

**STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT
(2012-13)**

(FIFTEENTH LOK SABHA)

MINISTRY OF TRIBAL AFFAIRS

Action taken by the Government on the Recommendations/Observations contained in the Twenty-fifth Report of the Standing Committee on Social Justice and Empowerment on Demands for Grants-2012-13 of the Ministry of Tribal Affairs.

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THIRTIETH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

December, 2012/Agrahayana, 1934 (Saka)

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Presented to Lok Sabha on 19.12.2012

Laid in Rajya Sabha on 19.12.2012



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December, 2012/Agrahayana, 1934 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL
JUSTICE AND EMPOWERMENT (2012-2013)**

SHRI HEMANAND BISWAL - CHAIRMAN

**MEMBERS
LOK SABHA**

2. Shri M. Anandan
3. Smt. Susmita Bauri
4. Shri Devidhan Besra
5. Shri Tarachand Bhagora
6. Smt. Rama Devi
7. Shri Gorakh Prasad Jaiswal
8. Shri Mohan Jena
9. Shri Dinesh Kashyap
10. Shri Kirodi Lal Meena
11. Kumari Meenakshi Natarajan
12. Shri Wakchaure Bhausahab R.
13. Smt. Sushila Saroj
14. Shri N. Dharam Singh
15. Shri Pradeep Kumar Singh
16. Dr. Naramalli Sivaprasad
17. Shri Lalit Mohan Suklabaidya
18. Shri Kabir Suman
19. Vacant
20. Vacant
21. Vacant

**MEMBERS
RAJYA SABHA**

22. Smt. Jharna Das Baidya
23. Shri Avtar Singh Karimpuri
24. Shri Rishang Keishing
25. Shri Mangala Kisan
26. Shri Ahmad Saeed Malihabadi
27. Prof. Mrinal Miri
28. Shri Jesudasu Seelam
29. Shri Mohammad Shafi
30. Shri Shivpratap Singh
31. Shri Shankarbhai N. Vegad

LOK SABHA SECRETARIAT

1. Smt. Anita Jain - Director
2. Shri Kusal Sarkar - Additional Director
3. Shri Yashpal Sharma - Sr. 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 Thirtieth Report on the action taken by the Government on the observations/recommendations contained in the Twenty-fifth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on Demands for Grants (2012-13) of the Ministry of Tribal Affairs.

2. The Twenty-fifth Report was presented to Lok Sabha and laid in Rajya Sabha on 2nd May, 2012. The Ministry of Tribal Affairs furnished their replies indicating action taken on the recommendations contained in that Report on 10.7.2012. The Report was considered and adopted by the Standing Committee on Social Justice and Empowerment at their sitting held on 17.12.2012.

3. An analysis of the action taken by Government on the recommendations contained in the Thirtieth 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:
17 December, 2012
26 Agrahayana, 1934 (Saka)

HEMANAND BISWAL
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 Twenty-fifth Report of the Standing Committee on Social Justice and Empowerment (Fifteenth Lok Sabha) on Demands for Grants-2012-13 relating to Ministry of Tribal Affairs.

1.2 The Twenty-fifth Report was presented to Lok Sabha and was laid in Rajya Sabha on 2nd May, 2012. It contained 17 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, 3.35, 3.41, 3.75, 3.85 and 3.96

(Total 6 – 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. 3.36 and 3.111

(Total 2 – Chapter IV)

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

Paragraph Nos. 3.37, 3.38, 3.39, 3.40, 3.52, 3.65, 3.76, 3.86 and 3.116

(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. Budgetary Allocation to the Ministry

Recommendation (Sl. No. 3, Para No. 3.36)

1.5 The Committee had noted as against an outlay of Rs. 9665 crores asked for its Annual Plan by the Ministry during the year 2012-13, the Planning Commission had allocated only Rs. 4090 crores. The Committee had also noted that the Planning Commission and Ministry of Finance had not furnished any reasons for allocating funds lesser than those requested. The Ministry had stated that due to reduction in allocation, the proposed new initiatives like setting up of Adivasi Bhavan, National Tribal Information System, Launching of awareness campaign and setting up of 114 new school-cum-Vocational Training Centre in 57 LWE tribal districts with facilities for vocational training, would not be taken up during the current financial year. The proposed Pre-matric Scholarship scheme for class I to VIII would also not be taken up and might also affect ongoing Post-matric Scholarship scheme. The Committee had desired that the Ministry should pursue with the Planning Commission and Ministry of Finance to allocate more funds at RE stage so that implementation of the schemes did not suffer due to

paucity of funds. At the same time, the Committee would like the Ministry to ensure that funds made available are prudently and optimally utilized.

1.6 The Ministry of Tribal Affairs in their Action taken reply have stated as under :-

"The recommendation of the Committee has been noted for compliance. Necessary action will be taken/ considered at appropriate time (i.e. RE stage) depending on expenditure incurred".

