



Government of India
National Commission for Scheduled Tribes

S. K. B. S.

6th floor, 'B' Wing,
Loknaya Bhawan,
Khan Market,
New Delhi-110 003.

No. HCC/Maha/1/2013/RU-IV
No. 11/5/Maharashtra/2008/RU-IV

Date: 07.11.2013

To

- | | |
|---|--|
| (1) The Chief Secretary,
Govt. of Maharashtra,
Mantralaya,
Mumbai – 400 032. | (3) Shri V.K. Mahavarkar,
Commissioner In-charge,
Tribal Research & Training Institute,
28, Queen's Garden,
Pune – 411001.
Maharashtra. |
| (2) Dr. P.S. Meena
Additional Chief Secretary
Govt. of Maharashtra,
Mantralaya,
Mumbai - 400 032. | (4) Shri C.J. Deshpande,
Joint Secretary,
Tribal Development Department
Govt. of Maharashtra,
Mantralaya,
Mumbai- 400 032. |

Sub: Follow up on the action on the minutes of the Review and monitoring of implementation of Reservation Policy and Development Programmes for STs being run by the State during the year 2009 by the Commission and review of working of Scrutiny committees, Review of TSP and outstanding issues relating to tribals (Halba / Halbi Koshti).

Sir,

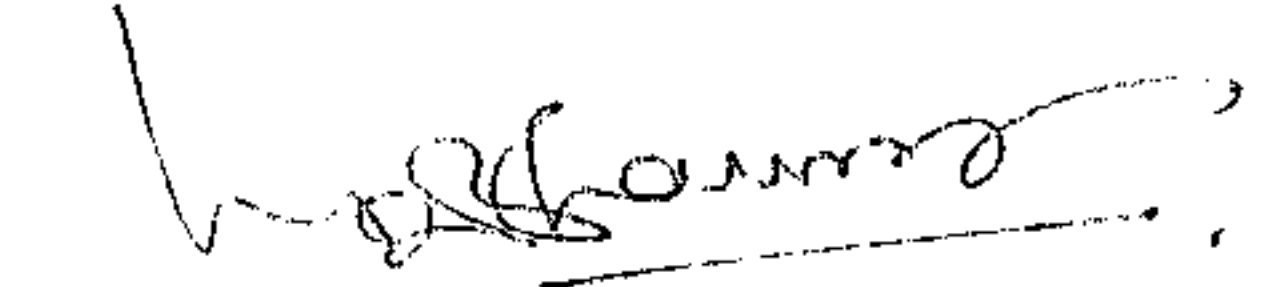
I am directed to enclose herewith a copy of the minutes of the meeting taken by Shri R. Vijaykumar, IAS on 30.10.2013 on the above mentioned subject for necessary action/furnishing action taken report on the points emerged during the meeting for the appraisal of the Commission within 15 days.

Yours faithfully,

K.D. Bhansor
(K.D. Bhansor) Mrs.
Deputy Director

Copy for information to :

1. The Secretary, Ministry of Tribal Affairs, Room No. 738, 7th Floor, 'A' Wing,
Shastri Bhawan, New Delhi.
2. PS to Hon'ble Chairperson
3. SSA, NIC



**(K.D. Bhansor) Mrs.
Deputy Director**

**MINUTE OF DISCUSSIONS HELD ON 30.10.2013 AT
MANTRALAYA MUMBAI MAHARASHTRA**

A meeting was held by Secretary, National Commission for Scheduled Tribes at Mantralaya, Mumbai on 30.10.2013 at 3 PM to discuss action taken on the previous visit of the Commission to Maharashtra in July 2009, review of the Operation of the Tribal Sub Plan in the State, working of the Caste Scrutiny Committees in the State, implementation of Forest Rights Act, and replies pending in respect of outstanding issues relating to Halba/Halbi Koshti. In the meeting, officials of the State Government who attended included

Dr. P.S. Meena, Additional Chief Secretary
Shri V.K. Mahavarkar, Commissioner In-charge TRI, Pune
Shri C. J. Deshpande, Joint Secretary

A report was furnished on the action taken on the previous visit of the Commission in July 2009. A note was furnished on the prevalence of Sickle Cell Anemia prominent in Nagpur, Gadchiroli, Nandurbar and nearby areas and that about 12% cases of blood tested were found to have this condition. The State Government has planned to take a sociological approach to reduce the incidence of this problem since it is not curable for the persons affected. However, the State Government was advised to create documentation through the local health department staff and to ensure that the persons so affected were given mitigating treatment so as to avoid early demise.

In respect of the work of the Caste Scrutiny Committee, it was noted that 26,902 cases were received till September and grew to 36,760 by the end of September 2013. Only 3,866 cases had been disposed off which was about a third of the cases received in September and 6,060 cases were pending for more than two years. The break-up of cases pending for more than two years was not given. Secretary commented that this may include the worst cases which have managed to gain employment and are evading the decision of the Scrutiny Committee. Therefore, some attention was required to the old cases so that deterrent action against false claims could be made effective. The breakup of cases pending with the Scrutiny Committees in terms of categories such as Educational, MPSC, Services etc. was also provided and it was seen that 19,643 cases relate to persons who had already gained employment. There is, therefore, need to expedite scrutiny of such cases.



