

TWENTY-SIXTH REPORT
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STANDING COMMITTEE ON
LABOUR AND WELFARE
(2002)

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LOK SABHA SECRETARIAT
NEW DELHI

December, 2002/Agrahayana, 1924 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON
LABOUR AND WELFARE (2002)

Dr. Sushil Kumar Indora — *Chairman*

MEMBERS

Lok Sabha

2. Shri Ashok Argal
3. Shri Denzil B. Atkinson
4. Smt. Sandhya Bauri
5. Shri Ashok Kumar Singh Chandel
6. Shri Manibhai Ramjibhai Chaudhuri
7. Shri Bhim Prasad Dahal
8. Shri Khagen Das
9. Shri Kishan Lal Diler
10. Shri Hassan Khan
11. Shri Shashi Kumar
12. Shri Virendra Kumar
13. Shri Parsuram Majhi
14. Shri Brahma Nand Mandal
15. Shri Ramjee Manjhi
16. Shri Bherulal Meena
17. Shri Raj Narain Passi
18. Shri Brij Bhushan Sharan Singh
19. Shri R.S. Patil
20. Shri Madhab Rajbangshi
21. Dr. Vukkala Rajeswaramma
22. Shri Ramshakal
23. Dr. D.V.G. Shankar Rao
24. Shri Y.S. Vivekanand Reddy
25. Shri Lakshman Seth
26. Shri Charanjit Singh
27. Shri Khelsai Singh
28. Shri Mansukhbhai D. Vasava
29. Shri Rajesh Verma

(iv)

Rajya Sabha

30. Shri B.P. Apte
31. Shri Jhumuklal Bhendia
32. Shri Debabrata Biswas
33. Ms. Pramila Bohidar
34. Shri Indramoni Bora
35. Shri Urkhao Gwra Brahma
36. Shri Sangh Priya Gautam
37. Shri Ramchandra Khuntia
38. Ms. Alkaben Balarambhai Kshatriya
39. Shri Sukhdev Singh Libra
40. Dr. (Mrs.) Kum Kum Rai
41. Shri Kanshi Ram
42. Shri Jibon Roy

SECRETARIAT

1. Shri John Joseph — *Additional Secretary*
2. Shri Ram Autar Ram — *Joint Secretary*
3. Shri J.P. Sharma — *Deputy Secretary*
4. Shri Bhupesh Kumar — *Under Secretary*
5. Km. M. Tunlut — *Sr. Executive Assistant*

INTRODUCTION

I, the Chairman of the Standing Committee on Labour and Welfare having been authorised by the Committee to submit the report on their behalf, present this Twenty-Sixth Report on the action taken by the Government on the recommendations contained in the Twentieth Report of the Standing Committee on Labour and Welfare (Thirteenth Lok Sabha) on the Ministry of Tribal Affairs—Demands for Grants—2002-2003.

2. The Twentieth Report was presented to Lok Sabha on 23rd April, 2002. The Ministry of Tribal Affairs furnished their replies indicating action taken on the recommendations contained in that Report on 20th September, 2002. The Report was considered and adopted by the Standing Committee on Labour and Welfare at their sitting held on 11 December, 2002.

3. The Report has been divided into the following chapters:—

- I. Report.
- II. Recommendations/Observations which have been accepted by Government.
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply.
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.
- V. Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Twentieth Report of the Standing Committee on Labour and Welfare (Thirteenth Lok Sabha) is given in **Appendix**.

NEW DELHI;
December 11, 2002
Agrahayana 20, 1924 (Saka)

DR. SUSHIL KUMAR INDORA,
Chairman,
Standing Committee on
Labour and Welfare.

CHAPTER I

REPORT

1.1 This Report of the Committee on Labour and Welfare deals with the action taken by the Government on the recommendations contained in the Twentieth Report (Thirteenth Lok Sabha) on Demands for Grants-2002-2003 relating to Ministry of Tribal Affairs.

