashram School out of which 1246 students were distributed Rs 57.65 lacs. All the tribal students residing in hostels/ Ashram School were provided stipend.
5. The Commission also inquired about the availability of health services in the district particularly in the areas where large number of tribal population is concentrated. The Commission was informed that the tribals are mainly concentrated in Kundam block and to some extent in Shahpura. There are 22 Primary Health Centers and 190 Sub-Centers in the district. It was admitted that there is approximately 50% shortage of Doctors in the district. In Kundam CHC, out of 4 posts of Doctors, only 2 are filled up. The Commission advised the district Administration to fill up the vacant posts of Doctors and paramedical staff on priority basis to improve the health services in tribal areas. The Commission noted that there is 84% institutional delivery in the district which is praiseworthy. The main diseases among the tribal community were reported to be malaria and dengue. The Commission advised to extend awareness for prevention of these diseases focusing tribal settlements so that the mortality rate among tribals may be brought at par with Unreserved Category. The Commission directed the District Collector to ensure that Doctors and Nurses regularly visit the ST and SC boys and girls hostels/ Ashram schools particularly Eklavya Model Residential School and Government SC residential school, Jabalpur.
6. The Commission also reviewed the implementation of MGNREGA in the District. The Commission was informed that presently payment is made @ Rs 150 /- per day in the district and in general, people are taking

lesser interest to work as a labour under this scheme. The main reason behind this was reported to be higher wages to agricultural and industrial labours. The delay in payment is also one of the reasons though the payment is being made directly in the accounts of the beneficiaries. Last year, works under this scheme could not be undertaken for about 8 months due to lack of funds. The Commission opined that this scheme has been successful in tribal areas and has enhanced the income of tribal families. The Commission advised that in case there is demand of work by the job card holders, the Administration should be in position to provide employment particularly during the non-cropping season.

7. The Commission also inquired about the implementation of the Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Act in the district. It was informed that so far 875 individual and 295 community Forest Rights have been recognized in the district. All the above mentioned individual rights were distributed the Scheduled Tribes. Out of above 295 community rights which were recognized, 255 were from the ST category and the rest were from other forest dwellers. The land measuring 882.426 hectare was recognized to be in possession of these individual beneficiaries. On inquiry, it was informed that a total of 3737 individuals and 847 community claims were received. The Commission noted that there was very high percentage of rejection of claims and inquired the reasons behind such rejection. It was informed that a large number of cases were rejected due to possession after cutoff date and false claim due to greediness. It was also informed that the rejected cases were reviewed and the rejection in most of the cases was found to be correct. A total of 804 individual and 456 community claims are pending as they were received on a later date. The Act does not provide any cutoff date for making claims. The Commission advised to decide these pending claims in a time bound manner so that the genuine claims of the tribals are timely recognized and they can be benefitted under the scheme.
8. The Commission also noted that the 842 persons who have been provided Van Adhikar Patra under the Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Act have been further benefitted by convergence of different schemes of the Government. A total of 215 such persons have been benefitted under Kapil Dhara well scheme, 302 under Awas Yojana, 102 with diesel pump, 35 with electric pump, 583 under land improvement and making of boundary of agricultural fields, 35 under animal husbandry, 558 by loan through Co-operative Societies and 558 with KCC. The Commission appreciated the initiative of the district Administration and advised to extend the benefit of these schemes to those persons also whose Van Adhikar claims are pending and are likely to get it soon.
9. The Commission also review the status of cases registered under SCs and STs (PoA) Act, 1989 and SCs and STs (PoA) Rules, 1995 as amended time to time. The Commission was informed that during 2014-15, 41 cases were registered under this Act and monetary compensation to the tune of Rs 36.54 lacs was distributed to the victims or their families. During 2012-13 and 2013-14, the number of cases registered

under this Act was 34 and 26 respectively. On inquiry, the Commission was informed that the percentage of cases where the accused have been sentenced by the court under this Act was on a lower side as the victims and witnesses become hostile during the pendency of the case in the trial court. The Commission was satisfied with the timely payment of compensation, travelling and maintenance allowance to the victims and the witnesses. However, the Commission advised that the police officials and officers should be sensitized towards the problems of SC/ST population through workshops on the provisions of this Act and Rules framed therein. The Commission also advised to be vigilant on the complaints of trafficking of tribal girls to the large cities for working as domestic maid where they are subjected to physical and financial exploitation.

10. The Commission noticed that during the current year, 38 cases of verification of caste certificate were received in the office of the District Collector out of which 7 were verified and sent to the concerned department. It was informed that remaining cases are recently received and are under the process of verification. The Commission directed for early disposal of these pending certificates so that timely action can be taken against the fake certificate holders.
11. The District Collector, Jabalpur informed the Commission that the State Government has taken initiatives to issue SC/ST and OBC certificates to the students in the schools where they are studying. Out of about 83,000 ST students, forms have been collected from about 71,000 students out of which 57,000 have been issued ST caste certificates. Forms are being collected from the remaining 10,000 ST students also and after verification, they will be issued certificates. The Commission appreciated the move of the State Government and advised to be vigilant so that only genuine ST persons are issued castes certificates.
12. The Commission also reviewed the flow of funds from State budget to Tribal Sub-Plan in the district. The Commission was informed that funds in proportion to the percentage of tribal population are provided under TSP to 26 different development departments for under taking several schemes for the welfare and development of Schedule Tribes. Out of the budget of about Rs 442 crores allocated to the district, 69.29 crores (15.67 %) was allocated under TSP. These departments also cater to the need of tribal areas from their own budget besides TSP allocation.

(E) Tour Report of the National Commission for Scheduled Tribes (NCST) to Pune and Nashik in the State of Maharashtra from 28-01-2016 to 01-02-2016 .

15. **Meeting with Chief Secretary, Government of Maharashtra, Secretary, Tribal Welfare department, Commissioner, TRTI and other officers of Govt. of Maharashtra on the issue of fake caste certificates.**

2.4.95 During the discussion, it was informed that so far 2466 ST caste certificates of State Government employees have been identified and invalidated by the concerned caste certificate scrutiny committees in the State.

The State Government is taking necessary steps to fill all such posts from ST candidates which is a continuous process. **The Commission stressed that Halba Koshti/Halbi Koshti/ Koshti caste certificate holders, who had obtained employment under ST category and have been given protection by Hon'ble Supreme Court should not be treated as ST employee anymore and they should be adjusted against their actual category in the concerned rosters. As a result of this, the ST points which fall vacant in the roster should be filled by appointing ST candidates to fulfill the reservation quota for this category. The State Government should take action in this regard for employees working in State Government services and State owned undertakings. The progress in this regard should be reported to the Commission from time to time.**

2.4.96 The Commission also noted with concern that there are also complaints that the members of Mannervarlu community are not being provided ST caste and validity certificates and opined that the members of this tribal community should be provided caste and validity certificates so that they can avail the benefits of various developmental schemes meant for Scheduled Tribes. On the other hand, other communities with similar nomenclature should not be allowed to obtain ST caste and validity certificates and grab the benefits available to Scheduled Tribes.

The Commission has also received demand for separation of Mannervarlu community which appears along with Kolam at S.no. 27 and making it as a separate entry in the ST list of the State and as per the laid down procedure, the State Government has to consider the demand on merits.

2.4.98 The Commission also stressed that in the ST list of State, Oraon, Dhangad is appearing at S.no. 36 and in some States the word "Dhangad" appearing with Oraon in their ST list have been replaced by word "Dhangar" as the Oraon's who are cultivators are also called "Dhangar". All the "Dhangar" are Oraon only. So the "Dhangad" who are Oraon should be given ST certificates. On behalf of the State Government, it was submitted that in leaders of "Dhangar caste" of the State are demanding inclusion by way of correction at S.no. 36 of the ST list as "Dhangar" instead of "Dhangad" only by replacing the single character "d" by "r". At present the caste "Dhangar" and its sub-castes are included in the list of Nomadic Tribes (C) of the State and 3.5 % of reservation is applicable to them. The social status of this community is equivalent to Maratha caste and in case of Maharashtra, they are totally different from Oraon, Dhangad Scheduled Tribe. In view of the TRTI, Pune the "Dhangar" caste does not fulfill the criteria laid down by Government of India for inclusion as a Scheduled Tribe. However, keeping in view the demand, the State Government has referred the matter for in depth study to the Tata Institute of Social Sciences, Mumbai, and to know whether the Oraon, Dhangad as a Scheduled Tribe and Dhangar as Nomadic Tribe are same or different. Further action can be taken on the basis of findings of the above study.

16. Visit to Jai Hind Adivasi Ashram Shala, village Kolwade, Sangamner Taluka in Ahmadnagar district

2.4.100 The Commission reached this educational institution run by Smt. Mathurabai Bhau Sahab Thorat Sevabhavi Trust. After interaction with the students and visit to the hostels, following recommendation are made by the Commission:

- a) The quality of education being provided to the students particularly in English, Science and Maths needs improvement.**
- b) There is no bed or mattress provided to the students. Double Decker beds and mattresses should be provided to the students who are presently sleeping on the mats.**
- c) Almirah should be provided in each hall for the boarders so that they can keep their belongings in it which was presently lying on the floors.**
- d) There was only fan in the hall in which the boarders sleep which is not adequate for them. Atleast one more fan should be provided in each hall to make their stay in the hostel comfortable.**
- e) It was informed that no Scholarship is provided to the boarders. The Commission desired to confirm the fact as other State Governments provide Scholarship to the boarders.**
- f) The Hostel and the School is located in a remote area outside the village and there is a need for regular police Patrolling so that the inmates particularly girls feel secured.**
- g) There is a need to motivate the tribal students who come from a very different background so that they can think bigger and achieve higher in life. The tribal dialects, dances, songs and culture should be kept intact while providing modern education to them.**

17. Meeting with tribal beneficiaries in Gondhevasti, Kolwade, Sangamner Taluka in Ahmadnagar district:

2.4.101 The Commission interacted with the tribal beneficiaries of various schemes and saw their living conditions. The villagers informed that they have been benefitted by various schemes like supply of light electric motor pump, poultry units, house under Gharkul scheme, construction of community temple under Thakkar Bapa scheme, watershed scheme etc. Following recommendations are made by the Commission for improvement in the living conditions of the tribal villagers:

- a) There is scarcity of water in the village and water is presently being supplied through tankers. Deep boring tube well should be installed in Gondhevasti, Kolwade for improving water supply.
- b) Besides above, the villagers have demanded for supply of water from Sangamner through pipe line and the same should be considered urgently.
- c) The villagers have demanded for construction of road from Kolwade to Mallarghat for improvement in transportation.
- d) As the villagers are facing problem due to scarcity of water and fodder, dairy farming has not been very beneficial for the tribals. The Commission suggested promoting poultry and goat rearing on a larger scale to enhance the income of tribals and eggs, chicken and meat produced by them could be supplied to the tribal ashram schools and hostels for providing nutritional food to the inmates.
- e) As far as agriculture is concerned, only Bajara is produced by the farmers as irrigation facilities are not available. Water conservation activities should be promoted under MGNREGS and other schemes for providing irrigation facilities in the area as the quantum of rain fall during the monsoons is good but there is no adequate arrangement to collect and preserve the water for the lean season.
- f) The tribal women should be provided vocational training to enhance their skills. They could be given training in stitching and orders for making uniforms for the inmates of tribal ashram schools and hostels. Thus, these women could be provided work and their financial condition could be improved.

Visit to Nandnagon Kohli

18. 2. Interaction of the Commission with Villagers and project beneficiaries:

2.4.114 After the discussions Chairperson, NCST suggested following key points to TDD, Maharashtra to address distress tribal migration at village level and also at destination level that can minimize distress of migrating families:

- 1) Sarpanch and other officials of Nandgaon should register and demand jobs under MGNREGA. Panchayat should initiate the process at the earliest.
- 2) Systematic village development plan should be prepared for Nandgaon and other 19 villages of Disha project area. Capacity building of panchayat members must be initiated for proper use of PESA and other grants of village development. NCST suggested that ITDP should lead the process along with Panchayat members, Sarpanch, Gramsevak, Tahsildar, Agricultural officer and other relevant officials.
- 3) Every village should have education facilities from 1 to 10th class, which can promote secondary education of girls, as lack of these facilities leads to high drop out of girls from education system.

- 4) At city level, tribal migrants must be provided temporary shelter with basic amenities, education for children, temporary ration cards, job trainings, and assured minimum wages.
 - 5) Disha and TDD should make a systematic plan to build convergence with other departments at source and destination areas for more effective outcomes of the migration project.
 - 6) Disha's efforts are worth praising, NCST has taken Disha's work very seriously and aiming to suggest other state governments to replicate this model to address tribal migration. TDD Maharashtra should support Disha's work in other migration pockets of Maharashtra.
19. **Visit to Disha Foundation's Migration Resource Center at PethPhata in Nasik city: Efforts to address migrants needs at city level**

2.4.125 The Commission expressed the need of wages standardization of migrants in cities like MGNERGA. He further expressed that temporary shelter and basic amenities must be provided to migrants. PDS ration cards have been issued to the nomadic tribes in Jammu and Kashmir and the same can be done for migrant tribal population of Maharashtra. Similarly, mobile teachers are also there in Jammu & Kashmir who move with these nomads and teach their children at the place of their night halt. This can also be done here. Medical facilities can also be provided to them at their place of stay. The process should be made more simplified and accessible to migrants.

20. **Meeting with Commissioner, Tribal Development Department, Government of Maharashtra and other officers at Nasik**

2.4.126 Based on the feedback received from the tribals and field visits during the tour, the Commission pointed out some areas where improvement is required. These action points are as under:

- 1) **The problem of shortage of qualified teachers particularly in Science and Maths subjects in tribal areas should be addressed urgently as it is affecting quality of education. As the teachers hesitate to work in the tribal areas, the tribal student should be groomed to become teachers and work in tribal areas.**
- 2) **Facilities of cots for the students residing in Ashram Schools should be provided as it was noted by the Commission that they were sleeping on the floors.**
- 3) **There are complaints that uniforms, blankets and sweaters are not timely being provided to the boarders. This situation is not good and needs improvement.**

- 4) **Almirahs should be provided in the halls of the hostels where the students could keep their belongings.**
- 5) **It was noted that only one or two ceiling fans were provided in the big halls of the hostels which may not adequate. The requirement of additional fans should be reviewed.**
- 6) **The quality of food being provided to the boarders was reported to be satisfactory. However, there is a need to provide dining tables with chairs to bring attitudinal change in the tribal boarders so that they can feel proud and fine themselves at par with others.**
- 7) **Regular health checkup of boarders particularly the girls should be ensured to avoid any untoward incident. De-worming medicines and iron tablets should also be provided to them.**
- 8) **Adequate numbers of toilets and bathrooms with running water should be provided in the tribal Ashram Schools.**
- 9) **Adequate drinking water should also be made available in the Ashram Schools and hostels. This can be done by providing RO's in Ashram Schools and hostels which will also result in preventing water borne diseases.**
- 10) **Regular visit of police officials to the tribal hostels particularly the girl hostels should be ensured so that the boarders feel safe in the hostels. Phone and Mobile numbers of District Collectors, SPs, Local Police Officers, Officers of Civil Administration and Officers of Tribal Development Department should be prominently displayed in the hostels.**
- 11) **The incidents of obtaining false ST caste certificates should be affectively checked as such certificate holders deprive genuine tribals from the benefit of various developmental schemes and opportunities of services in the Government.**
- 12) **As far as activities of Disha Foundation are concerned, TDD can initiate a convergence committee for better co-ordination with concerned departments which will lead to more powerful impacts and can extend all possible support in the noble work.**

Visit of Annapurna Kitchen at Mundhegaon, Igatpuri.

21. 2.4.127 The Commission left Nasik for Mumbai at noon and on way visited Annapurna Kitchen located at Government English medium residential Ashramshala at Mundhegaon, Igatpuri. The Commission was informed that this kitchen has a capacity of preparing meals for 20,000 students at a time. Presently about 3,000 to 4,000 students of 12 Ashrams schools situated in a

radius of 35 to 40 Kms. are being served food from this kitchen. The Commission noticed that modern and state of the art equipments have been installed in the kitchen and food was being prepared in a hygienic atmosphere. **The Commission suggested that such type of kitchen should also be made in other parts of the state for providing meals to the tribal students of Ashram schools.**

(F) ODISHA - Report of the visit of the National Commission for Scheduled Tribes, in connection with the displacement and rehabilitation of tribals due to setting up of erstwhile Hidustan Steel Plant (at present Rourkela Steel plant) at Rourkela.

22. ➤ About 5000 acr. Acquired lands have been surrendered by RSP to State Govt. instead of selling or setting it to private parties, the concerned land should be returned to the original tribal displaced persons.
- The policy framed by the SAIL authorities is that the displaced families should stake their claim for employment within two years of acquiring land; otherwise no employment will be given. Some of original displaced persons could not claim the employment for certain reasons, including their children being Minor. Therefore genuine cases of such type should be given employment on humanitarian grounds instead of denying on the grounds of policy which is having time frame of two years.
- Multiple displacement of tribals increase the pains felt by the displaced persons, therefore measures should be taken to avoid it.
- Basic amenities like safe and portable drinking water, road, and electricity should be provided in the RSP colonies out of the funds under CSR.
- RSP should take measures for imparting intensive training / coaching to youths of displaced families. Such youth should be prepared for the competitive examination like SSC, UPSC, Bank, Railways etc.
- The youths of the displaced families should be provided skill development training by RSP for self-employment based on local potentials such as in the field of Electrician, Plumber, Carpenter, Masonry work, Vehicle repairing, Motor driving, Computer & Mobile repairing etc.
- Immediate enquiry should be setup against persons who got employment on the basis of fake certificate of displaced persons. Such person should be ousted from service and instead members of displaced families should be given employment.
- RSP has allotted land for different communities for religious purpose, but the same was denied to tribals for carrying out their religious activity (SARNA), hence tribals should also be provided land in the RSP campus.
- RSP units campus allows many people to carry out petty / small trade like Pan Stalls / Canteens / Tea Stalls / Transportation and other

business etc. The displaced families should also be accommodated in these activities.

- The CIL has evolved a definite policy to provide employment to families whose land has been acquired under this. It is giving employment to one person per 2 acrs. The land looser are getting better compensation in the form of employment in CIL. SAIL an RSP should also adopt this policy.
- Evidence has come that many displaced persons have settled in nearby forest land at the time of acquisition. Such families / persons should be conferred rights over such land under Forest Right Act urgently.

(G) राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा मध्य प्रदेश राज्य के झाबुआ जिले में भ्रमण, अनुसूचित जनजाति के प्रतिनिधियों से चर्चा, जिला स्तरीय समीक्षा बैठक एवं भोपाल में राज्य सरकार के वरिष्ठ अधिकारियों के साथ अनुसूचित जनजातियों हेतु चलाई जा रही विकास योजनाओं, सेवा सुरक्षण तथा अत्याचार के मामलों की समीक्षा बैठक की रिपोर्ट।

23. (क) थांदला के सामुदायिक स्वास्थ्य केंद्र तथा ग्राम बोरड़ी, ब्लॉक थांदला, जिला झाबुआ का भ्रमण :-

1. एक वृद्धा स्त्री द्वारा बताया गया कि उन्हें भारतीय स्टेट बैंक के प्रतिनिधि (Business correspondent) द्वारा केवल 150 रुपये वृद्धावस्था पेंशन के दिये जा रहे हैं जबकि राज्य सरकार द्वारा रुपये 275 प्रति माह वृद्धावस्था पेंशन निर्धारित की गई है। उनके अंगूठे का निशान उक्त प्रतिनिधि द्वारा ले लिया जाता है एवं अशिक्षित होने के कारण पूरी निर्धारित रकम नहीं दी जाती। जिला कलेक्टर द्वारा जाँच करने पर पाया गया कि भुगतान रजिस्टर के अनुसार उस लाभार्थी को पूरे पैसे का भुगतान दर्शाया गया था। इस पर प्रभारी जिला-कलेक्टर द्वारा अपने अधीनस्थ अधिकारियों को निर्देश दिये गये कि इस पर कड़ी नजर रखी जाये तथा आयोग की सलाह के अनुसार जहाँ तक संभव हो सरपंच/उपसरपंच या गाँव के स्कूल अध्यापक की उपस्थित में बैंक प्रतिनिधियों के द्वारा पूरा भुगतान सुनिश्चित किया जाये।
2. गाँव वालों ने बताया कि इस गाँव के पास एक बहुत बड़ा तालाब है परन्तु उसमें मिट्टी की गाद जमा होने के कारण पानी नहीं है जिसके कारण उनके गाँव में गाँव वालों एवं मवेशियों हेतु पानी की उपलब्धता नहीं रहती तथा उन्हें बहुत दूर से पानी लाना पड़ता है। यह समस्या जानकर प्रभारी जिला कलेक्टर द्वारा मौके पर ही आदेश जारी करते हुए संबंधित अधिकारियों को निर्देश दिये गये कि इस पर तुरंत काम शुरू किया जाए तथा वर्षा आने से पहले इसे पूर्ण करना सुनिश्चित करें और जरूरत पड़ने पर जे.सी.बी मशीन का प्रयोग भी किया जाये। यहाँ पर आयोग के माननीय अध्यक्ष द्वारा सलाह दी गई कि जिला प्रशासन सर्वप्रथम पुराने तालाबों की खुदाई कर उन्हें जल संग्रहण के लिये तैयार करें क्योंकि पुराने तालाब में पानी अधिक समय तक उपलब्ध रहता है तथा नये तालाब वहीं पर बनाये जाएं जहाँ पर अभी पुराने तालाब नहीं है।
3. श्रीमती कांता भील द्वारा बताया गया कि वह 3 साल पहले विधवा हो गई थी तथा उसके पास रोजगार का कोई साधन नहीं है। इस पर चर्चा के दौरान पूछा गया कि उन्हें राहत राशि मिली थी या नहीं। इस पर बताया गया कि उन्हें राहत राशि तो मिली थी परन्तु अभी तक उनके पास रोजगार का कोई साधन नहीं है तथा भुखमरी की स्थिति है। इस पर प्रभारी जिला कलेक्टर द्वारा संबंधित शिक्षा विभाग के अधिकारियों को निर्देश दिया गया कि श्रीमती कांता भील को तत्काल गाँव के स्कूल में मध्याह्न भोजन की योजना

के अंतर्गत स्कूल में रसोइया नियुक्त किया जाए जिसका आदेश अगले 2 से 3 दिन तक जारी होना निश्चित करें।

4. एक अन्य महिला श्रीमती मन्ना किलसी पटेलिया द्वारा बताया गया कि उनके पति का दुर्घटना में स्वर्गवास हो गया है तथा उनके पास छोटी-छोटी चार लड़कियाँ हैं और न तो उनके पास जमीन है और न ही रोजगार का कोई साधन है। इस पर प्रभारी कलेक्टर श्री चौधरी द्वारा सहायक आयुक्त, आदिवासी विकास को निर्देश दिया गया कि उन्हें आदिवासी छात्रावास में तत्काल नौकरी पर रखा जाये एवं दो बेटियों के पालन पोषण हेतु रुपये 2,000/- प्रति बेटी प्रति माह की दर से मध्यप्रदेश सरकार की योजना के अंतर्गत अनुदान दिया जावे। इसके साथ ही इस विधवा महिला से जानकारी माँगी कि क्या उन्हें विधवा होने पर सरकार की योजना के अंतर्गत सहायता प्राप्त हुई है तो महिला द्वारा बताया गया कि उन्हें रुपये 75,000/- का अनुदान बैंक खाते में प्राप्त हुआ है। इस पर जिला कलेक्टर द्वारा सम्बन्धित अधिकारियों को निर्देश दिया गया कि इन्हें इन्दिरा आवास योजना के अंतर्गत मकान उपलब्ध कराने का प्रस्ताव तैयार किया जाये।
5. एक अन्य आदिवासी महिला श्रीमती राधा जो कि परित्यक्ता एवं भूमिहीन हैं, के द्वारा अपनी समस्या रखी गई जो कि पास के ग्वालमुंडी गाँव की निवासी हैं। इस पर प्रभारी जिला कलेक्टर द्वारा संबंधित अधिकारी को आदेश दिये गये कि इन्हें भूमि का पट्टा दिया जाए तथा इन्दिरा आवास योजना में इनको मकान के आवंटन का प्रस्ताव भी सुनिश्चित किया जाए।
6. गाँव वालों द्वारा यह भी बताया गया कि उनके गाँव में पी.डी.एस. योजना के अंतर्गत उनको एक-एक महीना छोड़ कर राशन का गेहूँ एवं चावल इत्यादि दिया जाता है जबकि प्रतिमाह मिलना चाहिए। इसके लिए वहाँ के खाद्य अधिकारी श्री विक्रम नायक जिम्मेदार हैं। इस पर कलेक्टर महोदय द्वारा तत्काल संज्ञान लिया गया तथा खाद्य अधिकारी को निर्देशित किया गया कि राशन प्रतिमाह समय पर मिलना सुनिश्चित किया जाये।
7. ग्रामीणों द्वारा छात्राओं के लिए छात्रावास एवं प्राथमिक चिकित्सा सुविधाओं की मांग की गई। थांदला के सामुदायिक स्वास्थ्य केंद्र महिला डॉक्टर नहीं होना बताया गया। उनके गाँव में मलेरिया, डायरिया एवं कॉलरा इत्यादि बीमारियाँ होना बताया गया।

24. (ख) शासकीय उच्चतर माध्यमिक विद्यालय, थांदला का निरीक्षण :-

2.4.177 आयोग के दल द्वारा शासकीय उच्चतर माध्यमिक विद्यालय, थांदला का निरीक्षण किया गया। वहाँ पर श्री शोभित जैन, आयुक्त, आदिवासी विकास, मध्य प्रदेश सरकार, भोपाल की उपस्थिति में उपलब्ध छात्र-छात्राओं से बात की गई तथा उनके समक्ष आ रही कठिनाइयों एवं सरकार द्वारा उपलब्ध कराई जा रही सुविधाओं के बारे में पूछ-ताछ की गई। यहाँ पर आदिवासी छात्र-छात्राओं द्वारा आयोग के निरीक्षण करने पर खुशी का इजहार किया गया। साथ ही चर्चा उपरांत यह देखने में आया कि स्कूल में अभी पढ़ाई का माध्यम केवल हिन्दी है तथा विज्ञान एवं गणित के योग्य अध्यापकों की कमी है। ये मेधावी छात्र एवं छात्राएं आगे चलकर जब अखिल भारतीय प्रतियोगी परीक्षाओं में सम्मिलित होंगे तो इनको पढ़ाई का माध्यम अंग्रेजी न होने के कारण बहुत अधिक कठिनाई का सामना करना पड़ेगा। अतः आयोग द्वारा यहाँ पर सुझाव दिया गया कि बच्चों को प्रथम कक्षा से ही अंग्रेजी विषय पढ़ाना शुरू किया जाए तथा विज्ञान एवं गणित के अच्छे प्रशिक्षित अध्यापकों की पदास्थापना की जाये जिससे कि बच्चों को भविष्य में दूसरे बच्चों से प्रतियोगिता करते वक्त कोई परेशानी न हो तथा वह शेष बच्चों के साथ मुख्य धारा में शामिल हो सकें।

