



सत्यमेव जयते

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

File No. Review/6/Gujarat/2018/RU-I

Dated: 22/10/2019

To,

1. The Chief Secretary,
Government of Gujarat,
New Sachivalaya Complex,
Gandhinagar-382010.
(Gujarat).
2. The District Collector,
District- Narmada,
Rajpipla Narmada,
Gujarat- 393145
3. The Director,
Indian Institute of
Management, Vastrapur,
Ahmedabad
Gujarat-380015

Sub: Review of Constitutional Safeguards for Scheduled Tribes in the District of Narmada, IIM, Ahmedabad at Ahmedabad and State of Gujarat at Gandhinagar from 30.7.2019 to 02.8.2019.

Sir,

I am directed to refer to NCST's wireless message of even No. dated 16.07.2019 and 24.07.2019 on the subject cited above and to enclose copy of the report and recommendations of Review Meeting (s) held on 31.07.2019, 01.08.2019 and 02.08.2019 at District- Narmada (Rajpipla) IIM, Ahmedabad and State Government of Gujarat, Gandhinagar respectively under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST for the effective implementation of constitutional safeguards and other measures for the protection, welfare and Socio- economic development of the Scheduled Tribes.

It is requested that a report on action taken/ to be taken on the recommendations of the NCST in the Review Meeting (s) may please be furnished within 30 days from receipt of the letter, for placing the same before the Hon'ble Chairperson, NCST.

Encl: as above

Yours faithfully,

(Dr. Lalit Latta)

Director

Tel: 24615012/24641640



Government of India

National Commission for Scheduled Tribes

Report and recommendations under Article 338A(5)(e) of the Constitution on the measures to be taken by the State Government of Gujarat for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

No. Tour Report/Review/6/Gujarat/2018/RU-I

Dated: 30.07.2019 to 02.08.2019

The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the Constitution to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. As per Constitutional provision, the Union and every State Government shall consult the Commission on all major policy decisions affecting Scheduled Tribes. The Commission is required to present to the President reports upon working of those safeguards and all such reports are to be laid before each House of the Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above constitutional mandate, a team from the National Commission for Scheduled Tribes comprising of Dr. Nand Kumar Sai, Hon'ble Chairperson, and Shri Harshadbhai Chunnilal Vasava, Shri H.K. Damor, Hon'ble Members, Smt. Maya Chintamine Ivnate, Hon'ble Members, Shri P.T. Jameskutty, Consultant (Ex Deputy Secretary), Shri S.P.Meena, Assistant Director, Shri Rajeshwar, Assistant Director, Smt. Sushma Gautam, APS to Hon'ble Chairman, NCST visited Gujarat from 30th July to 02nd August, 2019 to review the



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implementation of the constitutional safeguards for Scheduled Tribes in respect of State of Gujarat.

Review of Narmada District and Birsa Munda Tribal University

3. On 31st July, 2019 at 11:00 A.M. the Commission took review of Narmada District with Collector, Superintendent of Police, District Forest Officer and other senior officers of the District at Rajpipla. During the review meeting the Collector of Narmada gave a presentation. It was informed that the total population of Narmada is 5,90,297 out of which 4,81,392 are Schedule Tribes. Literacy rate according to the latest census is 71.31% in respect of male and 54.83% in respect of female Schedule Tribes. There are 57 hostels for ST boys and girls. A Monthly expense of 2200 per boarder is paid by the Government. For the last 2 years, credit in the accounts of student is being made through digital Gujarat Portal by direct benefit transfer.



4. It was informed that there are a total of 49084 landless ST agricultural labourers in Narmada District. They belong to Halpati tribe. Gujarat Tribal Development Corporation gives 90% loan for 77 different types of ST traders at the subsidized rate of interest which is only 4%.


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5. It was informed that Sickle Cell Anemnia which is a genetically communicated disease is a major concern in Tribal Community. Total Sickle Cell Anemnia disease patient is 2072 in Narmada District. During the review meeting the District Official made the following suggestions to be considered by the State Government for improving the Socio Economic Conditions of the STs.