1.2 The Twentieth Report was presented to Lok Sabha on 23rd April, 2002 and was laid on the Table of Rajya Sabha on 24th April, 2002. It contained 17 recommendations. Replies of Government in respect of all recommendations have been examined and are categorised as under:—

(i) Recommendations/Observations which have been accepted by the Government:

Sl. Nos. 3, 4, 5, 7, 8, 11 and 12

(Total 7 - Chapter II)

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government:

Sl. Nos. 2, 6 and 9

(Total 3 - Chapter III)

(iii) Recommendations/Observations, replies to which have not been accepted by the Committee and which require reiteration:

Sl. Nos. 1 and 13

(Total 2 - Chapter IV)

(iv) Recommendations/Observations in respect of which replies are interim in nature:

Sl. Nos. 10, 14, 15, 16 and 17

(Total 5 - Chapter V)

1.3 The Committee trust that utmost importance would be given to the implementation of the recommendations accepted by the Government. The Committee further desire that action taken notes on the Recommendations/Observations contained in Chapter-I and the final Action Taken Notes in respect of the recommendations contained in Chapter-V of this Report may be furnished to it urgently and in any case not later than six months of the presentation of the Report.

1.4 The Committee will now deal with the action taken replies of the Government which need reiteration or merit comments.

A. Utilisation of Funds

Recommendation (Sl. No. 1, Para 2.14)

1.5 The Committee had noted that the Ministry had shown an improvement in the percentage of utilisation of funds to the tune of 92.88% upto 18th March, 2002. However, the Committee observed that as compared to the needs and requirements of the ST population in the country, the achievement cannot be deemed sufficient. The Committee had, therefore, recommended that the Ministry should approach the Planning Commission for allocation of more funds during the Tenth Plan period for effective implementation of schemes and overall socio-economic development and empowerment of the Scheduled Tribes.

1.6 In their action taken note furnished to the Committee, the Ministry have stated that they had approached the Planning Commission for allocation of more funds during the Tenth Plan period. The Planning Commission has allocated an amount of Rs. 1750 crore for Tenth Plan Period against the expenditure of Rs. 515.73 crore incurred by the Ministry during Ninth Plan (excluding the allocation and expenditure incurred under Special Central Assistance to TSP States and UTs and grants under Article 275 (1) of the Constitution). The Planning Commission had indicated that allocation of funds under central and centrally sponsored schemes are made in accordance with the Plan priorities reflected in the Approach Paper to the Tenth Plan, as approved by NDC and Government's present approach to addressing the major development concerns. However, the allocation for Special Central Assistance (SCA) to Tribal Sub Plan (TSP) and grants under Article 275 (1) of the Constitution have not been enhanced during 2002-2003 and allocation for each of the above schemes has been kept at last year's level. Ministry had requested the Planning Commission to enhance the allocation but Planning Commission did not agree to enhance the allocation during the current financial year.

1.7 The Committee are not satisfied with the reply of the Ministry that Planning Commission has not agreed to enhance the allocation for SCA to TSP and grants under Article 275 (1) of the Constitution during 2002-2003 and instead the allocation has been kept at last year's level. Keeping in view the fact that schemes of vital importance for ameliorating the condition of the backward tribal people like family oriented income generating schemes, residential schools etc. are funded through SCA to TSP and grants under Article 275 (1) of the Constitution, the Committee urge the Ministry to further approach the Planning Commission and convince them of the urgent necessity and importance of funding of those schemes so that these schemes do not suffer for want of funds.

B. Recovery of Funds Released to Bogus NGOs

Recommendation (Sl. No. 13, Para 2.83)

1.8 Noting with grave concern that recovery of funds to the tune of Rs. 31.48 lakhs released to 9 bogus and non-existent NGOs during the last three years is yet to be effected by the State Governments of Andhra Pradesh and Uttar Pradesh, the Committee had urged the Ministry to persuade these States to recover the outstanding amount with penal interest from the defaulting NGOs without further delay.