25. (घ) अग्राल ग्राम में एकलव्य आवासीय स्कूल का निरीक्षण :-

2.4.179 उपरोक्त गाँव में आयोग के दल का स्वागत छात्र-छात्राओं द्वारा किया गया। जिला अधिकारियों द्वारा यह जानकारी दी गई कि यहाँ के लगभग 32 छात्र-छात्राओं को, जिन्होंने सराहनीय परीक्षा परिणाम प्राप्त किया है तथा जो आई.आई.टी./जे.ई.ई परीक्षा उत्तीर्ण किये हैं, उन्हें मुख्य परीक्षा के लिये चुन कर विशेष कोचिंग देने हेतु इंदौर भेजा जा रहा है ताकि वे प्रतियोगी परीक्षा पास कर सकें। आयोग द्वारा छात्रों से विस्तृत चर्चा की गई तथा उन्हें सम्मानित भी किया गया। चर्चा के दौरान यह सामने आया कि सभी बच्चे हिंदी माध्यम में पढ़ाई किये थे तथा इसकी वजह से उन्हें आगे चलकर परेशानियों का सामना करना पड़ेगा। फिर भी उनकी हिम्मत बढ़ाई गई और उन्हें संघर्ष के लिए प्रेरित किया गया। इस अवसर पर संस्था के द्वारा विद्यालय में दो दर्जन कंप्यूटरों, इंटरनेट, सुविधा जल प्रदाय करने हेतु गहरी बोरिंग वाले सबमर्सिबल पंप तथा विद्यालय व छात्रावास हेतु बाउंड्री वॉल हेतु स्वीकृति तथा बजट प्रदाय करने की मांग की गई। आयोग ने उनकी इन मांगों को उचित बताया तथा संबंधित अधिकारियों को इस संबंध में आवश्यक कार्रवाई का निर्देश दिया।

26. **2.4.181** झाबुआ जिले की समीक्षा एवं मूल्यांकन बैठक :-

आदिवासी उपयोजना में धनराशि का समय पर आवंटन और उसका पूरा उपयोग सुनिश्चित किया जाए।

फुटतालाब और आसपास के सभी गांवों में, जहां पर प्रदूषित पानी आ रहा है, स्वच्छ पेय जल उपलब्ध कराया जाए।

- 1) बच्चों को गुणवत्तापूर्ण मध्याह्न भोजन दिया जाये जिससे ज्यादा से ज्यादा उपस्थिति हो सके।
- 2) मवेशी चराने वालों तथा प्रवजन करने वालों के बच्चों के लिए ब्रिज स्कूल/मोबाइल टीचर योजना पर विचार किया जाए जो कि अन्य राज्यों में चल रही है।
- 3) अंग्रेजी, विज्ञान एवं गणित के अध्यापकों की कमी को दूर करने के लिए विशेष प्रयास किये जाएं तथा अंग्रेजी विषय को प्रथम कक्षा से बच्चों को पढ़ाया जाये ताकि वे आगे चल कर इसको माध्यम के रूप में स्वीकार कर सकें तथा अपनी पढ़ाई बीच में न छोड़ें। राज्य सरकार अंग्रेजी, विज्ञान एवं गणित के अध्यापक दूसरे जिलों से या योजना में कुछ बदलाव कर जैसे अधिक वेतन देकर उपलब्ध कराने पर विचार करें जिससे आदिवासी बच्चे भविष्य के लिए यह जिम्मेदारी उठाने हेतु तैयार हो सकें।
- 4) कुपोषण दूर करने के लिए इससे प्रभावित लोगों एवं बच्चों के विशेष खान-पान की व्यवस्था किया जाए। जिला प्रशासन आंगनवाड़ियों के माध्यम से इसका समाधान करे तथा आयोग को अवगत कराये।
- 5) बीमारियों से बचाने के लिए समुचित व्यवस्था की जाए। स्थानीय लोगों के लिए कौशल विकास प्रशिक्षण कार्यक्रम चलाये जायें जिससे यहाँ के लोगों को रोजगार की तलाश में बाहर न जाना पड़े और वे अन्यत्र बीमारियों से बच सकें।
- 6) लोगों को मनरेगा का पैसा शीघ्र मिलना चाहिए तथा उनके मजदूरी के दिनों में प्रतिवर्ष 150 दिन या उससे अधिक की वृद्धि की जानी चाहिए जिससे वे बाहर पलायन न करें। यह इस लिए भी अधिक आवश्यक है क्योंकि यहां पर 60 हजार परिवार भूमिहीन बताये गये।
- 7) आदिवासियों को मच्छरदानी का मुफ्त वितरण सुनिश्चित किया जाना चाहिए। सभी आदिवासी बसाहटों में दवाईयों का छिड़काव किया जाना चाहिए जिससे हानिकारक मच्छर कम हो सकें। महिला डॉक्टरों की कमी दूर करने के लिए पदस्थापना की जायें।

- 8) बैकलॉग पदों पर, जो कि लगभग 1200 बताये गये थे, शीघ्र भर्ती की जाये।
- 9) फर्जी जाति प्रमाण पत्रों की जाँच की जाए तथा ऐसे दोषी अधिकारियों व कर्मचारियों के खिलाफ सख्त कार्यवाही की जाए चूंकि इससे आदिवासियों का हक मारा जाता है।
- 10) वृद्धावस्था पेंशन एवं अन्य भुगतान सरपंच/उपसरपंच या शिक्षक की उपस्थिति में कराया जाये ताकि बैंक प्रतिनिधियों द्वारा इसमें भ्रष्टाचार रोका जा सके।
- 11) शासकीय योजनाओं के हितग्राहियों को अपना सामान क़य करने की अनुमति मिलनी चाहिए तथा ठेकेदारों से लेने को मजबूर न करें।
- 12) अत्याचार के मामलों में मुआवजे का वितरण समय पर एवं उचित मात्रा में होना चाहिए। इसको जिला प्रशासन द्वारा समय-समय पर पुनरावलोकन करना चाहिए।
- 13) कृषकों का ब्याज माफ होना चाहिए चूंकि उन्हें सूखे के कारण कष्ट झेलना पड़ा एवं उनको मुआवजा भी नहीं मिला। इस कारण उन्हें आगे फसली ऋण की भी व्यवस्था होनी चाहिए।
- 14) वन एवं पर्यावरण :- माननीय अध्यक्ष द्वारा झाबुआ जिले के बड़े भू-भाग पर वन न होने का जिक्र किया गया जिससे पानी की कमी, पर्यावरण का नुकसान, रोजगार की कमी तथा रहवासियों का पलायन होता है। इस पर वन विभाग के डी.एफ.ओ. श्री खरे की राय मांगा गया। श्री खरे द्वारा आयोग के मत से सहमत होना जाहिर किया गया तथा इसके लिए पूर्ण प्रयास करने का आश्वासन दिया। अध्यक्ष महोदय द्वारा उन्हें निर्देशित किया गया कि सहायक आयुक्त, आदिवासी विकास के साथ मिलकर प्रथमतः वन विभाग सभी आदिवासी छात्रावासों एवं स्कूलों में, जहाँ पर बाउन्ड्री वॉल बनाई गई है, उनमें फलदार एवं छायादार वृक्षों का वृक्षारोण किया जाये जिससे बच्चों के अंदर वृक्षों के प्रति प्रेम पैदा हो, वे उनकी रक्षा करें तथा उन्हें छाया के साथ-साथ फल खाने का अवसर भी मिले।

27. **2.4.191** म.प्र. राज्य की राज्य स्तरीय समीक्षा के पश्चात आयोग की अनुशंसा निम्न प्रकार की जाती है ताकि आदिवासियों के विकास की योजनाएं एवं अनुसूचित जाति तथा अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम के प्रावधानों को अधिक प्रभावी तरीके से लागू किया जा सके।

- (1) अनुसूचित जनजातियों पर अत्याचार निवारण हेतु अनुसूचित जाति तथा अनुसूचित जाति (अत्याचार निवारण) अधिनियम, 1989 के अंतर्गत उचित धाराओं में प्रकरण दर्ज करते हुए तत्काल कार्रवाई सुनिश्चित की जाए तथा इस तरह के मामलों की निरंतर थाना, जिला एवं राज्य स्तरों पर वरिष्ठ अधिकारियों द्वारा समीक्षा की जाए जिससे पीड़ित को राहत तथा न्याय मिले एवं दोषियों को सख्त सजा मिले।
- (2) आदिवासी उपयोजना में बजट का आवंटन एवं आवंटित धनराशि का अंतरण वित्त वर्ष के शुरू में किया जाए ताकि योजना के अंतर्गत आदिवासियों के हित में इसका सदुपयोग हो सके।
- (3) मनरेगा योजना अंतर्गत आदिवासियों को दिये जाने वाले अधिकतम कार्य दिवसों में बढ़ोतरी की जाए जिससे वर्ष में अधिक से अधिक रोजगार मिल सके एवं उनका मजबूरी में पलायन न हो। साथ ही यह भी आवश्यक है कि मनरेगा की मजदूरी का भुगतान तुरंत हो और उसमें किसी तरह की देरी न हो जिससे आदिवासी अपनी प्राथमिक जरूरतों को पूरा करने के लिए उधार लेने के लिए मजबूर न हो।
- (4) आदिवासी छात्र/छात्राओं की अच्छी गुणवत्ता युक्त शिक्षा हेतु अंग्रेजी, विज्ञान एवं गणित के काबिल अध्यापकों की नियुक्ति आदिवासी जिलों/क्षेत्रों के स्कूलों एवं कॉलेजों में की जाए ताकि आदिवासी छात्र/छात्राएं भी दूसरे वर्गों के छात्रों के साथ प्रतियोगिता कर सकें एवं उच्च शिक्षा हासिल कर रोजगार प्राप्त कर सकें।

- (5) आदिवासी छात्र/छात्राओं हेतु अधिक से अधिक आवासीय स्कूल एवं कॉलेज खोले जाएं तथा उनके लिए विभिन्न परीक्षाओं हेतु मुफ्त कोचिंग की व्यवस्था की जाए।
- (6) आदिवासी छात्र/छात्राओं को शासन की योजनाओं के अंतर्गत छात्रवृत्तियाँ समय पर एवं उच्च शिक्षा में गैप होने पर भी दी जाए। इस संबंध में आई शिकायतों का तत्परता/प्राथमिकता से समाधान किया जाए।
- (7) आदिवासी छात्र/छात्राओं को अच्छी शिक्षा प्रदान करने के लिए सरकार को कुछ अच्छे गैर सरकारी संस्थानों जैसे कि भारत सेवा संघ, रामकृष्ण मिशन एवं डी.ए.वी. इत्यादि का चयन कर अनुबंध के तहत स्कूल में पढ़ाई की व्यवस्था करानी चाहिए जिसमें 50 प्रतिशत छात्र आदिवासी व 50 प्रतिशत छात्र दूसरे वर्गों के हो। इससे न केवल शिक्षा की गुणवत्ता में सुधार होगा बल्कि आदिवासी छात्र दूसरे छात्रों के साथ सामंजस्य स्थापित कर पायेंगे।
- (8) सभी आदिवासी जिलों के विकास खण्ड स्तर पर विज्ञान विषयों की पढ़ाई होनी चाहिए तथा जिला स्तर पर विधि (लॉ) की पढ़ाई की सुविधा होनी चाहिए। झाबुआ जिले में चर्चा के अनुसार लॉ कॉलेज खोलने की कार्रवाई तुरंत होनी चाहिए तथा इस संबंध में आयोग को भी अवगत कराया जाना चाहिए।
- (9) सभी आदिवासी क्षेत्रों में पीने हेतु शुद्ध पेय जल की आपूर्ति की जानी चाहिए एवं झाबुआ जिले में प्राप्त हुई शिकायत पर तुरंत प्रभावी कार्यवाही होनी चाहिए तथा इस संबंध में हुई प्रगति से आयोग को अवगत कराया जाना चाहिए।
- (10) खाद्य सुरक्षा के अंतर्गत सभी हितग्राहियों को योजना के अनुसार खाद्यान्न की आपूर्ति सुनिश्चित किया जाना चाहिए एवं जहाँ पी.डी.एस. की दुकान नहीं है वहाँ पर खोली जानी चाहिए। इस योजना की प्रगति एवं पारदर्शिता की समीक्षा विकास खण्ड, जिला एवं राज्य स्तर पर होती रहनी चाहिए। कुपोषण से पीड़ित आदिवासी एवं उनके बच्चों को विशेष पौष्टिक आहार देते हुए उनकी देख-भाल होनी चाहिए।
- (11) आदिवासी जिलों में पर्याप्त चिकित्सा स्टाफ, डॉक्टरों विशेषकर महिला डॉक्टरों की पोस्टिंग की जानी चाहिए। झाबुआ जिले में थान्दला के सरकारी अस्पताल में महिला डॉक्टर की तुरंत पोस्टिंग होनी चाहिए जिसकी शिकायत वहाँ पर प्राप्त हुई थी। आदिवासियों को बीमारियों से बचाने हेतु विशेष प्रयास किये जाने चाहिए तथा मच्छरों से बचने हेतु मच्छर मार दवा का छिड़काव एवं मच्छरदानियों का वितरण किया जाना चाहिए।
- (12) सामाजिक सुरक्षा एवं संरक्षा के तहत चल रही विभिन्न योजनाओं की निरंतर समीक्षा होनी चाहिए तथा इन योजनाओं का लाभ पूरी पारदर्शिता से हो, ऐसा सुनिश्चित होना चाहिए। जैसे कि वृद्धावस्था/विधवा पेंशन योजना में बैंक के प्रतिनिधि द्वारा सरपंच/उपसरपंच या अध्यापक की उपस्थिति में धनराशि का वितरण किया जाना चाहिए।
- (13) वन विभाग तथा आदिम जाति कल्याण विभाग यह सुनिश्चित करें कि सभी आदिवासी छात्रावासों एवं स्कूलों में फलदार एवं छायादार वृक्षों का वृक्षारोपण छात्र-छात्राओं की सहभागिता से किया जाये ताकि उन्हें वृक्षों से प्यार हो, वे उसकी देख-भाल करें एवं उसके फल तथा छाया का लाभ प्राप्त करें जिससे हमारे पर्यावरण की सुरक्षा हो सके तथा वन विभाग का वन क्षेत्रफल भी बढ़ सके।
- (14) कृषि क्षेत्र में किसानों को फसली ऋण प्रदान किया जाना चाहिए। सूखे के कारण किसानों को ऋण जमा करने हेतु बैंकों द्वारा दबाव नहीं बनाया जाना चाहिए एवं लिए गये ऋण पर ब्याज की राशि सूखे के कारण माफ की जानी चाहिए। कृषकों को अनुदान के तहत मिलने वाले टूलकिट, यंत्र एवं इंजन इत्यादि कहीं से भी क्रय करने की अनुमति मिलनी चाहिए न कि ठेकेदारों से ही लेने का निर्देश देना चाहिए जिसमें भ्रष्टाचार होने की संभावना रहती है।

- (15) वन अधिकार कानून, 2006 का प्रचार-प्रसार सुनिश्चित किया जाना चाहिए तथा प्राप्त आवेदनों को स्वीकार करते हुए आदिवासियों को सरकारी भूमि/वन भूमि एवं आवासीय पट्टों का आवंटन नियमानुसार किया जाना चाहिए तथा गांव के वरिष्ठ नागरिकों द्वारा यह बताने पर कि संबंधित आदिवासी का कब्जा उक्त भूमि पर लंबे समय से है, उसका दावा स्वीकार कर पट्टा दिया जाना चाहिए। इसके अतिरिक्त सरकार के रिकार्ड में दर्ज किसी भी सबूत को इन मामलों में स्वीकार करते हुए पट्टे जारी किये जाने चाहिए।
- (16) बैकलॉग भर्तियों निरंतर की जानी चाहिए और जब-तक योग्य आदिवासी उम्मीदवार न मिलें, उसे खाली रखना चाहिए। किसी भी सूरत में अनुसूचित जाति या अन्य वर्गों से नहीं भरा जाना चाहिए। झाबुआ जिले में बताई गई लगभग 12 सौ बैकलॉग पदों की भर्तियाँ करने का प्रयास किया जाना चाहिए।
- (17) राज्य सरकार द्वारा ग्रामीण एवं पंचायत विभाग में की जा रही लगभग 20 हजार भर्तियाँ एकल पद मानते हुए नहीं की जानी चाहिए तथा इसमें सरकार की आरक्षण नीति के तहत भर्ती होनी चाहिए जिस पर तुरंत ध्यान दिया जाना चाहिए तथा आयोग को की गई कार्यवाही से अवगत कराया जाना चाहिए।
- (18) पदोन्नति में आरक्षण के रोस्टर का नियमानुसार पालन किया जाना चाहिए।
- (19) फर्जी जाति प्रमाण पत्रों की जाँच की जाए एवं दोषी कर्मचारियों एवं अधिकारियों के खिलाफ सख्त कार्यवाही की जानी चाहिए तथा राज्य सरकार को कोर्ट में केस जाने पर प्राथमिकता के आधार पर कोर्ट के सामने सबूत पेश करते हुए दोषी को सजा दिलानी चाहिए। झाबुआ में प्राप्त आबकारी अधिकारी के फर्जी जाति प्रमाण पत्र की शिकायत पर तुरंत गौर किया जाना चाहिए चूंकि ऐसे अधिकारी आदिवासी का हक तो मारते ही हैं साथ ही भ्रष्टाचार में भी संलिप्त होते हैं।
- (20) भूमिहीन आदिवासियों हेतु कौशल विकास प्रशिक्षण आयोजित किये जाने चाहिए जिससे वह स्थानीय स्तर पर व्यक्तिगत तौर पर या समूह में रह कर अपना रोजगार चला सकें व पलायन से बच सकें क्योंकि मजबूरी में ही कोई अपना घर छोड़ता है। इस हेतु राज्य सरकार के आदिवासी विभाग कुछ महिला समूहों का चयन कर श्री दाती महाराज के उज्जैन आश्रम से संपर्क कर उन्हें इस कार्य में शामिल कर सकते हैं क्योंकि वह बिना किसी सरकारी मदद के आदिवासी महिलाओं को प्रशिक्षण देने एवं कच्चा माल उपलब्ध कराने और तैयार माल उनसे खरीदने के लिए तत्पर हैं जिसकी जानकारी जिला संयोजक, आदिवासी विकास, उज्जैन को है।
- (21) आदिवासियों की जमीन का अधिग्रहण उनकी सहमति से, उनको उचित मुआवजा देकर एवं उनके पुर्नवास की व्यवस्था कर होना चाहिए तथा इस संबंध में मिली शिकायतों को प्राथमिकता से लेते हुए समाधान किया जाना चाहिए।

(H) KARANATAKA – Visit report of the Commission to the State from 16/6/2016 to 21/6/2016

28 Visit to Ramannagudi Village to interact with Siddi Community people

- (1) The Commission further advised the District authorities that since Siddi Community is forest dwelling Community, hence all the eligible families who were not yet given pattas, should also be given individual and also community rights as per provisions under the FRA . The Commission advised the district administration to convene special drive to obtain claims from the left out families of the Community. For claims rejected earlier by the village level committee/Sub Divisional Committees, the same should be

reviewed by the District Level Committee headed by Deputy Commissioner.

- (2) The Commission emphasized the need for Sickle Cell Screening of the whole Community as per the directives of Government of India as they are of African Origin which may have unique health issues.
- (3) The Commission advised that the State Government should make such policy so as to attract the doctors to work in the tribal areas by providing them special incentives for the purpose.
- (4) The Commission advised that the qualified girls of Siddi Community may be trained and appointed as ANMs / Asha workers to meet the shortage as they will be ready to work in their own village and for their Community.
- (5) The Commission advised to provide them employment under MGNAREGA as per the demand particularly during the lean period when there is no work in the fields related to agriculture.
- (6) Kerosene oil was required for lighting in the houses because electricity has not been provided by the Government in their villages, the Commission found their demand to be genuine and advised the District Authorities to provide kerosene oil to them

17.09.2016 (Saturday) -Meeting with Deputy Commissioner, Uttara Kannada District at Karwar

- 1) Action should be taken by the District Administration to provide forest rights, -both individual as well as Community rights, to the uncovered Siddis for want of documents. Such cases should be reviewed and special camps should be organized to educate them about various provisions of FRA and rules framed under it.
- 2) The Forest Department should engage the Siddis in various activities related to the department to provide them employment as and when available.
- 3) The shortage of doctors and paramedical staff should be addressed at the earliest. The educated girls from the Community should be trained and appointed as ANM and Asha Worker in the Siddi Villages.
- 4) There is no mention of Community of land holders in their land records in the State.
- 5) The Directorate of Civil rights enforcement should scrutinize the complaints of false caste certificate particularly taken in the name of Gond (ST) by Gonda Vokkaligas. The Tehsildars who are issuing

caste certificates should be properly trained and educated to issue such certificate carefully so that this problem is addressed at the initial level.

6) Commission directed the Director, Tribal Welfare Department, Government of Karnataka to provide orders/instructions of the state government for issuance of ST caste certificates and their verification procedure. It was also directed that a report regarding issuance of Gond ST Certificates to the Gonda Vokkaligas stating number of certificates issued since 1976 onwards and action taken for verification of such certificates should be provided to the Commission with-in two weeks.

7) Siddis are mainly producing paddy, maize and ginger. Training in horticulture may be imparted to them to enhance their income. Besides marketing facilities, transport linkages and cold storage chain facilities are also needed. These should also be arranged at the earliest.

8) Presently as Siddis are getting only half an hour tap water supply per day, the same should be increased to at least one hour.

9) The Scheduled Tribes who have been provided LPG connection to promote clean energy are not being provided kerosene oil by the administration. Only BPL card holders are being provided 3 litres of kerosene oil per month. As kerosene oil was used by the tribals for lighting their houses, this decision has adversely affected them. As there is not electric supply in the villages, they should be provided kerosene oil as per their requirement.

10) State Tribal Development Corporation is not providing any training for skill development of the tribals in the district.. Commission noted that it was due to lack of awareness of programmes of NSTFDC. Hence, NSTFDC should take steps to convene periodic awareness programmes for the economic development of STs. **(Action NSTFDC/ State ST Dev. Corporation).**

11) The projects which are being run under TSP should essentially include component of skill development of the Tribal Community. They should be provided training in poultry, dairying, paramedics, borewell repairing etc. The Deputy Commissioner, UK District should come up with a proposal in this regard so that the income of the tribals can be increased by way of enhancing their skills.

18.09.2016 (Sunday) -Meeting Deputy Commissioner, and IGP Dakshin Kannada at Mangalore and other officers

- 29 H21 Issues /observations / recommendations.
- 1) Presently, amount provided under IAY for construction of houses is inadequate and hence the same may be enhanced to 3 lacs.

- 2) Due to non-allocation of funds for medical reimbursement of PVTGs, they are facing problem in their treatment. This issue should be sorted out at the earliest.
- 3) PVTGs requested for reservation in State Government job and they do not get employment as they have to compete with other dominant tribal Communities. As provided in some other states like MP and Chhattisgarh, special provision for reservation for PVTGs in services could be considered by the State Government of Karnataka.
- 4) There is shortage of doctors in the medical institutions in tribal and rural areas. It was informed to the Commission by district authorities that they do not prefer to work there. Commission advised that State Government should take appropriate measures such as providing incentives /special allowances to fulfil the gap in tribal areas and similar action is required for posting of paramedical staff.
- 5) For increase in self-employment and better remuneration of produce of tribals, adequate arrangements for working capital, marketing tie ups, transportation linkages, cold storage facilities should be provided. It was advised for availing NSTFDC concessional financial assistance through the State ST Corporation and for marketing tie ups TRIFED may be contacted or some other institutional arrangements can be made. Services of E-commerce portals can also be taken in this regard. **(Action: NSTFDC/TRIFED/State ST Corp).**
- 6) There was complaint from the tribals regarding non-payment of post metric scholarship to the students perusing higher studies. Action should be taken for sanctioning scholarship to the students in time so that their education is not adversely affected.
- 7) **MG NAREGA** : Efforts should be made to provide employment to tribals in the nearby areas of their respective villages under this scheme and arrangements for timely payment of wages should be made.
- 8) **Atrocities**: Commission was informed there were 76 cases of atrocities against Scheduled Tribes reported during 01.01.2016 to 31.08.2016 and compensation was paid in respect of 16 cases. The Commission directed that for remaining cases also compensation should be paid to the victims or their families as per provisions made under amended SC/ST (PoA) Act.

Meeting with Deputy Commissioner, Udupi District

H22 On the basis of feedback /inputs received during the visit of the Commission and interaction with tribals of the area, following is the gist of discussion held with the Deputy Commissioner, Udupi District.

1) The present incumbent posted as Headmaster of the Ashram School at Byndor was only SSC passed employee whereas other teachers posted in the Ashram School were MSc/. B.Ed. qualified hence, one of the qualified teacher should be made Headmaster of the institution.

2) There was no lady warden for the girls hostel.

3) The girls and boy toilets were functional but lighting was not provided inside of each of toilet. The passage for entry towards girl toilets was through the boys toilets which needs to be altered for providing independent entry ensuring safety of the girls.

4) Cots or bed were not provided to the students in the Ashram School. It was informed that action has been taken to provide the same this year.

5) Health card has not been provided to the students. As per the instructions of Ministry of Tribal Affairs each student should be provided individual health card so that after leaving the school, they can carry the history of medical records with them for future reference.

6) Folic Acid supplement was not given to the students in the Ashram School.

7) Many posts of teachers and other categories were lying vacant including ITDP.

8) There are four Ashram Schools in the district. In order to provide required infrastructure and improve quality of education, all of them need to be periodically inspected by the Deputy Commissioner.

9) Ownership rights of land in Ambedkar Colony, Kundapur were not provided to some of the Koraga Tribals which should be provided to them at the earliest.

10) There was complaint related to delay in payment of post metric scholarships to the students pursuing higher education particularly MBBS. Timely payment of scholarship to the ST students should be ensured by the Deputy Commissioner.

11) Some of the families were reportedly not provided pattas under Forest Rights Act. The eligible tribals should be provided Forest Rights Pattas and cases of rejected claims of tribals and OTFDs should be reviewed by him. It was advised that District authorities should take required steps /action and Commission may be informed of the same.

30 **19.09.2016 (Monday)- Meeting with Deputy Commissioner, Kodagu District at Medikeri**

H36 Forest Rights Act Implementation: Keeping in view the large number of rejection of claims, the Commission advised the district administration to convene special drive for creating awareness among the Communities and invite applications afresh. All the rejected cases of ST may be reviewed and as per provision of the Act, the title deeds be distributed to them

Land:-Commission was informed that as on date there was no programme for providing land to landless tribal persons. Deputy Commissioner was advised to take necessary action for providing them some land as many of the states have scheme to provide land for landless STs. Action also be taken for providing means of livelihood and their development.

H38 Education: The General Literacy rate in the district was about 87% and amongst ST it was 48%. The Commission advised to prepare the school calendar keeping in view their festivals and keeping in view huge gap, there is imperative need to take steps to promote education among the tribals and also arrangements to retain them in the educational institutions in the districts.

H39 Health: The Commission advised that the girls and educated ladies from the tribal community should be appointed as ANMs and Asha workers and they should be trained for the same. There is shortage of ANMs and Asha workers. They have stopped working as no payment has been sanctioned to them as honorarium/wages. It was reported that there is 50% shortage of doctors as most of them do not prefer to work in the rural and tribal areas.

H40 Drinking Water:- Safe drinking water and sanitation being inadequate, steps should be taken to provide such facilitates in the tribal colonies.

H42 Electricity: Solar lights have been provided in many tribal hadis and some of them have been electrified by the State Power Corporation.

H44 Food Security: It was noticed that many tribals were left out for want of ration card as they were not having Aadhar Card. The Commission advised to conduct a special drive to cover such left out families also.

Visit to Basavanahalli Ashram School, Somvarpeth Taluka

- 31
- Commission observed that some of the students were weak in English subject as they could not even read the text books with understanding of the subject.
 - It was also noted that the teachers were appointed on contract basis and paid Rs. 4400 pm. and they demanded that their salary should be increased as it was below the minimum wages provided to the labours by the Govt.

20.9.2016 Visit to Billigiri Rangana (BR) Hills Tiger Reserve, Yelander taluk, Chamraj Nagar

32 **Gist of issues for further action:**

H71 Health : A total of 246 cases of traits of sickle cell anaemia have been reported in the District but screening has not been done so far for this disease. The Commission advised the District Administration to complete the sickle cell screening at the earliest.

H72 Forest Rights: It was informed that 252 families were given forest right pattas in the village and in total, 669 families have been provided forest right pattas in BRT Hills and 25 community rights have been recognised in the District. However, many families of Yelander taluka could not be provided individual forest rights as they were not in possession of forest land. The Commission advised the District Administration to educate the tribals by organising special camps as many of them are not aware about the various provisions of the Act.