- I. It is necessary to establish education facilities in interior area.
- II. Required permanent teaching staffs in every residential school of Interior Area.
- III. Residence facilities for teaching Staff and health Staff in boarder areas.
- IV. Additional grant should be allotted for the Skill development of S.T.
- V. Network Issues of interior villages of district should be resolved.
- VI. Improvement on all indicators of Aspirational district programme.
- VII. Visits to be organized by the higher officer and give proper guidance to the people of Tribal Area about Government schemes.
- VIII. For the purpose of study in Narmada District, it is necessary to arrange sufficient buses for the school Children so that they can reach to school in remote villages in Proper Time.



6. During the review meeting a presentation was made on the Birsa Munda Tribal University and proposed Tribal Museum. It was informed that the objectives of the Birsa Munda Tribal University are to develop innovative academic and research programmes with special reference to the welfare of tribal population, research facilities in tribal area, culture and heritage, tribal food, tradition, language etc. The university will develop capacity building for the tribals in management, administration.


7. From June 2018 onwards, 3 academic campuses i.e. school of arts, school of commerce, school of science had been started and 385 students had been enrolled. It was informed that all the students are being given special training related to soft skill, spoken English etc.


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Observation of the Commission

8. After the detail discussions, the Commission observed that majority of the population in Narmada district is Scheduled Tribes and various department of the district administration is taking effort to improve the Socio Economic Condition of Tribal in that District. Literacy Rate of STs in Narmada is better than the national average. It is appreciated that there are a good number of Hostels available for ST students in Narmada District. The Commission was glad to know that all the scholarships to the ST students are credited in the account of those students through direct benefit transfer. The Commission also overserved that the Gujarat Tribal Development Corporation gives 90% loan for 77 different types of trades at the subsidized rate of interest which is only 4%. The Commission was happy to observe that in the Narmada District all the ST villages/ habitations have already been covered with potable drinking water. After hearing about the details of the Birsa Munda Tribal University at Rajpipla, the Commission appreciated the State Government's efforts to set up such a Tribal University which will definitely improve the status of higher education of Tribal people in the State of Gujarat.




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Review of IIM Ahmedabad

9. On 01.08.2019 at 3 P.M., the Commission took a review of IIM Ahmedabad. The Director, IIM Ahmedabad gave a presentation on IIMA. It was informed that IIMA was set up as an institution that would be managed by a Society, the IIMA Society, created under the Societies Act. The Institute was to be run by a Board of Governors, constituted by the IIMA Society; the Board would have representation from all the relevant constituencies so as to reflect the multifarious needs of a developing nation. IIMA was therefore conceived as a Board-managed institution, free from the exclusive control of any one constituency. Thus, operational freedom is an integral part of the DNA of IIMA.

10. It was informed that IIMA has been consistently ranked as the premier management school in the country by several national agencies. IIMA programmes are also ranked highly in several international ranking. In 2008, IIMA became the first management school in the country to be awarded EQUIS (European Quality Improvement Development).

11. As per Government of India requirement, 27% of the seats are reserved for OBC, 15% for SC, 7.5% for ST candidates and 5% for Persons with Benchmark Disabilities (PWD). For the purpose of being considered for reservations, the applicable Central Government list as on the last date of CAT registration shall be binding. No subsequent changes will be effective for CAT 2018 and any subsequent selection process of IIMA.

12. It was also informed that the candidates belonging to categories for which seats are reserved need to note and read carefully the eligibility requirements before applying. While it is the endeavor of IIMA that the candidates belonging to NC-OBC/SC/ST/PwD categories join the programme in proportions mandates by the law, they have to meet the eligibility criteria and a certain minimum level of performance in CAT and AWT & PI.




