



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. Review/Lakshadweep/2018/RU-IV

Dated: 10.06.2019

To,

The Administrator,
UT of Lakshadweep,
Raj Bhawan,
Kavarati – 682 555
Lakshadweep.

Sub: Report of the Review Meeting undertaken by the NCST held on 24.01.2019 to 27.01.2019 on the recommendations under Article 338A(5) of the Constitution on the measures to be taken by the UT Administrative of Lakshadweep for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

Sir,

I am directed to refer to the subject mentioned above and to forward herewith a copy of the Report of the Review Meeting held on 24.01.2019 to 27.01.2019 under the Chairmanship of Hon'ble Chairperson, NCST on the measures to be taken by UT of Lakshadweep 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 an action taken report on the Commission's recommendations in the matter may be furnished to the Commission within 30 days for placing the same before the Hon'ble Commission.

Yours faithfully,

(Y.K. Bansal)

Research Officer

Ph. No. 24645826

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11/6/19

o/c

(Enclosure above)




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 UT Administrative Lakshadweep 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/Lakshadweep/2018/RU./IV
Dated: 24/1/2019 to 27/1/2019

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, Ms. Anusuiya Uikey, Hon'ble Vice Chairperson and S/Shri Harshadbhai Chunnilal Vasava also Shri H.K. Damor, Hon'ble Members, Shri S.K. Ratho, Joint Secretary and Shri P.T. Jameskutty, Deputy Secretary, NCST visited Goa from 24th to 27th January, 2019 to review the implementation of the constitutional safeguards for Scheduled Tribes in respect of UT Administrative Lakshadweep.


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अध्यक्ष/Chairperson
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नई दिल्ली/New Delhi

Meeting with the Tribal Leaders and Employees Association.

3. On 24th January 2019, the Commission met the Tribal leaders of Lakshadweep. During the meeting Shri B. Hassan, Chief Counsellor informed the Commission that the administration of Lakshadweep is manned by Local Officer/ DANICS and IAS officers of AGMUT cadre. He stated that there is a long pending demand for creating a legislative assembly in Lakshadweep for giving voice to the voiceless people, for giving democratic power to the powerless ST people. He, further stated that the poor local tribal islanders are denied of services of locally recruited officials. The role of which has been carried out by the DANICS officers, recruited by the UPSC and controlled by MHA. The DANICS service was introduced in the year 1995 for which certain posts were identified and encadred for DANICS, due to which some local officers who were holding those posts were inducted into DANICS Cadre. Further, he stated that not even a single officer has been promoted into DANICS from Lakshadweep which is a grave injustice and by the local tribal officers have been denied their rightful place in decision making.
4. As per DANICS rule 50% of the posts of Entry Grade are reserved for promotion from various subordinate feeder services/cadres from Delhi, Daman & Diu, Dadra and Nagar Haveli, Andaman & Nicobar Islands and Lakshadweep. But for the last many years almost all the promotion posts of DANICS have been filled by Officials from Delhi and posted in Lakshadweep due to which there is strong resistance in the local officers. There is a simmering discontentment among the local officers who have been denied their right. Accordingly, he has requested the Commission to recommend to MHA to take necessary immediate steps for rectification of the anomaly.
5. Shri B. Hassan also informed the Commission that the issue of higher pay scale for Entry Grade DANICS was examined and recommended by the 5th Pay Commission. However, the recommendation is to be implemented. He has requested to the Commission to intervene in the matter and recommended to the MHA and DOPT to implement these recommendations. Accordingly, Shri Hassan also requested the Commission to recommend the implementation of the following:

- (i) To provide pay parity and promotional avenues to Lakshadweep Ministerial Service.
- (ii) To provide status and pay parity and promotion avenues to DANICS officers viz a viz Goa Civil Services as both are the feeder Cadre for IAS.
- (iii) To provide proportional representation to Lakshadweep employees for induction into DANICS by reserving the 50% of the entry grade posts of DANICS in Lakshadweep for them.
- (iv) To create 44 Assistant Director/Under Secretary posts in level 8 in the pay matrix under UTL Administration for better service delivery and promotional avenues.

