

Tour report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Himachal from 14th to 18th July, 2011 to review implementation of development programmes, reservation policy and SCs and STs (PoA), 1989 Act in respect of STs

- 1.0 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Smt. Kamla Kumari, Member, Shri Bheru Lal Meena, Member, and Shri Aditya Mishra, Joint Secretary, visited the State of Himachal Pradesh **from 14th to 18th July 2011** in accordance with the programme communicated to the State Govt. vide Message No.H.P./REVIEW/MEETING/SERVICE/2008/503/RU-I dated 12th July 2011 to review development programmes, reservation policy and implementation of the SCs and STs (POA) Act, 1989 in respect of STs.

The report concerning the meetings held with the State Govt. officials and other Deptts./organisations at Shimla and with the District Administration, Dharamshala and tribal delegates etc. is as under.

14th July, 2011

2.0 Visit to Tribal Bhawan, Dhalli, Shimla

The Commission visited the Tribal Bhawan, which was constructed under the TSP, to provide accommodation to the tribals visiting Shimla from other parts of the State for various purposes relating to education, employment, social engagements, tourism etc. The Bhawan has excellent infrastructure and provides different categories of accommodation at a subsidized rate, as low as Rs. 20 per bed in dormitory. The Chairperson, NCST appreciated the initiative of the State Govt. in this regard and observed that similar Bhawan could also be considered for construction by other State Govts. Especially those having large ST population.

15th July, 2011

3.0 Meeting with the Home Secretary and DGP to review Implementation of SCs and STs (POA) Act, 1989

DGP informed that no case was pending for investigation and only six cases were awaiting for trial. Notwithstanding this, the Commission advised the Police Authorities to ensure proper registration of cases under the Act and quality of investigation for logical conclusion of the cases in a justified and time-bound manner.

DGP also confirmed that the prescribed procedure with regard to reservation of STs in the Police Deptt. was being followed.

The Commission observed that the State Government had submitted

partial information only in reply to the Questionnaire prescribed for review and monitoring of implementation of the Act. It was also noted that various provisions of the PoA Act and Rules, as mentioned below, were not implemented and as a result, an important objective of the PoA Rules for providing timely relief and rehabilitation to the victims of atrocities was getting defeated.

| | Area | Relevant Section |
|----|--|---------------------------|
| a, | Travelling Allowance, Daily Allowance and Maintenance Expenses | Rule 11 of the POA Rules |
| b, | Appointment of Special Officer. | Rule-10 of the Rules |
| c. | Periodical survey conducted on the working of the provisions of the Act | Sec 21(2)(vi) of the Act |
| d. | Identification of Atrocities Prone Areas and the measures taken for the removal of disability in such cases. | Sec 21(2)(vii) of the Act |
| | Special Police Stations to be set up to investigate offences against ST | |
| e. | Nomination of Nodal Officer. | Rule-9 |
| f. | Setting up of the S.C., S.T. Protection Cell | Rule-8 |
| g. | Contingency Plan | Rule -15 |

The Commission noted that Rule 16 of SCs and STs (Prevention of Atrocities) Rules, 1995 provide for constituting State Level Vigilance and Monitoring Committee (SLVMC) to review the implementation of the provisions of the PoA Act and relief and rehabilitation facilities provided to the victims and other matter connected therewith. The Committee is expected to meet at least twice in a year. Similar Committee has to be constituted at District Level under the provision of Rule 17 of the PoA Rules and this Committee is expected to meet at least once in three months. The Commission was informed that the meetings of SLVMC were not being held regularly. The last meeting of the SLVMC was held in 2007 and thereafter, the Committee was reconstituted in 2009. However, the meetings of the DLVMC were stated to be held regularly though dates of the meetings held were not available. The Commission expressed displeasure for not holding the meetings of SLVMC regularly as per the periodicity defined in PoA Rules and advised the State Government to hold the meetings regularly. The Commission also observed that the outcome of the DLVMC should be analysed by the State Government to take timely corrective action for effective implementation of the Act. The State Government was advised to take necessary action in this regard.

