

**Tour report of the visit of the National Commission for Scheduled Tribes (NCST) to the States of Meghalaya and Mizoram from 18 March to 23 March 2010 to review development programmes and reservation policy for STs**

1.0 The Commission led by Shri Maurice Kujur, Hon'ble Vice Chairperson, accompanied by Shri Tsering Samphel and Shri Oris Syiem Myriaw, Hon'ble Members, Shri Aditya Mishra, Jt Secretary and Shri Vinod Aggarwal, Director visited the States of Meghalaya and Mizoram from 18 March to 23 March 2010 to review the development programmes and reservation policy for STs in accordance with the programme communicated to the State Govts. vide message NCST/TP/VC/2010/03 dated 15/03/2010.

**2.0 Visit to Meghalaya**

**18 March 2010**

**2.1 Meeting with His Excellency R. S. Mooshahary, Governor of Meghalaya.**

2.1.1 Initiating the discussion, Hon'ble Vice Chairperson emphasised that effective implementation of various development programmes was necessary for upliftment of standard of living and socio-economic conditions of the STs. In this connection, the Vice Chairperson referred to the emergence of tribal unrest due to Maoist activities in certain Northern States, which was required to be addressed in order to ensure proper implementation of the development activities among STs.

2.1.2 His Excellency mentioned that in general, the Meghalaya was a peaceful State. However, violent incidents along the international border by militant groups in Garo Hills and Assam have been reported. The activities of HNLC and ANVC have been substantially controlled. The suspension of operation agreement with ANVC has created an enabling environment for peace. The control of activities of such militant outfits is necessary for development and progress of STs. In this connection, His Excellency also emphasised that the new Tribal Policy should address the governance related issues of the States where STs are in majority, especially in the context of the problems arising out of the militant activities.

**Action:** Ministry of Tribal Affairs.

**2.2 Visit to NCST, Shillong Regional Office**

2.2.1 The Commission visited the NCST, Regional Office, Shillong. The Assistant Director informed that there was an acute shortage of staff in the office and 6 posts (Sr. Inv -1, Inv - 2, PA-1, LDC-2) were lying vacant against total sanctioned strength of 12. Out of this, one post of LDC was transferred to Hqrs. AD requested that in case further delay in positioning of deficient manpower was expected through the normal method of induction, engagement of deficient manpower through outsourcing may be considered.

2.2.2 Regarding working of the Regional Office, it was informed that on an average, 5-6 grievances were being received in a month. About 35 cases were pending and the oldest case was having a pendency of about 18 months. Most of the cases were related to the service matters from various Deptts. of the Central Govt. and State Govt. Out of 35 pending cases, most of the cases were pertaining to the State of Assam and Tripura (About 20 cases from Tripura relating to issue of ST certificates). AD was advised that the cases pertaining to verification of caste certificates should be dealt in line with the procedure being followed at the Hqrs.

2.2.3 AD also mentioned that a proposal for purchase of a computer against old one was awaiting approval of the Hqrs. for a long time. AD was advised to submit a fresh proposal, in case the old computer was beyond economical repair and also its upgradation was not economically viable.

**Action:** AD, RO, NCST, Shillong.

**19 March 2010**

**2.3 Visit to Rama Krishna Mission, Sohra Sub-Division.**

2.3.1 The Commission had detailed discussion with the Management Committee of the Ashram regarding various activities being run for welfare of the tribals of the region. The Commission was informed that the Ashram was running 65 schools, which covered 8690 students. In addition to about 900 students in the Higher Secondary School, there are more than 9000 students, including 50% girls on average, at various levels from K.G. (I) upto class X in 37 Lower Primary, 6 Upper Primary and 9 Secondary Schools spread over in Khasi, Jaintia and Garo hills in Meghalaya.

2.3.2 The Commission appreciated the infrastructure established by the Ashram including hostel facilities etc. and also the overall academic performance of the School. The Management pointed out that they were facing problem regarding appointment of teachers due to meagre monthly salary of about Rs 4000/-, which was not sufficient to attract quality teachers from the market. The Hon'ble Vice Chairperson suggested that the Management should approach the State Govt. for financial support in this regard to support payment to the teachers in accordance with the pay scale prescribed by the State Govt. In this connection, he pointed out that such support was also being provided by other State Govts.