H73 Tribals demanded for sanctioning of IAYs to the tribals who do not have proper houses and/ or who are residing in huts in the forest villages. The FRA beneficiaries should be supported by providing IAY in deserving cases.

Visit to Keredimba Village under Kollagala Taluka, Chamraj Nagar

- 33
- 1) **Forest Rights:** Most of them have been issued forest rights pattas but still there are about 400 families who have not been provided forest rights pattas. They should also be provided the pattas. So far community rights have been issued in 25 Gram Sabhas and 79 cases are pending for distribution of these rights in the District.
 - 2) **Drinking Water :** There is a drinking water problem in the village.

3) **Road connectivity:** The villagers reported that there is no public transport facility for which they are facing hardship. Roads are in very bad shape and need immediate repairing.

4) **The Commission directed the forest department officials present in the meeting to arrange repair the roads at the earliest and district administration to look into the transport needs.**

5) **Declaration of revenue village:** The villagers demanded that their village should be declared as revenue village so that they could get benefit of various development programs run by the Govt. for the welfare of the tribals as without it, those programs are not allowed to be run by the forest department.

6) **Loan for income generating activities :**They have been provided forest right pattas but the banks do not extent loan to the tribals as it is only recognition of rights on the land and it cannot be mortgaged. If the Govt. of Karnataka provides guarantee, then only the banks will agree to provide them loan to fulfil their requirements. Or the State ST Corp. may provide loans for income generating activities. Similarly, Crop insurances is also not provided by the companies to the tribals who occupy forest land and cultivate it. District Administration was advised to look into the above issues.

9) Products made from Lantana plant by Soliga tribes do not have facility for marketing of the same. The Govt. should come up with a plan to facilitate marketing of lantana and other produces.

10) There is no Asha worker in the village. The Commission suggested the District Administration to appoint educated tribal girls of the village. The officials present in the meeting agreed to appoint as Asha worker and Anganwadi worker.

11) **PDS :**Some problem in distribution of ration was also reported by the tribals as it was distributed through sub-contractors. The Commission suggested to form a SHG of the tribals and give them responsibility to manage the distribution of ration.

Meeting with Deputy Commissioner, Chamraj Nagar and other District level officers:

- 34 H75 **Forest Rights :** The Commission noted that a total of 1915 individual and 25 community rights have been provided to the STs in the Districts. A total of 2512 individual claims were received in the District. The Deputy Commissioner informed that 106 cases are ready for distribution of rights. The Commission advised to complete the process at the earliest. It was noted that 67 cases of community claims were rejected. The Commission advised that such claims should be reviewed by the Deputy Commissioner.

H76 It was informed to the Commission that Soliga tribals were ousted from the forest and their settlements were relocated in the periphery but community rights were not provided to them. Commission advised that all Soliga families should be given forest rights-both individual and community, as they were residing and depending on the forests for their livelihood.

H77 Deputy Commissioner and the State Govt. to look into the matter of conversion of forest villages to revenue villages to enable the tribals to get benefits and facilities.

H78 Road: Steps may be taken for roads constructed to connect tribal villages and hadis from the nearby towns by using TSP and MNREGA funds.

H79 **Primary Health Centre** in BRT hills area may be created. Some hadis do not have Asha workers. The District administration should look into this.

H81 PDS :The Commission noted with concern that there was problem of distribution of ration in PDS due to sub-contracting. The Commission advised for formation of Self Help Groups from the tribals and they may be provided licence to run fair price shops so that business is handed over to the community for running it properly.

H82 Electrification :During the field visits, it was brought to the notice of the Commission that there was a need for repairing of solar units provided to the tribals residing in the BRT hills. It was suggested that local person should be trained for repairing of solar units and annual maintenance contract to the local firm so that necessary maintenance is not delayed.

H83 Drinking water : Some villagers in the BRT hills area had reported of inadequacy of drinking water, it was informed that water was not found even after drilling 250ft. If the depth of the bores is further increased, the solar pumps are not capable to lift the water up to the surface. The Deputy Commissioner assured that open wells shall be constructed in Keradimba and also in other villages where there is a problem of drinking water.

H84 Crop Insurance : During the discussion with the tribal villagers, the Commission had noted that no crop insurance cover was given to the FRA patta holders and in case of failure of crop, they do not have any help from insurance companies. The Commission advised Deputy Commissioner to take up with the M/o Agriculture through Govt. of Karnataka.

H85 MGNREGA : Complaints regarding delay in payments of wages under MGNREGA were made . It was advised to the District Authorities for timely payment to the workers.

H87 Income generating activities :Commission suggested that women self-help groups should be promoted among tribals and revolving funds should be made available to them for running their income generating activities. They may be imparted training for making artistic material from bamboo and other locally available resources to enhance their income. They can be trained for processing and marketing of minor forest produces.

Meeting with Deputy Commissioner, Mysuru and other District officials.

- 35 As some other tribals complained that cases were registered against them on the complaint of tribal welfare officer of the District in the year 2008 for obstructing of duties, they are made to appear in the court till date without any fault. After detailed discussion, the Deputy Commissioner assured the Commission to review the cases to avoid hardship to these tribals.

H90 Funds for Income Generating Activities: Tribals submitted that banks are not extending loans for income generating activities. Commission advised the District Administration to see that the banks are mandated to assist STs therefore tribals need to be assisted by the banks and steps should be taken in providing concessional financial assistance under NSTFDC schemes. District authorities/State ST Corporation and NSTFDC to look into the needs of financial assistance of tribals for undertaking income generating activities and requirement of skill development . **District Admn/State ST Corpn/NSTFDC to take action and apprise the Commission of the same.**

H91 ST Community Certificate: Hiranshikari community belonging to Bagalkot District submitted petition as they are not being provided ST certificate by the Administration and described the facts that their community has been included in the ST list of the State. Presently, they are residing in Mandya District. During the meeting petition was handed over to the Deputy Commissioner with the advice from the Commission advised that Deputy Commissioner, Mysuru to take up the issue with his counterpart in Bagalkot District to sort out the problem as the number of such persons was reported to be around 350. As result of non-availability of ST certificate petitioners were not getting benefit of various developmental schemes like IAY etc.

Enhancement of Funds under IAY:

H92 It was informed that the per unit amount sanctioned under IAY is not sufficient to complete construction of house hence there is need to increase the same.

H94 **Health:** STs particularly, Soliga and Jenu Kurubas should get focus as they are facing problems of malnutrition, anaemia etc. It was noted that sickle cell screening of tribals was not done in the District. District Authorities were advised to get the same to be completed at the earliest.

H95 Forest Rights: Many tribal villages were shifted due to establishment of Bandipur National Park. They were shifted in the year 1972 out of the forest but till date their forest rights have not been recognised in many places. For example, in Nagarod, community rights have not been given so far. The Commission was informed that due to lack of documents required under rules, they could not be given individual or community rights. The Commission advised the Administration to keep in mind that they are the displaced persons and in their cases, the non-availability of documents should not be a reason for denial of rights. In such cases, statements of elders of the concerned villages could also be taken as evidence under the rules and thus, they could be provided individual and community rights, as admissible to them. The Commission advised the District Administration to ensure that the rejected cases should be reviewed at the earliest. It should be kept in mind that the FRA is having overriding effects on wildlife Conservation and Forest Acts.

H96 The villagers also pointed that they are not allowed to visit in the forest areas for collection of Minor Forest Produce. Commission advised the District Administration to respect the traditional rights of the tribal community in the matter of collection of MFPs and their social, cultural and religious practices.

H98 TSP Funds : Tribals complained that TSP funds are not been properly utilised in Mysuru District and the work is not visible. No work is taken up under TSP for Kadu Kuruba tribals. The District Administration was advised to look into above and take up the issues for overall development of Tribals.

H99 **Restoration of Land:** It was reported by Deputy Commissioner that 5 cases of restoration of tribal land are pending in the District. The Commission advised him to get it restored at the earliest.

H100 Representation/Association of PVTGs in Govt. programmes: There is no representation of PVTGs in the District Level Committees formed for implementation of developmental programs for them. They have also not been given representation in the TSP committee, CCD Plan and the management committee of the Ashram Schools. The Commission found this demand to be genuine and advised the District and State Govt. to consider it favourably.

H101 There is no political reservation for PVTGs though there is 7.25% reservation for STs. The PVTGs are not getting representation in Panchayati Raj Institutions hence, some seats should be reserved for them in the three tier system of Panchayati Raj.

H102 PDS: The tribals have reported that they are facing problem in receiving ration through PDS fair price shops due to problems related to bio-metric system. This problem should be solved at the earliest and there should be no denial of ration for this reason.

H103 The District Administration should focus on skill development of tribals and provide them employment wherever available under various schemes like MGNAREGA. They should be provided benefit by way of convergence of different programs.

- (i) ODISHA - Report on the visit of National Commission for Scheduled Tribes (NCST) to State of Odisha from 12.7.2016 to 14.7.2016 for investigation into the incident of death of five persons including tribals during firing by state police in anti-naxal operations in Balliguda Block of Kandhamal district.

36. **Meeting with Chief Secretary and other senior officers of the State Government on 14.7.2016.**

I12 Observation/ findings/ recommendations of the commission

- 1) The State Govt. has constituted SIT for inquiry into the circumstances which led to the unfortunate incident. It has been decided to hold a judicial inquiry of the incident. Both of them should be completed within a time limit of **3 months** to ensure credibility of inquiry and faith of people in justice.
- 2) The compensation declared so far is not adequate keeping in view the loss suffered by the family of the deceased which should be over and above the norms prescribed by NHRC in such cases. The State Govt. should suitably increase the same.
- 3) The State Govt. should provide regular employment to the eligible family members of the victims in Govt. run hostels as cook and Anganwadi workers as promised and declared before NCST.
- 4) The Road connectivity to the village is very poor and presently there is a kuchcha road. The hilly terrane makes the connectivity very difficult during the monsoons. Pucca road should be made from the highway end to the village.
- 5) There is no electricity in the village Gumudumaha. The village should be electrified at the earliest.

- 6) Medical facilities are inadequate and it is recommended that Medical Mobile Van should be provided so that villagers have the first aid facilities at their door steps.
- 7) There is no adequate facility for Drinking water and steps should be taken by the State Government in this regard.
- 8) There are no Teachers posted in the local Govt. Schools of the village. The State Govt. assured that all vacant positions would be filled shortly.
- 9) Auto rickshaw damaged during cross firing should be got repaired by the State Govt. at its cost and returned the same to the owner for operating the same to ensure the livelihood of the owner is not disturbed.
- 10) Considering the action taken by the police force, Commission feels that circumstances did not warrant police firing hence, the police force involved requires sensitization and it may perhaps require psychiatric test.
- 11) Tribal Sub Plan- Commission suggested the State Govt. may consider to follow the pattern of TSP model in vogue in the State of Maharashtra and other many tribal dominated States.

(J) रांची - हैवी इंजीनियरिंग कॉर्पोरेशन लि. (एच.ई.सी.एल.), हटिया, रांची की स्थापना हेतु विस्थापित किये गये परिवारों की स्थिति के अवलोकन हेतु डॉ. रामेश्वर उराँव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली के दिनांक 10-09-2016 एवं 11-09-2016 को रांची जिले के विस्थापित ग्रामों के दौरे एवं दिनांक 12.09.2016 को एच.ई.सी.एल. प्रबंधन व जिले के संबंधित अधिकारियों के साथ बैठक की रिपोर्ट।

- 37 J5 बैठक में विस्थापितों की सभी समस्याओं पर विस्तार से चर्चा के बाद माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग ने एच.ई.सी.एल. प्रबंधन से निम्नलिखित बिंदुओं पर शीघ्र कार्रवाई करने का निर्देश दिया जिस पर प्रबंधन ने भी सहमति प्रकट की:
1. विस्थापितों की समस्याओं के समाधान के लिए एच.ई.सी.एल. प्रबंधन द्वारा पूर्व की भांति लायजन सेल स्थापित किया जाएगा। यह सेल पुनर्वास ग्रामों में रहने वाले लोगों की समस्याओं के निवारण के लिए कार्य करेगा।
 2. सी.एस.आर. के तहत चल रहे कार्यों में विस्थापितों की आवश्यकताओं को प्राथमिकता दी जाएगी। इसके तहत चलने वाले नर्सिंग पाठ्यक्रमों में विस्थापितों के आश्रितों को प्रशिक्षण में प्राथमिकता दी जाएगी।
 3. एच.ई.सी.एल. ट्रेनिंग इंस्टीट्यूट (CTI/ITI) में प्रवेश हेतु विस्थापितों के आश्रितों के लिए अलग से आरक्षण करेगा जिसमें 60 प्रतिशत अंकों की आवश्यकता नहीं रहेगी ताकि इस श्रेणी के पात्र लोग कौशल विकास के माध्यम से नौकरी प्राप्त कर सकें अथवा स्वरोजगार कर सकें।
 4. एच.ई.सी.एल. द्वारा 18 सरकारी और निजी शिक्षण संस्थानों को स्कूल/कॉलेज खोलने हेतु लीज पर भूमि दी गई है, उन संस्थानों में विस्थापितों के आश्रितों के लिए सीटें

आरक्षित रखी जाएंगी तथा एच.ई.सी.एल. प्रबंधन शीघ्र ही संबंधित प्राचार्यों के साथ बैठक करके यह सुनिश्चित करेगा कि उन्हें प्रवेश से वंचित न किया जाए।

5. ग्राम लाबेद में यदि भू-अर्जन किया गया है तो उपलब्ध रिकार्ड के आधार पर पारदर्शिता हेतु ग्रामवासियों को जानकारी सार्वजनिक की जाए। यह भी स्पष्ट किया जाए कि सी. आर.पी.एफ. कैम्प और पी.एच.डी. के लिए कितनी भूमि दी गई है और कितनी भूमि अर्जित नहीं की गई है। विस्थापितों, विशेषकर अनुसूचित जनजाति के लोगों के धार्मिक, सामाजिक व सांस्कृतिक स्थानों को संरक्षण किया जाएगा। जैसे सरना, मसना, कब्रिस्तान, खेल-कूद स्थल, नृत्य स्थल (अखाड़ा) आदि का सीमांकन कर घेराबंदी की जाएगी तथा वहाँ तक आने-जाने पर रोक नहीं लगाई जाएगी।
6. पुनर्वास ग्रामों में सड़क, बिजली तथा पेय जल प्रदान करने के लिए शीघ्र कदम उठाए जाएंगे।
7. एच.ई.सी.एल. द्वारा महिंद्रा, डेयरी आदि को लीज पर भूमि आवंटित की गई है किंतु उनके द्वारा विस्थापितों को नौकरी पर नहीं रखा जाता है। एच.ई.सी.एल. संबंधित फर्मों के मालिकों से चर्चा के बाद यह सुनिश्चित करेगा कि कुछ प्रतिशत नौकरियां विस्थापितों के आश्रितों को भी दी जाएं।

J6 बैठक में माननीय अध्यक्ष महोदय ने झारखण्ड सरकार से विस्थापितों के पुनर्वास से जुड़ी समस्याओं के समाधान के लिए निम्नानुसार कार्रवाई किए जाने की सलाह दी:

1. रांची जिले के भू-अर्जन अधिकारी सभी ग्रामों के विस्थापितों के नाम, अर्जित की गई भूमि के रकबे तथा उन्हें दिए गए मुआवजे का डाटाबेस (**database**) तैयार कर सार्वजनिक करेंगे ताकि विस्थापित तथा उनके आश्रित परिजन दस्तावेजों के अभाव में वंचित न हों। जिन विस्थापितों के पास पुनर्वास ग्राम में आवंटित भूमि के दस्तावेज नहीं हैं, खो गए हैं या नष्ट हो गए हैं, उन्हें लिखित आवेदन पर दस्तावेज प्रदान किए जाएंगे।
2. सभी संबंधित अंचल अधिकारी माह अक्टूबर, 2016 की समाप्ति से पूर्व सभी पुनर्वास ग्रामों में कैम्प लगाएंगे और रजिस्टर-2 में संबंधित विस्थापित और उनके परिजनों का नाम दर्ज करेंगे और रसीद काटेंगे।
3. उक्त कैम्प में सामाजिक सुरक्षा की विभिन्न योजनाओं का लाभ पहुंचाने के लिए भी व्यवस्था की जाएगी ताकि पात्रतानुसार वृद्धावस्था, निराश्रित, विधवा पेंशन आदि योजनाओं का लाभ पहुंचाया जा सके।
4. नचियातु, तिरिल और अन्य ग्रामों में वन भूमि पर बसाए गए विस्थापितों को वन अधिकार अधिनियम के प्रावधानों के तहत अधिकार पत्र दिए जाएं। इसके लिए जागरूकता अभियान चलाया जाए और प्राप्त दावों के परीक्षण के बाद व्यक्तिगत तथा सामुदायिक दावे मान्य किए जाएं।
5. शासकीय योजनाओं के तहत पेय जल, सड़कों तथा शौचालयों का निर्माण कराया जाए। नया सराय में हाई स्कूल न होने के कारण बच्चों को पढ़ाई में समस्या होती है। अतः वहां हाई स्कूल बनाया जाए।
6. ग्राम लाबेद में भू-अर्जन के संबंध में स्थिति स्पष्ट की जाएगी कि वहां भू-अर्जन किया गया है या नहीं और यदि किया गया है तो कब और कितनी भूमि ली गई है। साथ ही किन व्यक्तियों की भूमि अर्जित की गई है और यदि अब तक नहीं की गई है तो उन्हें नए अधिनियम के अनुसार मुआवजा पाने की पात्रता है। जो भूमि अर्जित नहीं की गई है उसके संबंध में भू-स्वामियों को स्थिति स्पष्ट की जाए क्योंकि अर्जित न की गई भूमि पर एच.ई.सी.एल. अथवा उन संस्थानों का कोई अधिकार नहीं है जिसे एच.ई.सी.एल. ने लीज पर दिया है।

(K) डा. रामेश्वर उराँव, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, के दिनांक 25-9-2016 से 28-9-2016 तक इंदौर, धार आलीराजपुर तथा बड़वानी (मध्य प्रदेश) दौरे की रिपोर्ट।

38 अध्यक्ष महोदय ने निम्नलिखित बिंदुओं पर राज्य शासन के अधिकारियों से वार्तालाप किया एवं अपने निम्नानुसार सुझाव दिए:-
संयुक्त सर्वेक्षण :-

K56 माननीय अध्यक्ष महोदय ने राज्य शासन से डूब में आए हुए गांवों का एक संयुक्त सर्वेक्षण करवाने का सुझाव दिया। उन्होंने कहा कि इस सर्वे में बांध के पानी का डूब क्षेत्र में स्तर नापने हेतु विशेषज्ञ इंजीनियरों को नियुक्त किया जाए ताकि वे डूब में आ रहे गांव का वर्तमान परिस्थितियों में अध्ययन कर सकें। इस सर्वेक्षण का यह लाभ होगा कि जो क्षेत्र पूर्व में डूब क्षेत्र में नोटिफाइड नहीं हो पाए हैं उन्हें नर्मदा विकास प्राधिकरण द्वारा नोटिफाइड किया जा सकेगा। इस सर्वेक्षण के बाद वे विस्थापित अनुसूचित जनजाति जो आज तक विस्थापित होने का दावा कर रहे हैं उन्हें मुआवजा मिल सकेगा। अध्यक्ष महोदय ने यह भी कहा कि उदाहरण के तौर पर यदि कोई विस्थापित परिवार 2 एकड़ भूमि के स्थान पर 3 एकड़ भूमि जोत रहा है तो उसे वर्तमान में काबिज भूमि का एवॉर्ड मिल जाएगा जिससे उसकी यह भूमि रिकॉर्ड में शामिल हो सकेगी। आयोग के इस सुझाव को मध्य प्रदेश राज्य शासन द्वारा मान लिया गया। श्री रजनीश वैश्य, प्र.स.रा.वि. ने अध्यक्ष महोदय से कहा कि वे संबंधित जिलों के कलेक्टरों द्वारा संयुक्त सर्वेक्षण शीघ्र करवाएंगे।

कट ऑफ ईयर :-

K57 अध्यक्ष महोदय ने अधिकारियों को बताया कि उन्हें यह शिकायत प्राप्त हुई है कि पहाड़ी क्षेत्र के लगभग सभी गांव के लिए कट ऑफ डेट वर्ष 1993 है। अन्य स्थानों के लिए कट ऑफ डेट वर्ष 2001-04 के मध्य मध्य प्रदेश राज्य में भूमि अधिग्रहण हुआ है। वर्ष 1993 तथा वर्ष 2001-04 में विस्थापित परिवारों के वे पुत्र जो 18 साल की आयु प्राप्त नहीं कर सके थे वे अवयस्क घोषित किए गए। मुआवजा राशि कई वर्षों बाद प्राप्त हुई। अवयस्क पुत्र राशि मिलने के वर्ष तक वयस्क हो चुके थे तथा पुनर्स्थापना हेतु दिए जाने वाले मुआवजे के हकदार थे। राज्य शासन ने ऐसे अवयस्क आदिवासी विस्थापितों को मुआवजा नहीं दिया है। श्रीमती पंत निदेशक, न.घा.वि.प्रा. ने आयोग को आश्वासन दिया कि यदि इस प्रकार का प्रकरण सामने आया है तो यह परिवार मध्य प्रदेश राज्य शासन द्वारा गठित शिकायत निवारण प्राधिकरण में अपना प्रकरण दे सकते हैं जहां ऐसे प्रकरणों पर निर्णय लेकर उन्हें अवगत करा दिया जाएगा।

मुआवजा राशि को दो या दो से अधिक किश्तों में दिए जाने का नियम :-

K58 अध्यक्ष महोदय ने राज्य शासन के अधिकारियों के समक्ष विस्थापितों की इस शिकायत का वर्णन किया। उन्होंने बताया कि विस्थापितों को भूमि खरीदने के लिए रु 5,50,000 दिए जाने का प्रावधान है जिसे दो या दो से अधिक किश्तों में दिया गया। पहली किश्त दो लाख रुपए दी गई जिससे सौदा करने के बाद विस्थापित को अतिरिक्त राशि दिए जाने का प्रावधान है। विस्थापित अनुसूचित जनजाति दो लाख रुपए में यदि भूमि खरीदने में अक्षम होता है तो उसे अतिरिक्त राशि भी प्राप्त नहीं होती। यदि एक मुश्त 5,50,000 रु दिए जाते तो विस्थापित अनुसूचित जनजाति भूमि का सौदा आसानी से कर सकता था। राज्य शासन ने आयोग को

अवगत कराया कि सुप्रीम कोर्ट के निर्णय के बाद यह राशि दिए जाने का प्रावधान किया गया था। उन्होंने यह भी बताया कि इस प्रावधान के अंतर्गत ही बहुत सी शिकायतें बेनामी रजिस्ट्रियों की प्राप्त हुई हैं जो वर्तमान माननीय सर्वोच्च न्यायालय में लंबित हैं। वर्ष 2010 से इस प्रावधान को शिथिल कर पूरा पैसा एक मुश्त दिया जाना आरंभ किया गया है।

भूमि के बदले अनिवार्यतः भूमि दिए जाने के विषय में :-

K59 माननीय अध्यक्ष महोदय ने मध्य प्रदेश शासन को बताया कि उन्हें यह शिकायत मिली है कि विस्थापित अनुसूचित जनजाति परिवारों को भूमि के बदले भूमि नहीं दी गई वरन् उन्हें मुआवजा राशि 5,50,000रु दे दी गई। अध्यक्ष महोदय ने कहा कि अनुसूचित जनजाति का हर त्यौहार धरती या फसल से जुड़ा रहता है यदि उनके पास भूमि ही नहीं रहेगी तो उनकी संस्कृति नष्ट हो जाएगी। भूमि ही अनुसूचित जनजाति की पहचान है। उन्होंने यह भी कहा कि भविष्य में भूमि नहीं रहने की स्थिति में आदिवासियों को जाति प्रमाण पत्र पाने में भी दिक्कत होगी। श्री वैश्य, प्रमुख सचिव ने बताया कि थांदला खजूरी के पास एक फार्म में विस्थापित अनुसूचित जनजाति को बसाने का कार्य आरंभ किया गया था किंतु उन्होंने इस भूमि को लेने से इंकार कर दिया। आज इस भूमि पर राज्य शासन द्वारा एक कृषि फार्म विकसित किया गया है जिससे अच्छी पैदावार प्राप्त हो रही है। इसी प्रकार ओंकारेश्वर के पास बाबई गांव में भी जमीन विस्थापित अनुसूचित जनजाति को दिखाई गई थी जो उन्होंने नहीं ली आज उस जमीन पर बासमती चावल की पैदावार की जा रही है। उन्होंने आयोग को आश्वासन दिया कि मध्य प्रदेश राज्य के विस्थापित अनुसूचित जनजाति लोगों के लिए लैंड बैंक में उपलब्ध भूमि पर विस्थापित अनुसूचित जनजाति की मर्जी के अनुसार भूमि दे दी जाएगी।

पुनर्वासित की पुरानी बसाहटों में रहने वाले अनुसूचित जनजाति के स्थानों पर मूलभूत आवश्यकताओं को जारी रखने हेतु सुझाव :-

K60 अध्यक्ष महोदय ने मध्य प्रदेश शासन को जिला धार की तहसील कुक्षी में स्थित चिखलदा, निसारपुरा तथा कड़माल ग्राम की स्थिति के बारे में रह रहे अनुसूचित जनजाति एवं अन्य परिवारों की समस्याओं के बारे में जानकारी दी। दिनांक 27.09.2016 को इन ग्रामों में जाकर भ्रमण किया था तथा वहां की वर्तमान समस्याओं की जानकारी ली थी तथा पाया कि इन स्थानों पर पानी, बिजली, सड़क, अस्पताल तथा स्कूल की स्थिति अच्छी नहीं है। यहां के स्थानीय लोगों ने आयोग को बताया कि जबसे पुनर्स्थापित करने का आदेश आया है उसके पश्चात ऐसे स्थानों पर विकास तथा पूर्व से स्थापित सुविधाओं को जारी रखने के लिए राज्य सरकार द्वारा दी जाने वाली राशि बंद कर दी गई है जिसके कारण यहां विकट स्थिति हो गई है। अध्यक्ष महोदय ने यह भी बताया कि वे कड़माल के शासकीय माध्यमिक विद्यालय में गए थे। विद्यालय का भवन जर्जर अवस्था में था जिसमें बालक बालिकाएं पढ़ रहे थे। विद्यालय में फर्नीचर, पानी, शौचालय, पंखे तथा अध्यापकों की संख्या का अभाव था। श्री वैश्य प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण ने आयोग को सूचित किया कि जो पुरानी बसाहटें हैं वहां पर नवीन निर्माण बंद कर दिए गए हैं। वे स्थान जो अभी तक डूब में नहीं आए हैं वहां से अनुसूचित जनजाति के लोग विस्थापित नहीं हुए हैं। वे अपनी पुरानी बसाहटों में ही वर्तमान में ही निवासित हैं जबकि उनके लिए नए पुनर्वास हेतु स्थान विकसित कर दिए गए हैं। चूंकि अभी यह परिवार नए स्थानों में स्थांतरित नहीं हुए हैं इसलिए नए स्थानों पर भी कुछ मूलभूत आवश्यकताओं की कमी हो सकती है। कलेक्टर धार ने भी इस विषय में बताया कि जो क्षेत्र डूब क्षेत्र के लिए चिन्हित कर लिए गए हैं उन पर शासन के आदेशानुसार कोई नया निवेश नहीं किया जा सकता है। अध्यक्ष महोदय ने शासन को यह सुझाव दिया कि वे स्थान जहां पर विस्थापित अनुसूचित जनजाति मूल स्थान पर ही रह रहे हैं उन स्थानों की मूलभूत आवश्यकताओं को सुविधाजनक रूप से चलते रहना दिया जाना उचित

