



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs)

संख्या/ No. MHA-1/Devl./08/RU-III

दिनांक/ Date: 25/08/2009

To

The Secretary,
Inter-State Council Secretariat,
Ministry of Home Affairs,
Vigyan Bhavan Annexe,
New Delhi-110011

Sub: Comments on Questionnaire for collecting information from various States by the Commission on Centre State Relations, Ministry of Home Affairs.

Sir/ Madam,

I am directed to refer to your letter D.O. No. 3-11/2008-CCSR(Pt.) dated 08/05/2009 on the above subject addressed to the Secretary, National Commission for Scheduled Tribes and to say that the final Questionnaire circulated by the Commission on Centre-State Relations was discussed in the meeting of the Commission. As the points contained in para 4.4, 4.9, 4.11, 5.4, 6.7, 6.8, 7.2, 7.3, 8.5, 8.8 and 9.1 of the Questionnaire are relevant to the needs and problems of the Scheduled Tribes and the Scheduled Areas, a copy of the comments of the Commission on these paras of the Questionnaire is enclosed for information and necessary action. Soft copy of this letter alongwith enclosure is also being sent by E-mail director@ncst.nic.in as desired.

Yours faithfully,


(B.C. Durga)
Director

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26/8/09
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ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Comments of the Commission on the Questionnaire received from COMMISSION ON CENTRE - STATE RELATIONS

Para

- 4.4 There are increasing number of schemes of the Central Government for which funds go from the Centre directly to local governments and other agencies. The purpose of this is to ensure that the targeted beneficiaries of these schemes get the benefits directly and quickly. Please comment on the desirability and effectiveness of the practice of direct release of funds and the role of the States in monitoring the implementation of the schemes. Do you have any other suggestions in this regard?

Comments

National Commission for Scheduled Tribes supports the suggestion of direct release of funds to local governance agencies. Too many levels of financial administration only increase delay in transmission of funds and enhance the risk of diversion since money is fungible and most State Govts. suffer a perpetual resource crunch because of un-realistic budgeting.

- 4.9 What roles do you envisage for the local Governments in infrastructure creation specially mega-projects which may involve acquisition of land and displacement of people in areas under the jurisdiction of the local Governments? Local Governments should have a major role to play in decision making on issues relating to management of land resources especially change of land use from agricultural to urban and industrial purposes, acquisition of land for public purposes etc., to ensure greater stakeholder participation and reduce possibilities of conflict between local, state and national interests. What are your views in this regard?

Comments

Local bodies should have a voice in selection and acquisition of land as well as rehabilitation of displaced persons.

- 4.1 Many of the regions falling in the scheduled areas (Schedules V & VI) have traditional institutions of governance coexisting with or substituting Panchayati Raj Institutions e.g. Autonomous Hill Councils etc. What are your views as to how these institutions can be further strengthened and be congruent with the spirit of the 73rd and 74th amendments without undermining their traditional character.

Comments

The traditional institutions have not yet outlived their utility because democratic institutions have yet to inspire confidence among marginalized communities. Gram and Distt. Panchayats and Autonomous Hill Distt. Councils are still useful and effective Institutions in Vth & Vith Schedule Areas respectively.

- 5.4 Likewise, what are your views on prevention and control of sectarian violence or

any other social conflicts that may lead to prolonged and escalated violence?

Comments

The Central Govt. should have over-arching supervisory control and authority to assume jurisdiction in case of prolonged sectarian violence even though their primary role should be one of coordinating the efforts of the concerned States

- 6.7 With the adoption of the National Environment Policy 2006, greater powers have been delegated to the States to grant environmental and forest clearances for infrastructure and industrial projects having investment of upto a specified limit. While one body of opinion is of the view that it will have a harmful effect on ecology and disrupt the fragile equilibrium in our environment, others look upon this as a welcome initiative which will facilitate timely implementation of development projects.

Do you think that the existing arrangements are working satisfactorily? How do you think the conflicting interests of development and environmental conservation can be better reconciled?

Comments

Existing arrangements have been proved to be quite unsatisfactory inviting the intervention of the Supreme Court which a set up an Empowered Committee to grant such clearances. It would appear that independent regulatory mechanisms are required for better enforcement of laws and balanced appreciation of developmental concerns.

- 6.8 There is a view that the inadequacy of minimum infrastructure facilities for forest dwellers and general lack of economic opportunities has greatly contributed to the escalation of dissatisfaction and alienation among them. This also raises security concerns. The 'Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Tribes) Act, 2006' which confers land ownership rights on Scheduled Tribes and other traditional forest dwellers in the event of their being in occupation of the said land as on 13th December, 2005 is perceived as a major step towards containment of unrest and tension. Do you agree with this assessment? What further steps can be taken to build sustainable models of conservation by involving tribal and other forest dwelling communities?

