

Tour report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of Sikkim from 18 April to 21st April 2011 to review implementation of development programmes, reservation policy and SCs and STs (PoA), 1989 Act in respect of STs

1.0 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Shri B. L. Meena, Hon'ble Member and Shri Aditya Mishra, Joint Secretary visited the State of Sikkim **from 18 April to 21st April 2011** in accordance with the programme communicated to the State Govt. vide message Sikkim-4/ReviewMeeting/Development//2008/RU-II dated 13/04/2011 to review the development programmes, reservation policy and implementation of the SCs and STs (PoA) Act, 1989 in respect of STs .

18th April 2011

2.0 Meeting with Renjyong Mutanchi Rong Tarjum-Sikkim Lepcha Association

The Association handed over a Memorandum dated 18/4/2011 to the Chairperson, NCST regarding recognition of Lepcha Tribe of Sikkim as a Primitive Tribe. The Association also informed the Commission that the matter had also been taken up with the Ministry of Tribal Affairs. Chairperson, NCST advised the Association to follow up the matter with the MTA, who will also be requested by the Commission to take necessary action on the subject.

Action: MTA

19th April 2011

3.0 Meeting with the Chief Secretary and other senior officers of the Govt. of Sikkim

The following issues were discussed in the meeting:

3.1 Education

The Commission noted that in respect of STs, male literacy (85.14%) as well as female literacy (73.28%) was comparable to the overall literacy in respect of male (80.66%) and female (74.76%). However, female literacy among STs was lower by about 12% compared to male literacy. The State Govt, therefore, need to draw a concrete action plan to improve the level of literacy among STs, particularly among females.

The State Government informed that as a result of adoption of a focussed approach to increase female literacy, an increase of about 20% has been registered over a decade compared to female literacy of about 54% in as per the Census 2001. 50% reservation of women in Panchayat has also created awareness for female education. The Commission was further informed that the State Government was

targeting to achieve 100% literacy by 2015.

Joint Secretary, NCST desired to know whether the State Government was following a transfer policy in respect of teachers to ensure that the teachers were not reluctant to serve in tribal areas. The State Government informed that as a matter of policy, all new appointees were being posted to remote/tribal areas.

The Commission observed that sufficient and quality teachers were basic requirements to improve level of education among tribals. The State Government informed that there was no shortage of teachers on an overall basis, including in tribal areas. This was also evident from the very high teacher-pupil ratio (Primary Stage I to V -1:16, Middle Stage VI to VIII -1:23, Secondary Stage IX to X -1:9, Sr. Sec. Stage XI to XII -1:13).

The State Government further informed that there was a deficit of teachers in Science and Mathematics which was being addressed through modified manpower planning guidelines and amended recruitment rules. The State Govt. further informed that about 35 to 40% teachers were not professionally qualified. To tide over the situation, additional seats at IGNOU etc. have been arranged for teachers' training and in addition, capacity of the training centres had been augmented to cater to training of 600 teachers per annum which is sufficient to meet the deficit in training.

Regarding implementation of the 'Right of Children and Compulsory Education Act, 2009', the State Govt. Informed that an action plan had already been formulated and was being followed for implementation of the Act.

Action: State Govt.

The Commission observed that adequacy of necessary infrastructure in education sector and tribal areas should be critically reviewed by the State Government. The Commission suggested that hostels were very essential to promote education among of tribals. The State Government informed that an Eklavya Model Residential School for ST students with (hostel) capacity of 421 beds had been constructed at the Siyam, North Sikkim. In addition, Eklavya Model Residential School for ST students with a capacity of 210 beds was under construction at the Gangyap, West Sikkim. The State Government informed that there was a need to open one more boys and girls residential school in West Sikkim. The Commission advised the State Government to submit a proposal in this regard to the MTA for consideration/approval. MTA will also be requested to take expeditious action in the matter.

Action: State Govt./MTA

Chairperson, NCST emphasised that there was a need to impart quality education with a view to improving employability of the tribals.

The State Govt. should not be contended with the literacy of the tribals and should strive to see that quality education is imparted to them and more importantly, they are employable. The educational curriculum should be designed to take care of the emerging requirements with focus on personality development, communication skill, computer skill, etc. and job oriented training. The State Government informed that the curriculum has been framed as per the NCERT guidelines.

Action: State Govt.