Action: State Govt

The Commission mentioned that Rule 11 of the PoA Rules provide for

grant of Travelling Allowance, Daily Allowance, Maintenance Expenses and Transfer facilities to the victims of atrocity, his/her dependents and witnesses. It was noted that the State Government had prescribed for payment of daily maintenance allowance, but details were not available. The Commission suggested that instead of prescribing a particular fixed amount as the amount of daily maintenance allowance, the State Government may provide for payment of the allowance which may be not less than the minimum wages as may be fixed from time to time.

The State Government informed that necessary action in the deficient areas mentioned above would be taken for effective implementation of the Act and the position in this regard would be communicated to the Commission within a month.

Action: State Govt

4.0 Meeting with the Chief Secretary and other senior officers of the Govt. of Himachal Pradesh to review the implementation of programmes and scheme for development of STs in the States.

The following issues were discussed during the meeting:

4.1 Education

The Commission noted with appreciation that the level of literacy among STs, both male and female (81% and 62.28% respectively) was comparable to the general population (Male: 85%, Female: 67%). However, the female literacy was lower by about 19% compared to male literacy among STs. Chairman NCST desired that the State Govt. should take necessary measures to improve female literacy in a time bound manner.

Action: State Govt

The State Govt informed that there was no shortage of teachers in the State. On a query from the Commission, it was confirmed by the State Govt. that all teachers were professionally qualified and regular training to them was also being imparted for up-gradation of their knowledge and skills.

Action: State Govt

The Commission observed that adequacy of necessary infrastructure in education sector in tribal areas should be critically reviewed by the State Government. The Commission observed that hostels were very essential to promote education among tribals. The State Government informed that the requirement of residential schools in the tribal Areas is reviewed commensurate with the targeted objectives and construction of new hostels is planned wherever necessary.

On a query from the Commission, the State Govt. confirmed that the seats reserved for STs in medical colleges, engineering institutions and diploma courses were getting fully filled. The Commission emphasised

the need to provide special coaching /training for STs at a much larger scale for their admission into professional institutions.

Action: State Govt

The Commission observed that the State Govt. should focus on vocational Training to assist STs to enhance their skills and capabilities to make them employable in industries, keeping in view the market dynamics on a continuous basis so that STs were not deprived of the professional acumen demanded by the changing market needs and opportunities for employment at domestic as well as international levels. The vocational training should cover free coaching for admission in various technical and professional courses like IT and business management, medical, engineering, law and for competitive examinations for recruitment to government posts, including police, security forces, public sector undertakings, railways, banks and insurance companies etc. The State Govt. assured to look into the suggestions of the Commission and implement programmes accordingly.

Action: State Govt

Regarding implementation of the 'Right of Children to free and Compulsory Education Act, 2009', the State Govt. Informed that the Act had already been implemented in the State since 1st April, 2010.

Action: State Govt.

4.2 **Health**

The Commission desired to know the extent of shortage of doctors and other para-medical staff in the tribal areas. The State Government informed that large number of shortage of doctors, and para-medical staff, especially specialists, existed on an overall basis, majority of which was pertaining to the tribal areas. The exact details of the extent of shortage couldn't be made available by the State Govt. The State Govt. further informed that the deficiency in respect of specialists was being addressed by way of securing additional PG seats in medical colleges and engagement of specialists on contract under NRHM.

The Commission advised the State Government to furnish requisite details with regard to the extent of shortage in respect of doctors, specialists, para-medical staff along with the Action Plan to cover their deficiencies in a time-bound manner. The State Govt. assured that the requisite details and the Action Plan would be submitted to the Commission within a month.

Action: State Govt

The Commission desired to know whether safe drinking water was available in all ST habitats and the quality of the water was also being periodically checked. The State Government informed that all villages in tribal areas have been provided safe drinking water facilities. The State

Government also confirmed that the quality of drinking water was being periodically checked as per the prescribed standards.

Action: State Govt

The Commission noted that the diseases like iodine deficiency, TB, and goitre have been reported to be prevalent in the State. In this connection, the Commission noted that the State Government had not drawn any specific programme/activities to deal with such cases in tribal areas. The Commission, therefore, desired that the State Government should conduct a study to identify prevalent diseases in the tribal areas and formulate an action plan to eradicate the same.

