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**STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT  
(2011 - 2012)**

**(FIFTEENTH LOK SABHA)**

**MINISTRY OF TRIBAL AFFAIRS**

**Action taken by the Government on the observations/recommendations contained in the Sixteenth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on Demands for Grants (2011-12) of the Ministry of Tribal Affairs.**

**TWENTY – FIRST REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**March, 2012/Chaitra, 1934 (Saka)**

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## **STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT (2011-2012)**

**(FIFTEENTH LOK SABHA)**

### **MINISTRY OF TRIBAL AFFAIRS**

**Action taken by the Government on the observations/recommendations contained in the Sixteenth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on Demands for Grants (2011-12) of the Ministry of Tribal Affairs.**

**Presented to Lok Sabha on 21.3.2012**

**Laid in Rajya Sabha on 21.3.2012**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**March, 2012/Chaitra, 1934 (Saka)**

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**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND  
EMPOWERMENT (2011-2012)**

**SHRI DARA SINGH CHAUHAN - CHAIRMAN**

**MEMBERS  
LOK SABHA**

2. Shri Kameshwar Baitha
3. Smt. Susmita Bauri
4. Shri Devidhan Besra
5. Smt. Rama Devi
6. Shri Premchand Guddu
7. Dr. Manda Jagannath
8. Shri Mohan Jena
9. Shri Dinesh Kashyap
10. Shri G.V. Harsha Kumar
11. Shri H.D. Kumaraswamy
12. Shri Basori Singh Masram
13. Shri R. Dhruva Narayana
14. Shri Ramashankar Rajbhar
15. Shri Pradeep Kumar Singh
16. Shri Lalit Mohan Suklabaidya
17. Shri Kabir Suman
- \*18. Smt. Usha Verma
19. Vacant
20. Vacant
21. Vacant

**MEMBERS  
RAJYA SABHA**

22. Smt. Jharna Das Baidya
23. Shri Avtar Singh Karimpuri
24. Shri Narayan Singh Kesari
25. Shri Mahmood A. Madani
26. Shri Ahmad Saeed Malihabadi
- \*\*27. Dr. Ram Dayal Munda
28. Shri Baishnab Parida
29. Shri Praveen Rashtrapal
30. Shri Shivpratap Singh
31. Shri Nandi Yelliah

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\* Smt. Usha Verma ceased to be a Member of Committee w.e.f. 3.1.2012.

\*\* Dr. Ram Dayal Munda was expired on 30.9.2011.

## LOK SABHA SECRETARIAT

1. Shri Deepak Mahna - Joint Secretary
2. Smt. Anita Jain - Director
3. Shri P.C. Choulda - Deputy Secretary
4. Shri Yash Pal Sharma - Senior Executive Assistant

## INTRODUCTION

I, the Chairman of the Standing Committee on Social Justice and Empowerment having been authorized by the Committee to submit the Report on their behalf, present this Twenty-First Report on the action taken by the Government on the observations/recommendations contained in the Sixteenth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on Demands for Grants (2011-12) of the Ministry of Tribal Affairs.

2. The Sixteenth Report was presented to Lok Sabha and laid in Rajya Sabha on 4<sup>th</sup> August, 2011. The Ministry of Tribal Affairs furnished their replies indicating action taken on the recommendations contained in that Report on 8.11.2011. The Report was considered and adopted by the Standing Committee on Social Justice and Empowerment at their sitting held on 5.3.2012.

3. An analysis of the action taken by Government on the recommendations contained in the Sixteenth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) is given in **Appendix**.

4. For facility of reference observations/recommendations of the Committee have been printed in thick type in the body of the Report.

5. The Committee place on record their appreciation for the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

**NEW DELHI:**  
**05 March, 2012**  
**15 Phalguna, 1933 (Saka)**

**DARA SINGH CHAUHAN**  
**Chairman,**  
**Standing Committee on**  
**Social Justice and Empowerment**

## CHAPTER I

### REPORT

1.1 This Report of the Standing Committee on Social Justice and Empowerment deals with the action taken by the Government on the observations/recommendations contained in the Sixteenth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on Demands for Grants-2011-12 relating to Ministry of Tribal Affairs.

1.2 The Sixteenth-Report was presented to Lok Sabha and was laid in Rajya Sabha on 4<sup>th</sup> August, 2011. It contained 21 recommendations. Replies of Government in respect of all the recommendations have been received and are categorized as under:

- (i) Observations/Recommendations, which have been accepted by the Government :  
  
Paragraph Nos. 2.4, 3.31, 3.32, 3.37, 3.39, 3.54, 3.66, 3.80 and 3.109  
  
(Total 9 – Chapter II)
- (ii) Observations/Recommendations which the committee do not desire to pursue in view of the replies of the Government - NIL  
  
(Total 0 – Chapter III)
- (iii) Observations/Recommendations, in respect of which replies of the Government have not been accepted and have been commented upon by the Committee in Chapter I:  
  
Paragraph Nos. 3.35, 3.38 and 3.81  
  
(Total 3 – Chapter IV)
- (iv) Observations/Recommendations in respect of which replies of the Government are interim in nature.  
  
Paragraph Nos. 3.33, 3.34, 3.36, 3.91, 3.92, 3.108, 3.125, 3.126 and 3.127  
  
(Total 9 – Chapter V)

**1.3 The Committee desire that action taken notes on the recommendations contained in Chapter-I and final action taken notes in respect of the recommendations contained in Chapter-V of this Report may be furnished to them at the earliest and in any cases not later than three months of the presentation of the Report.**

1.4 The committee will now deal with some of the replies received from the Government which need reiteration or merit comments.

**A. Monitoring of Funds released to NGOs**

**Recommendation (Sl. No. 6, Para No. 3.35)**

1.5 The Committee had found that there were four ongoing schemes of the Ministry which were open to the participation of voluntary/non-governmental organizations and substantial amount of funds were flowing to NGOs for implementation of these schemes. On the office expenses of NGOs through the Ministry had maintained that the grants were released as per the financial norms laid down in the scheme document and they did not entertain any case unless it was recommended by the State Government and the State level disciplinary committee, cases of misuse of grants by some NGOs had come to the notice of the Committee which were reflected in exorbitant office/travel expenses of NGOs. Therefore, the Committee had strongly recommended the Ministry to devise/frame stringent norms/ guidelines for control of office/travel expenses of NGOs so as to avoid misuse of public money. The Committee had also desired that the Ministry should also furnish a detailed statement on the funds released to the NGOs and expenditure made by them under the various heads.



1.6 The Ministry of Tribal Affairs in their Action Taken Reply have stated as under :-

"This Ministry gives grants to NGOs/VOs under various schemes as per the financial norms laid down in the scheme guidelines. The NGOs/VOs have their own/ other sources of funding also. The Ministry is concerned with the grants provided to them under its own schemes. The details of BE,RE, Expenditure under the scheme "Grant-in-aid to Voluntary Organization Working for the Welfare of Scheduled Tribes" for the year 2009-10 and 2010-11 is as under:-  
(Amount in crore)

Year	BE	RE	Expenditure
2009-10	47.25	46.75	46.54
2010-11	55.00	55.50	52.60

Under the Scheme 'Grant-in-aid to VOs working for the Welfare of ST' the admissible grant under 'Conveyance and TA for Staff' is limited to Rs. 10,000/- per annum and under 'Contingencies/ office maintenance' it is limited to Rs. 15,000/- per annum."