Chairperson, NCST enquired about the initiatives taken by the Govt out of their own resources to improve elementary education. The State Government informed that the State Government had opened a school within one kilometre of each village for elementary education, out of the State's resources.

Joint Secretary, NCST requested the State Government to indicate drop-out rates at Primary, Middle, Secondary and Sr. Secondary Stage. The State Government informed that the relevant data was not readily available and would be submitted to the Commission separately. It was however, indicated that average drop out rate was around 20% which was due to high admission age. The State Government is taking necessary action to reduce drop out rates. A detailed note in this regard will be submitted to the Commission.

Action: State Govt.

Joint Secretary, NCST requested the State Government to clarify whether the seats reserved for STs in engineering institutions, medical colleges, polytechnics and ITIs were getting fully filled. The State Government informed that the seats reserved for STs in engineering institutions, medical colleges were getting fully filled. However, in ITIs these seats remain vacant. The Commission advised the State Government to look into the matter to ensure fuller utilization of the seats reserved for STs and, if necessary, to consider up-gradation of the infrastructure of the ITIs to attract ST students.

Action: State Govt.

3.2 Health

The State Government informed that medical facilities were available in rural as well as in Scheduled Tribes areas. Trained personnel are available in all the PHCs and Sub-Centres for providing basic medical services. Additional staff Nurses and ANMs have also been appointed under National Rural Health Mission and more manpower is being recruited under the Mission to augment the services in rural and backward areas

On a query from the Commission regarding availability of sufficient number of Specialists in tribal areas, the State Government informed that there was a shortage of Specialists in general. The deficiency in respect of Specialists is being addressed by way of securing additional PG seats in medical colleges and engagement of Specialists against contract under NRHM.

The State Government confirmed that safe drinking water was available to all areas including ST habitats. The quality of the water has also been found to be satisfactory with no trace of Arsenic and Fluorides which are harmful to health.

The State Government informed that the diseases like TB, goitre, hypertension due to alcoholism were commonly noticed among tribals. The Commission desired that the State Government should conduct a study to identify prevalent diseases in the tribal areas and formulate an action plan to eradicate the same.

Action: State Govt.

3.3 MGNREGA

The State Govt informed that North District had achieved National Award under the category – “Excellence in District Administration in the effective implementation of “ MGNREGA” . The State Govt had also achieved about 80 days engagement against minimum 100 days stipulated under the Scheme. During the year 2011-12, 90 days engagement was being targeted. Chairperson, NCST appreciated the achievement of the State Government in implementation of the Scheme.

Joint Secretary, NCST enquired whether the State Govt. had conducted any study in regard to effectiveness of the Scheme and its impact on socio-economic status of the STs. The State Government informed that an “Impact Assessment Study of the Usefulness and Sustainability of Assets Created under MG-NREGA in Sikkim” was conducted by the Institute of Rural Management, Anand (IRMA) Gujarat- which is a national institute of repute with specialization in research and training in Rural Management. The study was conducted during 2010, based on a questionnaire, survey, case studies and focus group discussions. The findings of IRMA indicate that the State has been able to provide 100 days employment guarantee to the rural households on a large scale. Further, the program in the rural areas is perceived as a Women’s Wage Employment Program which has led to an increase in the household incomes, especially of women. Besides, creation of durable and useful assets in the villages, there has been a reduction in local migration from rural areas as the people find employment opportunities in their villages itself. The Scheme has also brought about an inclusive

growth in the rural economy of the State. Households are utilizing this additional cash income to buy better food, sending their children to better schools, meeting their health expenditure etc which has resulted in a significant jump in the Human Development Index (HDI) in the rural areas.

The Commission advised the State Govt to conduct a study on sample basis to identify whether the provision of minimum 100 days work under the MGNAREGA is sufficient for the tribal people considering the fact that they do not have any alternative source of livelihood during the remaining period or the stipulated provision of minimum 100 days needs to be enhanced to meet their requirements. The State government assured to take necessary action in the matter.

Action: State Govt.

The Commission desired that the State Government should also design and implement a system for maintenance of assets being created and mechanisms for convergence with the various line departments. The Commission also desired that a copy of the report of the IRMA should be sent to the Commission at the earliest.

Action: State Govt.

On a query from the Commission regarding timely payment of the wages, the State Government informed that wage payments were found to be mostly on time wherever bank accounts were being used. However, wherever post offices were being used, some delay was taking place in this regard. The State Government informed that necessary interaction was being held with the Postal Authorities to curtail the time involved in payment of wages.