**Action:** Rama Krishna Mission Ashram, Sohra, Shillong

2.3.3 The Commission reviewed the financial support being provided by the MTA to the Ashram. The Management indicated that the financial norms for the recurring honorarium were fixed 'as annexed' for various categories of employees including teachers etc. The Commission noted that the financial norms were required to be indexed in accordance with the

inflation. MTA may therefore, be requested to review the financial norms in this regard.

**Action:** Ministry of Tribal Affairs.

**2.4 Meeting with Khalieshnong Village Darbar.**

2.4.1 The Commission interacted with the representatives of the village and explained the role and function of the Commission and also details of various welfare schemes/programmes being run by the Central Govt. It was noted that the executive members of the Village Council were not aware of such programmes. Hon'ble Vice Chairperson desired that the State Govt. should arrange awareness programmes about various welfare schemes being run by the Central and State Govts among tribals.

**Action:** Govt. of Meghalaya.

**2.5 Visit to Anganwadi Centre, Nongrim.**

2.5.1 The Commission reviewed the working of Anganwadi Centre at Nongrim. It was noted that the Centre was very poorly connected through a kuchha road, which was in a very shabby condition. This is required to be re-laid immediately, considering the fact the children were facing lot of difficulties in reaching the Centre.

**Action:** Govt. of Meghalaya.

**2.6 Meeting with Dr. B. D. Tiwari, SDO, Sohra Sub-Division.**

2.6.1 The Commission reviewed various welfare schemes including ICDS, SSA, NREGA etc. in detail. It emerged that the Sub-Division is facing shortage of accommodation for offices as well as residential accommodation for employees of various wings of the State Govt. The Commission desired that State Govt. should look into the matter urgently for effective functioning of their offices.

**Action:** Govt. of Meghalaya.

2.6.2 The Commission enquired whether the performance of NGOs was being monitored based on a well-defined standard/criteria. It emerged that guidelines for this purpose did not exist. The Commission, therefore, desired that the State Govt. should urgently formulate guidelines for effective monitoring of performance of the NGOs and also take action against the NGOs which were falling below the set standards/ measurement criteria.

**Action:** Govt. of Meghalaya.

**2.7 Meeting with Shri W. Syiemlieh, Secretary, Khasi Hill Autonomous District Council.**

2.7.1 The Secretary, KHADC apprised the Commission about functioning of the Council in detail. The Secretary mentioned that the Council was performing its legislative, executive, judiciary and other functions entrusted to it. However, the Council was facing shortage of funds for carrying out various developmental activities. In this connection, he mentioned that the royalty in respect of various sources was being paid as per the prescribed norms (Council : State, Vehicle tax collection 60: 40, Mineral 60:40, Coal 25:75) etc. The share of the Council was being paid in advance based on the estimated level of revenues. The share due to the Council is, however, required to be paid according to the actual collection of the revenue, which was not being done, in spite of their repeated request to the State Govt. The Commission desired that the matter should be taken up with the State Govt in the review meeting on 20.03.2010.

**Action:** Govt. of Meghalaya

### **20.03.2010 (Saturday)**

#### **2.8 Review meeting with the Chief Secretary and other senior officials of the Govt. of Meghalaya.**

2.8.1 State Govt. made a presentation on various welfare activities/programmes pertaining to the STs of the State. It was noted that as per the 2001 census, STs constitute about 86% of the total population (ST: 19.93 Lakh, Total population: 23.8 Lakh). Khasis, Jaintias and Garos are the three main tribes in the State. There is wide disparity to the extent of about 30% in the literacy rate of urban and rural areas (urban literacy rate: 86%, rural literacy rate: 56%). However, ST male and female literacy level is almost same (Male: 50%, Female: 47%). The drop out rate in primary, upper primary and secondary & higher secondary level is 9%, 10% and 16% respectively. Various schemes like Mid Day Meal, SSA are being implemented and closely monitored.