Shri T. Abdulkader, Chairperson, Village (Dweep)Panchyat, Kavaratti also made the request similar to that of Shri B. Hassan.

6. The Lakshadweep Employees' Parishad placed before the Hon'ble Commission the following points for favour and consideration and recommendation to DoPT/MHA:

- (i) Nearly 980 posts are lying vacant in the various departments in the UT Administration. It has been requested that Commission may recommend to MHA/DoPT to expedite the process of filling up the vacant posts.
- (ii) As per DANICS rule 50% of the posts of Entry Grade are reserved for promotion from various subordinate feeder services of different Union Territories but for the last so many years almost all the promotion posts of DANICS have been filled by officials from Delhi. This affects the proportional growth, status, pay scales of the local ST officials of Lakshadweep. Therefore, it has been requested to the Commission to look into the plight of poor tribal officials and make appropriate recommendations in this regard to MHA/DoPT.

7. It has been informed to the Commission that all the posts in Lakshadweep especially Group B and C have to be filled with locals. While it is so, the Lakshadweep Administration is now initiating steps to recruit persons introducing roaster system limiting 45% to the ST and 55% by open quota. It was apprehended that the introduction of proposed roaster system would pave

the way for the recruitments of non-locals in future, creating discontent, unrest and frustration among the islanders.

8. It was also informed that all the posts under Lakshadweep Administration have to be filled with local candidates as directed by the MHA and upheld by the judicial forums in various court cases. There is no relevance and justification for filling up the posts by resorting to a roaster system that is contrary to the various Govt. of India orders. Any action in contrary will be against the essence of the above mentioned orders and court directions and interest of the natives of the Lakshadweep as it is against the right and privilege guaranteed by the Government of India, under the Constitution, especially in view of the peculiar geographical condition, backwardness of the people of Lakshadweep. Accordingly, it was requested to the Commission that the Commission may recommend to the UTL Administration/MHA to ensure that existing practice/procedure for filling up the posts in Lakshadweep is followed.

9. During the discussion/meeting, it was requested by the Tribal leaders that in respect of Ship, Flight and Helicopter transporting people one island to another island, there should be special rate for the ST people living in Lakshadweep.

10. It was suggested that Lakshadweep Administration should provide transport subsidy to transport all type of vegetables and other items of the island.

11. It was also informed during the meeting that scholarship to the children studying in various institutions are not deposited in their account timely. In view of the huge delay in providing scholarship, the students are facing lot of difficulty. Accordingly it was requested to the Commission to recommend payment of school scholarship promptly.

12. 13 seats for MBBS in various Medical colleges in the island were reserved for tribal of Lakshadweep. These were reserved in big cities like Delhi, Mumbai, Chennai etc. However, now seats have been restricted to 2 seats for the tribal of the island. It is requested to the Commission recommend to the

Ministry of Health & Family Welfare to restore their earlier 13 MBBS seats for tribals of Lakshadweep.

13. Land was allotted to tribal by Government before 100 years ago but in many cases so far no Patta was given in respect of such allotment. It was requested to take up the matter with UT Administration of Lakshadweep for issue of Pattas for all the allotted land.


14. It was also requested that tribal of Lakshadweep would like to include in the 6th Schedule of the Constitution so they can have more say in the development and administration of Lakshadweep.

15. Shri Abu Jabbar, President of Lakshadweep Employees Parishad informed the Commission that the upper age limit for ST category for government jobs is 42 years of age in many of the States and UTs. Whereas in Lakshadweep, the upper age limit for ST in government jobs is 37 years in Lakshadweep unlike other places of the country. Scope for employment in private sector is almost Nil. The only scope for the young aspirants in Lakshadweep is the limited job opportunities in government sector hence the ST candidates in Lakshadweep deserve the age relaxation similar to ST category in other parts of the country. Geographical of island and backwardness of the people also demand all sorts of help and assistance from the government side.

16. Accordingly, it was requested to the Commission to recommend to the Government to enhance the upper age limit in government jobs for the ST candidates in Lakshadweep upto 42 years of age as is the case with ST candidates elsewhere in the country.

Meeting with the Administration of Lakshadweep.