होगा। कुछ स्थानों पर तो शासन ही यह मान रहा है कि वे कभी डूब में नहीं आएंगे। अतः ऐसे स्थानों पर जहां बसाहटें हटी नहीं हैं वहां मूलभूत आवश्यकताएं जारी रखी जाएं तथा आवश्यक नए निर्माण जैसे शौचालय आदि बनाने के लिए उन्हें अनुमति दी जाए।

विस्थापित गांव के रहवासियों को बीपीएल में माना जाए :-

K61 माननीय अध्यक्ष महोदय ने सलाह दी कि सभी विस्थापित गांवों के रहवासियों को महाराष्ट्र शासन की तरह बीपीएल में रखा जाए ताकि उन्हें खाद्य सामग्री आदि की सुविधाएं प्राप्त हो सकें। उन्होंने बताया कि आलीराजपुर जिले के ग्राम ककराना, झण्डाना, भीताड़ा, अंजनबाड़ा, डूबखेड़ा तथा जलसिंधी में शिकायत मिली है कि वहां राशन की दुकाने नहीं खुलती हैं जिसके कारण अनुसूचित जनजातियों को मिलने वाली खाद्य सामग्री से वंचित रहना होता है। श्री वैश्य ने आयोग को बताया कि शासन की योजना के अनुसार 100 प्रतिशत विस्थापित अनुसूचित जनजाति को बीपीएल की श्रेणी में रखा गया है तथा वे इसके अंतर्गत प्राप्त होने वाली सभी सुविधाएं प्राप्त कर रहे हैं। उन्होंने सभी मौजूदा कलेक्टरों से अपने अपने क्षेत्रों में इस संबंध में विशेष निगरानी रखने के आदेश भी दिए।

पांच साल से विस्थापित परिवार यदि अपने मूल स्थान पर ही रह रहे हैं तो उन्हें भविष्य में विस्थापित न करें :-

K62 माननीय अध्यक्ष महोदय ने कहा कि यदि कोई अनुसूचित जनजाति पांच साल से अपने मूल स्थान पर रह रहा है जबकि वह विस्थापित घोषित हो चुका है तो उसे विस्थापित न करें। प्रमुख सचिव नर्मदा विकास प्राधिकरण ने बताया कि 01 जनवरी, 2014 को जो परिवार अपने मूल स्थान पर रह रहे हैं और वे विस्थापित घोषित हो चुके हैं उन्हें विस्थापित नहीं माना जाएगा, ऐसा शासन के आदेश हैं। उन्होंने यह भी बताया कि ट्रिब्यूनल के आदेश के अनुसार जब तक विस्थापितों के मूल स्थान पर पानी नहीं भर जाता उन्हें वहां से नहीं हटाया जाएगा। वे अपनी उस मूल जमीन पर कब्जा बनाए रख सकते हैं।

क्रेता-विक्रेता-दलाल से संबंधित माननीय सर्वोच्च न्यायालय में न्यायधीन प्रकरणों के संबंध में :-

K63 अध्यक्ष महोदय ने कहा कि क्रेता-विक्रेता एवं दलाल के 999 प्रकरण माननीय सर्वोच्च न्यायालय में विचाराधीन हैं। इन प्रकरणों के अलावा भी ऐसे कई विस्थापित अनुसूचित जनजाति हैं जो अपनी जमीन भी खो चुके साथ उन्हें मुआवजे के तौर पर प्राप्त होने वाली जमीन भी नहीं मिली। शासन की यह जिम्मेदारी है कि वे उन दस्तावेजों की जांच करें जो जमीन के सौदे से जुड़े हुए थे। यदि यह जिम्मेदारी अधिकारियों द्वारा मुस्तैदी से निभाई गई होती तो अशिक्षित अनुसूचित जनजाति अपनी जमीन से वंचित नहीं होते और न ही ऐसे प्रकरण न्यायालय में विचाराधीन होते। अध्यक्ष महोदय ने कहा कि ऐसे प्रकरणों को यदि सीबीआई में दे दिया जाए तो न्याय की संभावना जल्द हो सकेगी। श्री वैश्य ने बताया कि ऐसे प्रकरण सीबीआई में पहले ही चले गए हैं। W.P. No. 14765/2007 (PIL) दिनांक 16.02.2016 के निर्णय के अनुसार जांच तथा अन्वेषण हेतु ऐसे प्रकरण सीबीआई को दिए जाने के आदेश दिए हैं। अध्यक्ष महोदय ने सलाह दी कि माननीय 'ज्ञा' आयोग की रिपोर्ट में दी गई अनुशंसाओं का पालन मध्य प्रदेश शासन को लागू करना चाहिए, जिसमें मुख्यतः विस्थापितों को जमीन के बदले जमीन देने तथा फर्जी सौदों के लिए जिम्मेवार पदाधिकारियों के विरुद्ध कार्रवाई अंकित है। आयोग का मानना है कि सभी पदाधिकारी जिन्होंने बिना जांच किए चैक बांटे हैं, उनकी सहभागिता इस मामले में अवश्य है।

विस्थापित अनुसूचित जनजाति क्षेत्रों में मछली पालन समिति का निर्माण करने की अनुमति दिए जाने के संबंध में :-

K64 आयोग के माननीय अध्यक्ष महोदय ने राज्य शासन के अधिकारियों से डूब क्षेत्र से लगे हुए अनुसूचित जनजाति लोगों को मछली पालन समिति का निर्माण किए जाने में शासन की सहायता करने का सुझाव दिया। उन्होंने कहा कि वे विस्थापित जो भूमिहीन थे अथवा मछली पकड़ना जिनका व्यवसाय था अथवा जिनकी 25 प्रतिशत भूमि डूब में नहीं आई थी, जिसके कारण उनको भूमि का मुआवजा भी नहीं प्राप्त हुआ है उनके जीविकोपार्जन हेतु उन्हें मछली पालन का प्रशिक्षण देते हुए स्थानीय समितियों का निर्माण किया जाए ताकि वे मछली बेचकर अपना जीवन-यापन कर सकें। यह काम कॉओपरेटिव के अंतर्गत होने से वे इस व्यवसाय के समान अधिकारी होंगे। शासन की ओर से आयोग को बताया गया कि वर्तमान में समितियों का निर्माण नहीं किया गया है जिसे जल्दी ही किए जाने का आश्वासन दिया। उन्होंने बताया कि शासन की यह योजना है कि नर्मदा नदी पर निर्मित सभी बांधों में कॉओपरेटिव सोसाइटीज के माध्यम से ही मछली का उद्योग होगा।

शासन द्वारा विस्थापितों को पुनर्स्थापित करने के आंकड़ों में जीरो बेलेंस:-

K65 अध्यक्ष महोदय ने शासन से पूछा कि विस्थापितों को पुनर्स्थापित करने के लिए शासन द्वारा दी गई रिपोर्ट के अनुसार कोई भी परिवार अब पुनर्स्थापित होने के लिए शेष नहीं है। जबकि आयोग के दौरे से यह ज्ञात हुआ है कि ऐसे सैकड़ों परिवार हैं जिनको पुनर्स्थापित होने की प्रक्रिया से वंचित होना पड़ा है। ऐसे में सरकार द्वारा जीरो बेलेंस कैसे दिखा दिया गया है। शासन द्वारा आयोग को बताया गया कि पुनर्स्थापन की सूची में आए हुए सभी परिवारों को मुआवजा राशि अथवा भूमि दी जा चुकी है। ऐसे भी परिवार हैं जो डूब क्षेत्र में नहीं आए हैं और उन्हें मुआवजा राशि भी प्राप्त हो चुकी है। अधिकतर पुनर्वासित गांव में सभी मूलभूत सुविधाएं दी जा चुकी हैं। कुछ प्रकरण ऐसे हैं जो माननीय न्यायालय में विचाराधीन होने के कारण उन पर कार्रवाई नहीं हो सकी है। माननीय न्यायालय द्वारा निर्णय के उपरांत ऐसे प्रकरणों पर कार्रवाई हो जाएगी।

विस्थापित अनुसूचित जनजाति क्षेत्रों में कृषि अनुसंधान संस्थान:-

K66 अध्यक्ष महोदय ने विस्थापित अनुसूचित जनजाति क्षेत्र में कृषि अनुसंधान संस्थान बनाए जाने का सुझाव दिया जिससे आस-पास के क्षेत्रों में अच्छी कृषि लेकर अनुसूचित जनजाति अपने आय के स्तर को बढ़ा सकें। शासन की ओर से आयोग को अवगत कराया गया कि सभी अनुसूचित जनजाति क्षेत्रों में कृषि विज्ञान केंद्र हैं जो हर ब्लॉक स्तर पर कार्यवाही करते हैं। वे प्रत्येक ब्लॉक से मिट्टी ले जाकर लैब में परीक्षण करते हैं तथा कृषकों को उसके संबंध में विस्तृत जानकारी देते हैं। श्री वैश्य नर्मदा घाटी विकास प्राधिकरण ने यह भी बताया कि झाबुआ जिले में सिंचाई के साधन आने से गेहूं की अच्छी पैदावार हुई है धान भी पैदा होने लगा है। हमारा उद्देश्य है कि यहां के स्थानीय कृषक एक फसल के स्थान पर दो फसल प्रति वर्ष लें ताकि वे कृषि स्तर पर उन्नत हो सकें।

अतिक्रमित भूमि पर गैर कानूनी रूप से काबिज लोगों द्वारा विस्थापितों को आवंटित भूमि से भगाए जाने के विषय में :-

K67 आयोग के प्रवास के दौरान यह शिकायत सभी जिलों के विस्थापित अनुसूचित जनजातियों से प्राप्त हुई है कि कुछ स्थानों पर विस्थापित अनुसूचित जनजातियों को आवंटित भूमि पर पूर्व से ही अवैधानिक रूप से लोगों को कब्जा था। जब यह भूमि विस्थापित अनुसूचित जनजाति को

आवास एवं खेती के लिए आवंटित की गई तो वे इस भूमि से हटने के लिए तैयार नहीं थे। उन्होंने विस्थापित अनुसूचित जनजाति के साथ मार-पीट की एवं उनकी खड़ी फसल को भी नुकसान पहुंचाया। जिसके कारण अब ऐसे पीड़ित अनुसूचित जनजाति पुनर्वासित स्थल पर जाने को तैयार नहीं हैं। आयोग ने इस समस्या के लिए उचित कार्रवाई करने हेतु राज्य शासन को कहा। श्री वैश्य, प्रमुख सचिव, नर्मदा घाटी विकास प्राधिकरण ने श्रीमती पंत, निदेशक, नर्मदा घाटी विकास प्राधिकरण को तथा संबंधित जिला कलेक्टरों को आदेश दिए कि ऐसे स्थानों पर पुलिस प्रोटेक्शन के साथ खेती कराएं। उन्होंने यह भी कहा कि यदि एक मौसम की खेती यह विस्थापित परिवार कर लेंगे तो अतिक्रमण-कारी अपना अधिकार छोड़ देंगे।

मलेरिया, सिलिकोसिस तथा सिकल सेल एनीमिया के विषय में :-

K68 आयोग को तीनों जिलों में ही मलेरिया, सिलिकोसिस तथा सिकल सेल एनीमिया की बीमारी के सुचारु रूप से इलाज नहीं हो पाने की शिकायत प्राप्त हुई। इस विषय पर उच्च अधिकारियों से चर्चा करते हुए अध्यक्ष महोदय ने कहा कि आदिवासियों को बीमारी का पूर्ण ज्ञान नहीं होता है, उनके शरीर में सिलिकोसिस तथा सिकल सेल एनीमिया हो जाने के कारण उनकी आयु घट जाती है एवं कार्य करने की शक्ति भी क्षीण हो जाती है। प्राथमिक चिकित्सा केंद्रों में यदि समय पर इन बीमारियों की पहचान हो जाए तो उन्हें इसके दुष्प्रभाव से बचाया जा सकता है। शासन ने आयोग को आश्वासन दिया कि वे प्राथमिक चिकित्सा केंद्रों में इन बीमारियों के इलाज हेतु समुचित व्यवस्था की ओर ध्यान दिया जाएगा।

K69 उपरोक्त सभी तथ्यों को दृष्टिगत रखते हुए अध्यक्ष महोदय ने मध्य प्रदेश शासन के उच्च अधिकारियों से कहा कि इतिहास गवाह है कि जब भी देश के विकास के लिए भूमि की आवश्यकता हुई है, चाहे यह भूमि किसी बड़े प्लॉट को बनाने के लिए, खदानों को खोदने के लिए, वन संरक्षण के लिए अथवा बांध बनाने के लिए ली गई है तो उस भूमि का स्वामी अनुसूचित जनजाति ही रहा है जो जंगल पहाड़ में रहने वाले हैं। आज तक के अनुभव में अनुसूचित जनजाति अपने को ठगा सा महसूस करता है। ऐसे भूमि अधिग्रहणों से आदिवासियों की विशेष प्रगति नहीं हो पाती तथा वह विकास की प्रक्रिया की धारा से अलग हो जाते हैं। सरदार सरोवर बांध के पुनर्विस्थापित अनुसूचित जनजातियों की जीवन स्तर की दशा देखकर ऐसा अनुभव हुआ कि वे विगत 30 वर्षों में 30 वर्ष पीछे हो गए। उनका विकास रुक गया है। अनुसूचित जनजाति की पहचान जमीन ही है। यदि हम अनुसूचित जनजाति को समस्या को समस्या ना मानकर समाज की एक 'इकाई' मानेंगे तभी हम उनके उत्थान हेतु कर रहे प्रयासों में सफल हो सकेंगे।

CHAPTER-3 SERVICE SAFEGAURDS

39. 3.7.5 The issue regarding drawl of a Separate Zone of Consideration for SCs and STs was extensively discussed in the Second Report of the Commission for the year 2006-07. **The Commission had recommended that in compliance with the Hon'ble Supreme Court's directions, the DOPT should revise the instructions contained in O.M. No. 36012/27/2000-Estt.(Res.) dated 15.03.2002 at the earliest to provide for a separate zone of consideration for SCs & STs in the matter of promotion by whatever method and whether on temporary or on regular basis. In the Action taken memorandum laid along with the Second Report in the Parliament, the DoPT quoted to have consulted the Department of Legal Affairs and also had sought the advice of the Ld. Attorney General of India on the issue. The Ld. Attorney General of India has given the following advice:**

(i) The extended zone of consideration for SC/ST candidates is substantially equivalent to a separate zone of consideration for SC/ST candidates. This is subject to the rider that in practice the extended zone appears to be more limited than the separate zone.

(ii) Conceptually, an extended zone of consideration would tantamount to a separate zone of consideration for SC/ST candidates as in the extended zone only SC/ST category candidates are considered. However, there has to be a limit how far one can go down in the overall gradation/seniority list.

40. **3.10.5** As far as Central Ministries and Departments are concerned, It is recommended that the Union Govt. should take effective measures in a time bound manner to achieve the prescribed percentage of reservation for Scheduled Tribes in all categories and particularly in Group A and B services.

Group wise representation in non-teaching post in Central Universities as on 31.3.2016

41. **3.10.7** It may be seen from the above table that in Group A services, the representation of Scheduled Tribes in almost all the Central Universities is much below the required number. In Group B also, the situation is not convincing. In Group C, the situation is slightly better but still it needs more emphasis on filling up the reserved posts for Scheduled Tribes.

Group wise representation in teaching post in Central Universities as on 31.3.2016

42. **3.10.8** It may be seen from the above table that out of 40 Central Universities hardly few Universities are having professors from ST category. Situation is similar in the posts of Associate Professors (Readers). It is comparatively better in Assistant Professors (Lecturer) category. A large number of teaching posts reserved for ST category are lying vacant in almost all the Universities specially University of Delhi, JNU, Dr. Harisingh Gour Vishwavidhyalaya, Indira Gandhi National Tribal University, Banaras Hindu University, University of Hyderabad, Central University of Tamil Nadu, Visva Bharati, Pondicherry University and HNB Garhwal University. These Universities are advised to concentrate on filling up the backlog posts of Scheduled Tribes category in a time bound manner.

Group wise representation in non-teaching post in Deemed Universities as on 31.3.2016

43. **3.10.9** Out of eight Deemed Universities, in Group A services only one ST officer was in-position. In four Universities and there was none in remaining four Universities. In Group B category also the situation is not convincing. It is slightly better in Group C category but it needs further improvement. In Group D category also, it is same situation. Many posts

are lying vacant in all the eight Universities which needs immediate attention of the concerned authorities.

Group wise representation in teaching post in Deemed Universities as on 31.3.2016

44. **3.10.10** Out of eight Deemed Universities, seven are without any professor from ST category in position. Only Tata Institute of Social Science is having two professors in position. The situation is similar in case of Associate Professors (Readers). There are some lecturers in position in these Deemed Universities but many ST posts are lying vacant in almost all of them which needs immediate attention.

(C) Representation of Scheduled Tribes in different cadres of the Public Sector Banks

45. **3.10.15** It is noteworthy that most of the nationalised Banks were setup more than 60 years ago and DoPT instructions relating to reservation for Scheduled Tribes are applicable to each of these Banks. Detailed instructions were issued by DoPT for identifying the posts and vacancies reserved for Scheduled Tribes at the time of introduction of Post Based Rosters in July, 1997. Despite above the representation of Scheduled Tribes in respect of almost each category of post in Officer Cadres, Clerk Cadres or even Sub. staff cadres is low even after more than 25 years of issue of such instructions. It appears that the banks have not taken effective steps to fill up the backlog vacancies reserved for Scheduled Tribes. **The Department of Financial Resources (Banking Division) should direct the banks to fill up the backlog posts reserved for Scheduled Tribes in a time bound manner and review the performance of banks on quarterly basis to improve the situation.**

(D) Representation of Scheduled Tribes in Public Sector Insurance Companies

46. **3.10.20** The Commission reiterates that in order to enhance/ achieve the representation of STs in Group A posts in each insurance company mentioned above, the Department of Financial services under the Ministry of Finance may issue necessary instructions for taking special measures like SRD to achieve the required representation of 7.5 percent in all groups of services and posts in all the Insurance companies through a time bound action plan in the promotions.

(4) Examination of de-reservation proposals

47. **3.11.10** From the perusal of the proposals for de-reservation received in the Commission, it is felt that the ban on de-reservation in Direct Recruitment applied in the year 1989 has not been followed in letter and spirit by various Ministries and Departments as non-availability of ST candidates amongst a long seniority list of the feeder grade/initial grades of cadres continues to be the main reason for seeking de-reservation in promotion. On the one hand reservation has not been applied at Direct Recruitment stage in the initial/

feeder grade; and on the other hand, there is no provision for Direct Recruitment, or transfer on deputation, besides promotion in the recruitment rules for appointments to the higher grade. **The National Commission for Scheduled Tribes, therefore, recommends again that de-reservation should be banned totally; and each cadre controlling/ recruiting authority should ensure the following for effective implementation of policy of reservation for Scheduled Tribes in posts/ services:**

- 48
- (i) **Recruitment Rules for each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (wherever applicable).**
 - (ii) **Recruitment Rules should provide elements of Direct Recruitment as well as deputation/transfer on deputation, beside promotion, instead of 100% by promotion (or, at least provision for relaxation of the same for filling up ST vacancies), so that deficiencies due to non-availability of reserved category candidate(s) in the seniority list of the feeder grade may be made up through Direct Recruitment or deputation/transfer on deputation as the case may be. As per DoPT O.M. No. AB.14017/30/89-Estt.RR dated 10.07.1990, reserved vacancy can be temporarily transferred from one mode of recruitment to other and this relaxation of RRs can be exercised by Ministries/ Departments themselves subject to approval of UPSC.**
 - (iii) **As per instructions of the Supreme Court of India separate list of eligible ST and SC candidates, fulfilling the prescribed conditions relating to educational and experience qualification may be prepared for filling the posts reserved for Scheduled Tribes and Scheduled Castes respectively.**
 - (iv) **No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.**
 - (v) **In case of non-availability of ST candidates in the feeder grade, in the near future, the post may be filled by deputation of ST candidates from other Organizations and the reserved point in promotion to be carried forward as shortfall/ backlog vacancy till such time the eligible ST candidates becomes available for promotion.**
 - (vi) **In case of non-availability of ST candidates, at all, in the feeder grade, the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.**

CHAPTER-4 PLANNING FOR DEVELOPMENT OF SCHEDULED TRIBES

- 49 4.3.25 The Annual Report of the Ministry of Tribal Affairs, in the above context gives a statement showing Ministry/ Department-wise allocation of funds during the financial year 2013-14, 2014-15 and 2015-16. A copy of the statement showing allocation of funds by 30 Ministries/ Departments is placed at **ANNEXURE 4.III** Implementation of TSP strategy and review of TSP Guidelines in respect of Funding from State Plan for TSP of States/UTs and the Sectoral Programme of the Central Ministries/ Departments was discussed in detail in the Fifth Report of the Commission. **The recommendations of the National Commission for Scheduled Tribes in relation to working of the TSP and earmarking/ quantification of funds under TSP of the States and Central Ministries and treating the quantified funds as Non-lapsable fund and utilisation thereof, made in its Fifth Report still hold good and the Commission re-iterates those recommendations for prompt consideration and action.**
- 50 4.5.11 The Commission, during its visits to the States and discussions with the State Government Officials and the TRI Officials, has noted that these TRIs are generally non-functional due to acute shortage of Research staff and also due to shortage of funds. Similarly, the funds for supporting projects of all India nature are also not being fully utilized. The possible reason for it appears to be the late clearance of the projects by the Research Advisory Committee, late release of sanction order and the delayed release of the funds for those projects. **The Commission reiterates that Ministry of Tribal Affairs may revive the original concept of setting up the National Level Central Tribal Research Institute for better control over and coordination with the State level TRIs. All activities relating to Tribal Research and Training and grants to TRIs and to the Organisations for Supporting projects may be entrusted to the CTRI. The CTRI may have adequate support staff for Research as well as Secretariat support. The CTRI may also be responsible for inviting proposal for projects and other activities, holding meetings of the Research Advisory Committee and sanctioning and release of the funds to the State TRIs and the concerned Organisations.**
51. 4.5.12 In the above context it may be recalled that the additional functions and duties vested with the Commission also call for in-depth research and monitoring of various programmes taken up by Government and thereafter advise the Government for taking suitable measures in each activity mentioned in the additional functions. This can be achieved only if adequate funds for the purpose are made available to the Commission. It may also be recalled that Ministry of Tribal Affairs in the past, had allotted some funds to the then National Commission for Scheduled Castes and Scheduled Tribes for conducting Evaluation of Tribal-sub Plans of various States. Ministry of Social Justice and Empowerment had also allotted similar funds for evaluation of Special Component Plans of the States. For the last few years, Funds are being specifically earmarked separately for the National Commission for Scheduled Tribes under IT Head of the Plan Budget. **The Commission**

recommends that funds under Research and Training and Monitoring & Evaluation Heads may regularly be provided/ earmarked in the Budget separately to this Commission so that the Commission is able to fulfil the mandate assigned to it.

CHAPTER-5 ATROCITIES ON STs

52. The number of incidents of Rape against Scheduled Tribes have increased in the year 2015 in comparison to previous year. The incidents of Murder have decreased by 8.28%. All other crimes have decreased at different levels. The number of incidents of Dacoity have increased but the number of incident is meagre among the total number of crimes against Scheduled Tribes. Details of incidents, Victims and Rate of crimes committed against Scheduled Tribes during the year 2015 has been given at **ANNEXURE-5.IV**

5.6.5 In view of the above, it is felt that there is an urgent need to put a check on the crimes against the Scheduled Tribes by non-Scheduled Tribes by taking up various measures including schemes and programmes for increasing awareness and creating peace and harmony among all sections of the society. The States/ UTs in which the incidence of total crime against the STs and rate or crime was high during the year 2015 (irrespective of the fact whether SC/ ST(PoA), Act was invoked or not) should take effective measures to reduce such incidence of crimes against STs. The Government of India and also the State Governments having ST population should take necessary steps in this regard, including measures to ensure that disposal of cases by the Special Courts trying such offences is faster and that the designated Special Courts are converted into Exclusive Special Courts, as has been done in some of the States like Rajasthan, Andhra Pradesh, Gujarat, Madhya Pradesh, and Uttar Pradesh.

53. **5.9.3 In view of poor pace of trial of cases, the National Commission for Scheduled Tribes recommends, for setting up more Exclusive Special Courts for trial of crimes against Scheduled Tribes, instead of designating existing court of Sessions as Special Courts in each State particularly, in those States which have not yet setup Exclusive Special Courts and regular monitoring of the Exclusive Special Courts so that by no reason their efficiency is marred. The number of Special courts setup in various States for trial of crimes against Scheduled Tribes may also be increased, for early disposal of pending cases and timely disposal of future cases in all the States having high incidence of crimes against Scheduled Tribes and also in the States which have high pendency. However, there is a need to ensure that the Exclusive Special Courts set up in various States function effectively and promptly otherwise the objective of making of Special provision in the Special Act aimed at curbing Atrocities of Scheduled Tribes will not be fulfilled and consequently Atrocities will continue to be committed on the Scheduled Tribes.**

54. 5.10.1 A large section of the general public and ST population is still unaware of the provisions the PoA Act and Rules. **The Commission, therefore, consider it necessary to reiterate earlier recommendation that with a view to create awareness among the masses about various provisions of the Act and Rules including the provisions for relief and compensation, Special Awareness Programmes should be conducted by the Government through the mass media and by organizing seminars and workshops at different places, particularly in rural and remote areas. NGOs working for the cause of combating crimes of atrocities on STs along with the local bodies should also be involved in the task by extending adequate financial help to them. Awareness about the provisions of the Act/Rules may also be spread by installing hoardings at prominent locations.**
55. 5.10.2 There is an imperative need of timely investigation of atrocity cases so that a charge sheet is submitted in the Court at the earliest. **The Commission, therefore, recommends that it should be ensured that the case is under PoA Act and involving STs as victim or accused investigated by an officer of the rank of Dy. SP and investigation report is submitted by him within 30 days. The Commission also feels that the charge sheet should be filed with due care and with a sense of urgency to ensure that the accused person is not acquitted on technical grounds or on account of delay in filing the charge sheet.**
56. 5.10.3 The delay in the arrest of the accused also leads to delay in investigation of the cases and which, in turn, causes delay in dispensing justice to the victim(s). **The Commission, therefore, further recommends that all efforts should be made by the police to ensure that the accused is arrested as early as possible particularly in the cases of heinous crimes like murder, arson, rape, etc. and also in cases involving police as accused.**
57. 5.10.4 The Commission has noted that although there are clear-cut provisions in the PoA Act/ PoA Rules for providing monetary relief and rehabilitation facilities to the victims of atrocities, district authorities are not prompt in carrying out this important duty. **In order to ensure effective implementation of the PoA Act, the Commission recommends that the District Level Vigilance and Monitoring Committee should regularly review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration, at least once in three months in accordance with Rule 17 of the PoA Rules. It has also been noticed that many times that there is delay in payment of compensation to the victims/ their families due to inadequacy/ non-availability and exhausting of funds. The Central Govt. and State Govt. should device the ways and means to solve this issue, so that timely payment can be ensured.**

58. 5.10.5 **The Commission also re-iterates earlier recommendation that the police personnel at all level in every State/UT need to be sensitized about the importance of effective implementation of the PoA Act through regular training and refresher programmes by the Police Training Institutes. The training programmes for the police personnel should also include lessons about legal provisions and related procedures to ensure drafting of fool proof charge sheets in atrocity cases.**
59. 5.10.6 Section 14 of the PoA Acts lays down that all States should set up Special Courts for speedy trial of various offences under the Act. This provision has not so far been implemented by many States where only designated Special Courts have been set up which remain burdened with the cases with the result that the disposal of atrocity cases is very slow. **The Commission, therefore, reiterates earlier recommendation that requisites no. of exclusive Special Courts should be set up by all the States/UTs urgently for rendering speedy justice to the victims of atrocities. The Commission, also re-iterates its earlier recommendation that the Government may consider for providing a time-limit for disposal of PoA cases by these Special Courts under the Act, similar to the provisions in the Consumer Protection Act, 1986.**
60. 5.10.7 There is an imperative need to strengthen working of the Special Public Prosecutors also for timely disposal of the cases with highest conviction rates in the Special Courts. **The Commission, therefore, reiterates earlier recommendation that Directorate of Prosecution should make all efforts to ensure that adequate number of Special Public Prosecutors is attached with the Special Courts for speedy trial of atrocity cases. The Special Public Prosecutor should possess requisite qualifications and experience and their selection should be made through a well laid down procedure. The fee of the Special PP requires to be suitably enhanced to attract more qualified persons dedicated to the cause of Scheduled Castes and Scheduled Tribes in particular. There is also a need for periodical Training of the Special Public Prosecutors.**
61. 5.10.8 The Commission has noted that the ST persons are, very often, subjected to naxalism related violence and deprivation of rights in States like Chhattisgarh, Jharkhand and Orissa, ineffective implementation of Minimum Wages Act and Bonded Labour, non-implementation of land reforms and abnormal delay in redress of land disputes etc. These results in denial of not only basic rights and freedom granted to them under the Constitution, but may also lead to the atrocities covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. **The Commission, therefore, recommends that there is an imperative need to formulate a policy for taking up effective precautionary measures to check offences of atrocities and ensure effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in such cases.**

62. 5.10.9 The Commission has noted that poor or delayed response to the communications from NCST is due to lack of effective monitoring of atrocity cases. **The Commission, therefore, re-iterates its earlier recommendations that the State Level Vigilance and Monitoring Committees should play a pro-active role in overseeing the implementations of PoA Act by holding quarterly meetings on regular basis. These Committees should issue necessary guidelines and directions to the District Level Committees. Registration of FIRs and the disposal of cases by the Special Courts should be particularly monitored by the State Level Committees.**
63. 5.10.10 It was brought to the notice of the Commission during the Review Meetings with the State Governments that in a large number of cases, the victims and their witnesses become hostile during the hearing of PoA cases in the Courts. This results in the acquittal of the accused by the Courts. One of the main reasons behind the victims and witnesses turning hostile in the Courts was that there is no clear policy /norms for payment of TA/DA to the victims and witnesses in most of the States; and a few amount is generally given to them for the days on which they are called in the Court which deprives them of their wages for the day(s) as most of the victims and witnesses earn their livelihood on daily wage basis. **The Commission, therefore, re-iterates its recommendations contained in its earlier Reports that the State Governments/UTs should issue instructions to ensure that the victims and witnesses are paid TA/DA which should not be less than minimum wages fixed from time to time.**

Ministry of Tribal Affairs
Notification
New Delhi, the 23rd August, 2005

S.O. 1175(E) . In exercise of the powers conferred by sub-clause (f) of clause 5 of Article 338A of the Commission, the President hereby makes the following rules to specify the other functions of the National Commission for the Scheduled Tribes, namely:-

1. Short title and commencement:- (1) These rules may be called the National Commission for the Scheduled Tribe (Specification of other functions) Rules, 2005.

