

**Report on the visit of the Commission to the State of West Bengal from  
12 Feb, 09 to 17<sup>th</sup> Feb, 09**

1.0 The Commission led by Smt. Urmila Singh, Hon'ble Chairperson, accompanied by Shri Maurice Kujur, Hon'ble Vice-Chairperson visited the State of West Bengal from 12 Feb, 09 to 17 Feb, 09 as per the programme communicated to the State of West Bengal vide Message No. TP/CP/NCST/3 dated 09 Feb 09 (Annexure-I). Shri Aditya Mishra, Joint Secretary and Shri P.V. Mohandas, APS to Chairperson also accompanied the Commission.

2.0 During the visit, the Commission visited Meanglas Tea Garden, Malbazar Nagrakata, Banarhat, Birpara, Kalchini, of Jalpaiguri Distt. from 12<sup>th</sup> to 14<sup>th</sup> Feb, 09, travelled extensively in Tribal habitations and had discussion with the Tribal people, representatives of the Adivasi Vikas Parishad to have a first hand knowledge of the conditions of the tribals in the Distt. This was followed by a meeting with the Dy. Commissioner and other District Level Officers, MLAs etc. at Jalpaiguri on 14 Feb, 09. The performance of Garden Reach Shipbuilders and Engineers Ltd. and Ordinance Factory Board with regard to implementation of service safeguards of ST employees was reviewed on 16 Feb, 09. The position emerged from the field visit in the Jalpaiguri district was discussed with the Governor, West Bengal on 17<sup>th</sup> Feb, 09. This was followed by a meeting with the Chief Secretary and with a review meeting with the State of West Bengal on 17<sup>th</sup> Feb, 09, chaired by Shri Jogesh Chandra Burman, Minister-in-Charge of the Backward Classes Welfare Deptt. with regard to implementation of reservation policy and development programme for STs by the State Govt.

3.0 **Details of visit to Jalpaiguri Distt.**

**12<sup>th</sup> Feb, 09**

The Commission visited Subalbita resettlement colony (settled by Chandmani Tea Estate Authority) which was shifted from its original location for its commercial development. The tea workers working in the previous unit of the Tea Garden lost their job. The resettlement colony set up by the tea planters were sub- standard and the facilities provided therein for housing, sanitation, education, supply of electricity and dispensaries etc were not only grossly inadequate but shabby too in spite of lapse of more than 10 years of establishment of their settlement. The ration being supplied to the tea workers was also found to be of extremely poor quality.

Thereafter, the Commission met delegates of Lepcha Indigenous Tribal Association, Darjeeling and heard their grievances. The Association raised their demand for the Lepcha language to be introduced in schools in the Distt. of

Darjeeling as they were the original tribals of that area. The Association also demanded electricity in the tribal areas and special employment package in the Military/Para-Military and Police Forces.

The Commission also met the delegates of Adivasi Vikas Parishad at the Guest House at Siliguri and heard their demands relating to socio-economic development of the area. These are, inter-alia, summarised in paragraph 3.1 below.

The Commission visited Mallbazar and held meeting with Municipality Officers. The problems relating to difficulties in obtaining ST certificates, non-availability of Hindi Schools and Hindi Teachers in the existing schools, absence of any minimum wages guarantee to workers of Tea Estates and land right to tribals working in Tea Gardens and need to have expeditious construction/completion of East-West road corridor in the region were raised. It was also emphasised that long-term benefits to the Tea Garden employees and also compensation in die-in-harness cases were not getting materialised in a reasonable time. The abnormal delay in payment of compensation and involvement of agents who take away the major share in such cases due to illiteracy of tribals is also causing grave hardships to the tribals.

Thereafter, the Commission visited the Birsa Munda Basti in Meeglas during night. 17 houses were reportedly burnt by forest officials for having the areas vacated from tribals, who were residing there much before the independence and were engaged in agricultural activities in the forest area. No action was reported to have been taken by the Distt. Authorities against the alleged people who have burnt the houses. There was no electricity in the area and the schooling facilities were also not available within reasonable limits.

### **13<sup>th</sup> Feb 09**

The Commission visited Nagarkutta, Banarhatta, Birpada, and Blocks and held meeting with BDOs and large number of representatives of Adivasi Vikas Parishad, Panchayati Raj Institutions and general public.