1.7 The Committee had noted with utmost concern that against an outlay of Rs. 9665 crores asked for its Annual Plan by the Ministry during the year 2012-13, the Planning Commission had allocated only Rs. 4090 crores. Due to this reduced allocation which is about 50% of the outlay asked for by the Ministry, the proposed new initiatives like setting up of Adivasi Bhavan, National Tribal Information System, Launching of awareness campaign and setting up of 114 new school-cum-Vocational Training Centre in 57 LWE tribal districts with facilities for vocational training, could not be taken up during the current financial year. The proposed Pre-matric Scholarship scheme for class I to VIII could also not be taken up and may also affect ongoing Post-matric Scholarship scheme. The Committee had, therefore, desired that the Ministry should pursue with the Planning Commission and Ministry of Finance to allocate more funds so that implementation of the schemes do not suffer due to paucity of funds. The Ministry in their action taken reply have merely stated that necessary action will be taken/considered at appropriate time (i.e. RE stage) depending on expenditure incurred.

The Committee would like to express strong dissatisfaction with the reply of the Government. The Committee feel that the Ministry is not pursuing seriously with the Ministry of Finance and Planning Commission for increased allocation for new initiatives/schemes proposed for the current year and for the ongoing schemes. In view of the critical importance of the schemes in educational empowerment of Scheduled

Tribes people and improving their employment potentials, the Committee, recommend the Ministry to vigorously take up the matter with Planning Commission and Ministry of Finance and project for higher allocations so that these new schemes can be launched at the earliest and also ongoing schemes do not suffer due to paucity of funds. The Committee would like to be apprised of the action taken by the Ministry in this regard.

B. Need to early implementation of Dr. Mungekar Committee Report and National Tribal Policy

Recommendation (Sl. No. 6, Para No. 3.39)

1.8 The Committee in their previous Report on Demands for Grants 2011-12 had recommended the Ministry to pursue for early discussion of the Dr. Mungekar Committee Report at the Committee of Secretaries meeting and its acceptance by the Government so that the much needed improvement could be made for effective implementation of schemes. The Committee were disturbed to see the reply of the Ministry in this regard that the matter was still under consideration. Keeping in view the fact that Dr. Mungekar Committee Report addresses the critical issue of improving the delivery system in States, the Committee had, therefore, once again recommended to the Ministry to take steps for early decision on implementation of the above Report during 2012-13.

Recommendation (Sl. No. 7, Para No. 3.40)

1.9 The Committee had found that the draft National Tribal Policy, inter-alia, covers issues pertaining to Tribal Land; Tribal Forest interface; Development, Rehabilitation, Resettlement; Improving Human Development Indices (HDI); Creating infrastructure; Conservation and development of Particularly Vulnerable Tribal Groups (PTGs); Empowerment; Administration of Tribal Areas; Gender Issues; Tribal Culture and Knowledge; Regulatory and Protective Regime; Research and Training. The Committee had also found that it also indicates the strategy, monitoring and evaluation mechanism to achieve these objectives. The Committee had been given to understand that the draft Policy had been

reviewed by the Hon'ble Minister for Tribal Affairs and he had expressed the opinion that certain aspects of the draft National Tribal Policy need to be looked afresh to ensure a more focused and concise approach for addressing various issues concerning the tribals. At this stage the Committee cannot but emphasize the need for early finalizing and implementation of the Policy.

1.10 The Ministry in their Action taken reply for both the recommendations (Para No. 3.39 and 3.40) have stated as under :-

"Dr. Mungekar Committee Report on Standards of Administration and Governance in the Scheduled Areas have extensive commonalities with the draft Tribal Policy and hence these need to be seen in conjunction with each other. The Hon'ble Minister of Tribal Affairs after a review of the draft Tribal Policy has observed that there was need to revisit certain aspects to make the Policy more concise, focused and attuned to be a document of reference for future direction".

1.11 Keeping in view the fact that Dr. Mungekar Committee Report addresses the critical issue of improving the delivery system in States, the Committee had recommended to the Ministry to take steps for early decision on implementation of the above Report during 2012-13. Similarly, the Committee had also emphasized that there is a need for early finalization of the National Tribal Policy. The Ministry in their action taken reply have stated that Dr. Mungekar Committee Report on Standards of Administration and Governance in the Scheduled Areas have extensive commonalities with the draft Tribal Policy and hence these need to be seen in conjunction with each other. The Committee have also been informed that the Hon'ble Minister of Tribal Affairs after a review of the draft Tribal Policy has observed that there was need to revisit certain aspects to make the Policy more concise, focused and attuned to be a document of reference for future direction. The Committee feel that already there has been an inordinate delay in implementation of Dr. Mungekar Committee Report as well as finalization of National Tribal Policy. The Committee, therefore, desire that expeditious action shall be taken to finalize the National Tribal Policy in conjunction with the recommendations of Dr. Mungekar Committee Report and the same be placed before the Parliament/Committee within three months for their consideration.