**1.7 In view of large number of complaints of misuse of funds by NGOs coming to notice, the Committee had recommended the Ministry to devise/frame stringent norms/ guidelines for control of office/travel expenses of NGOs so as to avoid misuse of public money. The Committee are however constrained to note that though the Ministry has furnished the details of Expenditure under the scheme "Grant-in-aid to Voluntary Organization Working for the Welfare of Scheduled Tribes" for the year 2009-10 and 2010-11, the Ministry has not mentioned about any concrete steps taken to monitor efficient utilization of grants by NGOs. The Committee while reiterating their earlier recommendation desire the Ministry to look into the matter of complaints of misuse of funds by NGOs seriously and take effective steps to ensure that Government grants meant for welfare of Scheduled Tribes are not squandered by any agency/NGOs in exorbitant office/travel expenses or any other administrative expenses.**

## **B. Setting up of Monitoring Cell**

### **Recommendation (Sl. No. 9, Para 3.38)**

1.8 As far as monitoring of schemes of the Ministry is concerned, the Committee are given to understand that there is provision of visits of officials which is an on-going and continuous process to discuss/ inspect the projects sanctioned to State Governments. The Committee had also been informed that if any shortcoming was noticed regarding the implementation of the scheme, the officer who visited the State Governments informed the concerned Section about the said short-coming. However, the underutilization of funds in three important schemes of the Ministry i.e. scheme under Tribal Sub Plan, scheme under Proviso to Article 275(1) of the Constitution and scheme for Development of Primitive Tribal Groups (PTGs) point to the fact that there were areas where monitoring needs to be strengthened and made more effective. Even the Secretary, Ministry of Tribal Affairs had admitted during evidence that monitoring needs to be improved. In the opinion of the Committee over and above the steps already taken, setting up of a monitoring Cell in the Ministry would ensure regular and strict monitoring of various schemes. Therefore, the Committee had recommended that the Ministry should think in the line of setting up a Monitoring Cell to ensure continuous and meticulous monitoring of the various welfare schemes in a concerted and focused manner.

1.9 In their Action Taken Reply on the above recommendation the Ministry of Tribal Affairs have informed the Committee as under:-

"Monitoring of the schemes/programmes is an ongoing process and mechanisms followed in this regard is given below:

- Officer undertake on the spot visits to the States/UTs for ascertaining the progress of implementation of various schemes/programmes of the Ministry of Tribal Affairs.
- Review Meetings with State representatives/functionaries.
- Concerned Division also write to the State Government for periodic progress reports etc.

Further, on the request of Ministry of Tribal Affairs, Ministry of Rural Development has agreed that all the programmes of this Ministry shall be reviewed by the District Level Vigilance and Monitoring Committee (V&MCs), constituted by the Ministry of Rural Development for reviewing the implementation of rural development programmes."

**1.10 The Committee had opined that setting up of a monitoring Cell in the Ministry would ensure regular and strict monitoring of various schemes and had recommended that the Ministry should think in the line of setting up a Monitoring Cell to ensure continuous and meticulous monitoring of the various welfare schemes in a concerted and focused manner. Though the Ministry have maintained that they have taken several measures by sending officers to undertake on the spot visits to the States/UTs, Review Meetings with State representatives/functionaries and writing to the State Government for periodic progress reports, etc, the Committee have not been informed of any specific steps taken by Ministry for setting up of Monitoring Cell. In the opinion of the Committee unless Monitoring Cell is set up in the Ministry, continuous and meticulous monitoring of the various welfare schemes cannot be ensured. The Committee, therefore, reiterate their earlier recommendation to set up a Monitoring Cell in the Ministry to enable them to ensure continuous and meticulous monitoring of the various welfare schemes in a concerted and focused manner. The progress achieved in this regard may be communicated to the Committee.**

## **C. Review of Jarawa Policy**

### **Recommendation (Sl. No. 14, Para 3.81)**

1.11 During the Study Visit of the Standing Committee on Social Justice and Empowerment to the UT of Andaman & Nicobar islands in February, 2011, it was brought to the notice of the Committee that the policy on the Jarawa tribe of Andaman Island notified by the Ministry of Home Affairs, Government of India in December, 2004 is being implemented strictly to ensure protection and welfare of Jarawas. The Committee had also found that in the year, 2007, the Ministry of Tribal Affairs had set up an Expert Committee under the Chairmanship of Secretary, Tribal Affairs for preparation of Policies for remaining PTGs for A&N Islands and monitoring of implementation of Jarawa Policy. In pursuance of the provision of clause VI (e) of the policy on Jarawa Tribe, a Sub-Committee of the Expert Committee to review the existing "Policy on Jarawa Tribe of Andaman Islands, 2004" had been constituted under the Chairmanship of Secretary, Tribal Affairs on 27.9.2010. The Committee had also observed that divergent views were being expressed on the review of the "Policy on Jarawa Tribe of Andaman Islands, 2004". The Committee had felt that the Jarawa tribes were living in the Andaman forests for years and with time they had become part of our rich cultural heritage. However, at this juncture when many of the Jarawas themselves are now willing to come to the mainstream and live modern lifestyle, it would not be appropriate to suppress their voice and leave them in total isolation, unattended and without care. Therefore, the Committee had recommended the Ministry to review the policy of Jarawa tribes keeping the above fact in perspective and bring necessary changes in the above policy which should aim at facilitating a slow and smooth process of transition i.e.

bringing the Jarawas into the mainstream with minimum damage to the cultural heritage as well as the Jarawas themselves.

1.12 The Ministry in their Action Taken Reply have *inter-alia* stated:-

"The Sub-Committee of Expert Committee to review the Jarawa Policy had two meetings earlier on 8-4-2011 and 7-6-2011 and the final meeting was held on 14-10-2011. The Sub-Committee of Expert Committee considered the recommendations of a Group of Experts constituted by A&N Administration to get perception of Jarawas Tribe, in pursuance of decisions taken during the presentation held before the Hon'ble Chairperson of NAC on 22-6-2011 at New Delhi.

During the meeting of the Sub-Committee of Expert Committee, the Chief Secretary of A&N Administration highlighted the provisions of the present policy and the recommendations of the Group of Experts. The Sub-Committee of Expert Committee considers that there is no need for a change in the policy at this juncture, as the recommendations made are already covered by the present policy and that for changes in the policy, if required in future, A&N Administration may undertake evidence based research studies, topics for which could be suggested by the Group of Experts."