### **14<sup>th</sup> Feb 09**

The Commission visited Kalchini Block of Jalpaiguri Distt. and held meeting with BDOs and large number of representatives of Adivasi Students Manch. The Manch have requested that Hindi should be the medium of instruction in tribal areas and wanted some monitoring committees to be formed to check the atrocities against tribals. The representations submitted by the Adivasi Students Manch need to be

forwarded to the UGC for taking corrective measures in this regard. Thereafter, the Commission had a meeting with MLAs, Dy.Commissioner, Jalpaiguri and other District Level Officers and discussed the deficient areas, pertaining to local issues and plan to fill in the gaps to meet the stipulated targets/programmes.

#### 4.0 **Findings of the Commission during its visit to the Jalpaiguri Distt.**

4.1 In Jalpaiguri Distt., majority of the population, consists of STs to the extent of about 80-90% and is engaged in Tea Gardens or related activities. Unfortunately, the Tea Industry in general, and in particular, in the Jalpaiguri district is witnessing toughest time due to stiff competition from the International market and high cost of indigenous production.. The problem has been further compounded in the Jalpaiguri District due to 14 closed and abandoned Tea Gardens which has reportedly affected livelihood of about 1 lakh people in the area. As a result of closure and abandonment of Tea Gardens, the workers are deprived of not only of their daily income but access to medical and other basic facilities/ benefits like maternity, drinking water and electricity supply etc. This coupled with unemployment and majority of people being below poverty line has resulted in extremely poor health conditions including malnutrition and other diseases. The starvation deaths due to Tea estate lock outs have also been reported.

4.2 According to the Plantation Labour Act, 1951, the health and welfare of Tea Garden workers are the responsibility of the planters and they have to abide by the standards set by the State Govt. which could be binding on the planters. Infringement of those standards would attract the contingency of court of law. However, serious deficiencies have been reported in honouring obligations by the Planters in this regard, particularly relating to availability of the doctors and qualified paramedics, nurses etc. and necessary medical facilities in accordance with the provisions of the Plantation Act.

4.3 A major area of concern is that the tribals, who have migrated from other States and settled in the Tea Gardens and Forest areas, don't have any legal property rights on the homestead and cultivable land that they were using. The closure of tea gardens and policy shift from production in Forest areas to their conversion have resulted in decline in the demand for labour, resulting in unemployment. As these tribals don't have legal property rights they are homeless after being unemployed or retirement or in the absence of any forestry operations they have been undertaking hither to. Thus, there is an immediate need to consider alternative livelihood strategists and programmes for them. In this regard, leasing out a portion of the land of the tea gardens or forest areas for the settlement of such

tribal workers and development of non-workers and/ or temporary workers and their families may also be one of the available options. A fund may also be created for implementation and monitoring of social security for tea workers in the context of increasing insecurity in their working environment.

4.4 Major problems relating to Tea gardens pertain to lack of educational and medical facilities, inadequate supply of drinking water, less representation of tribal people at local level in Govt. jobs, administration of tribal areas and deficiencies in implementation of various schemes under NREGA, lack of sports facilities etc.

4.5 The problem/deficient areas and the issues emerged from the visit are summarised below:

### **Tea Garden**

i	No compensation has been given to the people who lost job due to shifting of Chanmuni Tea Estate
ii	People were not provided proper housing, hospital and schools at Subhalbitta- where rehabilitated
iii	No electricity, ration, medicine to the affected families
iv	Need to open closed tea gardens
v	Unemployment due to closure of 14 Tea Gardens
vi	Trafficking of young girls and boys and spread of HIV, AIDS etc
vii	Non-availability of ownership rights/Pattas to local tribals inspite of long residency; consequent problems- non- availability of loan, construction of houses etc
viii	Panchayati Raj benefits are not directly made available to workers
ix	PRI benefits availed by Tea Garden Management but not by workers
x	Delayed deposit of Provident Fund contribution by the employers
xi	Payment of Provident Fund and gratuity and pension not as per the schedule
xii	Electricity charges at the commercial rates
xiii	All holidays to be paid
xiv	Criterion for selection of BPL category to be made more objective to capture realistic socio-economic position of tea garden workers
xv	Other facilities as per West Bengal Act
xvi	Irregular issue of ration and its poor quality
xvii	Lack of proper medical facilities
xviii	Poor quality of medicines
xix	Irregular availability of doctors in Tea garden hospitals
xx	Inadequate facility of ambulance, beds in the hospitals & sanitation
xxi	Unsatisfactory supply of nutritious food to children
xxii	Engagement of child labour

