

डा. रामेश्वर उराँव

अध्यक्ष

(भूतपूर्व सांसद-लोकसभा)

(पूर्व जनजातीय कार्य राज्यमन्त्री)

Dr. RAMESHWAR ORAON

Chairman

(Ex Member Parliament-LS)

(Former Minister of State for Tribal Affairs)



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

छठी मंजिल, लोकनायक भवन,

खान मार्किट, नई दिल्ली-110003

Government of India

National Commission for Scheduled Tribes

6th Floor, Lok Nayak Bhawan,

Khan Market, New Delhi-110003

Tel. : 011-24635721

Telefax : 011-24624628

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

19th November, 2012

Respected Sir,

The Commission visited the State of Karnataka from 5/11/2012 to 10/11/2012 to review implementation of various development schemes and safeguards concerning the Scheduled Tribes in the state. Based on the interaction held by the Commission with the tribals during field visits and review meeting held with the State Govt. on the subject, I have taken up certain critical issues, concerning STs with the Chief Minister, Govt. of Karnataka and also with the Governor of the State vide D.O letters dated 19/11/2012 (copies enclosed).

2. A major area of concern is much lower provision of TSP component (2011-12: 3.86%) in the State Budget outlay and reservation of only 3% in service to the STs against the mandatory requirement of minimum allocation of TSP and representation of STs in service according to the population share which is 6.5% in the State.

3. The Commission has also noted with concern the tardy implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the State. The Act is implemented, only in 8 districts out of total 32 districts. Further, there is an abnormal rejection of applications for grant of forest rights (STs: 66%, OTFDs:99%, Community:99.9%). The tribals have also alleged harassment by the forest officials and eviction from the areas marked as critical tiger habitat.

4. The review of implementation of NSTFDC schemes by Karnataka Scheduled Tribes Development Corporation (KSTDC) has revealed that large number of schemes sanctioned by NSTFDC (having NSTFDC's share of Rs. 62.58 crore) were yet to be implemented by KSTDC; reportedly for want of additional State Govt. Guarantee. KSTDC has also not utilised Rs.23.68 crore, drawn from NSTFDC. A substantial amount (Rs. 12.73 crore) towards repayment of loan and interest are also overdue for payment to NSTFDC by Dr. B. R. Ambedkar Dev. Corp. (Rs 5.42 crore) and KSTDC (Rs.7.31 crore). These issues are affecting financial health and performance of the KSTDC with resultant deprivation of intended benefits to the STs. Further, the State Govt. has also highlighted certain issues concerning MTA and NSTFDC regarding functioning of the NSTFDC (Annexure-II).

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5. Considering the position mentioned above and in order to address the problem/deficient areas noticed by the Commission during the visit at the earliest, the Commission recommends that the MTA may review (i) the matter regarding lower provision of TSP component in the State Budget outlay vis-a-vis instructions by the Planning Commission in the matter, (ii) implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, particularly the problem areas advanced by the State Govt in implementation of the Act., and (iii) issues raised by KSTDC concerning NSTFDC.

with high regards.

Yours sincerely,

Rameshwar Oraon
(Dr. Rameshwar Oraon)

Shri V. Kishore Chandra Deo,
Minister of Tribal Affairs and Panchayati Raj
Government of India,
Shastri Bhawan,
New Delhi-110001

Encl: As above

Copy to: -

- (i) **Shri Gur Saroop Sood,**
Chairman cum Managing Director,
National Scheduled Tribes Finance and Development Corporation (NSTFDC)
NBCC Tower, 5th Floor,
15 Bhikaji Cama Place,
New Delhi-110066.
- (ii) Chairman cum Managing Director,
Karnataka Scheduled Tribes Development Corporation Limited, (KSTDC)
4th Main, Near Police Station,
16th Cross, Sampargiramanagar, Bangalore- 560027
Karnataka.

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T.D. Kukreja
Private Secretary to Chairperson
National Commission for Scheduled Tribes



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19.11.2012

Dear Sri Shettar,

I am writing this to apprise you of the assessment of the National Commission for Scheduled Tribes (NCST) with regard to implementation of various development schemes and safeguards concerning the Scheduled Tribes in the State of Karnataka.