**1.13 Keeping in view that many of the Jarawas themselves are now willing to come to the mainstream and live modern lifestyle, it would not be appropriate to suppress their voice and leave them in total isolation, unattended and without care. Therefore, the Committee had recommended the Ministry to review the policy of Jarawa tribes keeping the above fact in perspective and bring necessary changes in the above policy which should aim at facilitating a slow and smooth process of transition i.e. bringing the Jarawas into the mainstream with minimum damage to the Jarawas themselves and their cultural heritage as well. The Committee are constrained to note from the action taken reply that the Sub-Committee of Expert Committee considers that there is no need for a change in the policy at this juncture, as the recommendations made are already covered by the present policy and that for changes in the policy, if required in future, A&N**

**Administration may undertake evidence based research studies, topics for which could be suggested by the Group of Experts. In the opinion of the Committee there is a need to undertake evidence based on research studies and topics as suggested by the Group of Experts. The Committee, therefore, reiterate their earlier recommendation to review the policy of Jarawa tribes and bring necessary changes in the above policy which should aim at facilitating a slow and smooth process of transition i.e. bringing the Jarawas into the mainstream with minimum damage to their cultural heritage as well as the Jarawas themselves. The Committee also desire that Group of Experts should also be involved in the above process.**

## CHAPTER II

### **OBSERVATIONS/ RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Sl. No. 1, Para No. 2.4)**

2.1 Fifth Report of the Committee on Demands for Grants, 2010-11 of the Ministry of Tribal Affairs was presented to Parliament on 20th April, 2010. Although the Action Taken Notes have been received from the Ministry, the Committee regret to observe that as per Direction 73A of 'Directions by the Speaker' necessary statement regarding the status of implementation of recommendations contained in the original Report has not been made by the Minister in the House. While deprecating this inordinate delay, the Committee desire that requisite action in this connection should be taken expeditiously.

#### **Reply of the Government**

2.2 Hon'ble Minister of Tribal affairs will make the Statement regarding the Status of implementation of recommendations contained in the Fifth Report of the Standing Committee on Social Justice and Empowerment on Demands for Grants (2010-11) of the Ministry of Tribal Affairs during the coming Winter Session of the Parliament.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

#### **Recommendation (Sl. No. 2, Para No. 3.31)**

2.3 The Committee note that during the year 2010-11 an expenditure of Rs.3134.16 crore (provisional) has been incurred against RE (Plan) of Rs.3205.70 crore i.e. in terms of percentage the expenditure has been 97.74%. The committee also note that the

budgetary outlay of the Ministry for the year 2011-12 has been enhanced to Rs. 3723.01 crore as compared to last year's budgetary outlay of Rs. 3206.50 crore. The committee are happy to note that unlike the previous years where BE funds has been substantially reduced at RE stage i.e. from Rs.2121 crore to Rs.1970 crore in 2008-09 and from Rs. 3205.50 crore to Rs. 2000 crore in 2009-10, there has been no reduction of BE funds at RE stage in the year 2010-11. The committee are given to understand that this has been possible because of regular monitoring of the expenditure position. While expressing their happiness over the above development the committee hope that the Ministry would continue with their initiatives so as to avoid slashing of BE funds at RE stage during the year 2011–12. The Committee also urge the Ministry to plan and incur their expenditure in a phased manner so that it is evenly spread throughout the year and also persuade State Governments/UT Administrations to send proposals under various schemes along with the Utilisation Certificates of the previous years grants so that there is 100% utilization of funds under all the schemes.

### **Reply of the Government**

2.4 For proper and full utilization of BE under the various schemes of the Ministry by the State Governments/UT Administrations in a phased manner, the Ministry has been pursuing by convening meetings of State Secretaries/Commissioners of the concerned Departments, review meeting with the officers of the State Governments/UT Administrations, writing letters, through telephonic communications and field visits. As a result the State Governments/UT Administrations could submit complete proposals along with the physical and financial progress reports and an amount of Rs.1982.17 crores against the BE of Rs. 3723.01 crores which amounts to 53.24% of BE could be



utilized by second quarter i.e. 30.9.2011 and these efforts would continue in the rest of the year in adherence to above observations of the Committee.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

**Recommendation (Sl. No. 3, Para No. 3.32)**

2.5 The Committee observe that although there has been significant improvement in utilization of funds during 2010-11, funds to the tune of Rs.72.9733 crore were surrendered by the Ministry under the crucial schemes of SCA to Tribal Sub Plan (Rs.10.2373 crore), Grant under Proviso to Article 275(1) of the Constitution (Rs.26.6690 crore) and Development of Primitive Tribal Groups (Rs.10.3179 crore). The Committee are not convinced with the Ministry's reasoning that the surrender of funds by the Ministry is not always absolute as surrender in one scheme is re-appropriated in another; funds are dropped in one or added/ supplemented in another leading to maximization of expenditure and minimization of saving. In the opinion of the Committee, once funds are earmarked for the schemes the Ministry should strive to achieve 100% utilization and funds in each and every scheme should be utilized with utmost care and financial prudence so that individual schemes do not suffer. The Committee desire that an exhaustive review of guidelines of the various schemes should be undertaken to make them more flexible so that State Governments can implement the schemes as per their local conditions. At the same time some accountability should also be fixed on State Governments for implementation of the schemes as well as utilization of allocated funds. The Committee feel that it will go a long way in improving utilization of funds.

## **Reply of the Government**

2.6 The Ministry keeps on pursuing with the State Governments/UT Administrations to utilize 100% fund under all the schemes. On the basis of the feedback received from the State Governments/UT Administrations, guidelines are also revised. Guidelines for setting up of EMRS out of the grant under Article 275 (1) has accordingly been revised in June 2010. Onus of implementation of the schemes rests with the State Governments/UT Administrations. It is, therefore, incumbent upon them to utilize the funds in a proper and timely manner. The Ministry releases funds to the State Governments/UT Administrations only after physical and financial reports for the previous releases and proposals, complete in all respects, conforming to the guidelines, have been received from them. During the various review meetings, the State Governments/UT Administrations are persuaded continuously for timely and proper utilization of funds.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 8, Para No. 3.37)**

2.7 The Committee are happy to note that the constitution of the National Council of Tribal Welfare (NCTW) under the chairmanship of Prime Minister at the central level to review the scheme for development of Scheduled Tribes. The Committee are given to understand that the constitution of the above Council fulfills the long felt need of a body under the Prime Minister at central level to review the schemes for development of STs. The Committee hope that the above step will definitely go a long way in ensuring effective implementation of various schemes for welfare of tribal people.

The Committee also note with satisfaction that in pursuant to the Committee's earlier recommendation relating to inter Ministerial coordination, the Ministry have constituted a Coordination Committee with representatives from Ministries of Human Resource Development, Health and Family Welfare, Rural Development etc. for monitoring, planning and progress of the schemes/programmes being implemented for overall development of Scheduled Tribes. While congratulating the Ministry for the above initiative, the Committee recommend the Ministry to ensure that the above Coordination Committee meets at regular intervals to address and sort out issues and helps in bridging critical gaps in the developmental process.