xxii	Distribution of surplus/vested land, preferentially among tribals
xxiv	Need based wages as per the Minimum Wages Act; present daily wage rate of Rs. 58.50 grossly inadequate.
xxv	Closure of all the country liquor/foreign liquor shops running in the tea garden and ITDP areas
xxv	Provision of facilities as per the Plantation Act
xxv	Scrutiny of obligations of tea owners towards welfare measures and effective action to ensure their implementation

## **I. Education**

i	Non-availability of Hindi teachers in primary schools of Tea gardens, although the percentage of ST students more than 90%
ii	Primary schools in far flung areas in subhalbhitta area
iii	Inadequate Primary, Secondary, and High schools; need to their opening based on population
iv	No college in tribal areas
v	Introduction of Hindi as a medium of instruction
vi	Opening of more Ashram schools and Eklavya schools
vii	Schools teaching science subjects not established in tribal areas.
viii	Limited schools in Hindi medium
ix	Urgent need to appoint teachers of Hindi medium in all Hindi medium schools
x	Opening of Hindi section in all the existing colleges
xi	Publication of question Paper in Hindi in the ensuing Madhyamik examination and Higher Secondary (10+2) examination, 2009
xii	Opening of Primary Teacher Training and BEd College Institute, ITI/Engg
xiii	Opening of Deptt. of Hindi in all the existing colleges running in DOOARS and TARAI Region and also in North Bengal University to promote Hindi in higher education
xiv	Opening of more residential schools, especially for ST girls
xv	Stipends to all tribal students irrespective of income ceiling
xvi	Development of tribal language
xvii	Introduction of tribal language in schools as Lepcha is indigenous in Darjeeling District.

## **III. Health**

i	Polio drops not given as per schedule
ii	No vitamin/iron rich food for carrying and lactating mothers in tribal areas

#### **IV. Drinking water**

i	Scarcity of drinking water is prevalent in all the tea gardens and tribal inhabited areas of Siliguri and Jalpaiguri districts
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#### **V. Job reservation & Employment**

i	Lesser representation of STs in employment in local establishments/ offices of the State
ii	Implementation of Article 16(4) and 335 to ensure adequate representation of STs

#### **VI. Caste certificate**

i	Abnormal delay in issue of caste certificates
ii	Complex procedure; requires simplification
Iii	Application for caste certificate should be bilingual – in Hindi and in Bengali; presently caste certificate appear in Bangali only

#### **VII. Sports**

i	Opening of sports complex
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#### **IX. NREGA**

ii	Provision of work for 100 days; average engagement only about 20 days
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#### **X. Administration**

i	Banarhat Thana to be declared as a Block
ii	Establishment of BDO Office based on the population and considering the backwardness of the area
iii	Constitution of Special Scheduled Tribe Welfare Parishad in tribal areas
iv	Old age pension not regular Preference to scheduled tribes in Panchayat work relating to ICDS, MSK, SSA etc.
v	Constitution of Distt. level Vigilance and Monitoring Committee under SC and ST (POA) Rules 1995; no such committee constituted in the Jalpaiguri to implement the ST (POA) Act 1989.

## **XI. Critical issues**

ii	Burning of 17 homes of the adivasi families in Birsa Munda Colony, Meeglass
iii	Compensation to the victims of police firing at Nagarkata Police Station on 5th Feb 2009
iv	Police firing in Nagarkata; no action taken as yet.
v	Old age homes required to be opened in tea garden areas for the old who have no place to settle after retirement
vi	Tribal Information Office is to be opened for better awareness
vii	Patta to be given to tribal people who are living in forest areas.
viii	Staff posted in tribal areas should preferably be tribal officials
ix	Inclusion in the Scheduled Area (Autonomous region) under 6 <sup>th</sup> Schedule
x	Immoral trafficking of tribal girls and children
xi	Proper implementation of Panchayati Raj
xii	Allotment of land for permanent home stead for STs