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

Recommendation (Sl. No. 16, Para No. 3.111)

1.12 The Committee had regretted to note the slow progress with regard to distribution of title deeds under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as against 31,70,247 claims received only 12, 54, 668 title deeds had been distributed. The Committee had also noted with serious concern that the implementation of Act had not progressed in the States of Tamil Nadu and Uttarakhand where out of a total number of 3723 and 182 claims received not a single title deed had been distributed and in the States of Bihar and Himachal Pradesh where out of a total number of 2343 and 5635 claims received and only 22 and 7 title deed had actually been distributed so far in these States. The Ministry had stated that they had been advising all the States/ UTs, particularly those States where implementation process had been slow including above mentioned States to take all necessary steps for early and effective implementation of the Act. In the opinion of the Committee, the Ministry of Tribal Affairs is the nodal Ministry as far as the Tribal development is concerned and to see that Act is implemented in true spirit and the title deeds are actually distributed to the needy tribes. Therefore, the Committee had recommended to the Ministry, that apart from advising the States, it should involve itself in the implementation process and guide appropriately the States for gearing them up for implementation of the Act.

Reply of the Government

1.13 The Ministry in their Action taken reply have stated as under :-

"As per the information collected in the Ministry upto 31.5.2012, a total number of 32,22,999 claims have reportedly been filed in various States/UTs at the level of Gram Sabha. As against these claims, a total number of 12,63,011 titles have been distributed, another 15,833 titles are ready for distribution, and 14,93,816 claims have been rejected. A total number of 27,56,827 claims have thus been disposed of, which works out to a disposal of 85.53% of the total claims filed. This explains the current status of the implementation of the Act.

As regards the implementation of the Act in the States of Uttarakhand, Tamil Nadu, Bihar, and Himachal Pradesh, it may be mentioned that as on 31.05.2012, in the State of Uttarakhand, a total of 182 claims had been received and one claim was rejected. In the State of Tamil Nadu, a total of 21,781 claims had been filed out of which 3,723 titles are ready for distribution. However these titles could not be distributed due to restrictive High Court's order. The Ministry has been advising the State Government of Tamil Nadu to take necessary steps for getting the said stay vacated and ensure that titles are distributed to all eligible claimants, without further delay. In the State of Bihar, a total of 2,343 claims had been filed under the scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, out of which, 22 titles have been distributed and 1,151 claims have been rejected. Thus a total of 1,173 claims have been disposed of, which amounts to 50.06% of the total claims received. In the State of Himachal Pradesh, a total of 5,635 claims have been filed under the Act, out of which, 7 titles have been distributed and 1,869 claims have been rejected. Thus a total of 1,876 claims have been disposed of, which amounts to 33.30% of the total claims received. The above mentioned four State Governments have been requested from time to time, and advised by the Ministry to accelerate the process of implementation of the Act and ensure that titles are distributed to all eligible claimants at the earliest.

A meeting through video conferencing was taken by Secretary, Tribal Affairs on 6.6.2012 to review the status of the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the States of Bihar, Goa, Himachal Pradesh, Jharkhand, Karnataka and Uttarakhand. During the meeting, the status of the implementation of the Act in all these States was reviewed and States were advised to take all the necessary steps to expedite the implementation of the Forest Rights Act, 2006 and to ensure that all the provisions of the Act and the Rules made thereunder, are implemented in true letter and spirit.

Ministry of Tribal Affairs has been advising all the States/ UTs, particularly those States where implementation process had been slow, to take all necessary steps, for early and effective implementation of the Act, including launching a special campaign for generating widespread awareness about the provisions of the Act amongst the forest dwellers and imparting training to the field level functionaries for this purpose. The Ministry has also been reviewing the progress of implementation of the Act by holding Review Meetings at the centre; 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. Issues raised by the State/ UT Governments in connection with the implementation of the Act are also promptly clarified, if necessary, in consultation with the Ministry of Law & Justice, Ministry of Environment & Forests and Ministry of Panchayati Raj. Till now, more than 40 clarifications have been issued by the Ministry".

1.14 The Committee had regretted to note the slow progress with regard to distribution of title deeds under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as against 31,70,247 claims received only 12, 54, 668 title deeds had been distributed. The Committee had also noted with serious concern that the implementation of Act had not progressed in the States of Tamil Nadu and Uttarakhand where out of a total number of 3723 and 182 claims received not a single title deed had been distributed and in the States of Bihar and Himachal Pradesh where out of a total number of 2343 and 5635 claims received and only 22 and 7 title deed had actually been distributed so far in these States. Therefore, the Committee had recommended to the Ministry, that apart from advising the States, it should involve itself in the implementation process and guide appropriately the States for gearing them up for implementation of the Act.

The Committee express deep anguish over the fact that till now no progress has been made in regard to settlement of claims in the States of Uttarakhand, Tamil Nadu, Bihar, and Himachal Pradesh. The Ministry have maintained that the above four State Governments have been requested from time to time, and advised to accelerate the process of implementation of the Act and ensure that titles are distributed to all eligible claimants at the earliest. The Committee regret that the spirit and sentiments of Parliament have not been taken into consideration while implementing the Act. The Committee, while not being satisfied with the reply of the Government, reiterate their earlier recommendation and recommend that the Ministry, instead of routinely advising and persuading these States to

implement the Act, should take up the matter at the highest level for identifying and sorting out the impediments/hurdles in way of implementation of the Act in these States. State Governments of these States should be sensitized about their obligation towards the Act and persuaded to initiate action at the earliest so that the work of distribution to title deeds takes off in these States without further delay.

