



सत्यमेव जयते

No. Review-08/Assam//2018-RU-II
Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Date:-13.08.2018

To

The Chief Secretary,
Government of Assam,
Assam Secretariat, Block-C, 3rd Floor,
Dispur (Assam).

Sub:- Report and recommendations under Article 338 (5) (e) of the Constitution on the measures to be taken by the Government of Assam for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes in Assam, particularly in the Sixth Schedule Areas. .

Sir,

I am directed to forward herewith a copy of review report and recommendation of National Commission for Scheduled Tribes (NCST) from 28.05.2018 to 01.06.2018 of Assam State on the above mentioned subject.

2. It is requested that action report on the recommendations in the review report may be submitted to the Commission within 30 days positively.

Encl: As above

Yours faithfully,

(S.P. Meena)
Assistant Director
Tel: 24657271

Copy for necessary action:-

1. Shri Rajiv Kumar Bora, Additional Chief Secretary & Secretary, WPT&BC Department, Government of Assam, Assam Secretariat, Dispur, Guwahat, Assam.
2. Dr. Anwarudding Choudhury, Development Commission & Secretary, Hill Area of Assam, Government of Assam, Assam Secretariat, Dispur, Guwahat, Assam.
3. The Chairman-cum-Managing Director, Indian Oil Corporation Ltd., (HQ), New Delhi.
4. The Executive Director, Indian Oil Corporation Ltd. Bongaigaon Refinery, P.O. Dhaligaon, District Chirang-783385.
5. The District Collectors, District-Kokrajhar and Karbi Anglong, Assam.

Copy for information:-

1. PS to Hon'ble Chairperson, NCST.
2. PS to Hon'ble Vice Chairperson, NCST.
3. Hon'ble Members, NCST.
4. PPS to Secretary, NCST.
5. PA to Joint Secretary, NCST.
6. The Asstt. Director, Regional Office, Shillong, Manipur.
7. SAS, NIC, for uploading on the website of the Commission.

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 Government of Assam for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes in Assam, particularly in the Sixth Schedule area.

File No. Review-08/Assam/2018/RU-II

Dated: 28th May to 1st June, 2018

The National Commission for Scheduled Tribes (NCST) is a Constitutional body set up under Article 338A of the Constitution of India 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, the National Commission for Scheduled Tribes visited Assam from 28th May to 1st June, 2018 mainly foron the spot assessment ofconditions of Scheduled Tribe people in the Sixth Scheduleareas viz. Bodoland Territorial Council area.

3. The Fifth Scheduled applies to an overwhelming majority of India's tribalsin 10 states while the Sixth Schedule cover areas that are situated in the


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North Eastern states. The Sixth Schedule gives tribal communities considerable autonomy. The states of Assam, Meghalaya, Tripura and Mizoram are autonomous regions under the Sixth Schedule. In the Sixth Schedule the rule of the government and states are subject to significant limitations with greater powers devolved locally. The District Council and the Regional Council under the Sixth Schedule have real powers to make laws, possibility of receiving grant in aid from the consolidated fund of India, to meet the cost of schemes for development, health-care, education, roads and power. The mandate towards devolution, de-concentration determines protection of their customs, better economic development and most importantly ethnic security.

4. The Commission found that apart from Sixth Schedule areas in Assam, there are also a number of Autonomous Councils which are neither in Fifth Schedule nor in the Sixth Schedule. The Commission accordingly decided to visit one of the District Councils viz. Rabha Hasong Autonomous Council (RHAC) and Bodoland Territorial Council. On 29th, the Commission had a

meeting with RHAC in Dudhnoi. The jurisdiction of RHAC includes almost entire Goalpara district, Matia Revenue and Rami in Kamrour District. As per the RabhaHasong Autonomous Council Act, the General Council consists of 40 members out of which 36 are directly elected. The RHAC was constituted by the Government of Assam in 2005. It was constituted for all round development in the area of social, economic, educational and ethnic and cultural identity of RabhaHasong people residing in the Council area.



5. The Commission after detailed discussion with the Executive Members of the RHAC received following demands from the Council:
- i) Necessary steps for inclusion of RHAC into the Sixth Schedule of Indian Constitution.
 - ii) Increase of Plan Budget Fund allocation as per population pattern
 - iii) Increase of Non-Plan Fund as actually required
 - iv) Creation and sanction of essential posts for RHAC Secretariat urgently

- v) Providing proportionate share of funds from central sponsored schemes under various sectors.
- vi) Allocation and release of funds by WPT & BC department which gets funds under Article 275 to RHAC.