## **XII. Other issues**

i	Opening of office of the Tribal Commission.
ii	Urgent construction of 4-lane East West Corridor
iii	Better road facilities between Siliguri & Mal Municipality
iv	Ownership right to Toto tribals (for 1996.96 acres)
v	Issue of PTG certificate to Totos
vi	Timely payment of compensation to the people who are affected by elephant & tiger menace etc
vii	Under-utilisation of funds meant for STs
viii	RGGVY not included in ST areas
ix	Better rail connectivity to Dooars area
x	Better and pucca road connectivity in tribal areas
xi	Proper grievance management system at block and panchayat level pertaining to STs
xii	Establishment of a Tribal Research and Development Institution

**5.0 Meeting with the Dy. Commissioner and other Distt. Level officials, people's representatives etc:**

5.1 In the presentation by the Distt. Officials, it was intimated that Jalpaiguri District is the second largest District of West Bengal in respect of SC and ST population. Out of the total population of 34,03,204 as per 2001 Census, 11,35,971 persons belong to SC communities and 6,89,225 persons belong to ST communities which is about 21.04% of the total population. Together they constitute 58.02% of the total population. The STs are mostly concentrated in tea gardens and forest areas but SCs are more or less evenly distributed across the District.

5.2 Chairperson, NCST emphasised the need for effective governance specially in the areas pertaining to implementation of various schemes relating to health and education. Chairperson, NCST also highlighted those owners of the Tea garden should fully meet their obligations according to the Plantation Act. It was informed by the DC that proper monitoring of safeguards available to the tea garden workers was getting affected due to shortage of adequate number of welfare officers. The State Govt. has been apprised of the need to fillup the vacant positions at the earliest. The planned programme under NREGA scheme are not scrupulously identified also due to limited scope available thereof in the tea gardens. A proposal to augment the scope of various Central Govt. schemes under NREGA, specially in the context of the problems relating to unemployment of tea garden workers, has been formulated by the Distt... Admn. and forwarded to the State Govt. for consideration.

**6.0 Meeting with the Garden Reach Shipbuilders and Engineers Ltd (GRSE) on 16 Feb.09 with regard to implementation of service safeguards of ST employees**

6.1 In the absence of Rear Admiral K.C. Shekher, CMD, GRSE, who was away for attending the commissioning to GRSE built ship at Chennai, GRSE was represented by Cmde (Retd.) H.K. Verma, Director (Pers.).

6.2 GRSE is a PSU under Ministry of Defence and engaged in production of Ship [Frigate, Corvette, Landing Ship Tank (large), Fast Attack Craft, Hovercraft] and Bridges etc. with Ship Building being its major activity (85%)

6.3 In the meeting held with the SC & ST Welfare Association, Reps. of the Association mentioned that according to the new promotion policy, relaxation to STs was not being provided. The posts reserved for STs are also filled by employees of other categories. Further, there is a need to ensure proper roster management. Reps. of the Assn. also requested that children of employees belonging to ST categories should be considered for providing loan for higher education by the Company with the lesser interest rate or by scholarship. The need to expeditiously settle die-in-harness cases was also highlighted.

6.4 It was clarified by the Management that new promotion policy, *inter-alia*, provides for time bound first promotion where relaxations to STs cannot be provided. However, a sympathetic view is always taken in respect of ST employees with regard to their promotion and necessary support for their development is invariably provided. It was assured that proper checks for roster management were being applied. As regards extension of loan facility to meritorious students of ST employees, it was mentioned that the present policy of the GRSE, did not cater for this. This being a policy issue required consideration at the Board level and will be positively examined.

6.5 While reviewing status of reservations of STs, it was noted that GRSE has progressively improved representation of STs since 1.01.71 (0.5%) to 01.01.09 (5.29%). The overall percentage of STs in the recruitment made during 2008 is 6.34% (Gp. 'A': 0.06%, Gp. 'B': Nil, Gp. 'C': 6.8%, and Gp 'D': 6.34%). However, in promotion, the representation of STs on an overall basis was only 2.86%. This was attributed to the fact that suitable candidates were not available in the feeder grade. It was clarified that in case of promotion, qualifying marks for determining fitness of promotion are reduced by 5 marks for STs. In case of direct recruitment, relaxation in age by 5 years is provided besides relaxation in qualifying standards. In addition, Selection Committee also recommends further relaxation of the minimum standards in selection of STs in order to fulfil quota. To a query, it was clarified that prescribed percentage of reservation of STs is also provided in respect of the employees being recruited through contracts.