Action: State Govt

The Commission observed that as per the Census 2001, 8.6% of ST families were below the poverty line, out of total of 23.11% BPL families in the State while the percentage of ST population in the State was 5.87 % only. The State Govt. may, therefore, review their strategy for generating employment among STs and effectiveness of current schemes being implemented in this regard. In this connection, the Commission suggested that studies should be conducted by the State Govt. to measure effectiveness of various schemes, being implemented for STs and to identify deficient areas in these schemes for necessary corrective actions. The State Govt. assured to look into the matter and apprise the position in this regard to the Commission within a month.

Action: State Govt

4.3 **Housing**

The Commission noted that as per the information furnished by the State Govt. in the filled-in Questionnaire, no house/house site was allotted to STs in the year 2006-07 and 2009-2010. The information pertaining to the year 2010-11 in this regard was also not furnished. The State Govt. informed that the information for the year 2006-07 and 2009-2010 would be re-checked and the factual position would be communicated to the Commission along-with the status on allotment of houses/ house site in the year 2010-11 within a month.

Action: State Govt

4.4 **MGNREGA**

The State Govt. informed that out of 10 lakh registered job cards, about 9% pertain to STs. On an average basis, 30 man days were being engaged against the scheme. The State Govt. further informed that engagement of tribals under the scheme was increasing with the enlargement of scope of works covered under the scheme which also included programmes for individual benefits. The Chairman observed that the indicated level of engagement was required to be critically

examined specially in the context of STs. who had limited livelihood options and, therefore, much higher level of their engagement under the scheme was expected. In this connection, Chairman NCST also observed that timely planning of works under the scheme, and payment of wages were also very critical considerations for effective implementation of the scheme. The Commission, therefore, desired that the State Govt. should take necessary action in the matter.

Action: State Govt.

Joint Secretary, NCST enquired whether the State Govt. had conducted any study in regard to effectiveness of the scheme in tribal areas and its impact on socio-economic status of the STs. The State Govt. assured that the suggestion to conduct studies to measure effectiveness of the scheme in the tribal areas would be looked into and the position in this regard would be communicated within a month.

Action: State Govt

On a query from the Commission regarding timely payment of wages under the scheme, the State Government informed that wage were found to be mostly on time. However, in few cases, delay in payments in wages had been reported and such cases were being looked into for taking corrective actions in the matter.

Action: State Govt

4.5 **Rural electrification and road connectivity to the tribal areas**

The Commission was informed that electricity supply was available to all tribal areas. Regarding road connectivity, the Commission noted that the State was having a vast area with a thinly spread population. The total area represented therein was as high as 42.29% of the total geographical area of the State whereas the density of population was only 7 as against 109 for the State. Chairperson, NCST desired that the State Govt. should ensure better road connectivity to tribal areas as the roads are economic lifelines of the tribal areas.

Action: State Govt.

4.6 **Land Alienation of STs**

The Commission noted that the Himachal Pradesh Transfer of Land Regulation Act, 1968 had been enacted in the State and Section 3(1) of the Act provided that no person belonging to any Scheduled Tribe shall transfer his interest in any land by way of sale, mortgage/lease, gift or otherwise to, any persons not belonging to such Tribes except with the prior permission in writing of the State Govt. provided that the State Govt. before according such permission shall consult the Gram Sabha of Panchayats at the appropriate level. Every transfer of land in contravention of the aforesaid Section shall be void. Further, Section 8 of the Act, provides that no rights, title or interest held by a person

belonging to Scheduled Tribes if any land shall be liable to be attached or sold in execution of any decree or order in favour of any persons not belong to Scheduled Tribes of any court except State Govt. or to any co-operative Land Mortgage Bank, or Co-operative Society. The State Govt. further informed that no case of land alienation had been reported by the concerned Deputy Commissioners so far.

Chairperson, NCST further observed that laws about land alienation should be implemented with greater sincerity and all cases relating to land alienation should be settled on priority and illegally alienated land, if reported, should be physically restored to the tribals.

Action: State Govt.