1.9 The Ministry of Tribal Affairs have stated that they have already been constantly pursuing with the State Governments to take urgent action against the organisations for recovery of grants and also to institute criminal proceedings against them. On constant persuasion of the Ministry, the State Governments have issued directions several times to concerned District Collectors for recovery of amount and submission of a report to the State Government. But response of the State Governments is still awaited.

1.10 The Committee are seriously concerned about the undue delay in recovering the grants released to bogus and non-existent NGOs in Andhra Pradesh and Uttar Pradesh during the last three years and not initiating criminal proceedings against those NGOs, indicate the ineffectiveness and lack of determination on the part of the Ministry as well as the concerned State Governments. The Committee, therefore, reiterate their earlier recommendation and urge the Ministry to take up the issue at the highest level on priority and recover the amount from the defaulting NGOs without further delay.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 3, Para 2.16)

2.1 The Committee also note that the physical and financial targets are fixed in a hapazard manner with the result that achievement of physical targets has exceeded the achievement of financial targets. The Committee, therefore, urge the Ministry to refix the physical targets during the mid-term review of the progress of the schemes so that there is more realistic projection of both physical and financial targets.

Reply of the Government

2.2 In pursuance of the suggestions made by the Committee, efforts are now on to fix physical targets according to an average cost taking into account variations in cost of construction in different regions of the country. It has also been proposed to standardize uniform units of hostels blocks with 25 seats or so. Earlier the proposals sent by the State Governments and UTs were based on their individual requirements and the costing was also based on the terrain and other logistics. The present proposal is expected to take care of such anomalies by arriving at an average cost.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Récommendation (Sl. No. 4, Para 2.30)

2.3 The Committee note that the percentage of TSP flow is in increasing order since 1998-99 at the national level in comparison to the percentage of ST population; but during the year 2001-02, almost all the States/UTs have allocated lower percentage of TSP in proportion to the percentage of Scheduled Tribes in the States/UTs. Moreover, the States of Assam, Bihar, Himachal Pradesh, Kerala, Manipur, Sikkim, Tamil Nadu, West Bengal and the UT of Daman & Diu have not indicated the flow of TSP out of their State Plans. In the opinion of the Committee, the State Governments and UT Administrations are not serious about adopting the TSP approach for the socio-economic development of the Scheduled Tribes. The Committee, therefore, urge the Ministry to pursue the States/UTs to open separate budget heads for indicating TSP funds to implement the TSP strategy in letter and spirit.

Reply of the Government

2.4 All the concerned States have also been requested again *vide* letter No. 16015/2/2002-S&M dated 27.8.2002 to adopt the TSP approach in letter and spirit by earmarking funds from the State Plans at least in proportion to the ST population in the State. It has also been requested that the TSP component should be put in a separate Demand Head under the nodal department responsible for implementing programmes for tribal development.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 5, Para 2.31)

2.5 The Committee concur fully with the idea of the Ministry of Tribal Affairs for direct release of SCA funds to Integrated Tribal Development Projects/Integrated Tribal Development Agencies on the pattern of District Rural Development Agencies under the Ministry of Rural Development which would not only ensure timely extension of the benefits to the needy tribals but also help the grass root level field agencies to optimize their efforts for tribal development. The Committee, therefore, urge the Ministry to pursue the matter with the Planning Commission and Ministry of Finance for its early implementation.

Reply of the Government

2.6 The Ministry has again taken up the matter with the Planning Commission and the Ministry of Finance *vide* letter No. 14020/13/2000-TDR/SG&C dated 23.8.2002 for reconsideration of the issue of direct release of Special Central Assistance to Integrated Tribal Development Projects/Agencies.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 7, Para 2.33)

2.7 The Committee note that for the Tenth Five Year Plan the Ministry are proposing a shift in their present policy of SCA to TSP from spending 70% on family oriented schemes and 30% on infrastructural development to 80% on infrastructural development and 20% on family oriented schemes. The argument is that since the Ministry of Rural Development are already implementing various individual oriented income generating programmes for poverty alleviation in various districts, including Tribal Sub-Plan areas, a

duplication is not considered necessary. The Committee do not approve the proposed change in the policy of SCA to TSP and reiterate their earlier recommendation of not increasing the expenditure on infrastructural development at the cost of family oriented schemes.