6. On 30th May, 2018 the Commission visited the Bodo Territorial Council area. The district officials of Kokrajhar facilitated the Commission's visit to various institutions/schemes in the council areas. Accordingly, the Commission made field visit. Various institutions/schemes managed by Agricultural Department, Public Health, Engineering Dept., Education Department and Health Department were visited. A total of 19 such institutions/schemes were visited by the Commission. While visiting the Central Institute of Technology (CIT), the Management of the institution informed the Commission that the CIT is not an independent body and they have been pursuing the matter with UGC and HRD Ministry for declaring CIT as a Deemed University. The management of CIT has requested the

Commission to take up the matter with HRD/UGC for granting Deemed University status for CIT. While the Commission was visiting KGBV School Patgaon and Debargaon HS School, it was informed to the Commission that students up to class IX are not getting scholarship. The Commission also noted that the students are not provided with uniform shoes and school bags. The Commission observed that other institutions and schemes managed by the Council are managed well.



7. On 30th May, 2018 afternoon, the Commission undertook a district level review of the district Kokrajar. The DC of Kokrajar district gave a presentation on the basis of replies to the questionnaire relating to district level reviews. Thereafter the Commission met Deputy Chief and other Executive Members of the Bodoland Territorial Council. During the presentation the Commission noted that there are about 16,000 applications for grant of pattas for the tribal people pending with DC office out of which only 152 pattas have been granted. The DC informed that the reason for such pendency is that

survey of the land is yet to be undertaken as there are no sufficient staff for surveying of the land. The Commission advised the district authorities to take immediate action to examine the pattas/applications and issue pattas at the earliest. Thereafter the Commission met Dy. Chief and other Executive Members of the Bodoland Territorial Council (BTC). The Dy. Chief of the BTC made the following request to the Commission:

- i) The fund provided to the BTC is not sufficient to carry out the developmental activities of the BTC.
- ii) There is no clarity in the fund flow to the Council
- iii) It was demanded that the BTC wanted the funds allocation directly by the Central Government to the BTC and not to be routed through the state government.



- iv) BTC requested that a separate Dy. Commissioner level officer should be appointed by the state government for supervising and dealing with all the developmental programmes/welfare programmes of the BTC apart from existing DC who looks after law and order and police.

V) It was also demanded that the Bodos living elsewhere also should be treated as tribes.

8. On 31st May, Commission visited the Bongaigaon Refinery. At first, the Commission met the representative of the ST employees in the Bongaigaon Refinery and. During the meeting with the representative of ST union, the following demands were raised by the representative of ST employees:

- i) Skill development/training should be imparted for ST candidates of the region from CSR fund to enable ST candidates to get jobs in various organisations including BGR.
- ii) Transfer of ST officials of Executive level should be kept in the same place of work instead of transferring outside to North East region.



iii) The representative of ST employees informed that ST candidates elsewhere in the country get very good coaching facility so that ST

candidates in other parts of the country often get selected and employed in organisations in the North East. In the absence of proper coaching and training, ST candidates of North East region are left out. It is, therefore suggested that ST candidates should be provided with training facilities with CSR fund at par with such facilities available elsewhere in the country.



9. On 31st May, the Commission made an on the spot visit to the Bongaigaon refinery and after the visit of the Bongaigaon refinery, the Chief General Manager, of the Refinery gave a presentation regarding the functioning of Refinery with reference the replies to the questionnaire given to the Commission regarding the issues concerning ST employees working in the Refinery. During the presentation, it was informed that BRPL was inaugurated on 20th Feb, 1974. It has now a capacity of 2.35 MMTPA. It was informed that during the year 2017-18 the company made Rs.1430 crores profit before tax. As on 30th April, 2018 a total number of employees with the

company is 1143 out of this 209 belongs to ST category which means 18.29 percent. In the year 2018, 29 non-Executive appointments were made out of this 5 are ST candidates which amounts to 17.24 percent. For the year 2017, 56 non officer employees were promoted, out of this 19 are ST employees which amount 34 percent of ST promotion. It was informed that certain relaxations and concessions for STs are provided, which include age limit relaxation by 5 years, application fee fully exempted, travel allowance are paid for ST candidates, separate interview for ST candidates etc.

10. Some safeguards for ST employees are provided which include liaison officer at each Division, exclusive Cell for ST employees, recruitment and promotion roster inspection by the Liaison officer for SC/ST, complaint register is maintained in SC/ST cells. Training to SC/ST employees are provided. In the year 2017-18 a total 117 ST employees were imparted training.

11. During the meeting with management of BGR after detailed discussion with the management regarding the welfare of ST employees, the Commission made the following recommendations:

- i) Since ST candidates elsewhere in the country are getting better training/coaching facilities and as a result, ST candidates of other areas get reserved jobs in various government organisations in North East region. Therefore, BGR is requested that from their CSR fund, necessary steps may be taken to impart training/coaching facilities similar to the one available elsewhere in the country to the ST candidates of the North Eastern region so that more ST candidates from that region may get employment in the North East region.