4.7 Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The State Govt. submitted following position regarding implementation of the Act (as on 31st May, 2011):

| Particular | Total Claims received | No. of rejected claims | No. of pending claims | No. of approved claims | No. of titles issued |
|------------|-----------------------|------------------------|-----------------------|------------------------|----------------------|
| Individual | 5356 | 1712 | 3406 | 238 | 7 |
| Community | 279 | 51 | 120 | 108 | - |
| Total | 5635 | 1763 | 3526 | 346 | 7 |

The Commission noted that out of 5356 individual claims received by Gram Sabha, titles have been issued in respect of only 7 cases and a large number of cases had been rejected (1712) The Commission desired to know the time-frame by which the remaining titles would be issued. The Commission advised that State Govt. should evolve a strategy for (i) disposal of all the claims within a prescribed time frame, (ii) ensuring that genuine claims are not rejected, (iii) title deeds are distributed to all the approved claimants within the set time frame, and furnish its plan with full details in respect of individual claims as well as community claims separately. The Commission further desired that the State Government should carefully examine the rights of the affected tribal people, including their community rights and settle these in accordance with the provisions of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.

Action: State Govt.

4.8 Rehabilitation of project affected STs

The Commission noted that as per the R &R policy of the State, the following rehabilitation package was available for ST displaced families;

- (i) Minimum of two hectares of irrigated land to each displaced tribal family including that landless agricultural labour, encroachers, and those who are working on leased land etc.

- artisans and others.
- (ii) Each elder son/daughter should be treated as a separate family unit for all R&P benefits.
 - (iii) Adequate provisions of compensation for loss of customary additional right of forest produce.
 - (iv) A minimum of five hundred sq. mtr. land for house plot.
 - (v) Transportation of household articles to the rehabilitation site free of cost.
 - (vi) Adequate provision of civic amenities like schools, colleges, drinking water supply, dispensary community centres, roads etc. at the rehabilitation site.
 - (vii) Provision of employment opportunities or compensating them with payment of wages for 100 days/year for at least three initial years or till the candidate finds the appropriate employment source.

Chairman, NCST mentioned that the representations had been received from the tribals belonging to Kinnaur District regarding

- (i) inadequate compensation, including payment at widely varying rates for acquisition of land in respect of various hydro power projects (for example, Himachal Pradesh, Power Corp. 450 MW Project: Rs. 1,04,000/- per biswa, M/s J.P. 1000 MW Project: Rs. 2000/- per biswa for barren land and Rs. 18,000/- per biswa for other land, Newji widu electricity 1000 MW Project Rs. 2000/- per biswa for barren land and Rs. 18,000/- per biswa for other land), with little consideration to the geographic condition and availability of small land holdings of the displaced persons, prevailing rate in the market and available rights of the tribals under the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.
- (ii) diversion of acquired land for the purposes other than intended use like for garden etc.
- (iii) non-fulfilment of the conditions of the MoU regarding employment of local tribals and Corporate Social Responsibility etc.

Chairperson, NCST advised the State Govt. that it was necessary to ensure adequate compensation to the projected affected/displaced tribals and settlement of their forest rights and also long term sharing in the profits of the enterprises. In this connection, Joint Secretary, NCST also briefed the State Govt. about the recommendation of the Commission on the draft Land Acquisition, draft Rehabilitation and Re-settlement Bill and also draft MMDR Bill, which were also available on the website of the Commission. He further emphasised that the Commission had recommended that the land should invariably be provided to the tribals besides compensation against land acquired from them which were a source of livelihood for them; and, if the Govt. land is not available in the resettlement area, private land may be purchased and made available to tribal agriculturists

Chairperson, NCST advised the State Govt. to review their RR policy, considering the view of the Commission in the matter, especially in the context of the large number of projects planned to be undertaken in the tribal areas of the State. Chairperson, NCST also advised the State Govt. to look into the issues raised in the representation of the tribals against projects being executed/to be planned in the State, as mentioned above and submit a detailed paper on the subject to the Commission within a month including the measures being taken/proposed to be undertaken to address their grievances, especially pertaining to payment of compensation by the private companies at a rate, considerably cheaper than those being paid by the State Undertakings, extent and nature of non-compliance by such companies with regard to the conditions stipulated in the MoU pertaining to the payment of compensation, employment of local tribals and CSR etc. The State Govt. assured that the requisite details would be furnished to the Commission within a month.

Action: State Govt

The Commission desired to know the details of the mining policy of the State Government, particularly in relation to the Scheduled Tribes and the Scheduled Areas and also expected level of displacement due to new projects etc. The State Govt. informed that position in this regard would be communicated within a month.