Reply of the Government

2.8 In view of the recommendation of the Standing Committee the Ministry has revised the draft guidelines for Special Central Assistance (SCA) to Tribal Sub-Plan (TSP). As per the revised guidelines, it is now proposed to utilise SCA for creation of community based employment and income generating opportunities with initial infrastructure incidental thereto and request to expand the capacity building avenues. Due emphasis will also be given to upgradation and enhancement of human development indices. The revised draft guidelines have been sent to the Planning Commission for approval.

2.9 The Ministry of Tribal Affairs also supplement and support income generating activities through National Scheduled Tribes Finance and Development Corporation. The NSTFDC has also launched an exclusively concessional scheme titled "Adivasi Mahila Shashaktikaran Yojana" for the economic development of eligible ST Women.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 8, Para 2.40)

2.10 The Committee note that the Cabinet has already approved the setting up of a National Commission for STs under Article 339 (1) of the Constitution and the Ministry of Tribal Affairs are taking up the matter with the Hon'ble Prime Minister for early decision in the matter. The Committee also note that the proposal to bifurcate the National Commission for SCs/STs by amendment of Article 338 of the Constitution is under consideration. In the opinion of the Committee, though both the Commissions are equally important as per the provisions of the Constitution, setting up of a National Commission for STs by amendment of Article 338 of the Constitution will be more appropriate as it will be a permanent body and will certainly be able to safeguard the interest of STs in a more substantial and continuous way. The Committee, therefore, urge the Ministry to take up the matter with the competent Authority on priority so that the National Commission for STs is constituted under Article 338 of the Constitution without any delay.

Reply of the Government

2.11 The Commission for Scheduled Areas and Scheduled Tribes under Article 339 (1) of the Constitution has been constituted by the Government on 18.7.2002. The proposal to bifurcate the National Commission for Scheduled Castes and Scheduled Tribes by amendment of Article 338 of the Constitution has been considered by Group of Ministers in its meeting held on 26.4.2002. The revised Cabinet Note prepared as per the recommendations of the Group of Ministers along with Bill for amendment of Article 338 has been sent to Cabinet Secretariat for placing it before the Cabinet.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 11, Para 2.63)

2.12 The Committee are constrained to note that the main objective of the State Tribal Development Cooperative Corporations is to provide remunerative prices to the tribals for their minor forest produce but the State TDCCs are not in a position to dictate the prices of the MFPs as they are financially weak. Moreover, TRIFED is also performing the same function of procuring MFPs from the tribals to ensure remunerative prices. The Committee, therefore, urge the Ministry to persuade the State TDCCs to enter into joint ventures with TRIFED to reinforce their efforts for procuring and marketing of MFPs and to avoid overlapping or duplication of work and also to see that their profits/losses are shared equally.

Reply of the Government

2.13 The Recommendation has been referred to State Tribal Development Cooperative Corporations and TRIFED for compliance *vide* letter No. 16015/1/2002-CP&R dated 27.5.2002 and again dated 28.8.2002.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 12, Para 2.71)

2.14 The Committee appreciate the proposed revision of the scheme of Village Grain Banks to cover drought prone tribal areas not already identified by the Central Planning Committee in 13 States and calamity prone areas keeping in view the fact that the country had faced two devastating natural calamities recently *viz.* Super cyclone in Orissa and devastating earthquake in Gujarat. The Committee also note that the concerned Ministries/Departments have supported the revised scheme in principle. The Committee, therefore, urge the Ministry to make all efforts to persuade the concerned Ministries/Departments to implement the revised scheme in letter and spirit to benefit those families living below poverty line. The Committee further desire that recovery of loans under the scheme should be made more flexible to make the scheme more beneficial to the poor tribal people.