### **Reply of the Government**

2.8 The Coordination Committee Constituted for monitoring, planning & progress of the schemes/programmes being implemented for overall development of Scheduled Tribes(STs) meets at regular interval under the Chairmanship of Secretary(TA) to address and sort out issues and helps in bridging critical gaps in the developmental process. In the last meeting held on 14.09.2011, representatives from Ministry of Rural Development, Labour & Employment, Drinking Water & Sanitation, Power, Planning Commission, Health & Family Welfare participated. The Coordination Committee is meeting quarterly so that issues regarding the bringing of critical gaps in the development process are addressed.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 10, Para No. 3.39)**

2.9 On the issue of awareness about various schemes, the Committee observe that apart from inserting advertisement about the schemes in local and regional newspapers, the Ministry also conducts workshops/seminars through Universities/Non-Government Organizations (NGOs) and various TRIs specifically aimed at generating awareness about various schemes it implements for the benefit of the Scheduled Tribes. A revised brochure containing information about the schemes and programme for the welfare of tribals has also been published in the form of Pamphlet. The Committee have been informed that in order to make the awareness campaign regarding various welfare and development schemes under implementation for the Scheduled Tribes more effective, the Ministry of Tribal Affairs has proposed to outsource a study entitled “Impact Assessment of Awareness campaign with recommendations for making campaigns more effective.” It is also anticipated that the findings of the study would facilitate planners and implementers in designing appropriate awareness campaigns using different media and fora, including traditional methods, to reach those residing in far flung areas and facilitate them to claims the benefits of Government’s welfare and development schemes/programmes. While welcoming the above move, the Committee desire the Ministry to get the aforesaid study conducted in a definite time frame. In addition to this, the Committee also desire that the Ministry should launch a Multi media campaign using print, broadcast and electronic media as well as outdoor publicity for dissemination of information to generate awareness relating to various welfare schemes for tribals.

## **Reply of the Government**

2.10 The proposed study entitled “Impact Assessment of Awareness Programmes and Methodologies adopted by the Ministry of Tribal Affairs with recommendations for making these more effective” would be tried to be completed during the current financial year. The suggestion of the Committee to launch a Multi media campaign using print, broadcast and electronic media as well as outdoor publicity for dissemination of information to generate awareness relating to various welfare schemes for tribals has been noted. The Ministry would take into account the suggestions of the Committee, while designing the multi media campaign for the proposed awareness campaign, to be taken up following the findings of the study.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 11, Para No. 3.54)**

2.11 The Committee find that under the scheme of Special Central Assistance (SCA) to Tribal Sub Plan (TSP) launched during 1974 grant is provided to the State Governments based on annual allocation made by the Planning Commission. This is treated as an additive to the State Plan, for areas where State Plan provisions are not normally forthcoming to bring about economic development to tribals. The Committee also find that from the Tenth Five Year Plan period the objective and scope of SCA to TSP has been expanded to cover employment-cum-income generation activities and infrastructure incidental thereto. The Committee have been informed that the Ministry allocates funds under SCA to TSP annually to all the 22 States covered under the programmes. However, the Committee note with concern that some States have not

availed the entire allocation of funds during the last three years. During 2008-09 as many as nine States, during 2009-10 twenty States and during 2010-11 eight States have not availed the entire allocation resulting in gross under utilization of funds earmarked for the scheme. The Committee also observe that some States such as Assam, Goa, Tamil Nadu, Jammu & Kashmir, Kerala, Uttarakhand, Uttar Pradesh, etc. have not availed any funds consecutively for two years. The scheme of SCA to TSP has a lot of potential for uplifting the tribal people and it is necessary that SCA funds which are crucial for welfare of tribal people should flow to all States. Therefore, the committees strongly recommend that the matter should be taken up with the concerned State Chief Secretaries at the earliest and these States should be persuaded to sent viable proposals for availing the funds for the benefit of tribes. The progress made in this regard may be conveyed to the Committee within three months of the presentation of the Report.

### **Reply of the Government**

2.12 The Ministry has been taking serious note of the observations/recommendations made by the Committee from time to time regarding the need for ensuring release of allocated funds to all the 22 TSP States under SCA to TSP. During 2010-11 and also 2011-12 the Ministry has been interacting with the State Governments for submission of proposals alongwith UC, progress report etc. Review meetings are also held with Secretaries/ Commissioners of the nodal Department of the States concerned to sensitize them of the need for submission of proposals and also to discuss the issues involved. The above recommendation of the Committee has been brought to the notice of the Chief Secretaries of the above mentioned seven States seeking their intervention

for submitting proposals under SCA to TSP. Out of these States, 1<sup>st</sup> installment has been released to Assam and Kerala.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 12, Para No. 3.66)**

2.13 The Committee observe that during 2010-11 under the scheme of provision of Article 275(1) of the Constitution out of the budgetary allocation of Rs. 1046.00 crore, an amount of Rs. 999.89 crore has been spent. Though the actual expenditure under the scheme has shown remarkable improvement over the previous two years still the actual expenditure falls short of the budgetary allocation. Non submission/delayed submission of complete proposals along with requisite utilization certificates etc. by the states of Andhra Pradesh, Assam, Goa, J&K, Meghalaya, Tamil Nadu, Uttar Pradesh, and Uttarakhand have been cited as the reasons for non-release of amount and saving under the scheme. In view of the fact that an enhanced amount i.e. Rs. 1197.00 crore has been proposed under the scheme during the year 2011-12, the Committee strongly recommend that the Ministry should vigorously pursue with all State Governments/UTs Administrations to ensure timely submission of fresh proposals along with utilization certificates of previous years so as to avoid major savings under the scheme.

### **Reply of the Government**

2.14 In respect of scheme of Grant under Article 275(1) of the Constitution, all the State Governments have been addressed more than once to submit proposals with progress reports, UC etc. in time so that the entire BE allocation can be utilized during 2011-12. Four meetings have also been held with representatives of various State

Governments apart from telephonic follow up from time to time. The Ministry is making all out efforts to ensure that the entire BE allocation under the scheme is utilized during 2011-12.

During 2011-12, proposals have been received from Andhra Pradesh, Assam, J&K, Tamil Nadu, Uttar Pradesh and Utrakhand so far.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 13, Para 3.80)**

2.15 The Committee note with concern that during 2008-09, Rs. 19206.784 lakh were released to States/UTs for the development of PTGs out of which Rs. 18133.854 lakh were utilized whereas during 2009-10, Rs. 8361.751 lakh were released out of which only Rs. 8361.181 lakh were utilized. The Ministry have stated the unutilized fund is mainly due to lack of progress in providing agricultural land to PTGs families and UCs are also pending from some of the States. The Committee also find that no funds were released to as many as nine states during 2009-10. The Committee have been informed that the slashing of BE funds at RE stage is the main reason for non release of funds to these States during 2009-10. In the opinion of the Committee "Development of Primitive Tribal Groups (PTGs)" being an important scheme of the Ministry wherein lot of funds flow to several States for the welfare of PTGs, funds should not have been reduced under the scheme. Since an enhanced allocation of Rs. 240 crore has been made under the scheme for 2011-12, the Committee desire the Ministry to take adequate steps for full utilization of funds. Also under no circumstance funds should be



allowed to be reduced at the RE stage so that the scheme does not suffer due to paucity of funds.

The Committee also desire that the Ministry should vigorously pursue the State Governments to immediately provide agricultural land to PTGs families so that funds which are released for the welfare of PTGs do not remain unutilized.