2. As you are aware, the NCST set up under Article 338-A of the Constitution is vested with duties, inter-alia, to investigate and monitor all matters relating to the safeguards provided to the Scheduled Tribes under the Constitution or any other law or order of the Govt. and to monitor and evaluate the working of such safeguards, participants in the planning process and advise the Govt. on matter affecting STs. Accordingly, the Commission visited the State of Karnataka from 05/11/2012 to 10/11/2012 to review and assess the development programmes being run by the State Govt. and implementation of various safeguards for the welfare of the STs. The visit included Distt. Bellary and Mysore including tribal areas inhabited by the PVTG. Subsequently, the Commission had a review meeting with the Chief Secretary and other senior officials of the State Govt. on 9/11/2012.

3. The observations/points in critical areas which emerged during the visit, and require urgent attention of the State Govt., are as under:

- (i) While the efforts made by the State Government for infrastructure development with a view to improving the standard of education at primary / secondary level among STs are reportedly encouraging, but considering the wide gap in literacy of STs in general as well as female literacy, as compared to general category (more than 18% and 20 % respectively), the State Govt. need to ensure greater efforts towards educational development of STs, including focus on quality education, vocational opportunities, skill development training and special coaching for competitive examinations for increasing employability.
- (ii) The Commission has noted with concern that at present, the TSP component to the State Budget outlay is only 3.86% (2011-12). Further, the reservation in service in respect of STs is only 3%. The Commission strongly recommends that the State Govt. should immediately increase the TSP component to the State Budget outlay to minimum 6.5% according to the population share of STs in

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accordance with the guidelines issued by the Planning Commission and also provide mandatory reservation of 6.5% in service according to the population of STs as being provided by other State Govts. also. The Commission is also of the view that the TSP component should not be based merely on the population share, but rather on the extent of deprivation of STs i.e., on 'need-based' and not only 'population share' basis, with particular focus on PVTGs., who are the most socio-economically backward ST communities in the State. The Commission has also noted that more than 1000 vacancies reserved for STs in various Departments are lying vacant, for which Chief Secretary assured that these would be filled in next four months.

- (iii) The Commission has also noted that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is being implemented in only 8 districts out of total 32 districts. Further, there is an abnormal rejection of applications for grant of forest rights (STs:66%, OTFDs:99%, Community:99.9%). During the field visit to the tribal areas, the tribals have also alleged harassment by the forest officials and also eviction from the areas marked as critical tiger habitat. The Commission is of the view that the high level of rejection of claims and problem areas advanced by the State Govt. in implementation of the Act need to be urgently addressed to avoid discontent among tribals for denial of their rights as per the Act.
- (iv) As revealed during the field visit, the implementation of MGNREGA in the tribal areas is far from satisfactory with the level of engagement of STs being insignificant compared to the provision for 100 man-days. The State Govt. could not furnish factual position in the matter. The Commission recommends that the State Govt. should immediately take necessary measures to improve the level of engagement of tribals under the Scheme and also conduct a study to review the implementation of MGNREGA Scheme in tribal areas in relation to its outlined objectives.
- (v) The Commission has also noted that the number of cases against the SCs and STs PoA Act. 1989 is continuously increasing (60 in 2009, 162 in 2010, 283 in 2011). Further, the rate of conviction is very low (2009: 5 out of 21, 2010:0 out of 19, 2011:2 out of 11). This is a cause of great concern. There is an urgent need for speedy trials and improving quality of investigation. The State Govt. has also not held any meeting of the State Level Vigilance and Monitoring Committee (SLVMC) during the year though the Act stipulates its frequency twice in a year.
- (vi) The State Govt. has reported that total 305 cases have been registered on the basis of false caste certificate. The Commission recommends an early settlement of these cases and also penal proceedings against these officers also, who are responsible for issue of false caste certificates in accordance with the Amendment to Karnataka SC/ ST & OBC Act 1990.
- (vii) The Commission observed that critical review of the functioning of the Karnataka Scheduled Tribes Development Corporation (KSTDC) and its re-structuring is needed in order to meet the huge needs and demand of tribals for their socio-

economic development. The review of implementation of NSTFDC schemes by KSTDC has revealed that large number of schemes sanctioned by NSTFDC (having NSTFDC's share of Rs. 62.58 crore) were yet to be implemented by KSTDC; reportedly for want of additional State Govt. Guarantee. KSTDC has also not utilised Rs.23.68 crore, drawn from NSTFDC. A substantial amount (Rs. 12.73 crore) towards repayment of loan and interest are also overdue for payment to NSTFDC by Dr. B. R. Ambedkar Dev. Corp. (Rs 5.42 crore) and KSTDC (Rs.7.31 cr). These issues are affecting financial health and performance of the KSTDC with resultant deprivation of intended benefits to the STs.