CHAPTER II

OBSERVATIONS/ RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

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

2.1 Sixteenth Report of the Committee on Demands for Grants, 2011-12 of the Ministry of Tribal Affairs was presented to Parliament on 4.8.2011. 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 will make a statement regarding the status of implementation of recommendations contained in Sixteenth Report of the Standing Committee on Social Justice and Empowerment during Monsoon Session of the Parliament.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.7.2012]

Recommendation (Sl. No. 2, Para No. 3.35)

2.3 The Committee observe that during the year 2011-12 an expenditure of Rs. 3623.5628 crore has been incurred against Budget Estimates of Rs. 3723.01 crore. The Committee are happy to note that like the previous year this year also

the Ministry has been able to utilize 97.33% of BE funds. The Secretary Ministry of Tribal Affairs during evidence has stated that this has been possible because of better support from the State Governments, conduct of review meetings and constitution of a Coordination Committee of 7 – 8 Ministries. The Committee desire that the Ministry should continue their efforts so as to achieve 100% utilization of funds.

Reply of the Government

2.4 The recommendation of the Committee has been noted for compliance.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.7.2012]

Recommendation (Sl. No. 8, Para No. 3.41)

2.5 The Committee note that under the scheme of Monitoring & Evaluation Studies various schemes/projects implemented by Ministry of Tribal Affairs for the welfare and development of STs are evaluated through specialized agencies and 100% grant is provided by the Ministry. In this regard the Committee observe that during the year 2010 three evaluation studies pertaining to Monitoring & Evaluation of Ashram Schools Scheme (with special reference to Gujarat), Evaluation of Ashram Schools and Eklavya Modal Residential Schools from Class VI-XII in TSP area in Jharkhand and Evaluation of functioning of Tribal Research Institute (TRI) in Assam were approved on 15.4.2010. The Committee find that Report pertaining to Monitoring & Evaluation of Ashram Schools Scheme (with special reference to Gujarat) received in March, 2012, Study pertaining to Evaluation of functioning of Tribal research Institute (TRI) in Assam have also been completed and Report pertaining to Evaluation of Ashram

Schools and Eklavya Model Residential Schools from Class VI-XII in TSP area in Jharkhand is expected shortly. While endorsing the view that evaluation studies are important for bringing in improvement in the schemes, the committee recommend that the Ministry examine these Reports of the evaluation studies in right perspective and take appropriate action to improve the working of schemes.

Reply of the Government

2.6 The study on Evaluation of functioning of Tribal Research Institute (TRI) in Assam is complete and the Ministry is analyzing its findings for suitable improvement in the implementation of the scheme of Grants-in-aid to Tribal Research Institutes. The draft report of the study on Monitoring & Evaluation of Ashram Schools Scheme (with special reference to Gujarat), has been received in the last week of March, 2012. The report is under examination in the Ministry. The findings and recommendations of the study would be taken into account for improving the scheme during 12th Five Year Plan. The draft report of the study pertaining to Evaluation of Ashram Schools and Eklavya Model Residential Schools from Class VI-XII in TSP area in Jharkhand, conducted by TRI, Ranchi has also been received and is under examination of the Ministry.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 11, Para No. 3.75)

2.7 The Committee observe that under the schemes of Top Class Education for ST students introduced during the year 2007-08, the actual expenditure has exceeded the Budget Estimates during the last two years. The BE during 2010-

11 and 2011-12 was Rs. 2.50 and Rs. 5.00 crore whereas the actual expenditure was Rs. 5.00 and Rs. 7.00 crore. The Committee have been given to understand that the higher expenditure has been due to better response received from the institutes. The Committee are happy to note that the BE during 2012-13 has been increased to Rs. 13.00 crore. The Committee also note that in many cases the institutions do not issue hall tickets to ST students and they are not allowed into the exam hall because their fee is not paid. The Committee feel that it results in a lot of hardship to poor ST students who have to arrange for hefty fee amount at a short period. Taking a serious view on that, the Committee desire the Ministry to direct State Governments to look into the matter and take appropriate action.

Reply of the Government

2.8 A letter in this regard has been sent to State Governments.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 13, Para No. 3.85)

2.9 The Committee have observed the shortfall in expenditure under the scheme of Grants-in-Aid to Voluntary Organizations working for the welfare of Scheduled Tribes including coaching for Scheduled Tribes and award of Special Incentive for improvement of infrastructure scheme, the BE & RE for the Year 2011-12 was Rs. 60.00 crore and the actual expenditure was Rs. 55.98 crore. The reasons for less expenditure was delay by the State Governments in sending the recommendations for NGO projects. The Committee also find that during 2008-09, 326 projects and 847293 beneficiaries, during 2009-10, 310

projects and 615420 beneficiaries and during 2010-1, 331 projects were funded and 688477 beneficiaries were covered. The reasons enumerated by the Ministry include lesser number of valid proposals received for mobile dispensaries which have fluctuating number of beneficiaries and fewer projects were received during 2009-10 and 2010-11. The Committee desire that the Ministry take up these issues with the State Governments/UTs, NGOs and other implementing agencies so that they are able to utilize funds fully during the year 2012-13.