Reply of the Government

2.15 The matter to have the revised scheme operational is being pursued vigorously. EFC note on the revised scheme of Village Grain Bank has been circulated to all the concerned Ministries/Departments. After the approval of EFC, approval of CCEA will be taken. So far as recovery of loans under the revised scheme is concerned, necessary provisions have been proposed to have an in built flexibility in deciding on the period of recovery. It has been proposed that the recovery may be postponed in cases of natural calamities like droughts etc., as per State Government procedure in such cases.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V

Dated 20.9.2002]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY

Recommendation (Sl. No. 2, Para 2.15)

3.1 The Committee are seized of the perennial problems like non-receipt of utilization certificates, incomplete proposals and lack of proposals from States being faced by the Central Government in respect of Centrally Sponsored Schemes (50:50 basis) where some of the States are not able to provide their matching share due to financial crunch. The Committee appreciates the efforts of the Ministry of Tribal Affairs in proposing to increase the Central share from 50% to 75% in respect of Boys and Girls Hostels for STs. The Committee strongly recommends that in order to boost the level of literacy among the ST boys and girls. These schemes should be converted into fully Central Sector Schemes with 100% Central Share and the Planning Commission and Ministry of Finance should be approached for appropriate allocations.

Reply of the Government

3.2 The proposal of the revision of the Central Share from 50% to 75% was already processed and sent to Planning Commission before the receipt of the recommendation of the Standing Committee for conversion of the Central Share to 100%. The revised EFC for 100% Central Share was being processed. Meanwhile, the Planning Commission OM No. M-11052/39/2002-BC dated 20th August, 2002 was received, which *inter alia* stated "With regard to the proposal for increasing the share of Central Government from 50% to 75% in case of all Centrally Sponsored Schemes [CSS], or providing 100% Central Assistance to States for CSS scheme of Post Matric Scholarship, the same cannot be acceded to, in view of the policy decision taken by the Planning Commission not to change the funding pattern of CSS already approved in the Ninth Plan."

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 6, Para 2.32)

3.3 The Committee note with concern that during 2001-2002, out of 21 Central Ministries/Departments only six have indicated TSP flow which is equal to or more than the population percentage of Scheduled Tribes in the country. The Committee strongly recommends that the remaining Central Ministries/Departments should also quantify funds for TSP and the TSP component should be put in a major separate Head to be operated in consultation with the Ministry of Tribal Affairs so that an integrated and convergent approach could be made of development of tribals. The Committee, therefore, urge the Ministry to pursue the matter with the Planning Commission for early concurrence.

Reply of the Government

3.4 The recommendation of the Committee has been followed up again *vide* D.O. No. 16015/2/2002-S&M dated 22.8.2002 with the other Central Ministries/Departments to quantify funds to TSP equal to the percentage of ST population in the country and to put TSP Component in a major separate Head to be operated in consultation with the Ministry of Tribal Affairs. This matter is also being pursued with the Planning Commission in order to ensure proper implementation.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 9, Para 2.51)

3.5 The Committee regret to note that under the scheme of Ashram schools in tribal sub-plan areas, grants could not be released to any of the States/UTs during 2000-01 due to incomplete proposals from States. During 2001-02 expenditure was very less due to non-receipt of adequate proposals from States due to financial hardship. The Committee appreciates the efforts made by the ministry of increase of share of the Central Government from 50% to 75% keeping in view the financial problems of the States. The Committee recommend that in order to raise the level of literacy among tribal children, the scheme of Ashram Schools in tribal sub-plan areas be converted into a Central Sector Scheme with 100% Central share.