Action: State Govt

Joint Secretary, NCST apprised the State Government that Commission was of the view that to ensure livelihood security to tribals, the Govt. must ensure alternative land in case they will be substantially deprived of the use of their holdings. Since mining enterprise is one of the principal beneficiaries of minerals extraction through royalty payments, it must be ensured that at least one person of each tribal household is given a suitable, regular job in the mining project after providing free skill training, etc.,. The annual compensation and alternative sources of livelihood should be adequate to assure living standards comparable with the surrounding community, or even better. As mineral extraction is generally destructive of soil surface, it may be more helpful if damage compensation, or a significant part thereof, is paid at the outset to supplement livelihood security/change efforts. In the case of Mine closure plan and settlement of forest rights, future (and sometimes windfall) earnings from mining activity beside annual compensation in lieu of land surface right, should also be shared with land rights holders in reasonable measure. Further, special focus on tribals is also required under the CSR responsibilities

4.9 TSP

The State Govt. informed that the funds under the TSP were being allocated on the basis of a pre-determined formula with weightage of

20% to areas, 40% to population and 40% to relative backwardness of area (TSP share: Kinnaur:30%, Lahaul:18%, Spiti:16%, Pangi:17%, Bharmour:19%). The allocation under the TSP was 9% of the State Plan flow (compared to the ST populations of 5.87%) for socio-economic development and welfare of STs which included Border Area Development Programme (BADP) funds and Special Central Assistance (SCA) received from the Govt. of India. Each ITDP prepares its own Plan as per their priorities, allocates funds only to those schemes/works relevant to the area and approve the same in the Project Advisory Committee headed by the respective MLA of the area.

The Commission noted that the funds under the TSP were being fully utilized by the State Govt. The State Govt. was also having a streamlined system for incurring expenditure under TSP as per the Maharashtra Model.

Action: State Govt

Chairperson, NCST observed that appropriate outlays for TSP should be earmarked in respect of all departments to ensure that tribal areas don't continue to be hamstrung by poor infrastructure/services. Further, unless the earmarking of TSP outlays exceeds the relative share of incidence of residual problems e.g. drinking water, primary health care and education, nutritional support, unemployment etc., the relative gap in physical quality of life is likely to persist. Each Department should also have a separate budget sub-head for TSP. The State Govt. assured to consider views of the Commission in the matter.

Action: State Govt

4.10 **Reservation in posts**

The Commission noted that the prescribed quota of reservation in services for STs in the State is as under;

| | Class I | Class II | Class III | Class IV |
|--------------------|---------|----------|-----------|----------|
| Direct Recruitment | 7.5% | 7.5% | 5% | 5% |
| Promotion | 7.5% | 7.5% | 7.5% | 7.5% |

The Commission noted that the representation of STs in Class I and Class II was 5.05% and 6.48% only against the stipulated representation of 7.5%. The Commission further noted that the overall representation of STs in Boards/Corporation was only 4.5% against the stipulated representation of 5%. The main shortfall existed in respect of Class I, II, III (2.80%, 3.08% and 3.93% respectively). The Commission also desired to know the details of the Special Recruitment Drive undertaken by the State Govt. to fill up the vacant posts.

The State Govt. clarified that the shortfall is attributed to the ban of direct recruitment and non-availability of ST candidates in some cases

of promotional posts due to the fact that the reservation to the ST candidates at entry level in Class III and Class IV is 5% whereas the reservation for promotion for Class IV to Class III, Class III to Class II and Class II to lowest rung of Class I is 7.5 %.

Chairperson, NCST advised the state Govt. that there was no ban on filling the backlog vacancies through promotion. Therefore, the State Govt. should take necessary action to fill up the vacant post through promotion through Special Recruitment Driver.