2.8.2 The State Govt. has also taken action to address problems relating to land degradation and to prevent Jhum cultivation. The State Govt is also exploiting the huge potential of floriculture and has registered significant increase in the earning of the farmers by export of flowers to several Asian countries. A close monitoring of NREGA scheme and its transparency is also being ensured. The State Govt. had also engaged IIM to assess the effectiveness of NREGA scheme. The IIM report has revealed that the scheme has been able to curb rural urban migration in search of employment. Further, the scheme is providing a source of income, especially to those who don't have any other source of income. The income from the scheme is also helping the engaged persons to send their children to school rather than working for supplementing income.

2.8.2 On a query from the Commission, it was confirmed by the State Govt. that BPL cards have been issued and various schemes meant for BPL families were implemented and also closely monitored.

2.8.3 The Commission noted that the expenditure during the 11<sup>th</sup> Plan in the year 2007-08 and 2008-09 had been less than the approved outlay (2007-08: Rs 984.06 Cr. against outlay of Rs 1120 Cr., 2008-09: Rs 1386.95 Cr. against outlay of Rs 1500 Cr.). During the current year, the expenditure has been 1655.26 Cr. against planned outlay of Rs 2100 Cr. It was explained by the State Govt. that the final allocation by the Planning Commission was less than the approved outlay and therefore, expenditure had to be restricted to the actual allocation. It was assured by the State Govt. that necessary steps to ensure full utilisation of the available funds would be taken.

**Action:** Govt. of Meghalaya.

2.8.4 The Commission noted that there was huge shortage of doctors (Generalist; 101, specialist; 256) in the State. The State Govt. indicated that the response for engagement of doctors against contracts was also extremely poor. Thus, the shortage of doctors is likely to continue in future too. In this connection, the State Govt. had also proposed for allocation of additional seats, including PG seats in NEIGRIMS. The Commission desired that the State Govt. should closely follow up the matter with the Ministry of Health & Family Welfare. At the same time, the position regarding problems being faced by the State Govt. for engagement of doctors against contract should also be communicated to the Ministry of Health and Family Welfare for finding an appropriate solution.

**Action:** Ministry of Health and Family Welfare and Govt. of Meghalaya.

2.8.5 The Commission noted that the progress with regard to coverage of villages with safe drinking water (54%, 4961 habitations covered against total 9236 habitations), was required to be stepped up urgently to meet the target of full coverage by 2012. The State Govt. indicated that non-availability of the requisite funds from the Department of Drinking Water, Ministry of Water Resources was adversely affecting the planned programmes. The Commission desired that the Department of Drinking Water should be approached by the State Govt. to ensure timely availability of requisite funds.

**Action :** Department of Drinking Water, Ministry of Water Resources and Govt. of Meghalaya.

2.8.6 The Commission noted that in accordance with the provision of Meghalaya Transfer of Land (Regulation) Act, 1971, the transfer of land from Tribal to any non-tribal or agency, by way of sale, mortgage or lease etc., was prohibited under the Act. However, cases regarding illegal land grabbing and violation of land transfer act in connection with mining were reported. In this connection, the Commission referred to a representation received from the Adivasi Sandesh, New Delhi regarding alleged land grabbing in Mawkhara village under West Khasi Hill District by the IKF Technology, Kolkata. The reply received from the State Govt. indicated that the requisite clearance was not obtained from the concerned authority by the Company. The Commission observed that this being a serious matter, the State Govt. should critically

examine the whole issue from all angles and suggest action to avoid recurrence of such cases. The Chief Secretary assured that the matter would be examined at his level and a detailed report would be submitted to the Commission at the earliest.

**Action :** Govt. of Meghalaya.

2.8.7 Regarding implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, it was indicated by the State Govt. that most of the forest land (95%) was owned by the communities and only about 5% was under control of the State Govt. Therefore, the State Govt. was not in a position to implement the Act for major portion of the forest. This position has also been communicated to the Ministry of Tribal Affairs by the State Govt. The State Govt indicated that in respect of 5% forest land under its control, necessary measures have been taken to meet the requirements of the Act.