Reply of the Government

2.10 Noted for compliance.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 15, Para No. 3.96)

2.11 The Committee note that under the Scheme of Hostel facilities for ST boys and girls 100% utilization had taken place during the last three years. During the year 2009-10, BE was Rs. 64 crore which was fully utilized. During 2010-11 and 2011-12 Budget Estimate was Rs. 78.00 crore and actual expenditure was also Rs. 78.00 crore. During 2012-13 an allocation of Rs. 78.00 crore is made. The Ministry have informed that amount is inadequate to fully meet the requirements. The Committee have also been informed that the budget allocation proposed under the scheme was Rs. 84.00 crore but the Planning Commission did not give outlay as per the demand of the Ministry. The representative of the Ministry during evidence also expressed the inadequacy of budget for the scheme. Keeping in view the objective of the scheme to promote literacy among tribal

students by providing hostel accommodation and financial performance of the scheme during the last three years the Committee feel that the funds need to be augmented for smooth implementation of the scheme. The Committee, therefore, urge the Ministry to again take up the matter with the Planning Commission so that its budgetary allocation for 2012-13 is augmented at RE stage and objective of the scheme is fulfilled.

Reply of the Government

2.12 The Ministry is in the process of receiving proposals from States/UTs for the scheme of hostels for ST girls and boys for this year. Based on the proposals received from the States, the requirement of funds will be assessed. If there is additional requirement of funds under the scheme, it would be projected at RE stage.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

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. 3, Para No. 3.36)

4.1 The Committee note as against an outlay of Rs. 9665 crores asked for its Annual Plan by the Ministry during the year 2012-13, the Planning Commission has allocated only Rs. 4090 crores. The Committee also note that the Planning Commission and Ministry of Finance have not furnished any reasons for allocating funds lesser than those requested. The Ministry have stated that due to reduction in allocation, the proposed new initiatives like setting up of Adivasi Bhavan, National Tribal Information System, Launching of awareness campaign and setting up of 114 new school-cum-Vocational Training Centre in 57 LWE tribal districts with facilities for vocational training, would not be taken up during the current financial year. The proposed Pre-matric Scholarship scheme for class I to VIII would also not be taken up and may also affect ongoing Post-matric Scholarship scheme. The Committee desire that the Ministry should pursue with the Planning Commission and Ministry of Finance to allocate more funds at RE stage so that implementation of the schemes do not suffer due to paucity of funds. At the same time, the Committee would like the Ministry to ensure that funds made available are prudently and optimally utilized.

Reply of the Government

4.2 The recommendation of the Committee has been noted for compliance. Necessary action will be taken/ considered at appropriate time (i.e. RE stage) depending on expenditure incurred.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Comments of the Committee

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

Recommendation (Sl. No. 16, Para No. 3.111)

4.3 The Committee regret to note the slow progress with regard to distribution of title deeds under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as against 31,70,247 claims received only 12, 54, 668 title deeds have been distributed. The Committee note with serious concern that the implementation of Act has not progressed in the States of Tamil Nadu and Uttrakhand where out of a total number of 3723 and 182 claims received not a single title deed has been distributed and in the States of Bihar and Himachal Pradesh where out of a total number of 2343 and 5635 claims received and only 22 and 7 title deed has actually been distributed so far in these States. The Ministry have stated that they have been advising all the States/ UTs, particularly those States where implementation process has been

slow including above mentioned States to take all necessary steps for early and effective implementation of the Act. In the opinion of the Committee the Ministry of Tribal Affairs is the nodal Ministry as far as the Tribal development is concerned and to see that Act is implemented in true spirit and the title deeds are actually distributed to the needy tribes. Therefore, the Committee recommend to the Ministry, that apart from advising the States, it should involve itself in the implementation process and guide appropriately the States for gearing them up for implementation of the Act.

Reply of the Government

4.4 As per the information collected in the Ministry upto 31.5.2012, a total number of 32,22,999 claims have reportedly been filed in various States/ UTs at the level of Gram Sabha. As against these claims, a total number of 12,63,011 titles have been distributed, another 15,833 titles are ready for distribution, and 14,93,816 claims have been rejected. A total number of 27,56,827 claims have thus been disposed of, which works out to a disposal of 85.53% of the total claims filed. This explains the current status of the implementation of the Act.