Action: State Govt

Chairperson, NCST informed the State Govt. that Himachal Pradesh Schedule Tribe Employees Federation had submitted a presentation vide latter dated. 14th July, 2011 regarding:

| | |
|-------|--|
| (i) | Non-implementation of Constitution (85 th) Amendment Act by the State Govt. of Himachal Pradesh relating to seniority of ST employees. |
| (ii) | Assigning of wrong/illegal seniority and promotions to general category candidates in violation of judgement of the Constitution Bench of Supreme Court delivered in Ajit Singh-II v/s State of Punjab 1999 (7) SCC 209. |
| (iii) | Collection of illegal quantifiable data of SC and ST categories of employees by the officials of State Govt. on the basis of number of employees in position as on 31.10.2009 and not on the basis of post on the cadre strength in respect of all categories of posts in violation of law laid down by the Apex Court . |

Chairperson NCST further observed that the Commission had been informed that the State Govt. had constituted a Cabinet Sub-Committee on 2nd February, 2011 for consideration of the the issue regarding implementation of the Constitution (85th) Amendment Act. However the Cabinet Sub-Committee had referred the matter to the Law Department , who inter-alia, had opined to refer the matter again to the Cabinet Sub-Committee to re-examine the data collected by the Administrative Department of the State Govt. and to calculate the adequacy in representation to the SCs and STs on the basis of number of posts which form cadre strength in Class-I,II,III and IV in the services under the State and Board /Corporations. After re-examining the adequacy of representation in the manner as suggested by the Apex Court in Sabharwal case, ultimate decision can only be taken thereafter as to whether adequacy in representation has reached in favour of SC and ST and whether reservation at all is required or not. Chairperson NCST observed that as the matter was pending for a long time, the State Govt. should take a final view in the matter urgently.

The State Govt. informed the Commission that the matter was being

submitted to the Cabinet Sub-Committee within three months, as advised by the Law Department, and the progress in this regard would be communicated to the Commission within a month.

Action: State Govt

4.11 **Role of NGOs**

On a query from the Commission, the State Govt. confirmed that guidelines, with clearly defined criteria for monitoring and checking their performance, accountability and credibility, was being followed by the State Govt.

5.0 **Meeting with Prof. A.D. Vajpai Vice Chancellor and other officials of the Himachal University, Shimla**

The Commission noted that the roster were being maintained subject-wise and not as per the prescribed procedure in accordance with the the instructions contained in DoPT O.Ms regarding grouping of posts (No. 42/21/49-NGS dt. 28-1-1952, No.1/4/70-Estt.(SCT) dated 11-11-71, No.8/1/74-Estt.(SCT) dt. 20-12-74, No.36024/8/76-Estt.(SCT) dated 9-11-77 and No. 36011/17/85-Estt.(SCT) dated 23-7-85) which were being followed by the other Universities. The Commission noted with concern that present method of maintenance of roster by the University doesn't ensure a fair representation of the STs in faculties. The Commission further noted that the position emerging from the present method of maintenance of roster (subject-wise) cannot be relied for the purpose of assessment of backlog as well as shortfall. The Commission, therefore, desired that the University should immediately review the present method of maintenance of roster in line with the instructions contained in the DoPT OMs quoted above and the procedure being followed by other Universities in this regard.

The Vice-Chancellor assured the Commission to review the present system of maintenance of roster subject-wise and also to discuss the matter in the ensuing conference of the Vice Chancellors. He further assured the Commission that the action taken by the University in the matter would be communicated within a month.

Action: University of Himachal Pradesh.

6.0 **Visit to tribal boys hostel.**

The Commission visited the Boys' hostel which was constructed under the TSP. The hostel has excellent resident facilities including well maintained gymnasium.

On a query from the Chairperson NCST, the students mentioned that

the number of cooks and supporting staff were not sufficient to meet the demands of all residents of the hostel. The strength of the cooks and the supporting staff was similar to the hostel(s) having much lower strength of students (70-80), while the strength of students in their hostel was at present 160 which could also swell up to 200 students. The University Authorities assured the Commission that the matter would be looked into urgently and additional staff in the mess would be provided to meet the projected requirement.

Action: University of Himachal Pradesh.

16th July 2011

6.0 Meeting with tribal delegates representing Gaddi Community

The delegates informed that the Gaddi is a community representing several castes. Their main occupation is agriculture, while they are also nomads and own large flocks of sheep and goats and keep on moving up and down the hills in summer and winter with their animals to facilitate grazing. The delegates mentioned that some of the members of Gaddi community were recognized as SC and some others as OBC and demanded that they should also be treated as STs. The Commission informed that as per the prescribed modalities, the State Govt. has to formulate a view in the matter and then forward their proposal to the MTA, who after consultation with the RGI will send it to the NCST for consideration. The Commission advised the delegates that they should take up the matter with the State Govt. accordingly.