**Action :** MTA

2.8.8 While reviewing the schemes being implemented to provide basic amenities in the forest villages (Total 23, population 9588), the Commission desired to know the details of the mechanism of incurring expenditure against the funds approved by the Ministry of Tribal Affairs. It emerged that no guidelines have been framed by the State Govt in the matter. The Commission, therefore, desired that necessary action to finalise these guidelines should be taken by the State Govt. for proper monitoring of the expenditure. MTA should also ensure further release of fund only after receipt of confirmation regarding proper accounting of sanctioned allocations in accordance with the stipulated guidelines.

**Action :** MTA and Govt. of Meghalaya

2.8.9 The Commission appreciated the steps taken by the State Govt. for conservation activities in general areas, prevention of shifting cultivation and the initiatives taken to promote floriculture in the State. It was noted that the floriculture has emerged as a potential area not only for income generation but also for exports. The Commission desired that the State Govt should formulate an action plan to promote environmental friendly industries for employment generation.

**Action :** Govt. of Meghalaya.

2.8.10 The Commission desired to know whether the State Level Scrutiny Committee for verification of caste certificate has been constituted in the State in accordance with the judgement of the Supreme Court. The Chief Secretary, indicated that the State Govt. would examine the matter and respond within a month to the Regional Office, NCST as well as to the NCST, New Delhi.

**Action :** Govt. of Meghalaya.

2.8.11 The Commission noted that about 88% employees in the State Govt. were STs (ST:44,184, Total:50,210). Regarding reservation of STs in service, it was noted that in direct recruitment in respect of Khasi and Jaintia, Garo and other SC/STs, the reservation was 40%, 40% and 5% respectively. In respect of ST candidates, the upper age limit is relaxable by 5 years over and above the prescribed age limit of 27 years. In promotion, neither reservation nor any relaxation/concession was being provided to the STs. The de-reservation is being resorted to only in special cases with the approval of the Cabinet. The grievances were also monitored for redressal at the level of the Head of the Departments.

2.8.12 Regarding introduction of transparency with regard to sharing of the revenue with the District Councils, the State Govt. informed that actual revenue collected by the State Govt. was being communicated to the District Councils on quarterly basis and share of the District Councils was arrived accordingly.

**Action :** Govt. of Meghalaya.

## 2.9 **Visit to Smit Tribal Village**

2.9.1 During the visit to Smit village, the tribals expressed their strong belief in their traditional system of medicine and its effectiveness. The Commission was informed that an herbal centre (John Herbal Centre) in the area was engaged in the development of herbal medicines and also herbal treatment of various types of critical diseases.

2.9.2 The Commission also visited the John Herbal Centre. The proprietor of the Centre informed the Commission that not only local people came to the Centre for treatment, but people from all over India and even from abroad approach the Centre for treatment for various types of diseases. Shri John informed that he had acquired expertise in the area through his family. The Commission desired that this age old system of herbal treatment should be documented properly. Shri John expressed that he was not able to obtain requisite funds to open an Institute to teach this system of medicine. The Commission suggested Shri John to approach the Ministry of Tribal Affairs and Aayush, Ministry of Health and Family Welfare for this purpose.

**Action :** MTA and Aayush, Ministry of Health and Family Welfare

## 2.10 **Visit to Khyrim (kingdom) in Smit Village.**

2.10.1 The Commission met Dr. B. S. Syiem, the King (Syiem) of the Kingdom at his Palace, which was traditionally built wooden structure without any iron nail(s). Dr. Syiem informed that the erstwhile Kingdom controlled 40 villages in the State and about 12 villages in Bangladesh. At present, he is performing the duty of a second class Judicial Magistrate in addition to his other duties and solving many cases without being paid for this purpose. He

submitted a Memorandum to the Commission regarding implementation of the Instrument of Accession & Annexed Agreement and informed that similar Memorandum had also been forwarded to the Ministry of Home Affairs. However, the Ministry of Home Affairs had not responded in the matter as yet. The Commission desired that a copy of the Memorandum should be forwarded to the MHA for appropriate action.

**Action :** Ministry of Home Affairs.

**2.11 Meeting with Dr. D. D. Lapang, Hon'ble Chief Minister of Meghalaya.**

2.11.1 Chief Minister mentioned that at present, the overall environment in the State was peaceful and there was no major social problem. Vice Chairperson, NCST highlighted that youths of the State, being well educated, had great potential for their career progression. In this connection, the Vice Chairperson mentioned that the State Govt. should organize job oriented training programmes of educated persons to improve their employability. The teaching profession could be a potential area in this regard. The Chief Minister assured to look into the suggestion made by the Vice Chairperson in the matter.