Action: State Govt.

The Commission desired to know the action taken by the State Govt. on the reports of the social audit of the Scheme. The State Government informed that the social audit had revealed deficiencies and loopholes in the material procurement system and its accounting. Necessary guidelines, with check points, have been issued to avoid recurrence of any discrepancy in this regard. The modified procedures include payment of payment of materials to the supplier based on the certificate issued by the actual users regarding physical receipt of the material.

3.4 Rural Electrification

The State Govt. informed the Commission that all ST habitats were having electricity.

3.5 Land Alienation of STs

The State explained that in consonance with the Constitution (Sikkim) Schedule Tribe Order, 1978 and subsequent amendment thereto the communities like Bhutias, Lepcha, Sherpa, Yulmo, Dophthapa, Tamang and Limboo were declared as Scheduled Tribes in the State. There is a law under the provision of 37 F(K) of the Constitution of India which restricts alienation of lands of the first 5 communities mentioned above. However, there is no legislation of executive measures in the State to restrict alienation of land in respect of the Tamang and Limboo in the State as on date. The Commission advised the State Government to introduce legislative measure in respect of Tamang and Limboo to arrest their land alienation.

Action: State Govt.

3.6 Forest rights of tribals

The State Government informed that in Sikkim, Scheduled Tribes population is not residing in the forest land. However, the ST populations do reside in the fringes of forest land and enjoy all benefits of extraction, collection and utilization of Minor Forest Produce (MFP). The Commission desired that the State Government should carefully examine the rights of the affected tribal people, including their community rights and settle these in accordance with the provisions of the STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.

Action: State Govt.

3.7 Rehabilitation of project affected STs

The State Government informed that the hydro potential of the State was being tapped to raise revenue resources to sustain the development programmes, as well as to create employment opportunities to its people. In this direction, 2 major hydro projects viz. 510 MW Teesta Stage V and 1200 MW Stage III have been established. The State Government has adopted and followed the guidelines framed by the Ministry of Rural Development in 2007 for Resettlement and Rehabilitation in respect of such projects.

The Commission desired to know the measure taken by the State Government with regard to protection of 'Dzongu' and the age-old customs and traditions of the Lepchas in the context of the representation of the Affected Citizen of Teesta (ACT) against hydro power stations in their region. The State Government informed that the hydro-power stations had been planned duly minimizing long-term adverse environmental impacts and at the same time, preserving the culture, traditions, sanctity as well as religious beliefs of its host population. Under the terms of the development of the hydro projects, job opportunities will be available to the people in the project area as

well as to the people of the State both in the unskilled and skilled categories. Additionally, the project is required to provide employment opportunities to one member from each displaced family. Chairperson, NCST mentioned that the Commission had their views on the Resettlement and Rehabilitation Policy hosted on the Commission's website and the State Govt. should consider these while reviewing their policy. He further indicated that the Commissions' views included, inter-alia, sharing of long term gains out of a project with the project affected persons.

Action: State Govt.

3.8 TSP

The Commission noted with great concern that TSP outlay out of State's total plan outlay was not in proportion to the population of STs in the State as required in accordance with the guidelines issued by the Planning Commission. The State Government clarified that many Departments were incurring expenditure in respect of their scheme/plans which were meant for welfare and development of STs but the amount spent in this regard was not accounted under TSP. The Commission observed that the State Government should ensure that the TSP outlay is in proportion to the population of the STs in the State. The Commission advised the State Government that in case the stipulated guidelines of the Planning Commission in the matter were not adhered, the State Government may find it difficult to obtain approval for plan outlay for the next year. The State Government assured that necessary action to allocate funds under TSP in proportion to the ST population of the State would be taken.

Action: State Govt.

The Commission desired that the allocated funds in respect of all Departments under TSP should be kept under a separate head and these would be utilized only with the concurrence of the Social Justice, Empowerment and Welfare Department of the State.

Action: State Govt.

3.9 Reservation in posts

The Commission noted that in accordance with the Government of Sikkim Gazette Notification No: 186/GEN/DOP dated 21/8/2009, reservation in posts and services to be filled by direct recruitment in respect of Bhutia Lepcha and Scheduled Tribes (Limboo & Tamang) existed to the extent of 22% and 14% respectively. The State Government informed that the files relating to appointments were routed through Deptt. of Personnel to check and ensure that the Roster Points were applied properly so that the posts reserved for the STs were not utilized otherwise. The unfilled-up reserved vacancies are carried

forward for three recruitment years and thereafter it lapses.