4. The Commission would also like to suggest setting up of a separate Tribal Welfare Deptt. to have special focus on STs. The existing administrative set-up of the Directorate of Tribals also needs strengthening both at Hqrs. Level as well at District level. During the visit of the Commission, the demand for setting up of a SC and ST Commission in the State to address issues relating to STs has also been projected, which may be examined by the State Govt.

5. Considering the need for development of tribal areas and improvement in the economic and social condition of our tribal populations to achieve our goal of inclusive growth, I would request you to kindly look into the deficient areas assessed by the Commission and formulate a coherent strategy to address these concerns and appraise us regarding action taken in the matter urgently.

With high regards.

Yours sincerely,

Rameshwar Oraon
(Dr. Rameshwar Oraon)

Shri Jagadish Shettar,
Chief Minister,
Govt. of Karnataka,
Bangalore,
Karnataka.



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

Dated 19th November, 2012

Respected Rajyapal ji,

On behalf of the Commission, I convey gratitude for the opportunity granted to the Commission for briefing you on 9/11/2012 on the issues which emerged from the field visit of the Commission to the tribal areas of the State of Karnataka and the review meeting held with the Chief Secretary, Govt. of Karnataka to review implementation of various development schemes and safeguards concerning the STs in the State.

2. As discussed, A major area of concern is much lower provision of TSP component (2011-12: 3.86%) in the State Budget outlay and reservation of only 3% in service to the STs against the mandatory requirement of minimum allocation of TSP and representation of STs in service according to the population share of STs, which is 6.5% in the State.

3. The Commission has also noted with concern the tardy implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the State. The Act is presently being implemented only in 8 districts out of total 32 districts. Further, there is an abnormal rejection of applications for grant of forest rights (STs: 66%, OTFDs: 99%, Community: 99.9%).

4. While I have taken up above issues with the Chief Minister, Govt. of Karnataka, vide D.O. letter dated 19/11/2012 (copy enclosed), considering the nature of the issues and the concerns shown by you for the socio economic development of STs, you may consider taking appropriate action in the matter.

With high regards .

Yours sincerely,

Encl: As above.

Shri Hans Raj Bhardwaj,
H.E. Governor,
Govt. of Karnataka,
Bangalore.

Rameshwar Oraon
(Dr. Rameshwar Oraon)

Issues related with Ministry of Tribal Affairs and NSTFDC , New Delhi.

- The authorized share capital of the Corporation is Rs.500.00 lakhs. The Equity of the Corporation is shared by State and Central Governments in the ratio of 51: 49 . According to this ration Ministry of Tribal Affairs , Government of India , has to release Rs.19.05 crore as its share to the Corporation. But the Ministry has so far release Rs.6.98 crore only leaving a balance of Rs.12.07 crores. As a result, the Corporation could not implement the programmes as envisaged.
- NSTFDC is releasing Term Loan equivalent to the amount of Government Guarantee provided by the Corporation. This quantum of term loan released by NSTFDC shall be atleast double the amount of Government Guarantee provided by SCAs. This will facilitate the SCAs to implement the schemes effectively so that the benefits reaches more and more needy beneficiaries.

- The present rate of interest charged by NSTFDC to SCA is 3%. Taking into consideration the increase in administrative expenses and the problems faced in recovery of the loan instalments from the beneficiaries, the rate of interest needs to be reduced to 1%. It may be mentioned here that the Karnataka Government is extending agricultural loans to the farmers through Co-operative institutions at the interest rate of 1% p.a. In the same line, the above suggestion is made.
- The period fixed for repayment of Term Loan by SCA needs to be restructured duly increasing the periodicity taking into consideration the poor recovery of the loan instalments from the beneficiaries.