2. The Commission shall discharge the following other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes, namely:-

- (i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- (ii) Measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as laid down by law.
- (iii) Measures to be taken for the development of tribal to plug loopholes and to work more viable livelihood strategies.
- (iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already been taken place.
- (vi) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- (vii) Measures to be taken to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1996
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribal that lead to their continuous disempowerment and degradation of land and the environment.

(F.No.17014/3/2004-C&LM-II)

Sd/-
S.Chatterjee, Jt. Secy.


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 440,

नई दिल्ली, शुक्रवार, अगस्त 22, 2014/श्रावण 31, 1936

No. 440,

NEW DELHI, FRIDAY, AUGUST 22, 2014/SRAVANA 31, 1936

राष्ट्रीय अनुसूचित जनजाति आयोग
(कार्यविधि के नियम)
शुद्धि पत्र

नई दिल्ली, 20 अगस्त, 2014

सा.का. नि. 605(V)- अध्याय IV में : नियम 46 और शीर्षक कोरम

नियम

विद्यमान प्रविष्टियों के लिए

46.

अध्यक्ष और/अथवा उपाध्यक्ष सहित कम से कम 3 सदस्यों की उपस्थिति, आयोग की बैठक आयोजित करने के लिए अनिवार्य होगा।

- पढ़ें
- (i) नियुक्त सदस्यों, अध्यक्ष और/अथवा उपाध्यक्ष सहित, में से कम से कम 50 प्रतिशत की उपस्थिति आयोग की बैठक आयोजित करने के लिए अनिवार्य होगी।
- (ii) यदि कोरम पूरा नहीं होता है तो अध्यक्ष आठ घंटे के लिए बैठक स्थगित कर सकते हैं। जब आयोग पुनः बैठक करेगा तो कोरम अनिवार्यता लागू नहीं होगी।

(सं. 12/2/2014-समन्वय)
श्रीमती के.डी. बन्सौर, निदेशक

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(Rules of Procedure)

CORRIGENDUM

New Delhi, the 20th August, 2014

G.S.R. 605(E).6 In Chapter IV : Rule 46 and Title Quorum

Rule

For Existing entries

Read

46. Presence of at least three members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.

- (i) Presence of Minimum 50% of posted members including the Chairperson and/or Vice Chairperson shall constitute the quorum for holding meeting of the Commission.
- (ii) If the quorum is not complete, the Chairperson may adjourn the meeting for half an hour. When the Commission reassembles, the quorum requirement shall not apply.

[No. 12/2/2014-Coord]

Mrs. K.D. BHANSOR, Director

3279 GI/2014

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and
Published by the Controller of Publications, Delhi-110054.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

TOURS UNDERTAKEN BY THE COMMISSION DURING 2015-16 (and afterwards up to October, 2016)

Sl. No.	Duration of visit	State/ Places Visited
1	03/04/2015 to 06/04/2015	Rajasthan
2	17/04/2015 to 18/04/2015	Tamilnadu
3	20/04/2015	NGO, New Delhi
4	23/04/2015 to 28/04/2015	Uttarakhand
5	01/05/2015 to 07/05/2015	Jharkhand
6	20/05/2015 to 24/05/2015	Tripura
7	29/05/2015 to 07/06/2015	Jharkhand
8	01/06/2015 to 07/06/2015	Jharkhand
9	18/06/2015 to 26/06/2015	HP
10	30/07/2015 to 02/08/2015	Jharkhand
11	07/8/2015 to 10/08/2015	Jabalpur (Madhya Pradesh)
12	02/09/2015 to 05/09/2015	Odisha
13	19/09/2015 to 21/09/2015	Maharashtra
14	13/01/2016 to 16/01/2016	Andhra Pradesh
15	28/01/2016 to 01/02/2016	Maharashtra (Pune& Nasik)
16	20/02/2016 to 26/02/2016	Jharkhand and Odisha
17	03/04/2016 to 06/04/2016	Chhattisgarh
18	15/04/2016 to 27/04/2016	Jharkhand (Chatra and Garhwa Districts)
19	01/05/2016 to 06/05/2016	Madhya Pradesh (Jhabua, Indore & Bhopal)
20	12/07/2016 to 14/07/2016	Odisha
21	19/08/2016 to 21/08/2016	Rourkela (Odisha)
22	25/09/2016 to 28/09/2016	Madhya Pradesh
23	06/10/2016 to 07/10/2016	Dumka District
24	18/10/2016 to 22/10/2016	Siliguri, West Bengal

ANNEXURE-1.IV
(Ref. Para 1.11.1 11R)

NATIONAL COMMISSION FOR SCHEDULED TRIBES

List of court cases registered during 2015-16

Sl No	File Number	Subject
	Court Case/01/SC/24364/2015/RU-I	Appeal (Civil) No. 24364 of 2015 with prayer for interim Relief filed by Scheduled Castes, Scheduled Tribes and OBC Welfare Association (Regd.) and ORs. in the Supreme Court.
1	Court Case/04/SLM/14354/2015/RU-II	Civil Writ petition No. 14354/15 in the High Court of Rajasthan, Jaipur Bench filed by Regional Provident Fund Commissioner Jaipur (reply sent to RO Jaipur for filling in the court).
2	Court Case/03/HC-Kerala/29672/2015/RU-II	WP(C)No. 29672/2015 in the High Court of Kerala-filed by Reji A.P, S/o Padmanabhan, Asariveliyil House, Velorvattam, Cherthala, Kerala seeking reservations to SC/STs & OBCs in Direct Recruitment of Scientist/Engineer in Group A service in Sree Chitra Thirunal Institute for Medical Sciences and Technology, Thiruvananthapuram, Kerala (NCST advised DST (RESPONDENT 1) of this case to protect the case of NCST vide letter dated 17/02/2016).
3	Court Case/02/HC-Shillong/7/2015/RU-II	Misc Case(Review Petition) No. 7/2015 in the High Court of Meghalaya, Shillong filed by Shella Action Committee, Rally of Shella Village Natives V/s. The State of Meghalaya and Ors.
	<u>19/5/High Court/2015/RU-III</u>	Letter dated 03.11.2015 Shri R. V. Sinha, SCGC, 405, Lawyers Chambers, Block No. III High Court of Delhi, New Delhi regarding W.P(C)Nil of 2015 in the Matter of Union of India & ANR V/s Shri Ram Kishore Meena & ANR.
	<u>19/1/High Court/2015/RU-III</u>	Letter dated 03.11.2015 Shri R. V. Sinha, SCGC, 405, Lawyers Chambers, Block No. III High Court of Delhi, New Delhi regarding W.P(C)Nil of 2015 in the Matter of Union of India & ANR V/s Shri Ram Kishore Meena & ANR.

<u>19/2/Court Case/HC-Delhi/2015/RU-III</u>	CWP NO/2015 in the High Court of Delhi in the matter of Chandra Shekhar Vs Union of India regarding reservation Policy in Universities-JMI / AMU.
<u>19/4/High Court/Jharkhand/2015/RU-III</u>	Notice dated 07.07.2015 received from the Assistant Register, High Court of Jharkhand, Ranchi regarding WP(Pil) No.1606/2014 in the matter of Nishikant Dubey V/s Union of India & Others.
<u>19/3/Supreme Court/2015/RU-III</u>	Petition for Special Leave to Appeal (civil) No. 18113 of 2015 in the Supreme Court of India filed by Ms Pinkey Behera, Advocate, in the matter of Shri Romeo Dumai V/s Union of India & others.
<u>CC/3/2015/TN/RU-IV</u>	W.P. No. 20620 of 2011 filed by Shri Veeramuthu. Letter dated 23.03.2015 from the Dy. Legal Adviser, M/o Law & Justice, Chennai.
<u>CC/4/2015/MAHARASTRA/RU-IV</u>	WP No. 2008/2014 in the High Court of Judicature at Bombay Bench at Nagpur. of Ku. Gunibai Tilakchand Malgam, Village-Sonpuri, District- Gondia VS Secretary TD department, Mumbai and 3 others-regarding Caste certificate.
<u>CC/5/2015/BANK/FIN/RU-IV</u>	Review petition (C) of 2015 in Civil Appeal No. 212 of 2015
<u>CC/6/2015/BSNL/MPNT2/RU-IV</u>	W.P. No. 6731 of 2015 between Jitendra Nath Yogendra Mishra & Ors Vs. Union of India and others.
<u>CC/7/2015/TN/RU-IV</u>	W.P. No. 18168 of 2015 between Pondicherry ST peoples Federation, Puducherry Vs. Union Bank of India regarding recommending the five communities viz Irular, Malaikuravan/Malakuravan, Kattunayakan Yerukula and Kuruman/Kurumans as ST in the Union Territory of Puducherry.
<u>CC/8/2015/TN/RU-IV</u>	W.P. No. 24818 of 2015 in the High Court of Judicature at Madras Arungunam S. Vinayagam Vs the State Government of Tamil Nadu.
<u>CC/9/2015/AP/RU-IV</u>	W.P. No. 26211/2015 in the High Court of Judicature for the State of Telangana and the State of Andhra Pradesh between Smt. Bhukya Swetha Vs. State of Telangana.
<u>CC/1/2016/TN/RU-IV</u>	OA 119 OF 2016 regarding the case of Shri N. Nagarajan

ANNEXURE-3.I
(Ref. Para 3.2.1 11R)

MOST IMMEDIATE

No. 36036/2/2007-Estt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, Dated the 29th March, 2007.

To

The Chief Secretaries of all the States/ Union Territories.

Subject:- Supreme Court judgement in the matter of M. Nagaraj and Others V/s. Union of India and Others . regarding.

Sir,

I am directed to say that the Supreme Court had in some judgements interpreted the Constitution and the law in a manner that seemed to affect the interests of the Scheduled CAs and Scheduled Tribes. For example, the Supreme Court in the case of Indra Sawhney V/s. Union of India had held that reservation in promotion for the Scheduled Castes and Scheduled Tribes was not permissible under the provisions of the Constitution. In the same case, the Hon'ble Court held that the number of vacancies to be filled by reservation in a year including the backlog vacancies would not exceed 50 per cent of the total vacancies. In the case of S. Vinod Kumar V/s Union of India, the Supreme Court held that lower qualifying marks / lesser level of evaluation were not permissible for Scheduled Caste/ Scheduled Tribe candidates in the matter of promotion. In the matter of Virpal Singh Chauhan, Ajit Singh and some other cases, the Supreme Court had held that if an SC/ST candidate was promoted earlier, by virtue of the rule of reservation roster, than his senior general candidate and the senior general candidate was promoted subsequently on the said higher grade, the general candidate would regain his seniority over such previously promoted SC/ST candidate.

2. The Parliament, in order to address these issues had passed four amendments namely, the 77th Amendment, the 81st Amendment, the 82nd Amendment and the 85th Amendment to the Constitution. These amendments were challenged in the Supreme Court mainly on the ground that these altered the basic structure of the Constitution. The Hon'ble Supreme Court in the matter of M. Nagaraj & Others V/s. Union of India & Others (Writ Petition (Civil) No. 61/2002) has upheld all these four amendments. The Hon'ble Court concluded the judgement with the following observations:

The impugned constitutional amendments by which Article 16 (4A) and 16(4B) have been inserted flow from Article 16(4). They do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons, namely, backwardness and inadequacy of representation which enables the State to provide for reservation keeping in mind the overall efficiency of the State Administration under Article 335. These impugned amendments are confined only to SCs and STs. They do not obliterate any of the constitutional requirements, namely, ceiling-limit of 50% (quantitative limitation), the concept of creamy layer (qualitative exclusion), the sub-classification between OBC on one hand and SCs and STs on the other hand as held in Indra Sawhney, the concept of post-based Roster with in-built concept of replacement as held in R. K . Sabharwal.+

We reiterate that the ceiling limit of 50%, the concept of creamy layer and the compelling reasons, namely, backwardness, inadequacy of representation and overall

administrative efficiency are all constitutional requirements without which the structure of equality of opportunity in Article 16 would collapse.

However, in this case, as stated, the main issue concerns the extent of reservation. In this regard the concerned State will have to show in each case the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation. As stated above, the impugned provision is an enabling provision. The State is not bound to make reservation for SC/ST in matter of promotions. However, if they wish to exercise their discretion and make such provision, the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance of Article 335. It is made clear that even if the State has compelling reasons, as stated above, the State will have to see that its reservation provision does not lead to excessiveness so as to breach the ceiling limit of 50% or obliterate the creamy layer or extend the reservation indefinitely.

Subject to above, we uphold the constitutional validity of the Constitution (Seventy . Seventh Amendment) Act, 1995, the Constitution (Eighty First Amendment) Act, 2000, the Constitution (Eighty Second Amendment) Act, 2000 and the Constitution (Eighty Fifth Amendment) Act, 2001.

3. This Department has in constitution with the law officers of the Government, examined whether the above referred judgement introduces the concept of creamy layer for the Scheduled Castes and Scheduled Tribes. This Department has been advised that the observations made in Nagaraj case regarding creamy layer amongst the Scheduled Castes and Scheduled Tribes are mere obiter dicta, per incurium and do not flow from, and cannot be reconciled with the nine judge bench judgement of the Supreme Court in the matter of Indra Sawhney. The reference to creamy layer in the concluding paragraph and other portions of the judgement does not relate to the Scheduled Castes and Scheduled Tribes.

4. You are requested to bring the contents of this letter to all concerned in the State.

Yours faithfully,
S/D
(K. G. Verma)
Director
Tele. No. 23092158

Copy to :-

1. All Ministries/ Departments of Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurances Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Secretariat / Rajya Sabha Secretariat/ President Secretariat/ Prime Minister's Office/ Planning Commission/ National Commission for Backward Classes.
7. National Commission for Scheduled Castes.
8. National Commission for Scheduled Tribes w.r.t. their letter No. 12/16/2006-C. Cell dated 26.12.2006.
9. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
10. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

ANNEXURE- 3.II
(Ref. Para 3.11.8 11R)

NATIONAL COMMISSION FOR SCHEDULED TRIBES
DERESERVATION PROPOSALS RECEIVED IN THE COMMISSION DURING
2015-16

Sl. No.	File No.	Subject
1	De-reservation/Service/2015/RU-I	1 Post of Assistant Engineer in PWD, UT of D & N H
2	De-reservation/Service/2016/RU-I	1 Post of Sr. Personal Assistant, Ministry of Youth Affairs & Sports (Department of Sports)
3	De-reservation/Service/2016/RU-II (Part . III)	5 Post of Accounts Officer, Comptroller Auditor General of India
4	De-reservation/Service/2016/RU-II (Part . III)	3 Post of Audit Officer, Comptroller Auditor General of India
5	De-reservation/Service/2016/RU-II (Part . III)	1 Post of Accounts Officer, Comptroller Auditor General of India
6	De-reservation/Service/2016/RU-II (Part . III)	2 Post of Audit Officer, Comptroller Auditor General of India
7	De-reservation/Service/2016/RU-II (Part . III)	3 Posts of Audit Officer, Comptroller Auditor General of India
8	De-reservation/Service/2016/RU-II (Part . III)	5 Post of Divisional Accounts, Comptroller Auditor General of India
9	De-reservation/Service/2016/RU-II (Part . III)	1 Post of Supervisor, Comptroller Auditor General of India
10	De-reservation/Service/2016/RU-II (Part . III)	1 Post of Audit Officer, Comptroller Auditor General of India
11	De-reservation/Service/2016/RU-II (Part . III)	1 Post of Supervisor, Comptroller Auditor General of India
12	De-reservation/4/2015/RU-III	De-reservation of 03 vacancies of Scheduled Tribes to General Category for filling the vacant post of Assistant Commandant (Works) in Border Security Force (BSF) Engineering Set up to be filled on promotion.
13	DR/3/MHA(OL)/2015/RU-III	De reservation dated 31/03/2015 from Shri Harinder Kumar, De-reservation proposal regarding, OL,MHA, translator reserved for ST in the CSOL service cadre.

14	DR/3/MDEF/2015/RU-IV	1 post for Data Entry Operator in HQ IDS/SI Dte, AFHQ/IS organizations, Ministry of Defence, New Delhi
15	DR/4/MDEF/2015/RU-IV	1 post for Admin Assistant %B+ in ARDE, Pune
16	DR/5/MoES/2015/RU-IV	1 post for Staff Car Driver Gr. I in the Director General of Meteorology, New Delhi
17	DR/1/MFIN/2016/RU-IV	3 posts for Senior Time Scale of IA&AS in Comptroller and Auditor General of India, New Delhi
18	DR/2/MDEF/2016/RU-IV	1 post for General Manager in the Office of the JS(T) & CAO, Ministry of Defence, New Delhi

ANNEXURE-4.I
(Ref Para 4.1.1 11R)

Total population, Scheduled Tribe population and inter-Census decadal ST population growth during 1991,2001and 2011 census															
S. No.	Name of State/ UT	Total popn. 1991 Census	ST popn. 1991 Censu s	%age of ST popn to total popn in State as per 1991 Census	%age of ST popn. in State to total ST popn in India in 1991 Census	Total popn. 2001 Census	ST popn. 2001 Census	%age of ST popn to total popn in State as per 2001 Census	%age of ST popn in State to total ST popn in India in 2001 Census	%age increase in ST popn. in 2001 over 1991 Census in State	Total popn 2011 Census	ST popn 2011 Census	%age of ST popn to total popn in State as per 2011 Census	%age increase in ST popn. In 2011 over 2001 Census in State	%age of ST popn in State to total ST popn in India in 2011 Census
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Andhra Pradesh	665,08,008	41,99,481	6.31	6.20	762,10,007	50,24,104	6.59	5.96	14.59	845,80,777	59,18,073	7	17.79	5.68
2	Arunachal Pradesh	8,64,558	5,50,351	63.66	0.81	10,97,968	7,05,158	64.22	0.84	27	13,83,727	9,51,821	68.79	34.98	0.91
3	Assam	224,14,322	28,74,441	12.82	4.24	266,55,528	33,08,570	12.41	3.92	18.92	312,05,576	38,84,371	12.45	17.4	3.72
4	Bihar	863,74,465	66,16,914	7.66	9.77	829,98,509	7,58,351	0.91	0.90		1040,99,452	13,36,573	1.28	76.25	1.28
5	Chhattisgarh*	-	-			208,33,803	66,16,596	31.76	7.85		2554,51,198	78,22,902	30.62	18.23	7.5
6	Goa	11,69,793	376	0.03	0.00	13,47,668	566	0.04	0.00	15.21	14,58,545	1,49,275	10.23	26273.67	0.14
7	Gujarat	413,09,582	61,61,775	14.92	9.09	506,71,017	74,81,160	14.76	8.87	22.66	604,39,692	89,17,174	14.75	19.2	8.55
8	Haryana	164,63,648	-			211,44,564	-			28.43	253,51,462	-	0	-	0
9	Himachal Pradesh	51,70,877	2,18,349	4.22	0.32	60,77,900	2,44,587	4.02	0.29	17.54	68,64,602	3,92,126	5.71	60.32.	0.38
10	Jammu & Kashmir	-	-			101,43,700	11,05,979	10.90	1.31		125,41,302	14,93,299	11.91	35.02	1.43
11	Jharkhand	-	-			269,45,829	70,87,068	26.30	8.40		329,88,134	86,45,042	26.21	21.98	8.29
12	Karnataka	449,77,201	19,15,691	4.26	2.83	528,50,562	34,63,986	6.55	4.11	17.51	610,95,297	42,48,987	6.95	22.66	4.07
13	Kerala	290,98,518	3,20,967	1.10	0.47	318,41,374	3,64,189	1.14	0.43	9.43	334,06,061	4,84,839	1.45	33.13	0.46
14	Madhya Pradesh	661,81,170	153,99,034	23.27	22.73	603,48,023	122,33,474	20.27	14.51	-8.81	726,26,809	153,16,784	21.09	25.2	14.69
15	Maharashtra	789,37,187	73,18,281	9.27	10.80	968,78,627	85,77,276	8.85	10.17	22.73	1123,74,333	105,10,213	9.35	22.54	10.08
16	Manipur	18,37,149	6,32,173	34.41	0.93	21,66,788	7,41,141	34.20	0.88	17.94	25,70,390	9,02,740	35.12	21.8	0.87
17	Meghalaya	17,74,778	15,17,927	85.53	2.24	23,18,822	19,92,862	85.94	2.36	30.65	29,66,889	25,55,861	86.15	28.25	2.45
18	Mizoram	6,89,756	6,53,565	94.75	0.96	8,88,573	8,39,310	94.46	1.00	28.82	10,97,206	10,36,115	94.43	23.45	0.99

ANNEXURE-4.I**(Contd.)**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
19	Nagaland	12,09,546	10,60,822	87.70	1.56	19,90,036	17,74,026	89.15	2.10	64.53	19,78,502	17,10,973	86.48	3.55	1.64
20	Orissa	316,59,736	70,32,214	22.21	10.37	368,04,660	81,45,081	22.13	9.66	16.25	419,74,218	95,90,756	22.85	17.75	9.2
21	Punjab	202,81,969	-			243,58,999	-			20.1	277,43,338	-	0	-	0
22	Rajasthan	440,05,990	54,74,881	12.44	8.08	565,07,188	70,97,706	12.56	8.42	28.41	685,48,437	92,38,534	13.48	30.16	8.86
23	Sikkim	4,06,457	90,901	22.36	0.13	5,40,851	1,11,405	20.60	0.13	33.06	6,10,577	2,06,360	33.8	85.23	0.2
24	Tamil Nadu	558,58,946	5,74,194	1.03	0.84	624,05,679	6,51,321	1.04	0.77	11.72	721,47,030	7,94,697	1.2	22.01	0.76
25	Tripura	27,57,205	8,53,345	30.95	1.26	31,99,203	9,93,426	31.05	1.18	16.03	36,73,917	11,66,813	31.76	17.45	1.12
26	Uttarakhand*	-	-			84,89,349	2,56,129	3.02	0.30		100,86,292	2,91,903	2.89	13.97	0.28
27	Uttar Pradesh	1391,12,287	2,87,901	0.21	0.42	1661,97,921	1,07,963	0.06	0.13	19.47	1998,12,341	11,34,273	0.57	950.61	1.09
28	West Bengal	680,77,965	38,08,760	5.59	5.62	801,76,197	44,06,794	5.50	5.23	17.77	912,76,115	52,96,953	5.8	20.2	5.8
29	A. & N. Islands	2,80,661	26,770	9.54	0.04	3,56,152	29,469	8.27	0.03	26.9	3,80,581	28,530	7.5	3.19	0.03
30	Chandigarh	6,42,015	-			9,00,635	-			40.28	10,55,450	-	-	-	-
31	Dadra & Nagar Haveli	1,38,477	1,09,380	78.99	0.16	2,20,490	1,37,225	62.24	0.16	59.22	3,43,709	1,78,564	51.95	30.12	0.17
32	Daman & Diu	1,01,586	11,724	11.54	0.02	1,58,204	13,997	8.85	0.02	55.73	2,43,247	15,363	6.32	9.76	0.01
33	Delhi	94,20,644	-			138,50,507	-			47.02	167,87,941	-	-	-	-
34	Lakshadweep	51,707	48,163	93.15	0.07	60,650	57,321	94.51	0.07	17.3	64,473	61,120	94.8	6.63	0.06
35	Puducherry	8,07,785	-			9,74,345	-			20.62	12,47,953	-	-	-	-
	India	8385,83,988	677,58,380	8.08	100.00	10286,10,328	843,26,240	8.20	100.00	22.66	12105,69,573	1042,81,034	8.61	23.66	100.00

ANNEXURE-4.II
(Ref. Para 4.3.14 11R)