The Commission noted that complete data regarding representation of STs in State Services had not been furnished. Further, the State Govt. need to take immediate action to fill up the ST vacancies in a time bound manner. The State Government assured that the Department-wise data and action taken by the State Government to fill up the vacant posts reserved for STs would be furnished to the Commission within a month.

Action : State Govt.

3.10 Implementation of SCs and STs (POA) Act, 1989

The Commission noted with appreciation that no case relating to atrocity was reported in the State for many years. However, the Commission desired that the State Government should prepare model contingency plan for implementing provision of the Act and notify it in the State Gazette and hold meetings of the State and District level Vigilance and Monitoring Committees in accordance with the provisions of the Act. The State Government should also conduct awareness programme to sensitize police and other personnel Officers in regard to various provisions of the Act.

Action: State Govt.

19th April 2011

4.0 Meeting with Dr. Pawan Chamling, Hon'ble Chief Minister

Hon'ble Chairperson, NCST briefly apprised the Hon'ble Chief Minister of the discussion held with the Officers of the State Government on the matter concerning STs. Chairperson, NCST appreciated the high level of literacy, compared to the national average, among STs in the State and the initiatives taken by the State Government to achieve 100% literacy by 2015. He however, emphasized the need to improve quality of education and skill up-gradation particularly in relation to the STs to improve their employability. Chairperson, NCST also appreciated the achievement of the State in regard to implementation of the MGNREGA with coverage of about 67% households under the Scheme in the State.

Chairperson, NCST also intimated the Hon'ble Chief Minister that the State Government needed to allocate funds under TSP out of total plan outlay in proportion to the population of STs in accordance with the guidelines issued by the Planning Commission. Hon'ble Chief Minister assured the Commission to look into the matter and take necessary corrective measure urgently.

Action: State Govt.

20th April 2011

5.0 Meeting with His Excellency the Governor of Sikkim Shri Balmiki Prasad Singh

Hon'ble Chairperson, NCST briefly apprised His Excellency of the outcome of the review of the State Government with regard to implementation of various safeguards applicable in respect of the STs and effectiveness of various schemes/plans undertaken by the State Government for welfare of the STs. Chairperson, NCST also mentioned that in the meeting held with the Chief Secretary, Government of Sikkim on 19th April, 2011 and with the Hon'ble Chief Minister on 19th April, 2011, the State Government had been requested to allocate funds under TSP out of total plan outlay in proportion to the population of STs in the State in accordance with the guidelines issued by the Planning Commission. His Excellency assured necessary action in the matter by the State Government..

6.0 Meeting with Prof. Mahendra P. Lama, Vice- Chancellor, Sikkim University

The Vice-Chancellor apprised the Hon'ble Chairperson about the initiatives being taken to bring in the best practices of academic programmes, teaching methods and curriculum designing both from within and outside India in the University. The University aims to attract students and faculty members from both within India and abroad particularly from the immediate neighbouring countries including Bangladesh, Bhutan, China, Myanmar, Nepal and Thailand. This will also supplement the schools and colleges in the region which continue to attract a large number of students from these countries.

The Commission noted that from the filled Questionnaire submitted by the University that the full strength of the sanctioned officials/and staffs was not in position as the University was still in the process of establishment. In respect of teaching posts, against the total sanctioned 201 posts, only 48 posts had been filled up, including 5 ST employees with 10.4% representation. Similarly, in respect of non-teaching posts against total 26 sanctioned posts, only 17 posts have been filled including 6 ST employees with 35.2% representation. The University is maintaining rosters in respect of permanent appointment or temporary appointments likely to become permanent or continue indefinitely. The University is also planning to implement a computerized grievance management system during the current year 2011-12.

The Vice-Chancellor highlighted that the University was keen to establish a Centre for studying Tribal related issues and sought guidance of the Hon'ble Chairperson in this regard. Chairperson, NCST advised the Vice Chancellor to submit a brief note on the subject, indicating the specific areas and nature of support to the Ministry of Tribal Affairs for consideration, under intimation to the Commission.

Action: Sikkim University.