As regards the implementation of the Act in the States of Uttarakhand, Tamil Nadu, Bihar, and Himachal Pradesh, it may be mentioned that as on 31.05.2012, in the State of Uttarakhand, a total of 182 claims had been received and one claim was rejected. In the State of Tamil Nadu, a total of 21,781 claims had been filed out of which 3,723 titles are ready for distribution. However these titles could not be distributed due to restrictive High Court's order. The Ministry has been advising the State Government of Tamil Nadu to take necessary steps

for getting the said stay vacated and ensure that titles are distributed to all eligible claimants, without further delay. In the State of Bihar, a total of 2,343 claims had been filed under the scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, out of which, 22 titles have been distributed and 1,151 claims have been rejected. Thus a total of 1,173 claims have been disposed of, which amounts to 50.06% of the total claims received. In the State of Himachal Pradesh, a total of 5,635 claims have been filed under the Act, out of which, 7 titles have been distributed and 1,869 claims have been rejected. Thus a total of 1,876 claims have been disposed of, which amounts to 33.30% of the total claims received. The above mentioned four State Governments have been requested from time to time, and advised by the Ministry to accelerate the process of implementation of the Act and ensure that titles are distributed to all eligible claimants at the earliest.

A meeting through video conferencing was taken by Secretary, Tribal Affairs on 6.6.2012 to review the status of the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the States of Bihar, Goa, Himachal Pradesh, Jharkhand, Karnataka and Uttarakhand. During the meeting, the status of the implementation of the Act in all these States was reviewed and States were advised to take all the necessary steps to expedite the implementation of the Forest Rights Act, 2006 and to ensure that all the provisions of the Act and the Rules made thereunder, are implemented in true letter and spirit.

Ministry of Tribal Affairs has been advising all the States/ UTs, particularly those States where implementation process had been slow, to take all necessary

steps, for early and effective implementation of the Act, including launching a special campaign for generating widespread awareness about the provisions of the Act amongst the forest dwellers and imparting training to the field level functionaries for this purpose. The Ministry has also been reviewing the progress of implementation of the Act by holding Review Meetings at the centre; 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. Issues raised by the State/ UT Governments in connection with the implementation of the Act are also promptly clarified, if necessary, in consultation with the Ministry of Law & Justice, Ministry of Environment & Forests and Ministry of Panchayati Raj. Till now, more than 40 clarifications have been issued by the Ministry.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.7.2012]

Comments of the Committee

(Please see Para 1.14 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. 3.37)

5.1 The Committee observe that Scheme of Strengthening Education among Scheduled Tribe Girls in Low Literacy Districts is being implemented in 54 identified low literacy districts where ST population is 25% or more and ST female literacy rate is below 35% as per 2001 census. The Committee also observe that Rs. 22 per day are provided for a girl for meals under the Scheme. Regarding revision in the norms the Ministry have stated that the financial norms as applicable today, were adopted w.e.f. 01.04.2008. The Committee feel that these financial norms require to be revised keeping in view of inflation and the nutritional aspect. The Committee also feel that norms for identification of the low literacy district may be revised so that more ST girls are benefited. The Committee, therefore, strongly recommend that the Ministry should take steps for revise the norms of the above scheme and fix daily allowance rates as per norms of Health and Family Welfare Department who calculate the daily calorie requirement of the child.

Reply of the Government

5.2 Committee has been constituted to revise the Financial Norms. First meeting of this committee was held on 1.6.2012. The revised norms recommended by the committee would be reflected while proposing revision of the scheme.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 5, Para No. 3.38)

5.3 The Committee observe that under Pre-Matric Scholarship Scheme for ST students during 2011-12 an allocation of Rs. 50.00 crore was kept, however the funds could not be utilized due to non approval of the Scheme. An allocation of Rs. 86.00 crore has been made during 2012-13. The Committee have been informed that the proposed Centrally Sponsored Scheme of Pre-Matric scholarship to ST students has been submitted for full approval of the Planning Commission. However, the approval is still awaited. The Committee feel that scholarships for poor ST students at Pre-Matric stage will motivate them to attend schools. The Committee strongly recommend that the Ministry pursue with the Planning Commission for early clearance of the scheme so that Rs. 86.00 crore earmarked under the scheme are fully utilized.

Reply of the Government

5.4 Ministry is following up with the Planning Commission for early clearance of the scheme.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 6, Para No. 3.39)

5.5 The Committee in their previous Report on Demands for Grants 2011-12 had recommended the Ministry to pursue for early discussion of the Dr. Mungekar Committee Report at the Committee of Secretaries meeting and its acceptance by the Government so that the much needed improvement can be made for effective implementation of schemes. The Committee are disturbed to

see the reply of the Ministry in this regard that the matter is still under consideration. Keeping in view the fact that Dr. Mungekar Committee Report addresses the critical issue of improving the delivery system in States, the Committee, therefore, once again recommend to the Ministry to take steps for early decision on implementation of the above Report during 2012-13.