STATE-WISE TSP OUTLAY DURING ANNUAL PLAN 2013-14 TO 2015-16

Sl. No.	State/ U.T	% of ST Population (2011 Census)	Annual Plan 2013-14			Annual Plan 2014-15			Annual Plan 2015-16	
			Total State Plan Outlay	TSP Allocation	Anticipated Outlay	Proposed Outlay	TSP Allocation	Anticipated Outlay	State Plan Outlay	TSP Allocation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	Andhra Pradesh	7.00	53000.00	3666.60	2070.68	26672.86	1500.26	NR	34412.47	1904.48
2.	Assam	12.45	12500.00	82.00	72.55	14029.00	90.20	NR	15278.01	
3.	Bihar	1.28	34000.00	485.00	434.52	40100.00	508.80	508.80	63039.50	679.13
4.	Chhattisgarh	30.62	25250.00	7952.17	6946.97	26615.00	9517.57	NR	NR	NR
5.	Goa	10.23	4715.00	614.47	187.08	4520.48	328.63	NR	NR	NR
6.	Gujarat	14.75	59000.00	7236.60	7102.85	71500.00	9038.54	7536.10	79295.00	9690.53
7.	Himachal Pradesh	5.71	4100.00	369.00	369.00	4400.00	395.47	395.47	4800.00	432.00
8.	Jammu & Kashmir	11.91	7300.00	1113.55	1113.55	NR	NR	NR	NR	NR
9.	Jharkhand	26.21	16800.00	8474.60	5102.97	26250.00	11680.29	NR	NR	NR
10.	Karnataka	6.95	47000.00	2354.70	2480.74	6559.78	4315.07	NR	NR	4582.72
11.	Kerala	1.45	17000.00	389.85	389.85	20000.00	600.00	NR	NR	NR
12.	Madhya Pradesh	21.09	35500.00	6800.00	6267.45	53512.64	12057.64	NR	NR	NR
13.	Maharashtra	9.35	49000.00	3817.34	3713.12	51222.54	4814.92	4090.21	54999.00	5170
14.	Manipur	35.12	3650.00	1376.28	1280.67	8671.43	3059.68	NR		NR
15.	Odisha	22.85	21500.00	5134.54	5099.02	37529.28	7884.50	5869.56	44150.00	9134.34
16.	Rajasthan	13.48	40500.00	5193.40	4809.55	69820.05	9178.10	NR	71405.78	9886.71
17.	Sikkim	33.80	2060.00	NR	NR	3905.00	NR	NR	NR	NR
18.	Tamil Nadu	1.10	37128.00	496.13	439.77	42185.00	572.93	445.85	55100.00	657.76
						26672.36	4559.81	NR	52374.55	5035.68
19.	Tripura	31.76	2500.00	NR	NR	2190.62	1396.98	1094.93	2218.58	1841.06
20.	Uttar Pradesh	0.57	69200.00	41.50	18.69	113500.00	104.29	NR	NR	NR
21.	Uttarakhand	2.89	8500.00	255.00	90.99	10600.00	318.00	NR	NR	354.37
22.	West Bengal	5.80	30314.00	2173.14	2173.14	46290.35	3136.41	NR	NR	NR
23.	A&N Island	7.50	1867.10	228.79	228.79	5821.00	240.00	175.77	NR	NR
24.	Daman & Diu	0.06	630.05	3.90	4.95	2070.07	11.24	NR	NR	NR
	Total		583014.15	58258.56	50396.90	714637.46	85310.33			

ANNEXURE-4.III
(Ref para 4.3.25 11AR)

**MINISTRIES/ DEPARTMENT-WISE TRIBAL SUB PLAN ALLOCATION DURING
2013-14, 2014-15 AND 2015-16**

S. No.	MINISTRIES/ DEPARTMENTS	TSP ALLOCATION 2013-14	TSP ALLOCATION 2014-15	TSP ALLOCATION 2015-16
	Ministry of Agriculture			
1	Department of Agriculture Research and Cooperation	932.50	953.52	971.71
2	Department of Agriculture and Education	123.00	133.80	133.00
3	Ministry of Coal	31.60	37.15	0.00
	Ministry of Communications and Information Technology			
4	Department of Telecommunications	14.50	17.50	1.64
5	Department of Electronics and Information Technology	201.00	256.00	172.00
	Ministry of Consumer Affairs, Food and Public Distribution			
6	Department of Food and Public Distribution	6.28	4.13	1.12
7	Ministry of Culture	28.70	36.70	29.10
8	Ministry of Drinking Water and Sanitation	1526.00	1526.00	623.00
9	Ministry of Environment and Forests	16.00	16.00	5.00
	Ministry of Health and Family Welfare			
10	Department of Health and Family Welfare	2391.53	2512.89	2013.02
11	Department of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homeopathy (AYUSH)	21.38	21.38	20.16
12	Department of AIDS Control	146.37	0.00	0.00
13	Ministry of Housing and Urban Poverty Alleviation	35.04	144.00	130.00
14	Ministry of Human Resource Development			

15	Department of School Education and Literacy	5313.52	5663.80	4297.27
16	Department of Higher Education	1219.59	1267.62	1189.17
17	Ministry of Labour and Employment	206.95	200.57	176.55
18	Ministry of Micro, Small and Medium Enterprises	244.21	273.00	214.27
19	Ministry of Mines	9.72	21.47	0.00
20	Ministry of Road Transport and Highways	800.00	400.00	400.00
21	Ministry of Panchayati Raj	37.55	1203.00	0.00
	Ministry of Rural Development			
22	Department of Rural Development	4452.03	10358.49	2714.37
23	Department of Land Resources	576.45	375.00	159.97
	Ministry of Science and Technology			
24	Department of Science and Technology	69.43	78.12	85.04
25	Ministry of Social Justice and Empowerment	46.00	45.20	45.22
26	Ministry of Textiles	55.57	55.57	42.28
27	Ministry of Tourism	32.05	47.05	37.00
28	Ministry of Tribal Affairs ***	4279.00	4479.00	4792.19
29	Ministry of Water Resources	19.50	191.58	0.00
30	Ministry of Women and Child Development	1668.70	1730.20	843.51
31	Ministry of Youth Affairs and Sports	90.28	101.29	85.30
	Total	24594.45	32386.84	19181.89

ANNEXURE-4.IV
Ref. Para 4.5.3 11R

Budget allocation/ Revised allocation and expenditure of Ministry of Tribal Affairs

(In crore of Rupees)

M. Head	Programme/ Sub-Schemes	Scheme	2013-14			2014-15 (including NE)		
			BE	RE	Exp.	BE	RE	Exp.
A	Central Sector Schemes							
2225	Aid to Voluntary Organizations	Grant-in-Aid to NGO for STs including	39.50	25.00	40.00	35.00	44.50	44.50
2225	Special Incentives to NGOs performing exemplary tasks	Coaching & Allied Scheme and award for exemplary service						
2225	Coaching & Allied Schemes		4.50	1.50	1.1842	1.50	0.50	0.12
	Total of 2225		44.00	26.50	41.1842	36.50	45.00	44.62
2225	Vocational Training in Tribal Areas	Vocational Training in Tribal Areas	3.00	2.80	2.7075	3.00	2.90	2.70
3601			5.00	6.62	6.1092	Merge with Umbrella Scheme		
	Total of 2225 & 3601		8.00	9.42	8.8167	3.00	2.90	2.70
2225	Strengthening of Education among ST Girls in Low Literacy Districts	Strengthening of Education among ST Girls in Low Literacy Districts	40.00	42.00	40.3001	40.00	35.00	35.00
2225	Market Development of Tribal Products/ Produce	Market Development of Tribal Products/ Produce	34.31	34.31	34.31	35.00	35.00	30.82
3601	State Tribal Dev. Coop. Corn. For Minor Forest Produce	State Tribal Dev. Coop. Corn. For Minor Forest Produce	20.00	10.00	10.00	15.00	11.09	11.09
2225	Development of Particularly vulnerable Tribal Group (PTG)	Development of Particularly vulnerable Tribal Group (PTG)	5.80	5.40	5.2954	5.40	4.50	4.50
3601			234.20	197.60	201.60	201.60	175.50	175.50
	Total of 2225 & 3601		240.00	203.00	206.8954	207.00	180.00	180.00
4225	National Scheduled Tribes Finance & Development Corporation	Support to National/ State Scheduled	70.00	70.00	60.50	70.00	70.00	70.00

4225	State Tribal Development Finance Corp.	Tribes Finance & Development Corporations						
	Total of 4225		70.00	70.00	60.50	70.00	70.00	70.00
2225	Rajiv Gandhi National Fellowship for ST Students	Rajiv Gandhi National Fellowship for ST Students	90.00	10.00	0.00	50.00	0.00	0.00
2225	Scheme of Institute of Excellence/ Top Class Institute	Scheme of Institute of Excellence/ Top Class Institute	13.00	9.50	9.50	Merged with Umbrella scheme for ST students		
2225	National Overseas Scholarship Scheme	National Overseas Scholarship Scheme	1.00	0.98	0.6831	1.00	1.00	0.99
2225	Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum support Price (MSP) and Development of value Chain for MFP	Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum support Price (MSP) and Development of value Chain for MFP	0.00	5.65	0.00	40.00	7.00	7.00
3601			0.00	116.35	112.49	277.00	93.00	93.00
	Total of 2225 & 3601		0.00	122.00	112.49	317.00	100.00	100.00
2225	World Bank Project- Improving Development Programmes in the Tribal Areas		0.00	1.16	0.00	3.86	1.44	0.56
	Total of A (Central Sector Plan)		560.31	538.87	524.6795	778.36	481.43	475.78
B	Centrally Sponsored Schemes							
2225	Post Matric Scholarship for STs/ Book Bank	Scheme of PMS, Book Bank and Upgradation of Merit of ST student	0.10	0.10	0.0074	Merged with Umbrella Scheme for STs		
	Total of 2225		0.10	0.10	0.0074			
3601	Post Matric Scholarship for STs/ Book Bank		623.40	623.40	748.2777			
3601	Upgradation of Merit of ST Students		1.50	1.50	0.1614			
	Total of 3601		624.90	624.90	748.4391			
	Total of 2225 & 3601		625.00	625.00	748.4465			

2225	Pre Matric Scholarship for ST Students		1.00	0.33	0.00			
3601	Pre Matric Scholarship for ST Students	Pre Matric Scholarship for ST Students	201.19	201.19	219.43			
	Total		202.19	201.52	219.4320			
2225	Girls Hostels		5.00	5.00	0.00			
2225	Boys Hostels							
	Total of 2225		5.00	5.00	0.00			
3601	Girls Hostels		100.80	100.80	101.06			
3601	Boys Hostels							
	Total of 3601		100.80	100.80	101.0550			
	Total of 2225 & 3601		105.80	105.80	101.0550			
2225	Establishment of Ashram Schools		0.00	0.00	0.00			
3601		Establishment of Ashram Schools	75.00	72.17	72.17			
	Total of 3601		75.00	72.17	72.17	0.00	0.00	0.00
2225	Domestic Travel Exp.	Umbrella Scheme for Education of ST Children (Administrative Expenses)	0.00	0.00	0.00	4.23	0.00	0.00
	Foreign Travel Expenses		0.00	0.00	0.00	0.00	0.00	0.00
	Office Expenses		0.00	0.00	0.00	5.29	0.00	0.00
	Professional Services		0.00	0.00	0.00	9.62	0.00	0.00
	Other Charges		0.00	0.00	0.00	2.02	0.00	0.00
	Total of 2225		0.00	0.00	0.00	21.16	0.00	0.00
2225		Umbrella Scheme for Education of ST Children	0.00	0.00	0.00	18.84	30.84	23.52
3601			0.00	0.00	0.00	1018.00	1035.01	1035.01
		Total of 2225 & 3601	0.00	0.00	0.00	1036.84	1065.85	1058.53
2225	Research and Training	Research Information & Mass Education. Tribal Festival and Others	0.10	0.03	0	0.50	0.50	0.00
2225	Information and Mass Media		3.00	2.52	1.1179	3.00	1.99	0.12
2225	National Tribal Affairs Award		0.50	3.43	2.1551	3.50	2.26	2.45
2225	Centre of Excellence		0.56	1.59	1.04	3.34	3.34	2.22
2225	Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes		0.30					

2225	Organization of Tribal Festival		1.60					
2225	Exchange of visits by Tribals		0.44					
		Total of 2225	6.50	7.57	4.3130	10.34	8.09	4.79
3601	Research and Training		4.00	2.57	2.7069	8.00	16.00	16.00
		Total 2225 & 3601	10.50	10.14	7.0199	18.34	24.09	20.79
2225	Monitoring and Evaluation	Monitoring and Evaluation	4.00	1.43	0.6503	4.00	1.99	1.21
		Total of 2225	4.00	1.43	0.6503	4.00	1.99	1.21
2251	Information Technology	Ministry	2.80	2.20	1.0356	2.80	1.70	1.27
2225		NCST	0.20	0.20	0.0399	0.50	0.23	0.26
		Total of 2251 & 2225	3.00	2.40	1.0755	3.30	1.93	1.53
3601	Van Bandhu Kalyan Yojana		0.00	0.00	0.00	100.00	100.00	100.00
		Total of 3601				100.00	100.00	100.00
	Total of B (Centrally Sponsored Schemes)		1025.49	1018.46	1149.8492	1183.64	1193.86	1182.06
C	Special Central Assistance							
3601	Special Central Assistance for Tribal Sub-Plan		1200.00	1050.00	1050.00	1200.00	1040.03	1039.61
3601& 2225	Scheme Under Proviso to Art. 275 of the Constitution		1317.00	1097.14	1097.1398	1317.00	1134.68	1133.15
	Total of D (Special Central Assistance)		2517.00	2147314	21471398	2517.00	2174.71	2172.76
	Grand Total A, B & C		4279.00	3879.00	3821.6685	4479.00	3850.00	3830.60

ANNEXURE-4.V
(Ref para 4.5.3 11R)

Budget allocation for the year 2015-16 (Plan) & Expenditure upto 31.12.2015

S. No	Name of Scheme	Details of Sub-Schemes	Major Head	Detailed Head	BE 2015-16	*exp. Up to 31.12.15
1	2	3	4	5	6	7
A	Block Grants					
	SCA to Tribal Sub-Plan	Administrative exp.	2225	Domestic Travel Exp.	1.50	0.00
				Foreign Travel Expenses	1.00	0.00
				Office Expenses	2.00	0.00
				Professional Services	0.30	0.00
				Other Charges	7.20	0.00
				Total	12.00	0.00
		Grant	3601	General	780.00	674.71
				Capital	333.00	313.80
				Total	113.00	988.51
		Total of 2225 and 3601			1125.00	988.51
	Article 275(1) of the Constitution	Administrative exp.	2225	Domestic Travel Exp.	1.50	0.01
				Foreign Travel Expenses	1.00	0.00
				Office Expenses	2.00	0.07
				Professional Services	0.30	0.07
				Other Charges	8.20	0.00
				Total	13.00	0.15
		Grant	3601	General	240.00	202.22
				Capital	977.30	916.00
				Total	1217.30	1118.22
		Total of 2225 and 3601			1230.30	1118.37
B	Central Sector Scheme					
3	Grant-in-Aid to NGOs for STs including coaching & Allied Scheme and Award for Exemplary Service	Grant in Aid to Voluntary Organisation working for the welfare of ST	2225	General	72.00	49.56
				Capital	0.00	0.00
				Total	72.00	59.56
		Total of 2225			72.00	49.56
4	Strengthening of Education among ST Girls in Low Literacy Districts		2225	General Capital	Has been merged with NGO Scheme	

S. No	Name of scheme	Details of sub-schemes	Major head	Detailed head	BE 2015-16	*exp. Upto 31.12.15
1	2	3	4	5	6	7
5	Market development of tribal products/produce		2225	General	11.98	11.98
				Capital	0.00	0.00
				Total	11.98	11.98
			3601	General	15.00	0.00
				Total	38.02	18.28
			Total of 2225 and 3601			50.00
6	New scheme-mechanism for marketing of minor forest produce(MFP) through minimum support price(MSP) and development of value chain for MFP		2225	General	10.00	5.00
				Capital	30.00	0.00
				Total	40.00	5.00
			3601	General	250.00	101.73
				Capital	17.00	0.00
				Total	267.00	101.73
Total of 2225 and 3601			307.00	106.73		
7	Development of particularly vulnerable tribal groups(PTGs)		2225	General	5.40	0.36
				Capital	0.00	0.00
				Total	5.40	0.36
			3601	General	87.60	84.90
				Capital	120.35	66.14
				Total	207.95	151.04
Total of 2225 and 3601			213.35	151.40		
8	Support to national/state schedule tribes finance & development corporations	National schedule tribes finance & development corporation		General	70.00	40.23
			4225	Capital	0.00	0.00
				Total	70.00	40.23
9	National Fellowship & Scholarship for Higher Education of ST Children		2225	General	50.00	32.31
				Capital	0.00	0.00
				Total of 2225	50.00	32.31
10	World Bank Project . Improving Development Programmes in the Tribal Areas			Domestic Travel	0.20	0.00
				Foreign Travel Exp.	0.75	0.00
				Office Exp.	0.16	0.02
				Publication	0.08	0.00
				Other Administrative Exp.	0.20	0.07
				Professional Service	0.60	0.51
				Other Charges	0.01	0.01
				Total	2.00	0.62
Total of 2225			2.00	0.62		

S. No.	Name of Scheme	Details of Sub-Scheme	Major Head	Detailed Head	BE 2015-16	*exp. Up to 31.12.2015
11	Research Information & Mass Education Tribal Festive and Others	Research Training			0.50	0.00
		Information & Mass Media			3.00	0.00
		Centre of Excellence			3.34	0.23
		Other Charges			3.86	0.07
		Total of 2225			10.70	0.30
		Research & Training	3601		27.00	7.94
		Total of 2225 and 3601			37.70	8.24
12	Information Technology	Ministry	2251	Other Charges	2.80	0.14
		NCST	2225	Other Charges	0.50	0.00
13	Monitoring and Evaluation		2225	General	0.50	0.00
				Other Charges	3.50	0.86
				Total	4.00	0.86
		Total of 2225			4.00	0.86
14	National Overseas Scholarship Scheme		2225	General	1.00	0.39
				Scholarship	0.00	0.00
				Total	1.00	0.39
		Total of 2225			1.00	0.39
15	Van Bandhu Kalyan Yojana		3601	General	200.00	66.01
				Capital	0.00	69.96
				Total	200.00	135.94
		Total of 3601			200.00	135.94
15	Scheme of PMS Book Bank and Upgradation of Merit of ST students/ Pre Matric scholarship for ST students/ Scheme of Hostels for ST Girls and Boys/ Establishment of Ashram Schools/ Vocational Training Centres in Tribal Areas/ Scheme of Institution of Excellence / Top class Education		2225	Domestic Travel Exp.	4.00	0.00
				Foreign Travel Expenses	0.00	0.00
				Office Expenses	4.00	0.08
				Professional Services	8.00	0.00
				Other charges	2.00	0.00
				Total	18.00	0.08
		Total of 2225			18.00	0.08
16	Lump sum provision for North East	Total of 2225	2552	General	10.00	0.00
C	Centrally Sponsored Plan Scheme					
17	Umbrella Scheme for education of ST children		2225			
	Scheme of PMS, Book Bank and Upgradation			General	1.10	0.00
				Capital	5.00	0.00

	of Merit of ST students/ Pre matric scholarship for ST students/ Scheme of Hostels for ST Girls and Boys/ Establishment of Ashram School/ Vocational Training Centers in Tribal Areas/ Scheme of Institute of Excellence/ Top class Education			Total	6.10	0.00
			3601	General	834.74	958.30
				Capital	88.48	0.00
				Total	923.22	958.30
		Total of 2225 and 3601			929.32	958.30
18	Lumpsum provision for North East		2552	General	307.52	0.00
				Capital	161.70	0.00
		Total of 2552			469.22	0.00
	Total of A+B+C				4792.19	3621.96

पंजाबी में: १७—(70340007/2016)—18 REGISTERED NO. DE—(N04/0007/2015)—18


भारत का राजपत्र
The Gazette of India

अन्यथा
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्रसिद्ध की शक्ति
PUBLISHED BY AUTHORITY

सं 1] नई दिल्ली, बुधवार, जनवरी 1, 2016/पौष 11, 1937 (सका)
No. 1] NEW DELHI, FRIDAY, JANUARY 1, 2016/PUSHYA 11, 1937 (SACA)

इस भाग में बिना पूरा संकेत की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 1st January, 2016/Pousha 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2015, and is hereby published for general information:—

**THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) AMENDMENT
ACT, 2015**

No. 1 of 2016

[31st December, 2015.]

An Act to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 1989 2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

Enactment and commencement.

Amendment of long title.

49 of 1989
1 of 1932
2 of 1974

(ii) for clause (f), the following clause shall be substituted, namely:—

"(f) the words and expressions used but not defined in this Act and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, in the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments."

4. In section 3 of the principal Act,—

Amendment
of section 3.

(i) for sub-section (j), the following sub-section shall be substituted, namely:—

"(j) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(ii) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(iii) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;

(iv) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(v) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removal of clothes from the person, forcible scouring of head, removing nose-sticks, painting face or body or any other similar act, which is derogatory to human dignity;

(vi) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(vii) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom;

Explanation.—For the purposes of clause (j) and this clause, the expression "wrongfully" includes—

(A) against the person's will;

(B) without the person's consent;

(C) with the person's consent, when such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D) falsifying records of such land;

(A) makes a member of a Scheduled Caste or a Scheduled Tribe to do "begar" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation—For the purposes of sub-clause (i), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence:

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used:

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jathas*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—

(a) the complete protection to secure the ends of justice;

(b) the travelling and maintenance expenses during investigation, inquiry and trial;

(c) the social-economic rehabilitation during investigation, inquiry and trial; and

(d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

(a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;

(b) issuing directions for non-disclosure of the identity and addresses of the witnesses;

(c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection;

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint.

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Act shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—

Repeal and
amalg.

13. (1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby repealed.

Ord.
1 of 2014

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

DR. G. NARAYANARAJU,
Secretary to the Govt. of India.

संख्या सं. डी. एल. 31004/99

REGD. NO. D. L. 31004/99


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्रकाशित वे प्रकाशित
PUBLISHED BY AUTHORITY

सं. 136] नई दिल्ली, सोमवार, जनवरी 18, 2016/पौष 28, 1937
No. 136] NEW DELHI, MONDAY, JANUARY 18, 2016/PAUSA 28, 1937

सामाजिक न्याय और अधिकारिता मंत्रालय
(सामाजिक न्याय और अधिकारिता विभाग)
अधिसूचना
नई दिल्ली, 18 जनवरी, 2016

का.अ. 152(अ)—केंद्रीय सरकार, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) संशोधन अधिनियम, 2015 (2016 का सं. 1) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 28 जनवरी 2016 को ऐसी करीब के रूप में लिखा करता है जिससे एक अधिनियम के उपबंध प्रवृत्त होंगे।

[सं. 11012/1/2002-सीजीअर (डेस्क)]

आई.एन.डी. अनुराग, सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
(Department of Social Justice and Empowerment)
NOTIFICATION

New Delhi, the 18th January, 2016

S.O. 152(E)—In exercise of the powers conferred by sub-section (2) of section 1 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (1 of 2016), the Central Government hereby appoints the 28th day of January, 2016 as the date on which the provisions of the said Act shall come into force.

[No. 11012/1/2002-PCR (Desk)]
ATNDRI ANURAG, Jt. Secy

251-GI/2016

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110066
and Published by the Controller of Publications, Delhi-110014.

Annexure-5.III
(Ref. Para 5.6.1 11R)

CASES REPORTED* & RATE OF CRIMES COMMITTED AGAINST SCHEDULED TRIBES DURING 2015

S. No.	State/ UT	Cases Reported	Percentage Contribution to All-India Total	Population of STs#	Rate of Total Cognizable Crimes \$
(1)	(2)	(3)	(4)	(5)	(6)
STATES:					
1.	ANDHRA PRADESH	719	6.6	26.3	27.3
2.	ARUNACHAL PRADESH	59	0.5	9.5	6.2
3.	ASSAM	0	0.0	38.8	0.0
4.	BIHAR	14	0.1	13.4	1.0
5.	CHHATTISGARH	1518	13.9	78.2	19.4
6.	GOA	8	0.1	1.5	5.4
7.	GUJARAT	256	2.3	89.2	2.9
8.	HARAYANA	0	0.0	0.0	-
9.	HIMACHAL PRADESH	6	0.1	3.9	1.5
10.	JAMMU & KASHMIR	0	0.0	14.9	0.0
11.	JHARKHAND	269	2.5	86.5	3.1
12.	KARNATAKA	415	.08	42.5	9.8
13.	KERALA	176	1.6	4.8	36.3
14.	MADHYA PRADESH	1531	14.0	153.2	10.0
15.	MAHARASHTRA	483	4.4	105.1	4.6
16.	MANIPUR	0	0.0	9.0	0.0
17.	MEGHALAYA	0	0.0	25.6	0.0
18.	MIZORAM	0	0.0	10.4	0.0
19.	NAGALAND	0	0.0	17.1	0.0
20.	ODISHA	1387	12.7	95.9	14.5
21.	PUNJAB	0	0.0	0.0	-
22.	RAJASTHAN	3207	29.4	92.4	34.7
23.	SIKKIM	4	0.0	2.1	1.9
24.	TAMIL NADU	30	0.3	7.9	3.8
25.	TELANGANA	698	6.4	32.9	21.2
26.	TRIPURA	7	0.1	11.7	0.6
27.	UTTAR PRADESH	6	0.1	11.3	0.5
28.	UTTARAKHAND	6	0.1	2.9	2.1
29.	WEST BENGAL	109	1.0	53.0	2.1
TOTAL STATE(S)		10908	99.9	1040.0	10.5
UNION TERRITORIES:					
30.	A & N ISLANDS	3	0.0	0.3	10.5
31.	CHANDIGARH	0	0.0	0.0	-
32.	D & N HAVELI	3	0.0	1.8	1.7
33.	DAMAN & DIU	0	0.0	0.2	0.0
34.	DELHI UT	0	0.0	0.0	-
35.	LAKSHADWEEP	0	0.0	0.6	0.0
36.	PUDUCHERRY	0	0.0	0.0	-
TOTAL UT(S)		6	0.1	2.8	2.1
TOTAL (ALL INDIA)		10914	100.0	1042.8	10.5

Annexure-5.IV
(Ref. Para 5.6.4 11R)

Cases Reported (I), Victim (V) & Rate (R) of Crimes Committed against Scheduled Tribes During 2015

S. No.	State/ UT	Population of STs (in Lakh)	Protection of Civil Rights Act, 1955			SC/ ST (PoA) Act		
			I	V	R	Murder (Section 302 IPC)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	ANDHRA PRADESH	26.3	0	0	0.0	4	4	0.2
2.	ARUNACHAL PRADESH	9.5	0	0	0.0	0	0	0.0
3.	ASSAM	38.8	0	0	0.0	0	0	0.0
4.	BIHAR	13.4	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	78.2	0	0	0.0	6	6	0.1
6.	GOA	1.5	0	0	0.0	0	0	0.0
7.	GUJARAT	89.2	0	0	0.0	13	16	0.1
8.	HARAYANA	0.0	0	0	0.0	0	0	0.0
9.	HIMACHAL PRADESH	3.9	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	14.9	0	0	0.0	0	0	0.0
11.	JHARKHAND	86.5	0	0	0.0	0	0	0.0
12.	KARNATAKA	42.5	0	0	0.0	9	10	0.2
13.	KERALA	4.8	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	153.2	0	0	0.0	50	50	0.3
15.	MAHARASHTRA	105.1	1	1	0.0	11	11	0.1
16.	MANIPUR	9.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	25.6	0	0	0.0	0	0	0.0
18.	MIZORAM	10.4	0	0	0.0	0	0	0.0
19.	NAGALAND	17.1	0	0	0.0	0	0	0.0
20.	ODISHA	95.9	0	0	0.0	14	14	0.1
21.	PUNJAB	0.0	0	0	0.0	0	0	0.0
22.	RAJASTHAN	92.4	0	0	0.0	22	23	0.2
23.	SIKKIM	2.1	0	0	0.0	0	0	0.0
24.	TAMIL NADU	7.9	0	0	0.0	1	1	0.1
25.	TELANGANA	32.9	0	0	0.0	11	11	0.3
26.	TRIPURA	11.7	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	11.3	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	2.9	0	0	0.0	0	0	0.0
29.	WEST BENGAL	53.0	0	0	0.0	2	2	0.0
	Total State(s)	1040.0	1	1	0.0	143	148	0.1
30.	A & N ISLANDS	0.3	0	0	0.0	1	1	3.5
31.	CHANDIGARH	0.0	0	0	0.0	0	0	-
32.	D & N HAVELI	1.8	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0.2	0	0	0.0	0	0	0.0
34.	DELHI UT	0.0	0	0	0.0	0	0	-
35.	LAKSHADWEEP	0.6	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0.0	0	0	0.0	0	0	-
	TOTAL UT(S)	2.8	0	0	0.0	1	1	0.4
	TOTAL (ALL INDIA)	1042.8	1	1	0.0	144	149	0.1

Note: Crime Rate is incidence of crime per lakh of STs Population

#qActual population of STs as per the population census 2011. Adjusted figures of population due to newly created states of Andhra Pradesh and Telangana