Comments

It is too early to pronounce on the efficacy of the STs and Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 because the implementation of the Act has not yet taken off in most of the States. Also, the integration of tribal communities into mainstream development process has underlined the wide gap in infrastructure facilities compared to more developed areas, contributing to greater dis-satisfaction and alienation.

- 7.2 Mega projects involve large scale acquisition of land and consequential problems associated with compensation, displacement of people and their relief and rehabilitation and resettlement. Would you suggest any policy changes in the existing processes of land acquisition and payment of compensation thereof?

Likewise, is there a need for bringing in any changes in the rehabilitation and resettlement policies in order to minimize displacement, ensure fair compensation for the project affected people and provide them commensurate livelihood security?

Comments

Considering the reduced availability of land appurtenant to urban areas, the assessment of requirement have to be more rigorous and participative. Govt. policies should also aim to reduce (rather than enlarge) land requirements for non-agriculture purposes. Compensation to displaced person should also include an element of financial participation in the profit of enterprise by way of sweat equity.

- 7.3 In the case of mega projects, often actions and interventions in one State impact on another. The construction of a large dam in one State, for instance, may lead to large scale displacement of people in another without commensurate benefits accruing to that State. What are your suggestions for evolving a national consensus on rehabilitation policies and strategies and conflict resolution mechanisms?

Comments

States are merely geographical entities. The responsibility for proper rehabilitation of displaced persons before commencement of the same should unequivocally devolve on all those who expect benefit from the project; and also those States which have agreed to the implementation of such projects,. For this purpose, the time frame and cost; of rehabilitation and related activities should be part of Project cost; and the share of different stake holder should be decided while approving the project.

- 8.5 Socio-economic developments have resulted in large scale migration from the under developed to the better developed regions within the country. This has sometimes affected the established demographic patterns and has tended to cause social tensions. This development has serious implications for Centre-State and inter-State relations. With the free movement of citizens guaranteed by the Constitution, what measures would you suggest to contain such social tensions?

Comments

Migration from the under-developed to developed regions take place due to lack of opportunities/ adequate re-sources for ensuring proper livelihood in the under-developed regions. Action plan has to be initiated, involving public private partnership, for the growth of under-developed region as a whole, and not in terms of mini, micro, or macro level administrative unit within a State. The rights and benefits available to Scheduled Tribes should also not be extinguished by virtue of migration alone; and their discontinuation in the new habitat should be based on a conscious assessment of relative backwardness and isolation.

8.8 The task of governance is no longer confined exclusively to Governments, but includes a wide range of stakeholders – the organized private sector, public-private partnership institutions, civil society organizations, user and consumer groups, special interest groups, associations of industry and a variety of other non-state organizations. In many spheres of activity, earlier performed primarily by Governments, eg., education, health care, infrastructure creation and management, such organisations now play a very important role at various levels. In view of their growing significance these organizations may have to be seen as important players in a multi-level federal order.

In the context of these developments, what measures would you suggest for the participation of these emerging stakeholders in the scheme of governance to address the growing challenges of ensuring good governance for promoting the welfare of the people?

Comments

The implementation of governmental process should not leave room for discriminatory action and the citizen should be given pride of place now accorded to VIPs.

A much higher order of transparency is required involving voluntary disclosure of actions and unfettered access to public records. Public policy debate should also extend beyond the premises of Parliament and include an element of public referendum in key areas.

9.1 Development strategies, particularly those aimed at correcting regional imbalances, often require looking at the region as a whole. Regions are often defined by topographic, agro-climatic, ethno-geographic and social and cultural similarities and may comprise two or more States. There is merit in looking at the core strengths of the entire region and basing strategies on such strengths irrespective of State boundaries. This would require new forms of inter-State cooperation for synergistic development. What are your suggestions for achieving such cooperation?

Comments

Considering the development gap between the scheduled areas and the other regions of the country even after 60 years of planning, it would appear necessary that specific regional plans be prepared for the Scheduled Areas. The TSP strategy initiated since 5th Five Years Plan has not been able to make appreciable dent on the problems of the tribal areas, as the projects for integrated tribal development under Tribal Sub-Plan approach are confined to specific administrative units. The TSP approach should now think of integrated development of continuous backward tribal areas/ belts/ regions in the country irrespective of State or Distt. Boundaries.