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13. Candidates appearing for the final year bachelor's degree/equivalent qualification examination and those who have completed degree requirement and are awaiting results can apply for admission. Such candidates must produce a certificate from the Principal/Head of the Department/Registrar/Director of the university/ institution certifying that the candidate is currently in the final year is awaiting final results and has obtained at least 50% marks or equivalent (45% in case of candidate belonging to SC/ST/DA category) based on latest available grades/marks.

14. All students admitted to the postgraduate programs (PGP & PGP-FABM), whose gross annual family income is below Rs. 15 lakhs during the previous financial year are eligible to apply for this scholarship, subject to proof of family income, amount of educational loan taken, and candidate's past earnings, etc.

15. IIMA have hostels for male and female students separately. But, IIMA don't have hostels exclusively for ST male and ST female students. However, all students are provided hostel facilities.




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Visit to the Hon'ble Chief Minister, Gujarat

16. On 01.08.2019 at 12:00 noon the Commission made a courtesy visit to the Hon'ble Chief Minister of Gujarat. During the visit the Hon'ble Chairman informed the Hon'ble Chief Minister about the functioning of the Commission. It was informed to the Hon'ble Chief Minister about various issues came up during the district review of district Narmada. The issues brought before the Hon'ble Chief Minister includes sickle cell anemia, a serious disease prevalent in Tribal Areas, the requirement of quality primary education for the Tribals, need for skill development etc.



State Review by the Commission in Gandhi Nagar on 02.08.2019

17. The Commission reviewed the safe guards and programmes for the development of Scheduled Tribes in Gujarat on 02.08.2019 with the Chief Secretary of Gujarat, DGP, Principle Secretaries and other senior officers of the State Government. During the review meeting, the Chief Secretary gave a presentation on the basis of replies to the Questionnaire of the NCST.


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18. During the presentation it was informed that in Gujarat as per 2011 Census there are 89,17,174 Scheduled Tribe people which is 14.75 of the total population of Gujarat. Literacy rate among Schedule Tribe people is 62.48% (71.68% male and 53.16% female). There are 10,77,568 families below poverty line which is 70% of the BPL to the total families. It was informed that there are 26 tribes including 5 particularly vulnerable tribal groups in Gujarat. For the financial year 2017-18 an amount of Rs.12559.34 crore was allocated under TSP which is 14.75% to the total allocation.

19. It was informed that the Government of Gujarat through concerned line departments implements various flagship schemes & projects under Vanbandhu Kalyan Yojana to improve the quality of life of tribal community of Gujarat through outcome oriented approach. Vanbandhu Kalyan Yojana (VKY) also known as Chief Minister's 10-Point Program was launched in the year 2007 for creation of high quality social and civil infrastructure and sustainable employment in areas such that income of every tribal family doubles.

20. It was informed to this Commission that the achievements of Vanbandhu Kalyan Yojana have been very impressive resulting in Gujarat emerging as pioneer in tribal development & welfare. It has brought improvements in terms of income, literacy, health, employment opportunities etc. It has been instrumental in improving the income level of tribal populace, in giving them productive and respectable means of employment, and in providing modern civic infrastructure in tribal areas of Gujarat.




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21. The strategy for Vanbandhu Kalyan Yojana is outcome oriented, with time bound interventions and people's participation. The financial allocation for the year 2017-18 was Rs.12560.00 Crore. The financial allocation for the year 2018-19 is Rs.13278.00 Crore. It envisages re-engineering the processes of existing interventions which focus on livelihood development, provision of quality education and development of infrastructure. Gujarat State, which has 14.8% Scheduled Tribe population, earmarks significant proportion of its budget for development of tribal areas and tribal community of Gujarat through TSP budgeting for implementation of Vanbandhu Kalyan Yojana through TSP Budgeting. High priority is given regarding implementation of projects/schemes in tribal areas of Gujarat to improve the overall quality of life in tribal areas of Gujarat.