**Action :** Govt. of Meghalaya.

**22 March, 2010**

**3.0 Visit to Mizoram**

**3.1 Meeting with His Excellency Lt Gen. (Retd.) M M Lakhera, Governor of Mizoram**

3.1.1 His Excellency mentioned that having achieved about 90% literacy in the State, there was an imperative need to improve the quality of education and its vocationalization at an early stage with a view to improving employability. In this connection, His Excellency mentioned that poor academic results in rural areas were a major concern. His Excellency further mentioned that an Education Commission was set up in the State and its report was likely to be presented in the next month. Thereafter some changes in the education system in the State are likely to take effect. As there is an increasing role of the NGOs in education sector, an appropriate regulatory mechanism was also necessary to check their performance. Regarding problems relating to rehabilitation of Bru (Reangs) refugees in the State of Mizoram, it was mentioned that the matter was being handled in consultation with the Govt of Tripura and the Ministry of Home Affairs.

3.1.2 Vice Chairperson, NCST mentioned that high level of tobacco consumption, especially among youths was a matter of great concern. He also emphasized that the potential of educated youths should be channelised in the positive direction, for which concrete plans were required to be drawn. His Excellency mentioned that anti-smoking campaigns were being launched in the State which were found to be very effective. He also mentioned that

land is in abundance in the State and the State Govt was running various programmes for employment generation and also for promoting export in newer areas like floriculture etc.

**Action :** Govt. of Mizoram

### 3.2 **Review meeting with the Senior Officials of the Govt. of Mizoram**

3.2.1 In the absence of Chief Secretary, who could not attend the meeting due to prior engagements, the State Govt. was represented by Shri Lal Malsawma, Secretary, Home Department, Govt. of Mizoram.

3.2.2 Initiating the discussion, Vice Chairperson NCST, highlighted the role of the Commission and its functions. Vice Chairperson emphasized that the purpose of the review meeting was to understand the deficient and weak areas in the overall development of STs of the State. In this connection, Vice Chairperson particularly referred to the education, health and employment sectors, which had to be provided greater focus. Vice Chairperson also mentioned that the positive and strong areas of the State Govt. should also be highlighted, so that it could be followed by other states too.

3.2.3 The Commission noted that STs constitute about 94.5 % of the total population in the State (ST: 8,39,310, Total population: 8,88,573). The literacy rate among STs is very high (Male: 91.7 % , Female: 86.9%). While at the Primary (5<sup>th</sup>) and Middle (8<sup>th</sup>) levels, majority of the educational institutions are being run by the State Govt., at Secondary (10<sup>th</sup>) and Higher Secondary (10+2) levels, the majority of the institutions are being run by the NGOs.

3.2.4 The State Govt indicated that there was an overall shortage of teachers in the State. The actual level of shortage of teachers, especially in rural areas, will be communicated to the Commission after review. As regards school/colleges being run by the NGOs, it was mentioned that the pay scales of the teachers were not under their control. The drop out rate in class I-IV: 12.31, class I-VII : 29.93 and class I-X : 49.86. This is very high, as half of the students upto Secondary level are withdrawing from the schools. The State Govt. intimated that an Education Commission had been set up and its report was likely to be submitted next month. The Sate Govt. will take urgent action on the accepted recommendations of the Commission.

**Action :** Govt. of Mizoram.

3.2.5 The Commission emphasized the need to improve the quality of education for its greater employability. In this connection, the Commission desired that there was a need to introduce an effective regulatory mechanism, both in government and NGOs run school/colleges, covering induction of teachers and their periodical skill up gradation and improvement in overall administration of education. The problems regarding shortage of teachers and high drop out rates at the secondary/middle level is also required to be addressed immediately.

**Action** : Govt. of Mizoram

3.2.6 The State Govt. intimated that there was an acute shortage of doctors (approx 30 doctors) in the State. The State Govt. is not able to appoint doctors on contract basis even with the special incentive schemes provided by the Govt. of India under NRHM. Further, there is acute shortage of trained personnel in the dispensaries too.