The delegates apprised the Commission of their problems of non-availability of grazing ground due to wild growth of lantana and requested the intervention of the Commission for urgent action by the Forest Deptt. for (i) undertaking immediate programmes for eradication of lantana in grazing grounds, (ii) proper fixation of the pricing of wool, (iii) implementation of the MoUs signed with the various companies/undertakings for construction of hydro power projects in the State, and (iv) opening of zonal offices in Kangra and Chamba region to address the problems of STs, (v) issue of arms license for protection of their sheeps/goats in remote areas, and (vi) hostel facility. Chairman NCST desired that their memorandum on the above issues should be forwarded to the State Govt. for suitable action.

Action: State Govt

17th July 2011

8.0 Meeting with the District Administration, Kangra at Dharamshala

The Commission was informed that as per 2001 Census, the ST

population in the District was 1597. Subsequently, the Gaddis and Gujjars of the new areas were declared STs vide Notification dated 13th January, 2003. Therefore, updated figure would be available only after the present census operations are over. There is no specific ST colony in the Distt. Kangra.

The Commission noted that percentage enrolment at elementary school level was 100%. The total number of ST students is 9319 which is 7.24% of the total enrolled students. Further, drop out rate at elementary and middle school level was also nil. There are two residential schools for boys and girls at the Degree College Dharamshala having capacity of 50 students each.

The Commission desired to know the extent of shortage of teachers and doctors and para-medical staff in the District. The District Administration informed that there was a shortage of teachers, doctors and para-medical staff in the District, especially in tribal areas. However, exact details of the shortages were not readily available. The Commission noted that the position indicated by the District Administration regarding shortage of teachers was contrary to the position indicated by the State Government in the review meeting held on 15th July, 2011 wherein it was indicated that there was no shortage of teachers in the State. The Commission desired that the State Govt. should reconcile the factual position with regard to the shortage of teachers, doctors and paramedical staff in the State to the Commission and take urgent action to fill up the deficiencies in a time-bound manner

Action: State Govt

Action: Distt. Administration Dharamshala

The Commission noted that the District had about 5,597 educated unemployed registered with the Employment Exchange, comprising of 808 skilled, 197 unskilled, 450 arts graduate, 88 science graduate, 3 doctors, 171 technically qualified, and 3880 others (10th, 12th etc.). Though, the unemployed ST persons were significant in the State, the ST Financial Corporation had targeted only 25 persons under Self-employment Scheme and 5 persons for Special Training Programme for STs during the year 2010-11. This was significantly lower than the targets fixed in the previous years (Self-employment scheme; 2006-2007 -102, 2007-08 – 102, 2008-09 – 102, Special Training Programme for STs; 2006-07 – 18, 2008-09 – 18). The Commission desired that, considering the large level of unemployment amongst STs in the District, the ST Financial Corporation should have higher targets under Self-employment Scheme and Special Training Programme for ST. The Distt. Administration assured to look into the matter.

Action: Distt. Administration Dharamshala

In this connection, the Commission noted that the budgetary allocation in respect of certain items for the year 2010-11 viz. plant protection,

development of vegetables/potatoes, seed multiplication, development of floriculture, development of mushroom, distribution of fruit plants etc. were considerably curtailed in the revised outlay while in respect of certain other items like provision of plastic tanks etc. full expenditure, as allocated, was incurred. Chairman, NCST observed that the budgetary provisions should be made with circumspection for the welfare of the STs, with prioritisation to critical areas with due consideration to the magnitude of the problem and timely formulation and implementation of supporting programmes to ensure full utilisation of budgetary provisions in such areas.

Action: State Govt

Action: Distt. Administration Dharamshala

To a query from the Commission, the Distt. Administration confirmed that the safe drinking water was available in all ST habitats and the quality of the water was also being periodically checked.

The Commission highlighted the problem of growth of lantana in the grazing grounds which hitherto were made available to the Gaddi communities. In this connection, the Commission apprised the Distt. Administration of the representation received from the Chairman, Rajiv Gandhi Panchayati Raj Sangathan, Distt. Kangra which highlighted that wild growth of lantana was leading to loss of grazing ground, thus seriously affecting the occupation of gaddis.