22. It was also informed that under Agriculture Diversification Project tribal farmers are provided with hybrid Seeds (Okra, Bottle Gourd, Tomato, Bitter Gourd, Brinjal) and fertilizers (Urea, DAP, MOP) along with pre-harvest & post-harvest training in modern agricultural practices. Implementation of this project in the last 5 years has significantly improved the agriculture productivity and tribal farmer's income.


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23. Tribal Development Department of Gujarat has set up 8 state-of-the-art Vocational Training Centers in the state for skill-training related activities on PPP mode. The State Government has approved 8 VTC Centers in ITDP area of State on PPP Mode and 13 under Tribal Development Department, thereby total 20 VTCs in ITDP areas.

24. The Integrated Dairy Development Project, was launched with the aim of improving the dairy development in the tribal areas. The IDDP project over a period of ten years has covered more than 1,04,000 ST beneficiaries belonging to below poverty line (BPL) families. IDDP was shaped along the same pattern as the Amul project.

25. There is a significant positive improvement regarding employment generation, livelihood generation and improvement in the socio-economic condition of Scheduled Tribe community in Gujarat. Government of Gujarat is implementing many flagship schemes like Integrated Dairy Development Project (IDDP), Agriculture Diversification Project, Skill Development initiatives to improve the economic opportunities for tribal communities of Gujarat.

26. It was further informed that ST girls and boys are provided scholarship. The income limit for availing scholarship is Rs.2 lakhs. During the year 2017-18, 316 house plots were allotted to STs which is 5.8% of the total allottees. If the Gram Sabha feels that unauthorized person is in possession of lands of restricted tenure under section 73AA, it shall immediately bring this to the notice of the Mamlatdar having jurisdiction of the area. This matter must be send immediately to the concerned Prant Officer by Mamladar without any delay. Collectors have been informed to supervise in case of illegal transfer to take legal actions immediately and such land are re-allotted to the schedule tribe account holder when such illegal transfer cases bring to the notice of mamlatdar by Gram Sabha. All Collectors are informed that reporting and monitoring of such cases should be done at district level.

27. During the presentation it was informed that in the year 2017-18 there were a total of 377 cases relating to STs were registered under various provisions of IPC and POA Act. During the year 2017 there were a total of 1279 cases



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relating to STs were pending in the courts. Out of which in 16 cases, there were conviction. 245 cases acquitted. And 1009 cases were pending.

28. In respect of service safeguards, it was informed that reservation both in direct recruitment and in promotion in various services for Scheduled Tribes in Gujarat is 15%. Regarding concessions/relaxation being given to ST candidates in direct recruitment, it was informed that Provision is already made in Gujarat Civil Services Classification and recruitment (General) Rules, 1967 vide GAD Notification updated up to 23/10/2015. As per rule 8(2)(a), in the case of a service or post in a subordinate service or of a State service in respect of which the prescribed age limit does not exceed forty years, the age limit may be relaxed to the extent of five years. And as per rule 8(2)(b), in the case of a service or post in the State Service in respect of which the prescribed age limit does not exceed forty years, the age limit may be relaxed to the extent of maximum five years, so as to provide that upper age limit for entry in the service does not exceed forty-five years.



Visit to the Hon'ble Governor, Gujarat

29. On 02.08.2019 at 03:00 PM the Commission made a courtesy visit to the Hon'ble Governor of Gujarat. During the visit the Hon'ble Chairman, NCST, informed about the functioning of the Commission to the Hon'ble Governor. Various issues came out during the State review were also informed to the Hon'ble Governor. The issues brought before the Hon'ble Governor includes sickle cell


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anemia, a serious disease prevalent in Tribal Areas, the requirement of quality primary education for the Tribals, need for skill development etc., Hon'ble Governor as also informed about various successful cases on account of intervention of the Commission in various parts of the Country.