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Secretary
National Commission for Scheduled Tribes
Govt. of India
New Delhi


Caste Scrutiny Committees

The Additional Chief Secretary (ACS) apprised Secretary on the law enacted in the State following the Madhuri Patil case and the directions of the Supreme Court. The Secretary appreciated that Maharashtra had framed the law strictly as per the directions of the Court. Therefore, persons who had obtained a certificate, should have submitted their application for scrutiny well before they secured employment or even applied for a job with the State or Central Government. Since the number of MPSC cases was nil, it appears and this will need to be confirmed, that the pending cases numbering 19,643 shown under Services relate to persons who had gained employment with the Centre or Central PSU. Such agencies should not have engaged/employed these persons without following the terms of the legislation as also the directions of the Supreme Court.

While appreciating the Maharashtra legislation as a model for the rest of the country, Secretary requested ACS to expedite resolution of the pending cases. During discussions, it emerged that no anthropologist was employed for categorizing physical identification of the tribal applicant. The ACS observed that there was a recent direction of the High Court to look for an effective "Affinity" test. This requires anthropological support. Secretary observed that in addition to a Chief Anthropologist for each Committee, there could be a team of junior anthropologists who can prepare the work sheet for each candidate and then place it before the Committee so that the Committee works more efficiently and more cases are settled in each State. Since there were a large number of academic institutions in Maharashtra, he suggested that this would be quite possible and would take forward the great enthusiasm and sincerity of the State Government in resolving the problems of fake Scheduled Tribes applicants.

Implementation of Forest Rights Act

A statement was provided on the benefits given to tribals by Implementation of the Forest Rights Act 2006. It was noted that up to August 2013, 3,41,085 individual claims have been made and 5,145 community claims. Of these only 1,06,728 individual claims and 2,859 community claims had been allowed at the district level for an area of 2,44,512.53 acres for individuals and 7,36,256.55 acres for communities. This implied about one hectare per person against the individual claim and 103.78 hectare per community claim. Secretary expressed surprise that individual claims had only been made up to the level of one hectare considering that the agricultural practices of tribals were more extensive


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rather than intensive and included jhumming. The ACS replied that jhumming was not followed and therefore, claims were less. However, Secretary advised ACS to look into this matter so that claims were not disregarded with an artificially imposed ceiling since in most of the States claims were made in excess of two hectares. It was also noted that only about 57% of the claims made by individuals or community had been disposed, which would lead to considerable dissatisfaction amongst affected tribals and he requested the Government to expedite decisions.

Health and Ambulance facilities


Secretary enquired about health and ambulance facilities particularly in tribal areas and was informed that after long litigation, ambulance tender had recently been cleared by the court and it would take some time to establish such linkages. State Government was requested to expedite adequate provision of health facilities and ambulance facilities for tribals.

Joint Forest Management and NTFP

Secretary enquired about the practices of JFM in the State with regard to NTFP collected by tribals. ACS explained that the state had set up a Tribal Corporation for collecting and marketing NTFP collected by the tribals. In response to Secretary's query on cluster formation, he observed that BAIF's wadi model was adopted in Nasik and other areas. Secretary suggested that a cluster approach with linkages through a tribal-managed Krishi Vigyan Kendra (KVK) could go a long way if there were competent local tribal organizations since these would not only empower the tribals to manage their own lives better and more profitably but also provide a more reliable lab-to-land linkage than the present system, of T&V in agriculture or the relationship between the Agriculture University and farmers, could provide.

While appreciating the efforts of the Secretary, Tribal Development to set up producers' group as a model for organizing tribals and for providing them marketing channels, Secretary advised study of the existing model in Tamil Nadu linked to FRLHT and also the cluster approach which had been set up on watershed basis in Nilgiris district in Tamil Nadu.

On the scheme of improving household livelihoods, Secretary also suggested introduction of products that are valued in villages near tribal


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areas such as vermicomposting and also country chicken/eggs which were popular and better priced in urban areas. Secretary suggested that vermicompost units can be promoted on homestead basis with 2x1x1M size at a very low cost on a saturation approach for each village using local contractors of unemployed agricultural graduates. Secretary suggested that tailoring of uniforms for tribal and other schools could be entrusted in a small way to tribals so that they are linked with the main society and income flows amplified.


In respect of houses, the State has provided considerable subsidy in addition to the Central grant under the IAY scheme. Secretary enquired if the tribals were using tin roofs and suggested that their needs be enquired so that the maximum possible benefits reaches them since only contractors would be able to build RCC roofs in tribal areas whereas tin and tile roofs could be done by the tribals themselves.