Reply of the Government

3.6 The suggestions/recommendation of the Committee for upward revision of central share is well received. However, it may also be noted that the performance of the Ashram Schools Scheme during the year 2001-02 was much better, as proposals from various States were received and an amount of 9.98 crores released. Ministry of Tribal Affairs persuaded the State Govts. to take advantage of the scheme and the State Govts. have also started responding to the need of creating infrastructure to raise their literacy rate. The upward revision in the central share has again been taken up with the Planning Commission, although they had intimated earlier that no change will be considered in the pattern of the Centrally Sponsored Schemes.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V

Dated 20.9.2002]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRES REITERATION

Recommendation (Sl. No. 1, Para 2.14)

4.1 The Committee note that the extent and manner of utilization of funds by the Ministry have shown an improvement over the last two years with the percentage of utilisation of funds to the tune of 92.88% upto 18th March, 2002. However, keeping in view the quantum of funds allocated year by year during the Ninth Five Year Plan as compared to the needs and requirements of the ST population in the country, the achievement cannot be deemed sufficient. The Committee had, therefore, recommended that the Ministry should approach the Planning Commission for allocation of more funds during the Tenth Plan period for effective implementation of schemes and overall socio-economic development and empowerment of the Scheduled Tribes.

Reply of the Government

4.2 The Ministry approached the Planning Commission for allocation of more funds during the Tenth Plan period for effective implementation of the Schemes and overall socio-economic development and empowerment of the Scheduled Tribes. The Planning Commission has allocated an amount of Rs. 1750 crores for Tenth Plan Period against the expenditure incurred by the Ministry during Ninth Plan at Rs. 515.73 crore (excluding the allocation and expenditure incurred under Special Central Assistance to TSP States and UTs and grants under Article 275 (1) of the Constitution). The Planning Commission has indicated that allocation of funds under central and centrally sponsored schemes are made in accordance with the Plan priorities reflected in the Approach Paper to the Tenth Plan, as approved by NDC and Government's present approach to addressing the major development concerns. However, the allocation for Special Central Assistance (SCA) to Tribal Sub Plan (TSP) and grants under Article 275 (1) of the Constitution has not been enhanced during 2002-2003 and allocation for each of the above schemes has been kept at last year's level. Ministry had requested that Planning Commission to enhance the allocation but Planning Commission did not agree to enhance the allocation during the current financial year.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Comments of the Committee

(Please See Para 1.6 of Chapter-I of the Report)

Recommendation (Sl. No. 13, Para 2.83)

4.3 The Committee note with grave concern that recovery of funds to the tune of Rs. 31.48 lakhs released to 9 bogus and non-existent NGOs during the last three years is yet to be effected by the State Governments of Andhra Pradesh and Uttar Pradesh. The Committee, therefore, urge the Ministry to persuade these States to recover the outstanding amount with penal interest from the defaulting NGOs without further delay. Progress made in this regard, may be communicated to the Committee.

Reply of Government

4.4 The Ministry has already been pursuing with the State Governments to take urgent action against the organisations for recovery of grants and also institute criminal proceedings against them. On constant persuasion of the Ministry Government of U.P. have issued directions to concerned District Collectors for recovery of amount and submission of a report to the State Government *vide* their letter Nos. D.O. 145Bh. S/26-2-2002 (62)/2002 dated 19th July, 2002, D.O. 140BH. S/26-2-2002-16(J.JA)/99 dated 20th July, 2002, D.O. 141Bh. S/26-2-02-16(J.JA) 99 dated 20th July, 2002, D.O. 143Bh.S/26-2-2002-16(J.JA) 2002 dated 20th July, 2002, D.O. 142Bh.S./26-2-02-16(J.JA) 99 dated 20th July, 2002, D.O. 116Bh.S./26-2-02-16 (J.JA) 2002 dated 18th July, 2002. The State Govt. has last been reminded on 27.8.2002 for expeditious action. The matter is being pursued vigorously with Government of Andhra Pradesh (last reminded on 27.8.2002) but response of Govt. is still awaited.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V