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act								
		Attempt to commit Murder (Section 307 IPC)			Rape (Section 376 IPC)			Attempt to Commit Rape (Section 376/511 IPC)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1.	ANDHRA PRADESH	5	5	0.2	21	21	0.8	2	2	0.1
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	4	4	0.1	138	140	1.8	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	9	16	0.1	44	44	0.5	0	0	0.0
8.	HARAYANA	0	0	0.0	0	0	0.0	0	0	0.0
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	6	6	0.1	0	0	0.0
12.	KARNATAKA	6	7	0.1	13	13	0.3	0	0	0.0
13.	KERALA	2	2	0.4	47	47	9.7	2	2	0.4
14.	MADHYA PRADESH	30	30	0.2	359	363	2.3	2	2	0.0
15.	MAHARASHTRA	8	10	0.1	99	99	0.9	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	13	13	0.1	94	94	1.0	2	2	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	3	3	0.0	80	81	0.9	3	3	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	1	1	0.1	0	0	0.0
25.	TELANGANA	3	3	0.1	44	44	1.3	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	1	1	0.1	1	1	0.1
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	5	5	0.1	5	5	0.1	3	3	0.1
	Total State(s)	88	98	0.1	952	959	0.9	15	15	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	88	98	0.1	952	959	0.9	15	15	0.0

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act								
		Assault on ST women to Outrage her modesty (Section 354 IPC) Total			Sexual Harassment (Section 354A IPC)			Assault or use of criminal force to women with intent to disrobe (Section 354B IPC)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
1.	ANDHRA PRADESH	29	29	1.1	4	4	0.2	5	5	0.2
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	86	86	1.1	30	30	0.4	2	2	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	17	17	0.2	8	8	0.1	3	3	0.0
8.	HARAYANA	0	0	0.0	0	0	0.0	0	0	0.0
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	4	4	0.0	4	4	0.0	0	0	0.0
12.	KARNATAKA	12	12	0.3	3	3	0.1	1	1	0.0
13.	KERALA	19	19	3.9	4	4	0.8	0	0	0.0
14.	MADHYA PRADESH	378	381	2.5	153	154	1.0	12	12	0.1
15.	MAHARASHTRA	146	146	1.4	74	74	0.7	7	7	0.1
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	65	65	0.7	16	16	0.2	14	14	0.1
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	20	20	0.2	4	4	0.0	2	2	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	32	32	1.0	6	6	0.2	5	5	0.2
26.	TRIPURA	1	1	0.1	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	1	1	0.1	1	1	0.1	0	0	0.0
28.	UTTARAKHAND	3	3	1.0	0	0	0.0	1	1	0.3
29.	WEST BENGAL	5	5	0.1	0	0	0.0	3	3	0.1
	Total State(s)	818	821	0.8	307	308	0.3	55	55	0.1
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	818	821	0.8	307	308	0.3	55	55	0.1

xxx

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act								
		Voyeurism (Section 354C IPC)			Stalking (Section 354D IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)
1.	ANDHRA PRADESH	0	0	0.0	1	1	0.0	19	19	0.7
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	3	3	0.0	51	51	0.7
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	6	6	0.1
8.	HARAYANA	0	0	0.0	0	0	0.0	0	0	0.0
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	1	1	0.0	0	0	0.0	7	7	0.2
13.	KERALA	0	0	0.0	0	0	0.0	15	15	3.1
14.	MADHYA PRADESH	0	0	0.0	2	2	0.0	211	213	1.4
15.	MAHARASHTRA	1	1	0.0	4	4	0.0	60	60	0.6
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	0	0	0.0	0	0	0.0	35	35	0.4
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	0	0	0.0	14	14	0.2
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	3	3	0.0	18	18	0.5
26.	TRIPURA	0	0	0.0	0	0	0.0	1	1	0.1
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	2	2	0.7
29.	WEST BENGAL	0	0	0.0	0	0	0.0	2	2	0.0
	Total State(s)	2	2	0.0	13	13	0.0	441	443	0.4
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	2	2	0.0	13	13	0.0	441	443	0.4

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act											
		Insult to modesty of ST women (Section 509 IPC)			Kidnapping & Abduction (Section 363,364,364A, 366 IPC) Total			Kidnapping & Abduction (Section 363 IPC)			Kidnapping & Abduction (Section 364 IPC)		
(1)	(2)	I (37)	V (38)	R (39)	I (40)	V (41)	R (42)	I (43)	V (44)	R (45)	I (46)	V (47)	R (48)
1.	ANDHRA PRADESH	4	4	0.2	4	4	0.2	0	0	0.0	0	0	0.0
2.	ARUNACHAL PRADESH	1	1	0.1	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	14	14	0.2	6	6	0.1	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	21	21	0.2	5	5	0.1	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	2	2	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	2	2	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	4	4	0.8	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	41	43	0.3	8	8	0.1	0	0	0.0
15.	MAHARASHTRA	1	1	0.0	9	9	0.1	3	3	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	2	2	0.0	13	13	0.1	7	7	0.1	0	0	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	13	13	0.1	2	2	0.0	0	0	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	1	1	0.1	0	0	0.0	0	0	0.0
25.	TELANGANA	4	4	0.1	0	0	0.0	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	12	12	0.0	124	126	0.1	31	31	0.0	0	0	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	12	12	0.0	124	126	0.1	31	31	0.0	0	0	0.0

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act								
		Kidnapping & Abduction for Ransom (Section 364A IPC)			Kidnapping & Abduction of ST women to compel her for marriage (Section 366 IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(49)	(50)	(51)	(52)	(53)	(54)	(55)	(56)	(57)
1.	ANDHRA PRADESH	0	0	0.0	0	0	0.0	4	4	0.2
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	2	2	0.0	6	6	0.1
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	14	14	0.2	2	2	0.2
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	1	1	0.0	1	1	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	2	2	0.0
13.	KERALA	0	0	0.0	2	2	0.4	2	2	0.4
14.	MADHYA PRADESH	0	0	0.0	25	27	0.2	8	8	0.1
15.	MAHARASHTRA	0	0	0.0	4	4	0.0	2	2	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	0	0	0.0	3	3	0.0	3	3	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	8	8	0.1	3	3	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	1	1	0.1	0	0	0.1
25.	TELANGANA	0	0	0.0	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	0	0	0.0	60	62	0.1	33	33	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	0	0	0.0	60	62	0.1	33	33	0.0

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act								
		Dacoity (Section 395, 396 & 398 IPC)			Dacoity with murder (Section 396 IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(58)	(59)	(60)	(61)	(62)	(63)	(64)	(65)	(66)
1.	ANDHRA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	0	0	0.0	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	1	1	0.0	0	0	0.0	1	1	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	3	3	0.0	0	0	0.0	3	3	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	0	0	0.0	0	0	0.0	0	0	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	0	0	0.0	0	0	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	4	4	0.0	0	0	0.0	4	4	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	4	4	0.0	0	0	0.0	4	4	0.0

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act					
		Attempt to commit Murder (Section 307 IPC)			Rape (Section 376 IPC)		
		I	V	R	I	V	R
(1)	(2)	(67)	(68)	(69)	(70)	(71)	(72)
1.	ANDHRA PRADESH	0	0	0.0	2	5	0.1
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0
7.	GUJARAT	3	3	0.0	3	3	0.0
8.	HARAYANA	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0
12.	KARNATAKA	1	1	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	2	2	0.0	7	7	0.0
15.	MAHARASHTRA	1	1	0.0	2	2	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0
20.	ODISHA	2	2	0.0	3	3	0.0
21.	PUNJAB	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	7	7	0.1
23.	SIKKIM	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	1	1	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0
	Total State(s)	9	9	0.0	25	28	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	9	9	0.0	25	28	0.0

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act											
		Grievous Hurt (325, 326, 326A & 326B IPC) (Total)			Grievous Hurt (Section 325 & 326 IPC)			Acid Attack (Section 326A IPC)			Attempt to Acid Attack (Section 326B IPC)		
		I	V	R	I	V	R	I	V	R	I	V	R
(1)	(2)	(73)	(74)	(75)	(76)	(77)	(78)	(79)	(80)	(81)	(82)	(83)	(84)
1.	ANDHRA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	8	8	0.1	8	8	0.1	0	0	0.0	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	19	20	0.2	19	20	0.2	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	37	41	0.4	37	41	0.4	0	0	0.0	0	0	0.0
12.	KARNATAKA	1	2	0.0	1	2	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	21	21	0.1	21	21	0.1	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	11	13	0.1	11	13	0.1	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	8	8	0.1	8	8	0.1	0	0	0.0	0	0	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	14	15	0.2	14	15	0.2	0	0	0.0	0	0	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	19	19	0.6	19	19	0.6	0	0	0.0	0	0	0.0
26.	TRIPURA	1	1	0.1	1	1	0.1	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	6	6	0.1	6	6	0.1	0	0	0.0	0	0	0.0
	Total State(s)	145	154	0.1	145	154	0.1	0	0	0.0	0	0	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	145	154	0.1	145	154	0.1	0	0	0.0	0	0	0.0

(Continued)

S. No.	State/ UT	SC/ ST (PoA) Act											
		Riots (Section 147, 148, 149, 150 & 151 IPC)			Other IPC Crimes			SC/ ST (PoA) Act only			Total of SC/ ST (PoA) Act (sum of previous columns excluding sub heads)		
(1)	(2)	I (85)	V (86)	R (87)	I (88)	V (89)	R (90)	I (91)	V (92)	R (93)	I (94)	V (95)	R (96)
1.	ANDHRA PRADESH	1	1	0.0	198	207	7.5	92	94	3.5	362	376	13.8
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	1	1	0.1
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	5	5	0.4	5	5	0.4
5.	CHHATTISGARH	2	2	0.0	114	116	1.5	1	1	0.0	373	377	4.8
6.	GOA	0	0	0.0	2	3	1.3	6	7	4.0	8	10	5.4
7.	GUJARAT	19	31	0.2	80	85	0.9	19	19	0.2	248	276	2.8
8.	HARAYANA	0	0	-	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	6	6	1.5	6	6	1.5
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	2	2	0.0	215	253	2.5	266	308	3.1
12.	KARNATAKA	4	4	0.1	15	18	0.4	323	364	7.6	386	433	9.1
13.	KERALA	7	7	1.4	78	78	16.1	6	6	1.2	165	165	34.0
14.	MADHYA PRADESH	11	14	0.1	457	467	3.0	0	0	0.0	1358	1380	8.9
15.	MAHARASHTRA	46	66	0.4	94	100	0.9	50	54	0.5	481	515	4.6
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	34	34	0.4	441	451	4.6	0	0	0.0	691	701	7.2
21.	PUNJAB	0	0	-	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	2	6	0.0	1225	1265	13.3	20	20	0.2	1409	1456	15.3
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	1	2	0.1	17	44	2.1	4	4	0.5	25	53	3.1
25.	TELANGANA	0	0	0.0	209	222	6.4	63	68	1.9	386	404	11.7
26.	TRIPURA	0	0	0.0	0	0	0.0	1	1	0.1	3	3	0.3
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	3	3	0.3	6	6	0.5
28.	UTTARAKHAND	0	0	0.0	2	3	0.7	1	1	0.3	6	7	2.1
29.	WEST BENGAL	6	7	0.1	40	43	0.8	12	16	0.2	84	92	1.6
	Total State(s)	133	174	0.1	2974	3104	2.9	827	922	0.8	6269	6574	6.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	2	2	7.0	3	3	10.5
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	3	3	1.7	3	3	1.7
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	5	5	1.8	6	6	2.1
	TOTAL (ALL INDIA)	133	174	0.1	2974	3104	2.9	832	927	0.8	6275	6580	6.0

(Continued)

S. No.	State/ UT	IPC crimes against STs (in which SC/ST PoA Act not applied)											
		Murder (Section 302 IPC)			Attempt to commit murder (Section 307 IPC)			Rape (Section 376 IPC)			Attempt to commit rape (Section 376/511 IPC)		
(1)	(2)	I (97)	V (98)	R (99)	I (100)	V (101)	R (102)	I (103)	V (104)	R (105)	I (106)	V (107)	R (108)
1.	ANDHRA PRADESH	6	6	0.2	6	6	0.2	9	9	0.3	2	2	0.1
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	3	3	0.3	1	1	0.1
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	70	70	0.9	16	16	0.2	87	87	1.1	0	0	0.2
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	1	1	0.0	0	0	0.0
12.	KARNATAKA	1	1	0.0	0	0	0.0	2	2	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0	1	1	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	42	42	0.4	47	50	0.5	36	36	0.4	1	1	0.5
21.	PUNJAB	0	0	-	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	42	42	0.5	20	20	0.2	97	97	1.0	17	17	0.2
23.	SIKKIM	1	1	0.5	0	0	0.0	1	1	0.5	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	10	10	0.3	10	10	0.3	2	2	0.1	1	1	0.3
26.	TRIPURA	0	0	0.0	0	0	0.0	1	1	0.1	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	172	172	0.2	99	102	0.1	240	240	0.2	22	22	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	172	172	0.2	99	102	0.1	240	240	0.2	22	22	0.0

(Continued)

S. No.	State/ UT	IPC crimes against STs (in which SC/ST PoA Act not applied)								
		Assault on ST Women to Outrage Her Modesty (Section 354 IPC) (Total)			Sexual Harassment (Section 354A IPC)			Assault or use of criminal force to women with intent to disrobe (Section 354B IPC)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(109)	(110)	(111)	(112)	(113)	(114)	(115)	(116)	(117)
1.	ANDHRA PRADESH	28	28	1.1	9	9	0.3	3	3	0.1
2.	ARUNACHAL PRADESH	4	4	0.4	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	69	69	0.9	5	5	0.1	5	5	0.1
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	1	1	0.0	0	0	0.0	1	1	0.0
13.	KERALA	1	1	0.2	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	16	16	0.1	5	5	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	64	65	0.7	6	6	0.1	21	22	0.2
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	211	211	2.3	12	12	0.1	37	37	0.0
23.	SIKKIM	1	1	0.5	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	13	13	0.4	1	1	0.0	1	1	0.2
26.	TRIPURA	2	2	0.2	0	0	0.0	2	2	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	1	1	0.0	0	0	0.0	0	0	0.0
	Total State(s)	411	412	0.4	38	38	0.0	70	71	0.1
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	411	412	0.4	38	38	0.0	70	71	0.1

(Continued)

S. No.	State/ UT	IPC crimes against STs (in which SC/ST PoA Act not applied)								
		Voyeurism (Section 354C IPC)			Stalking (Section 354D IPC)			others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(118)	(119)	(120)	(121)	(122)	(123)	(124)	(125)	(126)
1.	ANDHRA PRADESH	0	0	0.0	6	6	0.2	10	10	0.4
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	4	4	0.4
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	1	1	0.0	58	58	0.7
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	1	1	0.2
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0	11	11	0.1
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	0	0	0.0	2	2	0.0	35	35	0.4
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	1	1	0.0	4	4	0.0	157	157	1.7
23.	SIKKIM	0	0	0.0	0	0	0.0	1	1	0.5
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	1	1	0.0	1	1	0.0	9	9	0.3
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	1	1	0.0
	Total State(s)	2	2	0.0	14	14	0.0	287	287	0.3
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	2	2	0.0	14	14	0.0	287	287	0.3

(Continued)

S. No.	State/ UT	IPC crimes against STs (in which SC/ST PoA Act not applied)											
		Insult to modesty of ST women (Section 509 IPC)			Kidnapping & Abduction (Section 363, 364, 364A, 366 IPC) total			Kidnapping & Abduction (Section 363 IPC)			Kidnapping & Abduction for murder (Section 364 IPC)		
(1)	(2)	I (127)	V (128)	R (129)	I (130)	V (131)	R (132)	I (133)	V (134)	R (135)	I (136)	V (137)	R (138)
1.	ANDHRA PRADESH	7	7	0.3	6	6	0.2	0	0	0.0	0	0	0.0
2.	ARUNACHAL PRADESH	0	0	0.0	5	5	0.5	2	2	0.2	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	2	2	0.0	52	56	0.7	35	36	0.4	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	1	1	0.0	48	53	0.5	42	47	0.4	0	0	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	119	119	1.3	6	6	0.1	0	0	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	11	11	0.3	0	0	0.0	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	21	21	0.0	230	239	0.2	85	91	0.1	0	0	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	21	21	0.0	230	239	0.2	85	91	0.1	0	0	0.0

(Continued)

S. No.	State/ UT	IPC Crime against STs (in which SC/ST PoA Act not applied)								
		Kidnapping & Abduction for Ransom (Section 364A IPC)			Kidnapping & Abduction of ST Women to compel her for marriage (Section 366 IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(139)	(140)	(141)	(142)	(143)	(144)	(145)	(146)	(147)
1.	ANDHRA PRADESH	0	0	0.0	2	2	0.1	4	4	0.2
2.	ARUNACHAL PRADESH	1	1	0.1	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	6	6	0.1	11	14	0.1
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	0	0	0.0	5	5	0.1	1	1	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	102	102	1.1	11	11	0.1
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	1	1	0.0	115	115	0.1	29	32	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	1	1	0.0	115	115	0.1	29	32	0.0

(Continued)

S. No.	State/ UT	IPC Crime against STs (in which SC/ST PoA Act not applied)								
		Dacoity (Section 395, 396 & 398 IPC)			Dacoity with Murder (Section 396 IPC)			Others		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(148)	(149)	(150)	(151)	(152)	(153)	(154)	(155)	(156)
1.	ANDHRA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	0	0	0.0	0	0	0.0	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	0.0	0	0	0.0	0	0	0.0
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	6	8	0.1	0	0	0.0	6	8	0.1
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	0	0	0.0	0	0	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0	0	0	0.0
	Total State(s)	6	8	0.0	0	0	0.0	6	8	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	6	8	0.0	0	0	0.0	6	8	0.0

(Continued)

S. No.	State/ UT	IPC Crime against STs (in which SC/ST PoA Act not applied)					
		Robbery (Section 392 to 394, 397 & 398 IPC)			Arson (Section 435, 436, 438 IPC)		
(1)	(2)	I (157)	V (158)	R (159)	I (160)	V (161)	R (162)
1.	ANDHRA PRADESH	2	2	0.1	3	6	0.1
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	7	7	0.1	17	17	0.2
6.	GOA	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0
20.	ODISHA	5	5	0.1	4	4	0.0
21.	PUNJAB	0	0	-	0	0	-
22.	RAJASTHAN	4	4	0.0	10	10	0.1
23.	SIKKIM	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	4	4	0.1
26.	TRIPURA	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0
29.	WEST BENGAL	0	0	0.0	0	0	0.0
	Total State(s)	18	18	0.0	38	41	0.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	18	18	0.0	38	41	0.0

(Continued)

S. No	State/ UT	IPC Crime against STs (in which SC/ST PoA Act not applied)											
		Grievous Hurt (325, 326, 326A & 326 B)			Grievous Hurt (Section 325 & 326 IPC)			Acid attack (Section 326A IPC)			Attempt to Acid Attack (Section 326B IPC)		
		I (163)	V (164)	R (165)	I (166)	V (167)	R (168)	I (169)	V (709)	R (171)	I (172)	V (173)	R (174)
1.	ANDHRA PRADESH	1	1	0.0	1	1	0.0	0	0	0.0	0	0	0.0
2.	ARUNACHAL PRADESH	1	1	0.1	1	1	0.1	0	0	0.0	0	0	0.0
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
5.	CHHATTISGARH	16	16	0.2	16	16	0.2	0	0	0.0	0	0	0.0
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
12.	KARNATAKA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
13.	KERALA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
14.	MADHYA PRADESH	2	2	0.0	2	2	0.0	0	0	0.0	0	0	0.0
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	10	10	0.1	10	10	0.1	0	0	0.0	0	0	0.0
21.	PUNJAB	0	0	-	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	34	34	0.4	34	34	0.4	0	0	0.0	0	0	0.0
23.	SIKKIM	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	5	5	0.2	5	5	0.2	0	0	0.0	0	0	0.0
26.	TRIPURA	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	1	2	0.0	1	2	0.0	0	0	0.0	0	0	0.0
	Total State(s)	70	71	0.1	70	71	0.1	0	0	0.0	0	0	0.0
	UNION TERRITORIES												
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	70	71	0.1	70	71	0.1	0	0	0.0	0	0	0.0

(Continued)

S. No.	State/ UT	IPC Crime against STs (in which SC/ST PoA Act not applied)								
		Riots (Section 147, 148, 149, 150 & 151 IPC)			Other IPC Crimes			Total IPC Crimes committed against STs)		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(175)	(176)	(177)	(178)	(179)	(180)	(181)	(182)	(183)
1.	ANDHRA PRADESH	0	0	0.0	282	283	10.7	352	356	13.4
2.	ARUNACHAL PRADESH	0	0	0.0	44	47	4.6	58	61	6.1
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	9	9	0.7	9	9	0.7
5.	CHHATTISGARH	15	15	0.2	465	465	5.9	816	820	10.4
6.	GOA	0	0	0.0	0	0	0.0	0	0	0.0
7.	GUJARAT	0	0	0.0	0	0	0.0	0	0	0.0
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	0	0	0.0	1	1	0.0
12.	KARNATAKA	16	25	0.4	5	5	0.1	25	34	0.6
13.	KERALA	0	0	0.0	5	5	1.0	6	6	1.2
14.	MADHYA PRADESH	1	1	0.0	151	155	1.0	171	175	1.1
15.	MAHARASHTRA	0	0	0.0	0	0	0.0	0	0	0.0
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	8	14	0.1	424	491	4.4	696	780	7.3
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	36	50	0.4	1156	1186	12.5	1746	1790	18.9
23.	SIKKIM	0	0	0.0	1	1	0.5	4	4	1.9
24.	TAMIL NADU	0	0	0.0	0	0	0.0	0	0	0.0
25.	TELANGANA	0	0	0.0	246	248	7.5	302	304	9.2
26.	TRIPURA	0	0	0.0	1	1	0.1	4	4	0.3
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	0	0	0.0
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	0	0	0.0
29.	WEST BENGAL	5	8	0.1	6	6	0.1	13	17	0.2
	Total State(s)	81	113	0.1	2795	2902	2.7	4203	4361	4.0
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	0	0	0.0
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	0	0	0.0
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	0	0	0.0
	TOTAL (ALL INDIA)	81	113	0.1	2795	2902	2.7	4203	4361	4.0

Cases Reported (I), Victim (V) & Rate (R) of Crimes Committed against Scheduled Tribes During 2015

(Concluded)

S. No.	State/ UT	SC/ ST (PoA) Act								
		The Employment of Manual Scavengers and Construction of Dry Latrines (P) Act, 1993			Other SLL Crimes against STs			Total Crime against STs		
		I	V	R	I	V	R	I	V	R
(1)	(2)	(184)	(185)	(186)	(187)	(188)	(189)	(190)	(191)	(192)
1.	ANDHRA PRADESH	0	0	0.0	5	5	0.2	719	737	27.3
2.	ARUNACHAL PRADESH	0	0	0.0	0	0	0.0	59	62	6.2
3.	ASSAM	0	0	0.0	0	0	0.0	0	0	0.0
4.	BIHAR	0	0	0.0	0	0	0.0	14	14	1.0
5.	CHHATTISGARH	0	0	0.0	329	329	4.2	1518	1526	19.4
6.	GOA	0	0	0.0	0	0	0.0	8	10	5.4
7.	GUJARAT	0	0	0.0	8	8	0.1	256	284	2.9
8.	HARAYANA	0	0	-	0	0	-	0	0	-
9.	HIMACHAL PRADESH	0	0	0.0	0	0	0.0	6	6	1.5
10.	JAMMU & KASHMIR	0	0	0.0	0	0	0.0	0	0	0.0
11.	JHARKHAND	0	0	0.0	2	2	0.0	269	311	3.1
12.	KARNATAKA	0	0	0.0	4	4	0.1	415	471	9.8
13.	KERALA	0	0	0.0	5	5	1.0	176	176	36.3
14.	MADHYA PRADESH	0	0	0.0	2	2	0.0	1531	1557	10.0
15.	MAHARASHTRA	0	0	0.0	1	2	0.0	483	518	4.6
16.	MANIPUR	0	0	0.0	0	0	0.0	0	0	0.0
17.	MEGHALAYA	0	0	0.0	0	0	0.0	0	0	0.0
18.	MIZORAM	0	0	0.0	0	0	0.0	0	0	0.0
19.	NAGALAND	0	0	0.0	0	0	0.0	0	0	0.0
20.	ODISHA	0	0	0.0	0	0	0.0	1387	1481	14.5
21.	PUNJAB	0	0	-	0	0	-	0	0	-
22.	RAJASTHAN	0	0	0.0	52	52	0.6	3207	3298	34.7
23.	SIKKIM	0	0	0.0	0	0	0.0	4	4	1.9
24.	TAMIL NADU	0	0	0.0	5	14	0.6	30	67	3.8
25.	TELANGANA	0	0	0.0	10	10	0.3	698	718	21.2
26.	TRIPURA	0	0	0.0	0	0	0.0	7	7	0.6
27.	UTTAR PRADESH	0	0	0.0	0	0	0.0	6	6	0.5
28.	UTTARAKHAND	0	0	0.0	0	0	0.0	6	7	2.1
29.	WEST BENGAL	0	0	0.0	12	12	0.2	109	121	2.1
	Total State(s)	0	0	0.0	435	445	0.4	10908	11381	10.5
30.	A & N ISLANDS	0	0	0.0	0	0	0.0	3	3	10.5
31.	CHANDIGARH	0	0	-	0	0	-	0	0	-
32.	D & N HAVELI	0	0	0.0	0	0	0.0	3	3	1.7
33.	DAMAN & DIU	0	0	0.0	0	0	0.0	0	0	0.0
34.	DELHI UT	0	0	-	0	0	-	0	0	-
35.	LAKSHADWEEP	0	0	0.0	0	0	0.0	0	0	0.0
36.	PUDUCHERRY	0	0	-	0	0	-	0	0	-
	TOTAL UT(S)	0	0	0.0	0	0	0.0	6	6	2.1
	TOTAL (ALL INDIA)	0	0	0.0	435	445	0.4	10914	11387	10.5

ANNEXURE-5.V
(Ref. Para 5.7.1 11R)