### **Reply of the Government**

2.16 During 2010-11 the budget under 'Development of PTG' scheme was enhanced to Rs. 244.20 crore from Rs. 185.00 crore at RE stage. This year the budget allotment for this scheme is Rs. 244.00 crore and the expenditure till September,2011 is Rs. 146.60 crore. Thus, during the first 6 months the expenditure has been more than 50%. The Ministry is already pursuing with State Governments to send complete proposals so that the money meant for PTG can be fully utilized for their benefit. This ministry is pursuing the matter through meetings, letters, telephonically and personal contacts with state officials. Providing agricultural land to PTG families is included in the CCD Plan of Chhattisgarh, Andhra Pradesh, Maharashtra and Gujarat. These States have been requested to complete the activities of providing land to PTG families at the earliest. The trend of expenditure of the current year (2011-12) indicates that the budget under this scheme shall be fully utilized.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (SI. No. 18, Para 3.109)**

2.17 The Committee observe that the Scheme of Strengthening Education among Scheduled Tribes (STs) Girls in Low Literacy Districts envisages setting up of District Educational Support Agency by the respective State Governments in each of 54

identified low literacy districts which would *inter-alia* promote awareness among parents towards the importance of girls education. However, the Committee are unhappy to note that till now except the State of Gujarat none of the other States have established the District Educational Support Agencies. On the steps taken in this regard the Ministry have simply stated that other States have been reminded for setting up of DESA. However, in the opinion of the Committee merely reminding the States to set up these agencies will not suffice and there is a need to sensitize the States about the intensity of the issue that unless DESAs are set up awareness about the girl's education can not be promoted among the parents. The Committee, therefore, desire the Ministry to take urgent necessary steps to sensitize and motivate the State Governments about the dire need and importance of DESAs and impress upon them to set up DESAs in their States at the earliest.

#### **Reply of the Government**

2.18 The officials of the state governments have already been reminded about the urgency to set up DESA to promote awareness among parents of ST girl students about education. This ministry is constantly in touch with the state officials about this issue.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

## CHAPTER III

**OBSERVATIONS/ RECOMMENDATIONS WHICH THE COMMITTEE DO NOT  
DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT**

**-NIL-**

## CHAPTER IV

### **OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED AND HAVE BEEN COMMENTED UPON IN CHAPTER – I**

#### **Recommendation (Sl. No. 6, Para No. 3.35)**

4.1 The Committee find that there are four ongoing schemes of the Ministry which are open to the participation of voluntary/non-governmental organizations and substantial amount of funds are flowing to NGOs for implementation of these schemes. On the office expenses of NGOs through the Ministry have maintained that the grants are released as per the financial norms laid down in the scheme document and they do not entertain any case unless it is recommended by the State Government and the State level disciplinary committee, cases of misuse of grants by some NGOs have come to the notice of the Committee which are reflected in exorbitant office/travel expenses of NGOs. There is need to streamline and control the office less travel expenses of NGOs by devising stricter norms/guidelines of expenditure for them. Therefore, the Committee strongly recommend the Ministry to devise/frame stringent norms/ guidelines for control of office/travel expenses of NGOs so as to avoid misuse of public money. The Committee desire that the Ministry should also furnish a detailed statement on the funds released to the NGOs and expenditure made by them under the various heads.

#### **Reply of the Government**

4.2 This Ministry gives grants to NGOs/VOs under various schemes as per the financial norms laid down in the scheme guidelines. The NGOs/VOs have their own/ other sources of funding also. The Ministry is concerned with the grants provided to

them under its own schemes. The details of BE,RE, Expenditure under the scheme “ Grant-in-aid to Voluntary Organization Working for the Welfare of Scheduled Tribes” for the year 2009-10 and 2010-11 is as under:-

(Amount in crore)

Year	BE	RE	Expenditure
2009-10	47.25	46.75	46.54
2010-11	55.00	55.50	52.60

Under the Scheme ‘Grant-in-aid to VOs working for the Welfare of ST’ the admissible grant under ‘Conveyance and TA for Staff’ is limited to Rs. 10,000/- per annum and under ‘Contingencies/ office maintenance’ it is limited to Rs. 15,000/- per annum.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Comments of the Committee**

(Please see Para 1.7 of Chapter-I of the Report)

### **Recommendation (Sl. No. 9, Para 3.38)**

4.3 As far as monitoring of schemes of the Ministry is concerned, the Committee are given to understand that there is provision of visits of officials which is an on-going and continuous process to discuss/ inspect the projects sanctioned to State Governments. The Committee have also been informed that if any shortcoming is noticed regarding the implementation of the scheme, the officer who visits the State Governments informs the concerned Section about the said short-coming. However, the underutilization of funds in three important schemes of the Ministry i.e. scheme under Tribal Sub Plan, scheme under Proviso to Article 275(1) of the Constitution and scheme for Development of Primitive Tribal Groups (PTGs) point to the fact that there are areas where monitoring

needs to be strengthened and made more effective. Even the Secretary, Ministry of Tribal Affairs admitted during evidence that monitoring needs to be improved. In the opinion of the Committee over and above the steps already taken, setting up of a monitoring Cell in the Ministry would ensure regular and strict monitoring of various schemes. Therefore, the Committee recommend that the Ministry should think in the line of setting up a Monitoring Cell to ensure continuous and meticulous monitoring of the various welfare schemes in a concerted and focused manner.

### **Reply of the Government**

4.4 Monitoring of the schemes / programmes is an ongoing process and mechanisms followed in this regard is given below:

- Officer undertake on the spot visits to the States/UTs for ascertaining the progress of implementation of various schemes/programmes of the Ministry of Tribal Affairs.
- Review Meetings with State representatives/functionaries.
- Concerned Division also write to the State Government for periodic progress reports etc.

Further, on the request of Ministry of Tribal Affairs, Ministry of Rural Development has agreed that all the programmes of this Ministry shall be reviewed by the District Level Vigilance and Monitoring Committee (V&MCs), constituted by the Ministry of Rural Development for reviewing the implementation of rural development programmes.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

## **Comments of the Committee**

(Please see Para 1.10 of Chapter-I of the Report)

### **Recommendation (Sl. No. 14, Para 3.81)**

4.5 During the Study Visit of the Standing Committee on Social Justice and Empowerment to the UT of Andaman & Nicobar islands in February, 2011, it as brought to the notice of the Committee that the policy on the Jarawa tribe of Andaman Island notified by the Ministry of Home Affairs, Government of India in December, 2004 is being implemented strictly to ensure protection and welfare of Jarawas. The Committee also find that in the year, 2007, the Ministry of Tribal Affairs has set up an Expert Committee under the Chairmanship of Secretary, Tribal Affairs for preparation of Policies for remaining PTGs for A&N Islands and monitoring of implementation of Jarawa Policy. In pursuance of the provision of clause VI (e) of the policy on Jarawa Tribe, a Sub-Committee of the Expert Committee to review the existing "Policy on Jarawa Tribe of Andaman Islands, 2004" has been constituted under the Chairmanship of Secretary, Tribal Affairs on 27.9.2010. The Committee also observe that divergent views are being expressed on the review of the "Policy on Jarawa Tribe of Andaman Islands, 2004". The Committee feel that the Jarawa tribes have been living in the Andaman forests for years and with time they have become part of our rich cultural heritage. However, at this juncture when many of the Jarawas themselves are now willing to come to the mainstream and live modern lifestyle, it would not be appropriate to suppress their voice and leave them in total isolation, unattended and without care. Therefore, the Committee recommend the Ministry to review the policy of Jarawa tribes keeping the above fact in perspective and bring necessary changes in the above policy

which should aim at facilitating a slow and smooth process of transition i.e. bringing the Jarawas into the mainstream with minimum damage to the cultural heritage as well as the Jarawas themselves.