Secretary appreciated the lead taken by Maharashtra state to bring all tribal related schemes at the state level for planning and budgetary purposes under the tribal development department. Since this has been done as early as 1993, substantial capacity has been built up in the tribal department which was in sharp distinction with the conditions prevailing in other states. He observed that all States may need to learn from Maharashtra State on the process by which the scheme was implemented and how the tribal development department was strengthened to meet the objective which included not only state plan but also central plan. As of now, 40% of the total TSP budget was handled at the state level and the remaining 60% was completely processed in each district.

In respect of Skill development, the ACS reported that this has been done through 1100 Ashram schools housing 4.45 lakh children between the 1st to 12th Standards.

Outstanding issues

ACS confirmed that Madia Kond are PTGs and are also STs. In respect of Halba/Halbi Koshti, Secretary requested that the relevant copies of judgments which was promised by the ACS during his visit to New Delhi to the Commission's office, could be furnished at the earliest. Development Commissioner, Tribal Welfare, Nasik was telephonically requested on the subject on 31.10.2013.


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Secretary mentioned the case of trafficking and enslavement of juveniles and women from tribal areas working as domestic help in Delhi. Following a recent case which had received extremely serious attention in the Commission, it was found that the Criminal Law Amendment Act, 2013 had altered the definition of trafficking including both the placement agency or agent and the employer even if consent of the trafficked person had been obtained, and they were made liable to minimum punishment of seven years rigorous imprisonment. Considering the large population in Mumbai and Navi Mumbai, Secretary suggested that the ACS should organize a meeting with the Labour, Social Welfare and Home Departments along with the Police to bring in legislation and effective enforcement from the Police station level upwards.

While concluding the meeting, the Secretary thanked Additional Chief Secretary and his colleagues for their participation.

MEETING WITH CHIEF SECRETARY AT 5PM

Subsequently, Secretary met the Chief Secretary Maharashtra during which Secretary Social Welfare was also present.

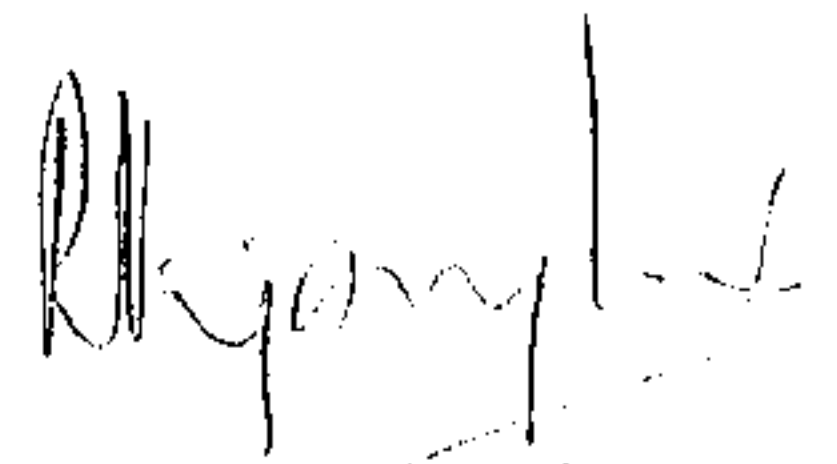
Secretary briefed the Chief Secretary on the discussions held with the Tribal Development Department and appreciated the model set by Maharashtra State both in respect of the legislation for Caste Scrutiny Committee and management of TSP funds. He requested the Chief Secretary to take forward the issue of health and ambulance facilities to tribal areas considering that the connected court case had been resolved. Secretary also appreciated the initiative shown by the Tribal Welfare Department to set up producers' groups of tribals linked to marketing channels. In this connection, he observed that development would need to be seen as a process and not as an end. Therefore, establishing producers' groups would amount to a top-down approach which may make tribals dependent on the Government machinery. An alternative was the cluster approach which builds their capacity to proceed and therefore, engage in the process of developing and contending with the mainstream population and markets.

Secretary also mentioned the issue of enslavement and torture of domestic maids, both juvenile and major, coming to Mumbai from tribal dominated states. He mentioned the problem which had come to serious attention in the commission of enslavement and torture of a girl in Delhi and said that the Commission had taken note of the Criminal Law


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Amendment Act 2013 effective from February 2, 2013. He requested the Chief Secretary to consider legislation and also for training processes for the police for effective enforcement and also mentioned that he had discussed this matter with the ACS, Dr. PS Meena. In this connection, Chief Secretary mentioned that the State Social Welfare Department had passed a Domestic Workers Act in 2008 for the welfare of domestic maids.

The Chief Secretary also suggested that the Commission could look into the issue of malnutrition which was a major problem affecting tribal areas and suggested that the Commission could consider exchanging ideas and approaches developed in different states that could be considered by the State of Maharashtra. Secretary NCST concurred with the importance of this issue and said that he would initiate a review of the collective experiences of the Commission and make suggestions, if they were useful.


Sd/-
Secretary
06.11.2013
R. VIJAYKUMAR
Secretary
National Commission for Scheduled Tribes
Govt. of India
New Delhi