Recommendations made by the Commission:

1. The Commission while reviewing the constitutional safeguards provided to the tribals in the district of Narmada, it has been brought to the notice of the Commission that about 50000 tribal people (Halpati tribes) in that district are land less. The Commission always view that land and land based resources have occupied a central position in the socio-economic and cultural existence of Adivasi societies. Most Adivasis land is the basis for their economic survival, spiritual well being and cultural identity. The tribal is connected to the land emotionally as it is associated with their socio and historical identity. The Commission was surprised to know that such a large number of tribals without land in Narmada District. Therefore, the Commission recommends to the Govt. of Gujarat to immediately frame a policy to provide a minimum area of land to all the land less tribals in the State of Gujarat.




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2. The Commission found that a major disease that affect the tribals in Gujrat is Sickle Cell Anemia, a disease having the condition in which there is not enough healthy red blood cell to carry enough oxygen throughout the body. It is told that there is no cure for people with the Sickle Cell Anemia. It is also told that Sickle Cell Anemia can lead to a host of complications. A Sickle Cell gene is passed from generation to generation in a pattern of inheritance. This means that both the mother and father must pass on the defective form of the gene for a child to be affected. Considering the seriousness of the disease and also for the fact that there is no cure for this disease, the Commission recommends to the State Govt. of Gujarat that necessary action to be taken to sensitize among tribals not to have marriage with the affected persons with the Sickle Cell Anemia. The State Government is advised to conduct research and explore the possibility of finding medicines for the cure of this disease.

3. In comparison to the rest of the population of the State, the educational picture of the tribal community is rather disheartening. The Commission strongly believe that education alone is the chief avenue that will upgrade the economic and social stature of the Scheduled Tribes. Adequate knowledge regarding social responsibilities will help individuals overcome complications in life without having to feel inferior. At present tribal community is way behind other communities in terms of literacy. The Commission while interacting with the tribal community, felt that primary education among tribals is very weak. Since primary education/basic education is believed to be a life saver in the development of tribals, the Commission strongly recommend to the State Govt. of Gujarat to take necessary steps to further improve the quality of primary education in tribal belt in the State of Gujarat.

4. The Commission was happy to hear about details of Birsa Munda Tribal University in Narmada district. It is a well-known fact that tribals have a very rich tradition of herbal medicines used in treatment of various ailments. Tribal communities' practices different types of traditional healing practices. Enough documentation is available with the healing practices among the tribal communities in various parts of the country. The Commission is aware that traditional tribal medical practitioners treating all age groups and all problems

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using and administering medicines that are readily available and affordable. Such medicines are mostly plant based. Therefore, the Commission recommends to the University administration that they should include in their curriculum a subject relating to traditional healing practices of tribals in various parts of India. A separate department on the subject can be set up where research and development activities can be undertaken.

5. While perusing the replies to the Questionnaire and also during discussion in the State review meeting, the Commission observed that there are a large number of backlog vacancies for STs in different Government Department in Gujarat. The Commission therefore recommends to the State Government to take necessary immediate steps to fill up all those backlog vacancies.

6. During the review meeting, land acquisition of Shri Fogatbhai Ravjinhai Vasava having no. 206-1, 1881203, 195-1 of village Jeetnagar, District Narmada was discussed Agricultural land of the said tribal was acquired in the year 1984. But, it is reported that no compensation and no alternative land has been provided. Although some alternative land was provided but it was very far from the village and not suitable for cultivation.

In spite of number of sitting by the Hon'ble Member, NCST (Shri H.C. Vasava), so far no suitable land had been allotted to the petitioner. The Commission therefore, recommends to the State Government to look in to the case of Shri Fogatbhai and take necessary action to pay suitable compensation or provide alternative land to him, which should be suitable for cultivation.

7. Representation dated 05.03.2018 received from Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Shri Kannubhai Shanker bhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat, Gujarat regarding grabbing of land of poor and innocent Halpati Tribes in the area of Surat having Block No. 10/B/1 TP scheme No. 64.