### **Reply of the Government**

4.6 The Sub-Committee of Expert Committee to review the Jarawa Policy had two meetings earlier on 8-4-2011 and 7-6-2011 and the final meeting was held on 14-10-2011. The Sub-Committee of Expert Committee considered the recommendations of a Group of Experts constituted by A&N Administration to get perception of Jarawas Tribe, in pursuance of decisions taken during the presentation held before the Hon'ble Chairperson of NAC on 22-6-2011 at New Delhi.

During the meeting of the Sub-Committee of Expert Committee, the Chief Secretary of A&N Administration highlighted the provisions of the present policy and the recommendations of the Group of Experts. The Sub-Committee of Expert Committee considers that there is no need for a change in the policy at this juncture, as the recommendations made are already covered by the present policy and that for changes in the policy, if required in future, A&N Administration may undertake evidence based research studies, topics for which could be suggested by the Group of Experts.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Comments of the Committee**

(Please see Para 1.13 of Chapter-I of the Report)



## CHAPTER V

### OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE

#### Recommendation (Sl. No. 4, Para No. 3.33)

5.1 The Committee in their previous Report on Demands for Grants (2010-11) had recommended the Ministry to earnestly pursue the matter relating to filling up of vacant posts with concerned authorities at appropriate levels to strengthen the staff at the earliest. The Committee are disturbed to see the reply of the Ministry in this regard that Department of Expenditure has recently agreed to the creation of only 11 posts in the Ministry of Tribal Affairs for Policy Implementation Cell and as far as the posts of Deputy Directors/ SOs and Assistants are concerned, the Ministry has been asked to function on the desk pattern instead of conventional pattern which would enable the Ministry to manage the work with the existing staff. The Committee also observe that a proposal for creation of some additional posts was turned down by Ministry of Finance. The Committee are of the view that the Ministry are at present running several important schemes and the creation of mere 11 posts against the required 21 posts will not serve the purpose. The Committee also feel that the Ministry had failed in convincing the DOP&T and Ministry of Finance the urgent need for creation of additional posts for efficient and smooth functioning of the Ministry. Therefore, the Committee recommend the Ministry to once again take up the matter of expansion of staff strength with the competent Authority at the earliest so that requisite sanction for additional posts are obtained and all the vacant posts are filled up without further delay. Meanwhile, the

available staff may be efficiently utilized for successful implementation of various welfare schemes.

### **Reply of the Government**

5.2 As against the demand of the Ministry for 21 posts for the Policy Implementation Cell, the Department of Expenditure had agreed to sanction 11 posts with the conditions that the draft National Tribal Policy is approved and Policy Implementation Cell is created. The demand for the remaining 10 posts would be taken up after the creation of the said Policy Implementation Cell.

As regards filling up the existing vacancies the Ministry has been pursuing Cadre Controlling Authorities for filling up of existing vacancies in various grades.

Regarding the proposal for creation of 27 additional posts for this Ministry in order to expand the staff strength the proposal was not agreed to by Ministry of Finance initially as it was held by them that in view of the extant austerity instructions, further creation of posts within four months of approval of earlier proposal for creation of 11 posts for National Tribal Policy Cell, it would not be possible without matching savings. On the advice of Standing Committee, this Ministry again sent the proposal for reconsideration stating the requirement of current additional posts for meeting the requirement of increased activity and new initiatives taken by the Ministry and is not to be linked with the issue of 11 posts created for an exclusive reason. After reconsideration also, Ministry of Finance did not agree to the proposal advising that the proposal may be deferred in view of the economy instructions issued by that Ministry on 11.07.2011. The Ministry has again decided to take up the matter with Ministry of Finance and the proposal is being sent shortly.

The Ministry has noted the recommendation of the Committee and would take steps to optionally use the available staff for the successfully implementing the various schemes.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

**Recommendation (Sl. No. 5, Para No. 3.34)**

5.3 The Committee observe that Dr.Mungekar Committee has given several important recommendations to improve the delivery system in States which include inter-alia the need for re-strengthening and revamping the ITDPs and flow of SCA funds through ITDPs, selection of district level officers in tribal majority districts, addressing the health issues in tribal areas in a mission mode etc. However, on the status of implementation of these recommendations, the Ministry have informed that the Report is yet to be discussed in a Committee of Secretaries meeting for which notes are being submitted. The Committee level that the recommendations of Dr.Mungekar Committee have far reaching implications as far as the implementation and improvement of the schemes of this Ministry are concerned. In the opinion of the Committee unless the delivery system are improved, schemes will not be implemented effectively and it is absolutely necessary that some structural changes are brought in at the grass root level. The Committee, therefore, strongly recommended the Ministry to pursue for early discussion of the Report at the Committee of Secretaries meeting and its acceptance by the Government so that the much needed improvement can be made for effective the implementation of schemes.

## **Reply of the Government**

5.4 Dr. Mungekar Committee's Report contains recommendations on various issues regarding Standards of Administration and Governance in the Scheduled Areas. All these issues are very important for uplifting the lot of Tribal people. Comments received from the stakeholders are being examined before the matter is placed before the Committee of Secretaries. Necessary action in this regard has already been initiated.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 7, Para No. 3.36)**

5.5 The Committee are unhappy to note that though the process of formulation of National Tribal Policy had been started during 2006 and a draft was ready as early as May, 2007 yet the draft policy has not been finalized and is still under consideration. The Committee are given to understand that the draft National Tribal Policy aims at addressing several important issues that concern tribals such as alienation of Tribal Land; Tribal Forest Interface; Displacement, Resettlement & Rehabilitation; Enhancement of Human Development Index, Creation of Critical Infrastructure, Violent Manifestations; Conservation & Development of particularly Vulnerable Tribal Groups (PTGs) TSP strategy; Administration of Tribal Areas etc. The Committee also find that the draft policy has already been discussed and considered at numerous platforms and the Ministry now propose to place it before the National Council for Tribal Welfare. The Committee feel that the process of finalization of the Draft Tribal Policy has been stretched too far and it is high time the policy is given its final shape, made ready with

clear perspectives on several key issues concerning tribals. Therefore, the Committee urge the Ministry to expedite the matter and get the final nod for the National Tribal Policy at the earliest so that the benefit of this important Policy really accrue to the needy and poor tribals.