Dated 20.9.2002]

Comments of the Committee

(Please See Para 1.9 of Chapter-I of the Report)

CHAPTER V

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

Recommendation (Sl. No. 10, Para 2.52)

5.1 The Committee note that priority is to be given to ST girls and children of Primitive Tribal Groups, migrant ST labour and Nomadic Tribes in the Ashram Schools but the Ministry have no definite information/authentic data about the number of Ashram Schools set up in the areas of their concentration as well as the number of such students enrolled in the Ashram Schools. The Committee, therefore, urge the Ministry to ensure that due priority is given to ST girls, children of Primitive Tribal Groups, migrant STs labour and Nomadic Tribes by the State Governments/UT Administrations in the Ashram Schools by obtaining the requisite data from States/UTs.

Reply of Government

5.2 Ministry of Tribal Affairs have conveyed observations/recommendations of the Committee to all the State Govts./UT Admn. vide their letter dated 21.5.2002. As no response has yet been received from them, they have again been reminded to provide us with the requisite data and have also been advised to give due priority to ST girls, children of PTGs, migrant ST labour and Nomadic tribes in admitting them to the Ashram Schools.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 14, Para 2.84)

5.3 The Committee note that grants-in-aid was suspended to 16 NGOs in the States of Orissa as the State Government had proposed an inquiry. Out of those 16 NGOs, final inspection reports in respect of 10 NGOs have been received and grants have already been released to five NGOs while the proposals of the other five NGOs are under process. Final inspection reports of the remaining six NGOs are still pending. The Committee, therefore, recommend that regular follow-up action may be taken with the State Government of Orissa for early submission and finalization of the reports.

Reply of the Government

5.4 The Ministry has noted the recommendation of the august Committee and follow up action is being taken accordingly. We had last sent a communication on 30th July, 2002 to the State Government. It is being ensured that follow up action is taken. The State Govt. has sent final investigation report in respect of one more organisation. The State Govt. has last been reminded on 27.8.2002 for sending the investigation report in respect of the remaining five organizations.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 15, Para 2.85)

5.5 The Committee also note that grants-in-aid are given to many NGOs for implementing schemes of direct benefits to the Scheduled Tribes. The Committee observe that many of the States have insufficient manpower and funds to monitor the performance of the NGOs working under them. The Committee, therefore, recommend that the Ministry should earmark at least 5 per cent of the allocation under the scheme for strengthening the Monitoring and Audit Wings of the Department of Tribal Welfare of the States to weed out bogus and defaulting NGOs. The Committee are also distressed to note that the growing number of false and bogus NGOs indicate the failure of the policy of the Government in involving Voluntary Organisations in the implementation of the schemes. The Committee, therefore, desires that the Government should reconsider its policy and instead of involving NGOs, the schemes should be implemented through Government agencies and Panchayati Raj Institutions.

Reply of Government

5.6 The Ministry has taken a decision to earmark 2% of the allocation under the scheme for monitoring purposes through reputed agencies like Universities, IIMs, etc. for which there is existing provisions in the scheme. With regard to change of policy towards involvement of Panchayati Raj Institutions in place of NGOs, the Ministry has sought the views/comments of the State Governments. Views of most of the State Governments are still awaited. The matter is being pursued.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 16, Para 2.94)

5.7 The Committee note that since its inception TRIFED has been undertaking the work of collection, storage, processing and marketing of Non-Timber Forest Produce (NTFP) but the restrictions put by various State Governments in the form of levies and movement restrictions are hindering the tribals from getting remunerative prices for their forest produce. The Committee, therefore, urge the Government to take up the issue with the Ministry of Environment and Forests and the concerned State Governments so that the tribal collectors of NTFPs do not suffer from getting lower price realization for their produce.