6.6 It was clarified by the GRSE that shortfall of STs exists mainly in respect of officers category in the absence of suitable feeder grades. It was suggested by the Commission that while resorting direct recruitment, the job specifications should be generalised to the extent possible so that rigidity of job specifications do not distract potential candidates for applying against such posts. It was also suggested that GRSE should introduce a computerized roster management system and grievance management system as a measure to introduce transparency

**7.0 Meeting with the Ordnance Factory Board (OFB) on 16 Feb. 09 with regard to implementation of service safeguards of ST employees**

7.1 Ordnance Factory Board was represented by Shri. Sudipta Ghosh, DGOF & Chairman and other Members of the Board.

7.2 In the meeting held with the 'All India Ordnance Factories SCs & STs Employees' Welfare Association, Association highlighted that a proper grievance management system was totally missing in the organization. The management has been found to be reluctant to hear their complaints which was evident from the fact that no record of such discussions/meeting was ever held, resulting in failure of follow-up of important issues concerning STs. It was also mentioned that OFB have proceeded with de-reservation of certain posts, like Assistants without formal approval by the DOPT and NCST through MOD. OFB have also not been properly maintaining reservation rosters. Further, inspite of huge backlog in various category of post, especially Group 'C', no Special Recruitment Drive (SRD) had been undertaken since 2006.

7.3 It was noted from the audio visual presentation made by the OFB that the percentage of ST employees in the organization is 6.77% . As on 1.4.2008, backlog vacancies of 668 posts exists. (GP 'A' – DR; 04, Gp 'B' – promotion 277, GP 'C' DR; 201, promotion 140, Gp 'D' DR 43, Total 668). Taking into consideration huge backlog of the STs and the fact the OFB had not taken any special drive since 2006, it was desired by the Commission that SRD should be undertaken immediately to fill up the vacant posts. Further, a computerised roster management system and grievance management system should also be urgently established specially considering specific grievances of the SC and ST Welfare Association with regard to deficiencies in the existing system and also the size of the organisation. OFB assured that action according to the directives of the Commission will be taken on priority basis. The Commission also desired that a quarterly progress report should also be forwarded to the Commission on (a) SRD (b) computerised roster management system, and (c) grievance management system.

**8.0 Meeting with the Governor of West Bengal on 17th Feb. 09**

8.1 Chairperson briefly mentioned problems relating to proper rehabilitation of tea garden workers and unemployment as a result of closure of tea gardens. The failure on the part of the tea garden owners to honour their obligations with regard to provision of welfare facilities was also highlighted. The backwardness of the region and lack of medical and educational facilities, especially Hindium medium

schools/colleges also figured in. The Chairperson also emphasised effective governance of tribal areas at local level so that frustration of the local people with administration is avoided and problems like trafficking of girls and children are immediately arrested. Governor desired that a reference may be made to him in the matter.

#### 9.0 **Meeting with the Govt. of West Bengal on 17th Feb. 09**

9.1 The deficient areas emerged from the field visit in the Jalpaiguri and discussion with the district officials were discussed with the State Govt.

9.2 Chairperson highlighted the problems relating to inadequacy of Hindi Schools/ Colleges and their non-availability in certain remote areas, lack of Hindi teachers, oversized class rooms, specially in primary education and suggested that State Govt. should review their existing norms with regard to opening of schools to ensure proper educational facilities in the tribals areas. Further, all question papers, including those of competitive examinations, should be introduced in Hindi at the earliest. There is a need to have bilingual forms for application for issue of caste certificates which had been found to be only in Bengali language, Chairperson also emphasised the need to open more technical institutions to facilitate better employment opportunities among tribals. Hon'ble Minister-in-Charge of Welfare of Backward Classes assured expeditious implementation of the recommendation of the Commission.