Various sittings were convened on this issue by the Hon'ble Member Shri H.C Vasava. The last sitting was held on 08.03.2018 at Gandhinagar. The minutes of sitting was send on 03.05.2019 to District Collector, Surat and



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Additional Chief Secretary, Revenue. No action taken report was received. This issue was discussed during this review meeting with Chief Secretary. The Commission recommends that the Halpati tribals who had been evicted from their land should be provided suitable compensation or alternative land. It is also advised to look into the various land transactions of the said land and to confirm that they had been done as per the provisions of the law.

8. The Commission received representation dated 18/08/2018 of Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod, (Halpati Niwas Bharathana), C/o Shri Mukesh Ramanbhai Rathod 17, Nandanvan Society, Near Kozhaway, Singanapor, Surat City regarding grabbing of land of Scheduled Tribe by non ST.

Various sittings convened. The last sitting was held on 08.03.2019 at Gandhinagar. The minutes of sitting was send on 03.05.2019 to district Collector, Surat and Additional Chief Secretary, Revenue. No response was received so far.

The Commission recommends that this case should be looked in to and necessary action should be taken to restore land to the petitioner.

9. The Commission received representation dated 14/06/2017 from Shri Bhupatsingh Viththalbhai Vasava, R/o Narendra Park Society, plot No. 2, at Vadiya, Taluk-Nandod, District- Narmada, Gujarat regarding compensation of his land acquired by the Govt. of Gujarat for construction of Government Guest House.

Various sitting convened. The last sitting was held on 07.03.2019 at Rajpipla. The minutes of sitting was send on 01.05.2019 to District Collector, Narmada and Additional Chief Secretary, Revenue. No response received.

Therefore, the Commission recommends that this case should be looked in to and necessary action should be taken to restore land to the petitioner or pay suitable compensation immediately.

10. In the above land matters all activities should be stopped and status quo should be maintained. Apart from that in respect of above land matters, the




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Commission strongly recommends that action should be taken within two months.

11. While the Commission interacting with tribals in Gujarat, it was brought to the notice that there is a policy in the State of Gujarat that an amount of Rs.50 lakh is to be given as a loan to the qualified tribal doctors to set up hospitals in tribal areas. This policy is not implemented. The Commission recommends that as per policy, Rs.50 lakh should be given as loan to ST doctors who intent to set up their own hospitals. The loan amount should be provided invariably through Tribal Development Corporation Govt. of Gujarat.

12. During the State review, it was informed to the Commission that ST girl & boys students are provided scholarship but the income limit for the scholarship is Rs. 2 Lakh. The Commission feels that, in the present day situation, income limit of Rs. 2 Lakh is not appropriate and it needs to be raised. The Commission therefore advised the Tribal Department of Govt. of Gujarat to take up the matter with HRD Ministry and Tribal Ministry of Central Government for suitably enhancing the income limit. While doing so, a copy of the reference may be endorsed to the Commission so that the Commission can also pursue the matter with those Ministries.

13. The Commission while interacting with different tribal communities it was brought to the notice of the commission that there is a huge delay in caste certificate verification. As a result offer of appointment is delayed for a long time. Therefore the commission recommends that in respect of those ST candidate who are selected for appointment, their cast certificate, if required to be verified, should be got verified within one month.

14. During the meeting Add. Chief Secretary Health and Family Welfare Department apprised the commission that the scheduled tribe quota for medical education in the state has been exhausted. Hon'ble chairperson appreciated the situation of the tribes in the state. He also said that this fact will be brought to the notice of all the states of India as it is a matter of proud that all the seats reserved for the scheduled tribes in medical education (MBBS) have been filled this year. The Commission accordingly, recommends that the success of




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Government of Gujarat should be brought to the notice of Ministry of Tribal Affairs who should issue advisories to all State Government to fill up seats reserved for STs in medical education as had been done by the Gujarat Government.



15. The Commission also recommends that there should be effective monitoring of the funds meant for various tribal development activities. Every district has to have a tribal resource information Centre where the tribal youths can get the required information on the career and livelihood opportunities in a single window.


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