Chairman NCST observed that the growth of lantana in the forest and grazing ground spreads rapidly and occupies major forestland, affects the habitats and bioregions they invade economically, environmentally and ecologically. Cattle which feed on it also produce bitter milk with presence of toxins. Livestock exposed to this are also prone to ulcerations in intestine, gums, tongue and loss of appetite, asthma, hair loss and skin itching. Chairman, NCST desired that the Distt Administration should undertake effective measures to eradicate wild growth of lantana, especially in the forest areas. The Forest Department informed the Commission that during the year, 2009-10, 570 HA was covered for eradication of lantana while in the current year 400 HA is targeted for this purpose. The Distt. Commissioner also informed that a proposal to cover the work under the MGNERGEA was also under consideration. Chairman, NCST desired that effective and timely steps should be taken in the matter.

Action: Distt. Administration Dharamshala

Visit to tribal village Naddi at Dharamshala

The tribals informed the Commission that there was acute shortage of teachers and doctors in the village. The surroundings ST habitats were also having similar shortages and also road connectivity. The tribals

also complained that the quality of drinking water was not being checked. The Commission desired that the Distt. Administration should look into the grievances and take remedial action urgently.

Action: Distt. Administration Dharamshala

9.0 Meeting with Prof. Furgan Qamar, Vice Chancellor and other senior faculties of the Central University of Himachal, Pradesh at Dharamshala

University Authorities informed the Commission that the University had started its functioning since January 2011 and the recruitment to various positions was under progress. The Commission noted that the post based roster was being implemented for direct recruitment in accordance with the prescribed procedure for each category of post (for example- Professor, Associate Professor, Assistant Professor etc), covering requirement of all disciplines by way of grouping of posts as per the DoPT instructions in this matter. The appointment of LO, SC/ST is yet to be made as the University is operating with a skeleton staff at present. The University has also framed Ordinance for grievance redressal, which, inter-alia, provides for due representation of SCs and STs.

The University Authorities further informed the Commission that the ST students are also informed about various scholarship schemes like Rajiv Gandhi Fellowship, PG scholarship for professional courses, National Overseas Scholarship, post-doctoral fellowship for SC and ST students etc.

Vice Chancellor, CUHP mentioned that as a matter of policy, the University may not like to have segregated hostels for STs so that they don't feel isolated and also get adequate opportunity to mix with students of other categories. However, the University will make all efforts to ensure that ST boys and girls are provided hostel accommodation.

Vice Chancellor, CUHP informed the Commission that the University was in the process of framing its Ordinances, Rules and Regulations. The Cadre Recruitment Rules have been framed with the provisions of the reservation policy and for representation of SC and ST reps. in Selection Committees for the Gp 'A', 'B' and 'C' posts.

Chairperson, NCST noted with appreciation that the Vice Chancellor as well as other faculties were fully aware of the procedure to be followed regarding implementation of reservation policy, various incentive schemes for STs and were also committed to take necessary steps to have representation of ST students and faculties as per the constitutional provisions.

The Commission advised that the University should take the initiative to establish logic driven computerised roster management system. The Vice Chancellor informed that an ERP (Enterprise wide Resource Planning) and e-governance package which will, inter-alia, include computerised grievance management system, was under implementation. The ERP system will also include logic driven computerised roster management system.

Action: CUHP

18th July, 2011

10.0 Visit to the Campus of the Central University of HP at Shahpur.

The Commission held interaction with the faculties and the students on various issues including reservation policy of the Govt. in service, admission and various programmes/scholarships available for STs. Chairman, NCST also briefly explained the role of the Commission and its functions.

Chairman, NCST observed that the reservation policy of the Govt. was being followed by the University and desired that the University should also undertake research study pertaining to various areas concerning STs, especially relating to rehabilitation and resettlement of the project affected/displaced persons as a result of setting up of hydro-plants in the Kunoor region. Vice Chancellor CUSH assured to look into the matter.

Action: CUHP

Letter dated 16th July 2011 from the Chairman Akhil Bhartiya Janjatiya Vikas Samiti regarding application for the enquiry into the murder of late Sh. Kehar Singh Patwari

Application dated 17th July 2011 from Smt Aja Devi w/o late Shri Kehar singh