17. During the meeting with Administrator and Sr. Officers of the Lakshadweep administration, the Administrator of Lakshadweep informed the Commission that


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the Lakshadweep consists of 36 islands, out of which 10 are inhabited. Lakshadweep has a total ST population of 64473 as per 2011 census. Out of this 33123 are Male and 31350 are Female. Literacy rate among ST population in respect of Male it is 95.35% and Female 87.76%. It is informed that the entire indigenous population of Lakshadweep is classified as STs by Government of India. The people of Lakshadweep has been classified as STs based on the following constitutional orders:

- The Constitution Scheduled Tribes (Union Territories) Order 1951.
- The Constitution Scheduled tribes (Union Territories) (Amendment) Order, 2008.

18. The indigenous population of Lakshadweep has been classified as ST due to the socio, economic backwardness and geographical isolation. It has been informed that so far no case has been filed under SC/ST Prevention Atrocities Act in Lakshadweep.

19. In Lakshadweep, there are 10121 families, out of which 975 are below poverty line. It has been informed that the following schemes are implemented in Lashadweep under DISHA:-

- (i) Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)
- (ii) Deen Dayal Andtyodaya Yojna
- (iii) Nation Social Assistance programme.
- (iv) Pradhan Manthri Awas Yojna- Grameen
- (v) Swatch Bharath Mission
- (vi) Digital India Land Record Modernisation Programme
- (vii) Shyamaprasad Mukharjee Rurbhan Mission.
- (viii) Atal Mission for Rejenuation and Urban Transformation
- (ix) Smart City Mission
- (x) National Health Mission
- (xi) Sarva Shiksha Abhiyan
- (xii) Integrated Child development Scheme
- (xiii) Mid Day Meal Scheme
- (xiv) Pradhan Manthri Ujwala Yojana

- (xv) Pradhan Manthri Kaushal Vikas Yojana
- (xvi) Digital India Public Internet Access Programme
- (xvii) Integrated Power Development Scheme
- (xviii) Sugamya Bharat Abhiyan
- (xix) Beti Bachao Beti Pado
- (xx) Prime Ministers Employment Generation Programme
- (xxi) National Food Security Act.


Major Welfare Schemes for ST community in Lakshadweep are :-

- (i) UT State & NSAP Pension Scheme
- (ii) National Family Benefit Scheme
- (iii) Marriage Allowance
- (iv) Welfare schemes for Differently Abled persons
- (v) Welfare schemes for Women & Child
- (vi) Welfare schemes for Farmers
- (vii) Facilities provided to ST students
- (viii) Common schemes for ST Community

20. The Administration is implementing a State Pension Scheme for helping men and women in difficult financial circumstances that includes old age, destitute, widows and people with special abilities.

21. Lakshadweep has become the first among the States and UTs in India to completely implement DBT for NSAP. The complete pensioners' data has been digitized and uploaded in the Website of the Ministry of Rural Development. There are 343 pension beneficiaries under this pension scheme, being paid through DBT. The scheme is implemented through District panchayat. The total pension rate is Rs.1000/-month.

22. Marriage assistance to persons with disabilities to support the expenditure during the marriage functions is provide. Under this scheme an amount of Rs.30,000/- is paid to the ST disabled/ differently abled groom/bride for the first marriage.


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The Lakshadweep administration also runs welfare scheme for women and children i.e. Anganwadi service scheme, scheme for adolescent girls, Pradhan Mantrhri Mathru Vandhana Yojna, Integrated child protection scheme.

23. Scheduled Tribe school going children provided with a scholarship and also merit scholarship for Scheduled tribes students are based on Lakshadweep Merit Examination is provided. Scheduled Tribe students of UT of Lakshadweep staying in college hostel whether in the main land or islands, there will be full reimbursement of hostel expenses on the basis of the bill presented by the hostel authorities

24. Apart from the above, some common schemes are implemented for the Scheduled Tribe community such as

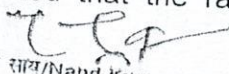
- Direct benefits transfer for LPG
- Poultry Development programme
- Goat development programme
- Cattle development programme
- Pradhan Mantri Suraksha Bima Yojna
- Pradhan Mantri Jeevan Bima Yojna
- Atal Pension Yojana etc.