Reply of the Government

5.6 Dr. Mungekar Committee Report on Standards of Administration and Governance in the Scheduled Areas have extensive commonalities with the draft Tribal Policy and hence these need to be seen in conjunction with each other. The Hon'ble Minister of Tribal Affairs after a review of the draft Tribal Policy has observed that there was need to revisit certain aspects to make the Policy more concise, focused and attuned to be a document of reference for future direction.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Comments of the Committee

(Please see Para 1.11 of Chapter – I of the Report)

Recommendation (Sl. No. 7, Para No. 3.40)

5.7 The Committee find that the draft National Tribal Policy, inter-alia, covers issues pertaining to Tribal Land; Tribal Forest interface; Development, Rehabilitation, Resettlement; Improving Human Development Indices (HDI); Creating infrastructure; Conservation and development of Particularly Vulnerable Tribal Groups (PTGs); Empowerment; Administration of Tribal Areas; Gender Issues; Tribal Culture and Knowledge; Regulatory and Protective Regime; Research and Training. The Committee also find that it also indicates the

strategy, monitoring and evaluation mechanism to achieve these objectives. The Committee have been given to understand that the draft Policy has been reviewed by the Hon'ble Minister for Tribal Affairs and he has expressed the opinion that certain aspects of the draft National Tribal Policy need to be looked afresh to ensure a more focused and concise approach for addressing various issues concerning the tribals. At this stage the Committee cannot but emphasize the need for early finalizing and implementation of the Policy. The Committee would like to be apprised of the latest position in this regard.

Reply of the Government

5.8 Dr. Mungekar Committee Report on Standards of Administration and Governance in the Scheduled Areas have extensive commonalities with the draft Tribal Policy and hence these need to be seen in conjunction with each other. The Hon'ble Minister of Tribal Affairs after a review of the draft Tribal Policy has observed that there was need to revisit certain aspects to make the Policy more concise, focused and attuned to be a document of reference for future direction. [Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.7.2012]

Comments of the Committee

(Please see Para 1.11 of Chapter – I of the Report)

Recommendation (Sl. No. 9, Para No. 3.52)

5.9 The Committee note that under the Scheme of Special Central Assistance to Tribal Sub-Plan (SCA to TSP) the eleventh Plan allocation was Rs. 4673.72 crore while actual expenditure was Rs. 3848.76 crore leading to short fall of Rs.

824.96 crore. The Ministry in their written reply stated that 50% of the total shortfall in expenditure pertains to the year 2009-10. During 2009-10, the budget allocation was reduced to Rs. 481.24 crores from Rs. 900.50 crore at the RE stage. The Committee regret to observe that an amount of Rs. 824.96 crore, while could have been fruitfully utilized for the welfare and development of the Scheduled Tribes could not be utilized. The Committee recommend that the Ministry should vigorously pursue with the State Government to furnish utilization Certificates. Progress Report of previous years as well as fresh proposals in the prescribed format on time and spend unspent balance lying with them so that funds could be fully utilized which would ultimately help the States/UTs to implement the schemes. The Committee also desire that the Ministry should evolve an effective mechanism of implementation of scheme, minimize procedural delays and ensure optimum utilization of funds allocated by the Planning Commission during the Twelfth Five Year Plan period.

Reply of the Government

5.10 In the case of Special Area Programmes, SCA to TSP and Grant under Article 275 (1), 3 letters have already been sent to all States for submission of complete proposals at the earliest alongwith physical/ financial reports during the month of April and May, 2012. Ministry proposes to hold meeting with Secretaries/Commissioners, Tribal welfare Department of States in June, 2012 so as to sensitize the State Governments for submission of complete proposal alongwith related documents.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 10, Para No. 3.65)

5.11 The Committee observe that Residential School-cum-vocational Training Centre is a proposed new activity under 'Grant-in-aid under Article 275 (1) of the Constitution' Programme. The Committee also observe that the projection made for the Programme for 2012-13 in the report of the working group on 12th plan was Rs. 3660.00 crore which included the additional funds requirement of Rs. 2280.00 crore for setting up of 114 new schools in 57 Left Wing Extremist (LWE) tribal districts. The Ministry have informed that the Planning Commission has not provided additional funding during the current year to support this new initiative. Since the proposed new scheme provides facilities for Vocational Training to STs, therefore, the Committee urge the Ministry to strongly take up the matter with Planning Commission to allocate more funds under the scheme of Article 275 (1) of the Constitution at RE. stage so that new initiative "School-Cum-Vocational Training Centre" could be launched during 2012-13.

Reply of the Government

5.12 Ministry has noted the recommendation for compliance.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 12, Para No. 3.76)

5.13 The Committee find that the target under the scheme during the year 2009-10 and 2010-11 were 350 and 700 students while the achievements were only 88 and 261 students. During the year 2011-12, the target set for 600 students and achievement is 400. The reasons for shortfall is due to non receipt

of complete proposals from all institutions attributed by the Ministry. The Committee desire that concrete steps should be taken to improve the performance of the scheme and urge the Ministry to vigorously pursue with the State Governments to direct institutes to send proposals complete in all respects so that targets set under the scheme are achieved. The Committee feel that there is a mismatch between financial and physical targets. As the actual expenditure has exceeded the BE while the number of students availing benefits has gone down. The Committee would like to know the reasons for this.

Reply of the Government

5.14 The budget estimate under the scheme was not enough to meet the requirement of 600 students. The budget estimate of Rs. 5.00 crore was kept on the basis of the previous years experiences. As the response from institutes was better during the year 2011-12, there was a requirement of an amount of Rs. 7.00 crore. Thus, at RE stage Ministry had enhanced the budget allocation from 5.00 crore to 7.00 core. The Ministry has released almost Rs. 7.00 crore for 425 students during the year 2011-12. If there would have been more complete proposals the additional funds at RE would have to be enhanced from 7.00 crore.