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- ii) The capacity expansion of the refinery should be done as early as possible so that more employment opportunities are available for all particularly ST candidates.
- iii) When ST employees are promoted, they should be considered for being posted in the same region instead of transferring out of the North Eastern region.

Meeting with Hon'ble Chief Minister of Assam

On 1st of June, 2018 at 10.30 AM, the Commission met Hon'ble Chief Minister of Assam in his office at Guwahati. The Commission apprised the Hon'ble CM about the purpose of the Commission's visit to Assam and also details with regard to the interaction with the Executive Committee of Rapha Hazong at Dudnoi and Executive Council of Bodoland Territorial Council.



Recommendations/advice of the National Commission for Scheduled Tribes for better function of Executive Council of Rapha Hazong at Dudnoi and Bodoland Territorial Council.

A. Executive Council of Rapha Hazong

The Commission recommends that:

1. The Commission while interacting with Rapha Hazong Autonomous Council, observed that this Council area is neither in the Sixth Schedule nor in the Fifth Schedule. Although the Council has been created for Rapha Hazong people, not much financial or administrative autonomy has been given. Since they have made a request to the Commission for including this in the Sixth Schedule of Indian Constitution, the Commission advises the state government to examine and explore the possibility of including the Rapha Hazong in the Sixth Schedule and if found feasible may send appropriate proposal to the central government.
2. While interacting with the Rapha Hazong Council Executive Members, it has been informed to the Commission that although the Council has been constituted, there is no secretarial support, therefore, the Commission recommends that the state government may consider creation and sanction of essential posts for RJAC secretariat.

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3. It has been brought to the notice of the Commission that although the RHAC People Council has been created, sufficient fund for proper functioning of the Council has not been provided. As requested by the Council the state government may consider extending more financial support to the Council so that the Council can carry out various developmental activities in the respective departments that had been transferred to the Council by the state government.

B. Bodo Land Territorial Council

The Commission recommends that

1. The Commission while visiting various institutions in the Bodo Territorial area, it has been reported to the Commission that the Central Institute of Technology is not an independent Institution. BTC have been approaching various authorities for declaring the Central Institute of Technology at Kokrajar district as a Deemed University. After interacting with the

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management of the CIT, the Commission felt that if it is declared an independent University, the University will be in a better position to serve the tribal people there. Therefore, the Commission recommends that the UGC and Ministry of HRD should take urgent necessary action to declare the Central University of Technology in Kokrajar district as a Deemed University.



2. While the Commission was visiting different schools in Kokrajar district which is run by Bodo Territorial Council, it was informed to the Commission that students up to class IX are not getting scholarship. The Commission recommends that the state government should immediately look into the matter and take up with the concerned authorities such as Ministry of Tribal Affairs to extend the benefit of scholarship to all the tribal students studying in those schools.

3. The Commission also noted that students are not provided shoes and school bags along with uniform. The Commission insisted that such items are to be provided to the tribal students as per the policy of the Ministry of Tribal Affairs. The state government should take immediate necessary action to provide shoes and school bags as per the policy of the tribal affairs Ministry and required fund for that purpose need to be arranged in consultation with the Ministry of Tribal Affairs.
4. While interacting with Executive Members of the Bodo Territorial Council and Deputy Commissioner, Kokrajar district, it was brought to the notice of the Commission that about 16,000 petitions for grant of pattas from tribal people are pending with DC Office. The Commission felt that such pendency of petitioners for pattas are uncalled for. Therefore, Commission strongly recommends that immediate action should be taken by the BTC of Kokrajar Administration to grant patta to the tribal people after following the due process urgently.
5. While interacting with Executive Members of Bodo Territorial Council, the main issue brought to the Commission was that the Council is not provided with sufficient fund to carry out the developmental activities of the BTC. The Commission, therefore, recommends to the state government to look into the matter and provide sufficient funds.


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List of members on the visit to the state of Assam - Tour Report and recommendations under Article 338A(5)(e) of the Constitution on the measures to be taken by the Government of Assam for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes in Assam, particularly in the Sixth Schedule area.

1. Shri Nand Kumar Sai, Chairperson
2. Miss Anusuiya Uikey, Vice-Chairperson
3. Shri Hari Krishna Damor, Member
4. Shri Harshadbhai Chunilal Vasava, Member
5. Smt. Maya Chintamn Ivrate, Member
6. Shri Raghav Chandra, Secretary
7. Shri Sisir Kumar Ratho, Joint Secretary
8. Shri P.T. Jameskutty, Deputy Secretary
9. Shri S.P. Meena, Assistant Director