### **Reply of the Government**

5.6 The draft National Tribal Policy is to be laid before the National Council of Tribal Welfare (NCTW) as directed by PMO. The draft Policy has already been put up before the Standing Committee of NCTW and now it is to be put up before NCTW for consideration.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 15, Para 3.91)**

5.7 The Committee are unhappy to note that under the scheme of National Overseas Scholarship for Higher Studies Abroad against the budgetary allocations of Rs.2.00 crore, Rs.0.50 crore, and Rs.1.00 crore respectively, the actual expenditure incurred have been Rs.0.0118, Rs.0.3080 and Rs.0.30 crore during the years 2008-09, 2009-10 and 2010-11. The Committee are also constrained to note that out of the 29 selected candidates in previous selection years only seven got admission to foreign accredited Universities during 2006-07 to 2009-10. Moreover, there was shortfall in achieving physical targets as the number of candidates who actually got admission into foreign accredited Universities was 2 and 8 during 2008-09 and 2009-10 against the annual targets of 15. The Ministry have stated that they do not give any training/counseling to the students for getting admission into foreign accredited University because the

selected candidates who are selected under the scheme are highly qualified and meritorious students who are well versed in using the net and exploring the feasibility of admission in foreign Universities themselves. However, the Committee view that the admission process in foreign Universities is a cumbersome process and because of this many students are not able to manage admission for themselves even if they are highly qualified and meritorious. In the opinion of the Committee the Government, besides the issue of award for pursuing higher studies abroad, should also give requisite training/ counseling so as to prepare them for getting admission into foreign accredited Universities so that target set under the scheme are achieved.

### **Reply of the Government**

5.8 The Ministry is disseminating information about the scheme through State Governments, website of this Ministry and further steps would be taken for dissemination/training/counseling regarding the scheme as suggested.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 16, Para 3.92)**

5.9 The Committee find that no evaluation study of the scheme has been conducted during the last three years. The Committee feel that there is a strong need to get the evaluation study done in order to assess the progress made and also to find out the difficulties being faced by the students in getting admission in foreign accredited Universities. The Committee, therefore, urge the Ministry to undertake an evaluation study of the scheme for ascertaining the impact of the scheme at the earliest so that the corrective measures can be taken at the beginning of the Twelfth Five Year Plan.

## **Reply of the Government**

5.10 The Ministry would undertake the evaluation study for the Scheme of National Overseas Scholarship for ST candidates at the earliest.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (SI. No. 17, Para 3.108)**

5.11 The Committee note that the scheme of Strengthening Education among Scheduled Tribes (STs) Girls in Low Literacy Districts aims to bridge gap in literacy levels between the general female population and tribal women, through facilitating 100% enrolment of tribal girls in the identified Districts or Blocks, more particularly in naxal affected areas and in areas inhabited by PTGs. The Committee note with concern that initially in 2008-09 though the budgetary allocation under the scheme had been kept at Rs. 60.00 crore, slowly it has come down to Rs. 40.00 crore during 2010-11 and 2011-12. Late receipt of approval of competent authority for revised scheme, election process and delayed receipt of recommendation from many State Level Committees have been cited as the reasons for scaling down of the budgetary allocation over the years. The Committee feel that being an important scheme aiming at bridging the gap in literacy between general female population and tribal woman, the budgetary allocation for the scheme should have increased instead of reduced allocation and the scheme should have picked up by now. Therefore, the Committee desire that the Ministry should project for higher budgetary allocation under the scheme so that more and more tribal girls are benefited under the scheme.

### **Reply of the Government**

5.12 The scheme is demand driven and the funds are released as per the complete proposals received. Under this scheme, the Autonomous societies of the State Governments of Andhra Pradesh, Orissa, Gujarat and Madhya Pradesh are recipients of major portion of the allotted budget. Lack of complete proposals from the States of Gujarat, Karnataka and Madhya Pradesh resulted in low expenditure during the year 2010-11. A meeting with the officials of these states was convened by the Joint Secretary on 22-06-2011 to discuss the implementation of this scheme. The Principal Secretary of Rajasthan also attended this meeting as he had shown keen interest to set up an autonomous society under this scheme in Rajasthan. This Ministry is vigorously pursuing the matter with these two states and with consistent efforts the grant of Autonomous Society of Madhya Pradesh has been regularized till 2010-11. During 2010-11, 17 new projects were sanctioned under this scheme. Higher allocation shall be demanded depending upon the expenditure position.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 19, Para 3.125)**

5.13 The Committee are unhappy to note the slow progress with regard to distribution of title deeds under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as against 30,56,468 lakh (30,03,617 individual and 52,851 community) claims received only 11,27,400 lakh (11,23,731 individual and 3,669 community) title deeds have been distributed. The Committee also observe that in many of the States though the claims have been received in large numbers, the number



of certificates of title deeds distributed is far less than the claims received. The Committee note with serious concern that the implementation of the Act has not progressed at all in the State of Bihar, Tamil Nadu and Uttarakhand where out of total number of 2291, 21781 and 182 claims received respectively not a single title deed has been distributed so far in these States. In the opinion of the Committee the Ministry of Tribal Affairs being at the helm of affairs as far as the tribal rights are concerned should see and ensure that States are progressing well in implementation of the Act and issues/problems in way of implementation are addressed and cleared on time. Therefore, the Committee recommend the Ministry to take up the issue of early distribution of rights with the above three States at the earliest so that distribution process kicks off without any further delay. The Committee also desire the Ministry to persuade and facilitate the implementation process in all other States where the implementation has been slow by taking up specific steps and reviewing their progress at regular intervals.

### **Reply of the Government**

5.14 It is observed from paras 3.110 to 3.112 of the Sixteenth Report of the Standing Committee on Social Justice & Empowerment that the observations/ recommendations of the Committee in para 3.125, above, are based on the status of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in various States, as on 28.02.2011.

As per the information collected in the Ministry upto 30.09.2011, a total number of 31,49,269 claims have reportedly been filed in various States/UTs at the level of Gram Sabha. As against these claims, a total number of 12,30,663 titles have been

distributed, another 13,216 titles are ready for distribution, and 15,77,831 claims have been rejected. A total number of 28,08,494 claims have thus been disposed of, which works out to a disposal of 89.17% of the total claims filed. The implementation of the Act therefore, seems to be progressing well.

As regards the implementation of the Act in the States of Bihar, Tamil Nadu and Uttarakhand, it may be mentioned that as on 30.09.2011, in the State of Bihar, a total of 2,343 claims have been filed under the Act against which 22 titles have been distributed and 1,151 claims have been rejected. A total of 1,173 claims have thus been disposed of, which amounts to disposal of 50.06% of the total claims filed. In the State of Uttarakhand, a total of 182 claims have been filed and one claim has been rejected. As regards the State of Tamil Nadu, the position is that a total number of 21,781 claims have been filed in the State and out of which 3,723 titles are ready for distribution. The State Government has not been able to distribute the titles due a restrictive High Court order.