Republic Day function of Lakshadweep

25. On 26/1/2019, the Commission attended the Republic Day function of Lakshadweep which was very elaborate and colorful akin to the functions held in Delhi. There were march pasts, by various wings of armed forces, tableaux, dance programme of school children and tribal folk dances which were well appreciated by the Commission.

Observation of the Commission

The Commission after detailed discussions with the Administration of Lakshadweep, it was appreciated that the rate of literacy of Scheduled Tribe


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अध्यक्ष/Chairperson

population is far better than elsewhere in the country. It was also observed in the discussion with the various Tribal leaders that generally Scheduled Tribe people are leading happy and healthy life without much complaints and problems. The Commission also appreciated that there are no crimes recorded under SC/ST Prevention Atrocities Act in Lakshadweep. The Commission also noted that the UT administration is implementing successfully various developmental schemes for STs in Lakshadweep.

Recommendations of the Commission:


On the basis of the interaction with various Tribal leaders and political representatives and Administrator and other senior Officers of the Lakshadweep administration, the Commission made the following recommendations:

1. It has been brought to the notice of the Commission that officials from Delhi Administration Subordinate Service are inducted in DANICS, however, in respect of Lakshadweep no such induction is made from Lakshadweep Subordinate Service. The Commission, therefore, recommend to Ministry of Home Affairs and DoPT to take immediate necessary action to provide proportional representation to Lakshadweep employees for induction into DANICS by reserving the 50% of the entry grade posts of DANICS in Lakshadweep.
2. The Commission also recommends to MHA that more posts of Assistant Director/Under Secretaries in the level 8 in the Pay Matrix under UTL Administration should be created for better service and promotional avenues of the ST employees working in Lakshadweep administration.
3. As informed by the Lakshadweep Employees Parishad that in Lakshadweep the upper age limit for ST candidates for government jobs is 37 years of age. Whereas upper age limits for ST candidates in government jobs is 42 years of age in many of the States and UTs. Since there are no job opportunities in Lakshadweep other than government jobs, the Commission recommends



- to Ministry of Home Affairs/DoPT to enhance and fix the upper age limit for government jobs for ST candidates in Lakshadweep as 42 years of age.
4. It has been reported that about 1200 backlog vacancies have to be filled up in various departments of Lakshadweep administration. Since ST people in Lakshadweep are not having any job opportunities other than government jobs as there is no industrial activity, the Commission recommends to MHA that necessary action should be taken to fill up all the backlog vacancies in Lakshadweep administration.
 5. While interacting with tribal communities, it has been brought to the notice of the Commission that although concessional rate is given to ST people for travel by Ship, Flight, Helicopter etc., they have requested for further reduction in the rate for ST people. Considering poor economic condition of tribal of Lakshadweep, the Commission recommends to the administration to consider further reduction of concessional rate in various government transport facilities to ST people. Also the Commission recommend that Lakshadweep administration should consider transport subsidy to transport of vegetables and other items from main land.
 6. It has been brought to the notice of Commission that different types of scholarships to school/college going ST students are given in a belated manner. The Commission recommends that the scholarship due to the ST students is paid in time.
 7. It has been brought to the notice of the Commission that earlier there were 13 seats in different medical colleges in different parts of the country reserved for ST candidates from Lakshadweep. Now that has been reduced to 2 seats. The Commission recommends to Ministry of Health & Family Welfare to look into this matter and enhance the number of seats to be reserved for ST candidates from the UT of Lakshadweep.
 8. Representatives of the Tribal leaders informed the Commission about the UT administration not providing Patta to the land that were allotted to them about 100 years back. The Commission, therefore, recommends UT

9. It has been noticed that almost entire population in Lakshadweep is tribal people. This area is not covered either under 5th Schedule or 6th Schedule. The Commission, therefore, recommends to the Ministry of Tribal Affairs and Ministry of Home Affairs take necessary step to bring Lakshadweep either under 5th or 6th Schedule of the Constitution of India.


7.6.09

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