9.3 Regarding problems relating to tea gardens, specially relating to poor quality of ration, improper medical health facilities, malnutrition and employment, State Govt. assured that necessary steps would be taken to ensure that obligation on the part of the tea owners in this regard are met. Steps will also be taken to expedite opening of closed tea gardens and to provide employment to tea workers in the meantime. The housing facilities to retired people and tea gardens workers in their old age are also being augmented. State Govt. is also initiating a special drive to fill up the backlog of ST vacancies.

#### 10.0 **Recommendations**

Based on the visit to the Jalpaigiri Distt., interaction held with the tribal people, assessment of the socio-economic development of the area and the discussions held with the State Govt., the Commission recommends following:

10.1	Proper rehabilitation package to the people affected due to closure of tea gardens and review of facilities provided in the existing settlement colonies and time-bound action to fill in the deficient areas
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10.2	Time Bound Action Plan to open closed tea gardens and employment opportunities to unemployed workers in other alternate areas
10.3	Effective monitoring in respect of Tea garden workers for: <ul style="list-style-type: none"> <li>• Timely payment of PF, Gratuity etc.</li> <li>• PRI benefits.</li> <li>• Facilities under the Plantation Act.</li> <li>• Measures to stop trafficking.</li> <li>• Extension of PRI benefits.</li> </ul>
10.4	Amendment of the PLA to provide for welfare measures under the Act, to be supervised by the local Panchayts and the Block Development Officers.
10.5	Amendment of the Tea Act to assign a proper role to the State in the matter of proper supervision and running of the tea garden.
10.6	State Govt. to take back a portion of leased-out land for the settlement of tribal workers and development of non-workers and/ or temporary workers and their families
10.7	Ownership rights/Pattas to tribals in tea gardens
10.8	Closure of all the country liquor/foreign liquor shops running in the tea garden and ITDP areas
10.9	Payment according to Minimum Wages Act and paid holidays
10.10	Issue of BPL cards to workers based on a realistic assessment of their conditions
10.11	Review of existing norms regarding opening of Hindi schools/colleges
10.12	Urgent posting of Hindi Teachers against marked/vacant positions
10.13	Opening of Primary Teacher Training and BEd College Institute, ITI/Engg.
10.14	Opening of Deptt. Of Hindi in all the existing Colleges running in DOOARS and TARAI Region and also in North Bengal University to promote Hindi in Higher Education
10.15	Opening of more Residential schools
10.16	Stipends to all tribal students irrespective of income ceiling
10.17	Development of tribal language, specially Lepcha.
10.18	Introduction of tribal language in schools in Darjeeling District as Lepcha is indigenous in Darjeeling District.
10.19	Effective steps to improve medical facilities and drinking water facilities
10.20	Improvement in employment opportunities and special drive to ensure representation of STs as per the constitutional provisions
10.21	Streamlining of procedure for issue of caste certificates to reduce the time involved; publication of application form bilingually (Bengali and Hindi)
10.22	Opening of a sport complex in Jalpaiguri Distt
10.23	Review of the existing scope of various schemes under NREGA to improve engagement

10.24	Establishment of BDO based on the population and considering the backwardness of the area
10.25	Constitution of a Special Scheduled Tribe Welfare Parishad
10.26	Constitution of District level vigilance and monitoring committee under SC and ST (POA) rules 1995.s.17
10.27	Effective action to ensure timely payment of old age pension
10.28	Immediate compensation to the adivasi families (17) in Birsa Munda Colony.
10.29	Opening of more Old Age Homes required to be opened in tea garden areas
10.30	Issue of pattas to tribals living in forest areas
10.31	Allotment of land for permanent home stead for STs
10.32	Opening of Tribal Information/Commission Office
10.33	Effective steps to stop immoral trafficking of tribal girls and children
10.34	Proper implementation of Panchayati Raj
10.35	Better road and rail connectivity to the Distt. incl. 4-lane East West Corridor, pucca road from Hamlets
10.36	Effective grievance management system pertaining to STs at Block and Panchayat level
10.37	Better road facilities between Siliguri & Mal Municipality
10.38	Establishment of a Tribal Research and Development Institution
10.39	Consideration of ownership right to Toto (for 1996.96 acres)
10.40	Timely payment of compensation to the people who are affected by elephant & tiger menace etc
10.41	Inclusion of RGGVY in ST areas