The Ministry of Tribal Affairs has been advising all the States/ UTs, from time to time, including those States, such as Bihar and Uttarakhand where implementation process has been slow, to take all necessary steps, for early and effective implementation of the Act. The Ministry has advised all the State Governments, on 20.07.2010, to provide the Gram Sabhas with the assistances of facilitators in order to (a) overcome the difficulties experienced by the claimants in accessing the requisite evidence in support of their claims; (b) avoid the delays in preparation of a map deliencating the area of each recommended claim; (c) facilitate claims, especially those of Primitive Tribal Groups (PTGs); (d) enhance capacity building of the Forest Rights

Committees constituted by the Gram Sabha for assisting the Gram Sabha, etc. As in the case of the Gram Sabhas, the State Governments were also advised to provide the Sub-Divisional Level Committees also with the assistance of facilitators for capacity building of these Committees for discharge of functions assigned to them. The State Governments were further advised to (a) launch a special campaign for generating wide spread awareness about the community rights, if necessary, by retraining field level functionaries; (b) convene meetings of the State Level Monitoring Committees regularly to take stock of field level problems; and (c) communicate the resolutions of the Gram Sabha/decision of the SDLC to the claimants within 60 days from the date of resolutions/decision to enable him to seek redressal as provided in the Act. The State Governments were advised to meet the expenses on the engagement of facilitators out of the grants under Article 275 (1) proviso.

The Ministry has also been reviewing the progress of implementation of the Act by holding review meetings with various State Government Officers; through visits of senior officers to various States/ UTs and also by writing letters to Chief Ministers/ Administrators/ Chief Secretaries and the concerned Principal Secretaries of the State/ UT Government. The Ministry is also clarifying the issues raised by the States/ UTs Governments in connection with the implementation of the Act. The Ministry had also advised the State Government of Tamil Nadu to take all necessary steps for getting the High Court stay vacated at the earliest and ensure distribution of titles to all eligible claimants without delay. The State Government has informed that all possible efforts are being made by the State Government to get the stay vacated by the Hon'ble High Court.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

**Recommendation (Sl. No. 20, Para 3.126)**

5.15 The Committee observe that the Joint Committee of the Ministry of Tribal Affairs and the Ministry of Environment & Forests, constituted under the Chairmanship of Dr. N.C. Saxena to study the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has submitted its Report in which it has given some important recommendations (i) process and institutions of the FRA, (ii) Implementation of FRA of grant of Individual and Community Forest Rights, (iii) Implementation of Development Projects (iv) Implementation for special groups, namely, Particularly Vulnerable Tribal Groups, Nomadic Pastoralists, Shifting Cultivators and Forest villagers, (v) Protected Areas and Critical Wildlife Habitats, (vi) Future structure of Forest Governance, (vii) Enhancing Livelihoods through Non-timber Forest Produces, (viii) Convergence of Development Programmes for Tribal and Forest Dwellers, etc. The Committee have also been informed that the recommendations/suggestions of the Committee are under examination for appropriate action. The Committee, therefore, desire the Government to take an early view on the Report after consulting all the stake holders and implement the recommendations/suggestions within a definite time frame. The Committee may be apprised of the precise action taken in this regard.

**Reply of the Government**

5.16 As the recommendations/suggestions given in the Report of the Joint Committee of Ministry of Tribal Affairs and Ministry of Environment & Forests constituted under the

Chairmanship of Dr. N.C. Saxena to study the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 require consultation with various stake-holders it would take some more time to finalize the views of the Ministry on the same. The Committee would be apprised of the progress in this regard.

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

### **Recommendation (Sl. No. 21, Para 3.127)**

5.17 The Committee note with concern that several development projects coming up in forest areas have resulted in displacement of tribal people. The Ministry have informed that at present this Ministry considers clearance of those irrigation/flood control projects where STs are affected/displaced and the Ministry do not have any role in clearance for other projects wherein tribal people are directly or indirectly affected. Clearances are issued subject to the condition that all measures contained in RR Policy, 2007 and policy of the concerned State Governments are taken into consideration for rehabilitation of displaced STs. However, the Committee feel that the nodal Ministry looking after the needs of tribal people the Ministry of Tribal Affairs should have larger role in this regard. Therefore, the Committee desire that being the Ministry of Tribals Affairs clearance should be made mandatory not only in irrigation/flood control projects but in respect of all developmental projects which involve displacement of tribal people.

## **Reply of the Government**

5.18 The note for Committee of Secretaries (CoS) in this regards was drafted and has been sent for comments of stakeholders. Comments are awaited

[Ministry of Tribal affairs OM No. 16015/07/2011-PC & V dated 4th November, 2011]

**NEW DELHI:**  
**05 March, 2012**  
**15 Phalgun, 1933 (Saka)**

**DARA SINGH CHAUHAN**  
**Chairman,**  
**Standing Committee on**  
**Social Justice and**  
**Empowerment**

**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON MONDAY, 5<sup>TH</sup> MARCH, 2012**

The Committee met from 1100 hrs. to 1200 hrs. in Committee Room 'D', PHA, New Delhi.

**PRESENT**

**SHRI DARA SINGH CHAUHAN - CHAIRMAN**

**MEMBERS**  
**LOK SABHA**

2. Shri Kameshwar Baitha
3. Smt. Susmita Bauri
4. Smt. Rama Devi
5. Shri Premchand Guddu
6. Dr. Manda Jagannath
7. Shri Mohan Jena
8. Shri G. V. Harsha Kumar
9. Shri Ramashankar Rajbhar
10. Shri Pradeep Kumar Singh
11. Shri Lalit Mohan Suklabaidya

**MEMBERS**  
**RAJYA SABHA**

12. Smt. Jharna Das Baidya
13. Shri Narayan Singh Kesari
14. Shri Praveen Rashtrapal
15. Shri Nandi Yelliah

**LOK SABHA SECRETARIAT**

1. Shri Deepak Mahna - Joint Secretary
2. Shri P.C. Choulda - Deputy Secretary

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee and apprised them that the sitting had been convened for consideration and adoption of the draft Reports of the Committee i.e. Nineteenth Report on Action taken by the Government on the observations/recommendations contained in the Eleventh Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on the subject "Scholarship Schemes for SCs/OBCs" pertaining to the Ministry of Social Justice and Empowerment and three Action Taken Reports (Twentieth, Twenty-First and Twenty-Second) on Demands for Grants (2011-12) of the Ministries of Minority Affairs, Tribal Affairs and Social Justice and Empowerment respectively.

3. The Committee then took up for consideration all the draft Reports and adopted the same with some additions in the 19<sup>th</sup> Report on Action taken by the Government on the observations/recommendations contained in the Eleventh Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on the subject "Scholarship Schemes for SCs/OBCs" pertaining to the Ministry of Social Justice and Empowerment. The Committee authorized the Chairman to finalize the draft Reports and present the same to Parliament.

*The Committee then adjourned.*



## APPENDIX

### **ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE SIXTEENTH REPORT OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT (FIFTEENTH LOK SABHA)**

	Total	Percentage
I. Total number of Recommendations	21	
II. Observations/Recommendations which have been accepted by the Government (Paragraph Nos. 2.4, 3.31, 3.37, 3.39, 3.54, 3.66, 3.91, 3.92 and 3.109).	9	42.85
III. Observations/Recommendations which the Committee do not desire to pursue in view of the replies - Nil	0	0.00
IV. Observations/Recommendations in respect of which replies of the Government have not been accepted and have been commented upon by the Committee in Chapter –I (Paragraph Nos. 3.35, 3.38 and 3.81)	3	14.30
V. Observations/Recommendations in respect of which replies of the Government are interim in nature (Paragraph Nos. 3.32, 3.33, 3.34, 3.36, 3.80, 3.108, 3.125, 3.126 and 3.127).	9	42.85