There is a major problem of Malaria in the State and about 80% of total reported cases pertain to Malaria. Cases of patients suffering from Cancer are very high in the State. Anti Tobacco Society of Mizoram had launched a number of anti-tobacco campaigns in the State since last year.

The Vice Chairperson observed that there was an urgent need to curb increasing tendency of tobacco consumption especially among youths in school/colleges. The State Govt. informed the Commission that all the public places had been notified as 'No Smoking' zones in the State. In this connection, Vice Chairperson desired that the notification must be strictly implemented in all Govt. institutions including school/colleges.

**Action** : Govt. of Mizoram.

3.2.7 The Commission observed that the State Govt. had not indicated plan of action to meet the target of supply of safe drinking water to all habitations by 2012. The State Govt. informed that the requisite details with progress in the matter would be submitted to the Commission shortly.

**Action** : Govt. of Mizoram

3.2.8 On a query from the Commission regarding compensation for rehabilitation of displaced persons, the State Govt. clarified that there was no irregularity in compensation to the Builum villagers affected in the Project. Only few cases had been reported where compensation paid to the non-eligible persons.

The Commission pointed out that there was a need to formulate rehabilitation Policy especially in the context of various ensuing projects in the State. The State Govt. assured that the matter would be examined.

**Action** : Govt. of Mizoram.

3.2.9 It was informed by the State Govt. that NREGA scheme was being run and supervised in the State without any problem. Rain development activities were also included in the umbrella of NREGA in addition to the construction of roads. Mostly, payment is made to the individuals in cash, and in 38 % cases (approx.), through Banks/Post Offices. There was an acute shortage of staff in the Banks and Post Offices. 25 complaints were received relating to payment related problems under NREGA scheme, which were settled satisfactorily.

The Vice Chairperson desired that the non-availability of sufficient manpower in the Post Offices in the State should be communicated to the Department of Posts, Ministry of Communications & Information Technology for urgent placement of sanctioned strength for effective functioning of the post offices.

**Action** : Govt. of Mizoram, Deptt. Of Posts, Ministry of Communications & Information Technology

3.2.10 The Commission observed that the State Govt. need to intensify their efforts for adequate conservation of forests, as the State had highest forest cover in the country with 91.27 % of geographical area. In this connection, effective schemes should also be drawn for inhabitants of the forest villages (Total: 85, Tribal population: 117529). It was noted that the State Govt. was providing basic amenities in the forest villages under Aizawl Forest Development Agency.

**Action** : Govt. of Mizoram

3.2.11 Regarding reservation policy in the State Govt., the State Govt. informed the Commission that as Mizoram was predominantly inhabited by the STs, the need for reservation for STs didn't exist. However, while framing recruitment rules for various posts under Article 309 of the Constitution, a clause is included that – “Nothing in these Rules shall affect any, reservation and other concessions required to be provided for STs/SCs and other categories of persons in accordance with orders issued by the Central/State Government in this regard”.

3.2.12 It was informed by the State Govt. that dereservation of posts was not being resorted to. Unemployment is a major problem in the State as Govt. is the major Employer in the State. The opportunities for employment were being generated in newer area like floriculture etc. The State was also exporting flowers like Antorium and Rose to different Asian countries.

**Action** : Govt. of Mizoram.

### **3.3 Visit to Spastics Society of Mizoram (NGO)**

3.3.1 The Commission visited a NGO Spastics Society of Mizoram, which is taking care of about 280 spastically handicapped, mentally handicapped and hearing impaired students. The NGO is receiving funds from the Ministry of Social Justice & Empowerment for running the Society. They are facing problems relating to non-availability of adequate space in the school. Further, due to non-availability of hostel facilities, students from the remote areas were facing problem relating to commuting to the School. NGO wants to run their establishment in spacious and well ventilated school and hostel, so that students from the far flung remote areas need not to commute daily. The Commission suggested that as the area is habitated by 95% ST population, the Society should approach Ministry of Tribal Affairs for requisite funds for infrastructure of the school and the hostel.

**Action** : Spastic Society of Mizoram.