Reply of Government

5.8 The matter has been taken up with the Ministry of Environment & Forests *vide* letter No. 16015/1/2002-CP&R dated 27.5.2002 and 28.8.2002, for deciding on the policy matters regarding minor forest produce. Concerned State Governments have also been referred the case. The matter is being pursued.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

Recommendation (Sl. No. 17, Para 2.95)

5.9 The Committee also note that with the enactment of the Forest Conservation Act, 1980, the tribals who have been occupying and cultivating the forest lands have been pushed to the status of encroachers. As the tribal communities mainly survive on the collection of minor forest produce, the Committee desire that the rights of the tribals in the forests should be protected by bringing suitable amendments in the Forest Conservation Act, 1980. The Committee, therefore, urge the Ministry to take up the matter with the concerned Ministries and State Governments on priority.

Reply of Government

5.10 On the recommendations of the Committee, the matter had been referred to the Ministry of Environment & Forests *vide* letter No. 16015/1/2002-CP&R dated 27.5.2002 and 28.8.2002. Meanwhile, in another case dealing with use of forest land and provisions of laws governing forests, the Hon'ble Supreme Court of India ordered eviction

of all encroachments from forests. On the basis of this judgement, the Ministry of E&F has reportedly issued a circular dated 3.5.2002 addressed to all States for eviction of illegal encroachment of forestland as a time-bound action plan. The National Commission for SCs and STs has also taken up the issue of eviction of illegal encroachment on forestland which involves issues impinging on the interest of tribals. This was then again referred to the M/o E&F *vide* letter No. 17014/47/02-S&M dated 12.9.2002. This Ministry is in the process of intervening in the matter and taking up with the M/o E&F and ensuring protection of interests of the tribals.

[Ministry of Tribal Affairs O.M. No. 16016/8/2002-PC&V
Dated 20.9.2002]

NEW DELHI;
December 11, 2002
Agrahayana 20, 1924 (Saka)

DR. SUSHIL KUMAR INDORA,
Chairman,
Standing Committee on
Labour and Welfare.

ANNEXURE

MINUTES OF THE FOURTEENTH SITTING OF THE STANDING
COMMITTEE ON LABOUR AND WELFARE HELD ON
11 DECEMBER, 2002

The Committee met from 15.00 to 16.00 hours in Committee Room 'E'
Parliament House Annexe, New Delhi.

PRESENT

Dr. Sushil Kumar Indora—*Chairman*

MEMBERS

Lok Sabha

2. Smt. Sandhya Bauri
3. Shri Bhim Prasad Dahal
4. Shri Hassan Khan
5. Shri Virendra Kumar
6. Shri Parsuram Majhi
7. Shri Ramjee Manjhi
8. Shri Brij Bhushan Singh
9. Dr. Vukkala Rajeswaramma
10. Shri Khelsai Singh

Rajya Sabha

11. Shri B.P. Apte
12. Shri Jhumuklal Bhendia
13. Ms. Pramila Bohidar
14. Shri Indramoni Bora
15. Shri Sukhdev Singh Libra
16. Shri Jibon Roy

SECRETARIAT
Joint Secretary
1. Shri Ram Anwar Ram
2. Shri P. Sharma
Deputy Secretary

APPENDIX

ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE TWENTIETH REPORT OF THE STANDING COMMITTEE ON LABOUR AND WELFARE (THIRTEENTH LOK SABHA)

I. Total number of Recommendations	17
II. Recommendations/Observations which have been accepted by the Government: (Sl. Nos. 3, 4, 5, 7, 8, 11 and 12)	
Total	7
Percentage	41.18%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government replies (Sl. Nos. 2, 6 and 9)	
Total	3
Percentage	17.65%
IV. Recommendations/Observations, in respect of which Government's replies have not been accepted by the Committee and which requires reiteration (Sl. Nos. 1 and 13)	
Total	2
Percentage	11.76%
V. Recommendations/Observations in respect of which final replies of Government are still awaited (Sl. Nos. 10, 14, 15, 16 and 17)	
Total	5
Percentage	29.41%