DISPOSAL OF PERSONS ARRESTED FOR COMMITTING CRIMES AGAINST STs BY POLICE DURING 2015

Sl. No.	Crime Head	Persons in Custody During the Stage of Investigation at the Beginning of the Year		Persons on Bail During the Stage of Investigation at the Beginning of the Year		Total (Total 3+5+7 and Col. 4+6+8)	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CRIME HEAD:							
1	Protection of Civil Rights Act, 1955	0	0	0	0	0	0
2.1	Murder	17	0	41	0	65	0
2.2	Attempt to Commit Murder	4	0	23	0	27	0
2.3	Rape	51	1	117	1	189	2
2.4	Attempt to Commit Rape	2	0	0	0	2	0
2.5	Assault on Women with Intent to Outrage her Modesty	11	0	67	0	88	0
2.5.1	Sexual Harassment	2	0	29	0	31	0
2.5.2	Assault on Women with Intent to Disrobe	4	0	2	0	9	0
2.5.3	Voyeurism	0	0	2	0	2	0
2.5.4	Stalking	2	0	7	0	9	0
2.5.5	Other Sexual Harassment	3	0	47	0	50	0
2.6	Inault to the Modesty of women	0	0	0	0	0	0
2.7	Kidnapping & Abduction	8	0	18	0	27	0
2.7.1	Kidnaping & Abduction	0	0	0	0	0	0
2.7.2	Kidnaping & Abduction in Order to Murder	0	0	0	0	0	0
2.7.3	Kidnaping for ransom	0	0	0	0	0	0
2.7.4	Kidnaping & Abduction of Women to Compel Her for Marriage	7	0	2	0	9	0
2.7.5	Other Kidnaping	1	0	17	0	18	0
2.8	Decoy	0	0	7	0	7	0
2.8.1	Decoy with Murder	0	0	0	0	0	0
2.8.2	Other Decoy	0	0	7	0	7	0
2.9	Robbery	0	0	1	0	1	0
2.10	Arson	1	0	0	1	2	1
2.11	Grievous Hurt	41	0	11	0	72	0
2.11.1	Hurt	41	0	11	0	72	0
2.11.2	Acid attack	0	0	0	0	0	0
2.11.3	Attempt to Acid Attack	0	0	0	0	0	0
2.12	Wells	8	0	117	4	125	4
2.13	Other IPC crimes	221	0	147	29	706	25
2.14	SC / ST Offences of Atrocities Act	268	2	685	23	957	25
2	Total of SC/ST Offences of Atrocities Act	522	1	1372	52	2254	55
3.1	Murder	21	1	38	1	35	2
3.2	Attempt to Commit Murder	0	0	8	0	8	0
3.3	Rape	52	0	9	1	21	1
3.4	Attempt to Commit Rape	1	0	0	0	1	0
3.5	Assault on Women with Intent to Outrage her Modesty	1	0	9	0	10	0
3.5.1	Sexual Harassment	1	0	0	0	1	0
3.5.2	Assault on Women with Intent to Disrobe	0	0	0	0	0	0
3.5.3	Voyeurism	0	0	0	0	0	0
3.5.4	Stalking	0	0	2	0	1	0
3.5.5	Other Sexual Harassment	0	0	0	0	0	0
3.6	Inault to the Modesty of Women	0	0	0	0	0	0
3.7	Kidnapping & Abduction	2	0	3	0	3	0
3.7.1	Kidnaping & Abduction	1	0	3	0	4	0
3.7.2	Kidnaping & Abduction in Order to Murder	0	0	0	0	0	0
3.7.3	Kidnaping for ransom	0	0	0	0	0	0
3.7.4	Kidnaping & Abduction of Women to Compel Her for Marriage	1	0	0	0	1	0
3.7.5	Other Kidnaping	0	0	0	0	0	0
3.8	Decoy	0	0	0	0	0	0
3.8.1	Decoy with Murder	0	0	0	0	0	0
3.8.2	Other Decoy	0	0	0	0	0	0
3.9	Robbery	0	0	0	0	0	0
3.10	Arson	0	0	4	0	4	0
3.11	Grievous Hurt	1	0	16	0	17	0
3.11.1	Grievous Hurt	1	0	16	0	17	0
3.11.2	Acid attack	0	0	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0	0	0
3.12	Wells	0	0	18	4	18	4
3.13	Other IPC Crimes	17	2	179	37	199	34
3	Total IPC Crimes against STs	35	3	296	38	321	41
4	Employment of Manual Scavengers and Construction of Dry Latrines (Act, 2003)	0	0	0	0	0	0
5	Other SLL Crime against STs	30	0	14	0	34	0
	Total Crimes against Scheduled Tribes	547	6	2002	99	2609	96

S. No.	Crime Head	Persons Arrested During the Year		Persons Released or Freed by Police or Magistrate before Trial for Want of Evidence or Any Other Reason		Number of Persons Charge Sheeted During the Year	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
CRIME HEAD:							
1	Protection of Civil Rights Act, 1955	0	0	0	0	0	0
2	1 Murder	203	1	7	0	279	1
	2.1 Attempt to Commit Murder	266	2	0	0	218	2
	2.2 Rape	1304	17	0	0	1270	15
	2.4 Attempt to Commit Rape	13	0	0	0	16	0
	2.5 Assault on Women with Intent to Outrage her Modesty	933	8	1	0	910	8
	2.5.1 Sexual Harassment	888	0	0	0	347	0
	2.5.2 Assault on Women with Intent to Demean	53	1	1	0	48	1
	2.5.3 Voyeurism	2	0	0	0	4	0
	2.5.4 Stalking	14	0	0	0	17	0
	2.5.5 Other Sexual Harassment	555	7	0	0	494	5
	2.6 Inult to the Modesty of Women	18	0	1	0	18	0
	2.7 Kidnapping & Abduction	170	4	0	0	169	3
	2.7.1 Kidnapping & Abduction	36	1	0	0	35	1
	2.7.2 Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
	2.7.3 Kidnapping for Ransom	0	0	0	0	0	0
	2.7.4 Kidnapping & Abduction of Women to Compel Her for Marriage	83	2	0	0	84	1
	2.7.5 Other Kidnapping	51	1	0	0	50	1
	2.8 Dacoity	20	0	0	0	10	0
	2.8.1 Dacoity with Murder	0	0	0	0	0	0
	2.8.2 Other Dacoity	20	0	0	0	10	0
	2.9 Robbery	8	0	1	0	8	0
	2.10 Arson	25	0	0	0	27	0
	2.11 Grievous Hurt	205	1	0	0	282	1
	2.11.1 Hurt	285	1	0	0	281	1
	2.11.2 Acid attack	0	0	0	0	0	0
	2.11.3 Attempt to Acid Attack	0	0	0	0	0	0
	2.12 Riots	654	13	0	0	805	23
	2.13 Other IPC crimes	3108	112	10	2	3021	113
	2.14 SC / ST (Prevention of Atrocities) Act	1180	55	158	6	1250	56
	2 Total of SC/ST (Prevention of Atrocities) Act	8548	214	227	8	8131	211
3	3.1 Murder	252	20	0	0	219	16
	3.2 Attempt to Commit Murder	134	5	0	0	107	4
	3.3 Rape	259	4	2	0	207	5
	3.4 Attempt to Commit Rape	14	0	0	0	14	0
	3.5 Assault on Women with Intent to Outrage her Modesty	383	22	0	0	379	22
	3.5.1 Sexual Harassment	38	2	0	0	38	2
	3.5.2 Assault on Women with Intent to Demean	30	7	0	0	20	7
	3.5.3 Voyeurism	2	0	0	0	2	0
	3.5.4 Stalking	10	0	0	0	14	0
	3.5.5 Other Sexual Harassment	253	13	0	0	271	13
	3.6 Inult to the Modesty of Women	13	0	0	0	22	0
	3.7 Kidnapping & Abduction	127	5	1	0	125	4
	3.7.1 Kidnapping & Abduction	51	1	0	0	55	1
	3.7.2 Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
	3.7.3 Kidnapping for Ransom	0	0	0	0	0	0
	3.7.4 Kidnapping & Abduction of Women to Compel Her for Marriage	57	4	0	0	66	3
	3.7.5 Other Kidnapping	19	0	1	0	18	0
	3.8 Dacoity	5	0	0	0	1	0
	3.8.1 Dacoity with Murder	0	0	0	0	0	0
	3.8.2 Other Dacoity	5	0	0	0	1	0
	3.9 Robbery	21	0	0	0	18	0
	3.10 Arson	64	2	0	0	62	2
	3.11 Grievous Hurt	109	7	2	0	132	6
	3.11.1 Grievous Hurt	109	7	2	0	112	6
	3.11.2 Acid attack	0	0	0	0	0	0
	3.11.3 Attempt to Acid Attack	0	0	0	0	0	0
	3.12 Riots	311	32	0	0	324	36
	3.13 Other IPC Crimes	3836	275	2	0	3331	281
	3 Total IPC Crimes against STs	5058	572	7	0	4894	575
4	Employment of Manual Scavengers and Construction of Dry Latrines (P) Act, 1993	0	0	0	0	0	0
5	Other SLL Crime against STs	436	8	6	0	429	8
	Total Crimes against Scheduled Tribes	13842	504	240	8	13450	591

S. No.	Crime Head	Persons in Custody during the Stage of Investigation at the End of the Year		Persons on Bail during the Stage of Investigation at the End of the Year	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
CRIME HEADS:					
1	Prohibition of Civil Rights Act, 1951	0	0	0	0
2.1	Murder	5	0	26	0
2.2	Attempt to Commit Murder	5	0	49	1
2.3	Rape	43	0	161	4
2.4	Attempt to Commit Rape	3	0	4	0
2.5	Assault on Women with Intent to Outrage Her Modesty	18	0	156	2
2.5.1	Sexual Harassment	3	0	45	0
2.5.2	Assault on Women with Intent to Commit	4	0	6	0
2.5.3	Voyeurism	0	0	0	0
2.5.4	Stalking	2	0	4	0
2.5.5	Other Sexual Harassment	8	0	101	2
2.6	Insult to the Modesty of Women	0	0	3	0
2.7	Kidnapping & Abduction	0	0	11	1
2.7.1	Kidnapping & Abduction	0	0	1	0
2.7.2	Kidnapping & Abduction in Order to Murder	0	0	6	0
2.7.3	Kidnapping for Ransom	0	0	6	0
2.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	4	0	9	1
2.7.5	Other Kidnapping	5	0	14	0
2.8	Dacoity	0	0	17	0
2.8.1	Dacoity with Murder	0	0	3	0
2.8.2	Other Dacoity	0	0	17	0
2.9	Robbery	0	0	6	0
2.10	Arms	1	0	3	1
2.11	Grievous Hurt	63	0	12	0
2.11.1	Hurt	63	0	12	0
2.11.2	Acid attack	0	0	0	0
2.11.3	Attempt to Acid Attack	0	0	0	0
2.12	Birth	42	0	122	2
2.13	Other IPC crimes	116	2	621	18
2.14	3C/3T (Prevention of Atrocities) Act	257	1	472	18
2	Total of 3C/3T (Prevention of Atrocities) Act	264	8	1679	47
3.1	Murder	43	3	25	3
3.2	Attempt to Commit Murder	10	1	15	0
3.3	Rape	17	0	29	0
3.4	Attempt to Commit Rape	0	0	1	0
3.5	Assault on Women with Intent to Outrage Her Modesty	2	0	52	0
3.5.1	Sexual Harassment	0	0	2	0
3.5.2	Assault on Women with Intent to Commit	0	0	0	0
3.5.3	Voyeurism	0	0	0	0
3.5.4	Stalking	0	0	3	0
3.5.5	Other Sexual Harassment	2	0	7	0
3.6	Insult to the Modesty of Women	0	0	7	0
3.7	Kidnapping & Abduction	1	0	0	4
3.7.1	Kidnapping & Abduction	1	0	1	0
3.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0
3.7.3	Kidnapping for Ransom	0	0	0	0
3.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	0	0	2	1
3.7.5	Other Kidnapping	0	0	0	0
3.8	Dacoity	2	0	0	0
3.8.1	Dacoity with Murder	0	0	0	0
3.8.2	Other Dacoity	2	0	0	0
3.9	Robbery	2	0	0	0
3.10	Arms	0	0	6	0
3.11	Grievous Hurt	5	1	7	0
3.11.1	Excessive Hurt	5	1	5	0
3.11.2	Acid attack	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0
3.12	Hurt	1	0	4	0
3.13	Other IPC Crimes	30	3	258	16
3	Total IPC Crimes against STs	176	8	304	30
4	Enforcement of Manual Scavengers and Construction of Dry Latrines Act, 1988	0	0	0	0
5	Other SA Crimes against STs	17	0	18	3
Total Crimes against Scheduled Tribes		755	11	3986	80

ANNEXURE-5.VI
(Ref. Para 5.8.1 11R)

DISPOSAL OF PERSONS ARRESTED FOR COMMITTING CRIMES AGAINST STs BY COURTS DURING 2015

Sl. No.	Crime Head	Persons in Custody during the Stage of Trial at the Beginning of the year		Persons on Bail during the Stage of Trial at the Beginning of the year		Total Number of Persons under Trial during the Year '15	
		Male	Female	Male	Female	Male	Female
(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CRIME HEAD:							
1	Protection of Civil Rights Act, 1955	2	0	35	0	35	0
1.1	Murder	120	2	288	30	348	13
1.2	Attempt to Commit Murder	65	1	274	2	377	5
1.3	Rape	1408	4	2014	13	4972	32
1.4	Attempt to Commit Rape	7	0	21	0	44	0
1.5	Assault on Women with Intent to Outrage Her Modesty	260	0	951	7	2169	15
1.5.1	Sexual Harassment	47	0	288	2	337	2
1.5.2	Assault on Women with Intent to Degrade	0	0	30	0	80	1
1.5.3	Voyeurism	0	0	2	0	6	0
1.5.4	Stalking	15	0	10	0	51	0
1.5.5	Other Sexual Harassment	188	0	654	5	1336	10
1.6	Insult to the Modesty of women	0	0	32	0	50	0
1.7	Kidnapping & Abduction	125	3	407	1	606	13
1.7.1	Kidnapping & Abduction	68	1	55	0	106	3
1.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
1.7.3	Kidnapping for Ransom	0	0	2	0	3	0
1.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	85	0	174	2	347	3
1.7.5	Other Kidnapping	170	3	170	0	390	8
1.8	Dacoity	40	0	155	5	205	5
1.8.1	Dacoity with Murder	0	0	0	0	0	0
1.8.2	Other Dacoity	40	0	155	5	205	5
1.9	Robbery	32	0	61	0	105	0
1.10	Arson	70	0	430	8	538	8
1.11	Grievous Hurt	517	5	2296	25	3066	35
1.11.1	Hurt	515	5	2296	25	3064	35
1.11.2	Acid attack	2	0	0	0	2	0
1.11.3	Attempt to Acid Attack	0	0	0	0	0	0
1.12	Riots	382	2	1384	64	2133	81
1.13	Other IPC crimes	1018	10	10135	178	14574	381
1.14	SC / ST (Prevention of Atrocities) Act	1790	38	8388	101	9425	264
2	Total of SC/ST (Prevention of Atrocities) Act	6849	80	20568	489	40553	780
3.1	Murder	126	4	114	12	439	32
3.2	Attempt to Commit Murder	40	0	102	4	235	8
3.3	Rape	70	1	210	4	487	10
3.4	Attempt to Commit Rape	0	0	26	5	40	5
3.5	Assault on Women with Intent to Outrage Her Modesty	88	0	518	23	965	45
3.5.1	Sexual Harassment	9	0	24	0	71	3
3.5.2	Assault on Women with Intent to Degrade	7	0	22	0	59	2
3.5.3	Voyeurism	0	0	4	0	12	0
3.5.4	Stalking	0	0	4	0	22	0
3.5.5	Other Sexual Harassment	72	0	468	23	791	36
3.6	Insult to the Modesty of Women	0	0	43	0	63	0
3.7	Kidnapping & Abduction	40	4	229	2	383	10
3.7.1	Kidnapping & Abduction	13	0	27	0	51	1
3.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
3.7.3	Kidnapping for Ransom	0	0	0	0	0	0
3.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	15	1	143	2	214	6
3.7.5	Other Kidnapping	12	3	50	0	80	3
3.8	Dacoity	1	0	0	0	4	0
3.8.1	Dacoity with Murder	0	0	0	0	0	0
3.8.2	Other Dacoity	1	0	0	0	4	0
3.9	Robbery	48	0	71	0	138	0
3.10	Arson	55	0	300	14	376	16
3.11	Grievous Hurt	15	0	242	16	388	23
3.11.1	Grievous Hurt	15	0	242	16	388	23
3.11.2	Acid attack	0	0	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0	0	0
3.12	Riots	0	0	1340	116	1673	112
3.13	Other IPC Crimes	347	12	5076	738	6720	2039
3	Total IPC Crimes against STs	895	21	3069	934	3488	1320
4	Employment of Manual Scavengers and Construction of Dry Latrines (FS Act, 1956)	0	0	0	0	0	0
5	Other SLL Crime against STs	58	0	167	0	349	5
Total Crimes against Scheduled Tribes		7751	101	34639	1423	50046	2159

S. No.	Crime Head	Persons Against whom Cases were Compounded by Courts		Persons Against whom Cases were Withdrawn		Persons in whose Cases Trials were Completed During the Year	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(11)	(12)	(13)	(14)
CRIME HEAD:							
1	Protection of Civil Rights Act, 1955	0	0	0	0	0	0
2.1	Murder	0	0	1	0	139	1
2.2	Attempt to Commit Murder	0	0	0	0	30	0
2.3	Rape	0	0	0	0	785	4
2.4	Attempt to Commit Rape	0	0	0	0	1	0
2.5	Assault on Women with Intent to Outrage her Modesty	4	0	0	0	420	0
2.5.1	Sexual Harassment	1	0	0	0	138	0
2.5.2	Assault on Women with Intent to Degrade	0	0	0	0	12	0
2.5.3	Voyeurism	0	0	0	0	1	0
2.5.4	Stalking	0	0	0	0	29	0
2.5.5	Other Sexual Harassment	3	0	0	0	249	0
2.6	Insult to the Modesty of women	0	0	0	0	3	0
2.7	Kidnapping & Abduction	0	0	0	0	109	6
2.7.1	Kidnapping & Abduction	0	0	0	0	17	0
2.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
2.7.3	Kidnapping for Ransom	0	0	0	0	0	0
2.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	0	0	0	0	36	0
2.7.5	Other Kidnapping	0	0	0	0	56	6
2.8	Dacoity	0	0	0	0	17	0
2.8.1	Dacoity with Murder	0	0	0	0	6	0
2.8.2	Other Dacoity	0	0	0	0	11	0
2.9	Robbery	0	0	0	0	15	0
2.10	Arson	0	0	0	0	42	0
2.11	Grievous Hurt	0	0	0	0	357	19
2.11.1	Hurt	0	0	0	0	357	19
2.11.2	Acid attack	0	0	0	0	0	0
2.11.3	Attempt to Acid Attack	0	0	0	0	0	0
2.12	Riots	0	0	0	0	589	16
2.13	Other IPC crimes	64	5	10	0	2020	55
2.14	SC / ST (Prevention of Atrocities) Act	154	0	4	0	1426	38
2	Total of SC/ST (Prevention of Atrocities) Act	231	5	15	0	5671	137
3.1	Murder	0	0	0	0	70	2
3.2	Attempt to Commit Murder	0	0	0	0	27	0
3.3	Rape	1	0	0	0	110	0
3.4	Attempt to Commit Rape	0	0	0	0	1	0
3.5	Assault on Women with Intent to Outrage Her Modesty	0	0	5	0	144	5
3.5.1	Sexual Harassment	0	0	0	0	8	0
3.5.2	Assault on Women with Intent to Degrade	1	0	0	0	7	0
3.5.3	Voyeurism	0	0	0	0	0	0
3.5.4	Stalking	0	0	0	0	0	0
3.5.5	Other Sexual Harassment	8	0	3	0	129	5
3.6	Insult to the Modesty of Women	1	0	0	0	0	0
3.7	Kidnapping & Abduction	0	0	0	0	83	3
3.7.1	Kidnapping & Abduction	0	0	0	0	11	0
3.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
3.7.3	Kidnapping for Ransom	0	0	0	0	0	0
3.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	0	0	0	0	34	3
3.7.5	Other Kidnapping	0	0	0	0	38	0
3.8	Dacoity	0	0	0	0	0	0
3.8.1	Dacoity with Murder	0	0	0	0	0	0
3.8.2	Other Dacoity	0	0	0	0	0	0
3.9	Robbery	0	0	0	0	4	0
3.10	Arson	1	0	0	0	32	7
3.11	Grievous Hurt	2	0	1	0	10	0
3.11.1	Grievous Hurt	2	0	1	0	10	0
3.11.2	Acid attack	0	0	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0	0	0
3.12	Riots	5	0	0	0	72	3
3.13	Other IPC Crimes	234	28	137	0	1820	119
3	Total IPC Crimes against STs	257	28	143	0	2368	140
4	Employment of Manual Scavengers and Construction of Dry Latrine(s) Act, 1988	0	0	0	0	0	0
5	Other SLL Crimes against STs	0	3	0	0	83	0
	Total Crimes against Scheduled Tribes	488	35	158	0	8102	277

S. No.	Crime Head	Persons Convicted		Persons Acquitted		Persons Discharged by Court	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(11)	(12)	(17)	(18)	(19)	(20)
CRIME HEAD:							
1	Protection of Civil Rights Act, 1955	0	0	0	0	0	0
2.1	Murder	42	0	94	1	0	0
3.2	Attempt to Commit Murder	3	0	21	0	0	0
3.3	Rape	158	0	610	4	20	0
2.4	Attempt to Commit Rape	1	0	2	0	0	0
2.5	Assault on Women with Intent to Outrage her Modesty	97	0	323	0	0	0
2.5.1	Sexual Harassment	24	0	114	0	0	0
2.5.2	Assault on Women with Intent to Degrade	3	0	9	0	0	0
2.5.3	Voyeurism	0	0	1	0	0	0
2.5.4	Stalking	4	0	36	0	0	0
2.5.5	Other Sexual Harassment	66	0	183	0	0	0
2.6	Insauf to the Modesty of women	0	0	2	0	0	0
2.7	Kidnapping & Abduction	15	0	91	4	0	0
2.7.1	Kidnapping & Abduction	5	0	12	0	0	0
2.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
2.7.3	Kidnapping for Ransom	0	0	0	0	0	0
2.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	0	0	31	0	0	0
2.7.5	Other Kidnapping	5	0	48	4	0	0
2.8	Dacoity	0	0	17	0	0	0
2.8.1	Dacoity with Murder	0	0	0	0	0	0
2.8.2	Other Dacoity	0	0	17	0	0	0
2.9	Robbery	1	0	12	0	0	0
2.10	Arson	7	0	40	0	0	0
2.11	Grievous Hurt	64	2	286	17	7	0
2.11.1	Hurt	64	2	286	17	7	0
2.11.2	Acid attack	0	0	0	0	0	0
2.11.3	Attempt to Acid Attack	0	0	0	0	0	0
2.12	Riots	24	0	264	10	1	0
2.13	Other IPC crimes	432	7	1571	48	17	0
2.14	SC / ST (Prevention of Atrocities) Act	251	3	1238	35	23	0
2	Total of SC/ST (Prevention of Atrocities) Act	1001	11	4591	125	78	0
3.1	Murder	24	1	46	1	0	0
3.2	Attempt to Commit Murder	4	0	25	0	0	0
3.3	Rape	25	0	85	0	0	0
3.4	Attempt to Commit Rape	1	0	6	0	0	0
3.5	Assault on Women with Intent to Outrage her Modesty	99	3	77	2	1	0
3.5.1	Sexual Harassment	3	0	5	0	0	0
3.5.2	Assault on Women with Intent to Degrade	5	0	2	0	0	0
3.5.3	Voyeurism	0	0	0	0	0	0
3.5.4	Stalking	0	0	0	0	0	0
3.5.5	Other Sexual Harassment	68	3	70	2	1	0
3.6	Insauf to the Modesty of Women	1	0	8	0	0	0
3.7	Kidnapping & Abduction	17	0	71	5	0	0
3.7.1	Kidnapping & Abduction	1	0	10	0	0	0
3.7.2	Kidnapping & Abduction in Order to Murder	0	0	0	0	0	0
3.7.3	Kidnapping for Ransom	0	0	0	0	0	0
3.7.4	Kidnapping & Abduction of Women to Compel Her for Marriage	11	0	43	3	0	0
3.7.5	Other Kidnapping	0	0	18	0	0	0
3.8	Dacoity	0	0	0	0	0	0
3.8.1	Dacoity with Murder	0	0	0	0	0	0
3.8.2	Other Dacoity	0	0	0	0	0	0
3.9	Robbery	1	0	5	0	0	0
3.10	Arson	0	0	32	7	0	0
3.11	Grievous Hurt	8	0	2	0	0	0
3.11.1	Grievous Hurt	8	0	2	0	0	0
3.11.2	Acid attack	0	0	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0	0	0
3.12	Riots	37	4	29	0	0	0
3.13	Other IPC Crimes	852	67	840	52	8	0
3	Total IPC Crimes against STs	1186	75	1213	65	9	0
4	Employment of Manual Scavengers and Construction of Dry Latrines(1) Act, 1993	0	0	0	0	0	0
5	Other SLL Crime against STs	30	3	33	0	0	0
Total Crimes against Scheduled Tribes		2178	87	3637	180	87	0

S. No.	Crime Head	Persons in Custody during the stage of Trial at the end of the year		Persons on Bail During the stage of Trial at the end of the year	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
CRIME HEAD:					
1	Protection of Civil Rights Act, 1955:	3	0	30	0
2.1	Murder	450	3	1086	9
2.2	Attempt to Commit Murder	103	1	444	4
2.3	Rape	1008	5	2279	20
2.4	Attempt to Commit Rape	2	0	39	0
2.5	Assault on Women with Intent to Outrage her Modesty	303	0	1436	15
2.5.1	Sexual Harassment	125	0	420	2
2.5.2	Assault on Women with Intent to Degrade	16	0	60	1
2.5.3	Voyeurism	0	0	5	0
2.5.4	Stalking	2	0	29	0
2.5.5	Other Sexual Harassment	162	0	922	10
2.6	Insult to the Modesty of women	2	0	48	0
2.7	Kidnapping & Abduction	286	4	504	1
2.7.1	Kidnaping & Abduction	54	2	88	0
2.7.2	Kidnaping & Abduction in Order to Murder	0	0	0	0
2.7.3	Kidnaping for Ransom	0	0	1	0
2.7.4	Kidnaping & Abduction of Women to Compel Her for Marriage	61	0	230	1
2.7.5	Other Kidnaping	171	2	185	2
2.8	Dacoity	39	0	149	5
2.8.1	Dacoity with Murder	0	0	0	0
2.8.2	Other Dacoity	39	0	149	5
2.9	Robbery	29	0	59	0
2.10	Arson	32	0	404	8
2.11	Grievous Hurt	483	3	2243	13
2.11.1	Hurt	483	3	2241	13
2.11.2	Acid attack	0	0	2	0
2.11.3	Attempt to Acid Attack	0	0	0	0
2.12	Riots	148	2	1664	63
2.13	Other IPC crimes	1548	17	11334	254
2.14	SC / ST (Prevention of Atrocities) Act	1365	34	6479	172
2	Total of SC/ST (Prevention of Atrocities) Act	6457	69	28176	368
3	3.1 Murder	324	10	165	20
3.2	Attempt to Commit Murder	88	2	140	6
3.3	Rape	139	1	217	9
3.4	Attempt to Commit Rape	0	0	33	1
3.5	Assault on Women with Intent to Outrage Her Modesty	129	0	698	40
3.5.1	Sexual Harassment	13	0	50	2
3.5.2	Assault on Women with Intent to Degrade	13	0	78	2
3.5.3	Voyeurism	1	0	1	0
3.5.4	Stalking	0	0	22	0
3.5.5	Other Sexual Harassment	102	0	547	31
3.6	Insult to the Modesty of Women	4	0	49	0
3.7	Kidnapping & Abduction	25	4	127	3
3.7.1	Kidnaping & Abduction	44	1	36	0
3.7.2	Kidnaping & Abduction in Order to Murder	0	0	0	0
3.7.3	Kidnaping for Ransom	0	0	0	0
3.7.4	Kidnaping & Abduction of Women to Compel Her for Marriage	15	0	149	3
3.7.5	Other Kidnaping	16	3	46	0
3.8	Dacoity	4	0	0	0
3.8.1	Dacoity with Murder	0	0	0	0
3.8.2	Other Dacoity	4	0	0	0
3.9	Robbery	63	0	71	0
3.10	Arson	57	0	138	0
3.11	Grievous Hurt	93	0	323	23
3.11.1	Grievous Hurt	93	0	323	22
3.11.2	Acid attack	0	0	0	0
3.11.3	Attempt to Acid Attack	0	0	0	0
3.12	Riots	70	2	1529	148
3.13	Other IPC Crimes	583	15	6960	300
3	Total IPC Crimes against STs	1479	34	10561	1128
4	Employment of Manual Scavengers and Construction of Dry Latrines(P) Act, 1993	0	0	0	0
5	Other SLL Crime against STs	35	1	531	3
	Total Crimes against Scheduled Tribes	7864	104	38004	1699

ANNEXURE-5.VIII
(Ref. para 5.9.1 11R)

List of Exclusive Special Courts Under the Scheduled Caste and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989

Sl. No.	State	Total no. of Districts in the State	No. of Districts with Exclusive Special Courts
1.	ANDHRA PRADESH	23	23
2.	BIHAR	38	11
3.	CHHATISHGARH	27	06
4.	GUJJURAT	33	26
5.	KARNATAKA	30	08
6.	KERALA	14	02
7.	MADHRA PRADESH	52	43
8.	RAJASTHAN	33	25
9.	TAMIL NADU	32	04
10.	UTTER PRADESH	75	40
11.	UTTRAKHAND	13	02
	TOTAL	370	190