Ministry is in process to enhance income ceiling under the scheme of Top Class Education so that more ST students may be eligible to get the scholarship under the scheme and targets set under the scheme may be achieved.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.07.2012]

Recommendation (Sl. No. 14, Para No. 3.86)

5.15 The Committee are constrained to note from the reply of the Ministry that in the course of inspections of Residential and Non-Residential Schools carried out by officials of the Ministry, number of deficiencies such as uninterrupted water supply in girls hostel, improper toilets and insufficient class - rooms in residential schools were observed. The Ministry have maintained that the Voluntary Organizations have been instructed to rectify these deficiencies in order to be eligible for receipt of further grants. Taking a serious view of deficiencies found in these schools, the Committee recommend that more and more inspections of the residential/non-residential schools should be carried out by the officials of the Ministry. The Committee also desire that while inspecting the Residential Non-Residential schools, Institutes and Voluntary Organizations MPs of Lok Sabha and Rajya Sabha of that area should also be invited to carry such inspections.

Reply of the Government

5.16 An independent agency has been deputed by this Ministry for concurrent monitoring of the NGO and the first report has been submitted by the agency and action has already been taken on the report. The Ministry is open to visit of the Members of Parliament.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.7.2012]

Recommendation (Sl. No. 17, Para No. 3.116)

5.17 The Committee are unhappy to note that under the Research and Training the funds were surrendered at RE stage continuously during the last three years

i.e. 2009-10, 2010-11 and 2011-12 as the Tribal research Institute, Andaman and Nicobar did not send the proposal. The Committee have been informed that the matter has been taken up with A&N Administration again and has assured that the vacancies for filling up particularly Group B and C posts are being initiated in the month of April/May, 2012. The Committee feel that the funds which are meant as support to States/TRI for carrying out research/evaluation studies, organizing seminar, workshop/training etc. are surrendered at RE stage. The committee desire the Ministry to vigorously pursue the matter regarding filling up of vacant posts in the TRI and impress upon them the critical importance of the programme so that the full allocation for the programme would be utilized during 2012-13.

Reply of the Government

5.18 The Ministry has requested Directorate of Tribal Welfare, Andaman and Nicobar Islands Administration in April, 2012 to pursue the matter vigorously for filling up of the Group A, B (Gazetted) and B and C (Non-Gazetted) posts to make the TRI functional and send the quarterly progress report in the matter.

[Ministry of Tribal affairs OM No. 16015/06/2012-PC & V dated 10.7.2012]

NEW DELHI:
17 December, 2012
26 Agrahayana, 1934 (Saka)

HEMANAND BISWAL
Chairman,
Standing Committee on
Social Justice and
Empowerment

ANNEXURE

MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON MONDAY, 17th DECEMBER, 2012

The Committee met from 1500 hrs. to 1545 hrs. in Room No. 116
(Chairman's Chamber), Parliament House Annexe, New Delhi.

PRESENT

SHRI HEMANAND BISWAL - CHAIRMAN

MEMBERS LOK SABHA

2. Shri M. Anandan
3. Smt. Susmita Bauri
4. Shri Devidhan Besra
5. Shri Tarachand Bhagora
6. Smt. Rama Devi
7. Shri Kirodi Lal Meena
8. Kumari Meenakshi Natarajan
9. Shri Lalit Mohan Suklabaidya

MEMBERS RAJYA SABHA

10. Smt. Jharna Das Baidya
11. Shri Ahmad Saeed Malihabadi
12. Shri Jesudasu Seelam
13. Shri Mohammad Shafi
14. Shri Shankarbhai N. Vegad

LOK SABHA SECRETARIAT

1. Smt. Anita Jain - Director
2. Shri Kusal Sarkar - Additional Director

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee and apprised them that the sitting has been convened for consideration and adoption of the draft Thirtieth Report on Action taken by the Government on the observations/ recommendations contained in the Twenty-fifth Report of the Committee on Demands for Grants, 2012-13 of the Ministry of Tribal Affairs and Thirty-first Report on Action taken by the Government on the observations/recommendations contained in the Twenty-fourth Report of the Committee on Demands for Grants, 2012-13 of the Ministry of Social Justice and Empowerment.

3. Thereafter, the Committee considered and adopted the Thirtieth and Thirty-first Reports with slight modifications/amendments.

4. 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 TWENTY-FIFTH REPORT OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT (FIFTEENTH LOK SABHA)

	Total	Percentage
I. Total number of Recommendations	17	
II. Observations/Recommendations which have been accepted by the Government: (Paragraph Nos. 2.4, 3.35, 3.41, 3.75, 3.85 and 3.96)	06	35.29
III. Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government: -Nil-	0	0
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. 3.36 and 3.111)	02	11.77
V. Observations/Recommendations in respect of which replies of the Government are interim in nature: (Paragraph Nos. 3.37, 3.38, 3.39, 3.40, 3.52, 3.65, 3.76, 3.86 and 3.116)	09	52.94