No. Review-28/Sikkim/2017/RU-II
Government of India
National Commission for Scheduled Tribes

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

Date:- 05.03.2020

To

The Chief Secretary,
Government of Sikkim,
Secretariat,
Gangtok-737101(Sikkim).

2. The Chairman-cum-Managing Director,
N.H.P.C., Office Complex,
Sector-33, Faridabad-121003.
Haryana.

Sub:- Report and Recommendations under article 338A(5) (e) of the Constitution on the
measures to be taken by Review of Sikkim State 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 above mentioned subject and to forwards herewith a copy
Chairpersonship of Hon'ble Chairperson, National Commission for Scheduled Tribes on the
above mentioned subject.

2. It is requested to furnish the information along with Action Taken Report to this
Commission on the recommendations made in the Report and recommendations within 30
days positively.

Encl:- As above

Yours faithfully,

(S.P. Meena)
Assistant Director
Tel: 24645826

Copy to:-

1. The Secretary, Social Justice & Welfare Department, Government of Sikkim,
Secretariat, Gangtok-737101 (Sikkim).
2. The Chairman-cum-Managing Director, Power Finance Corporation Ltd., Urjanidhi,
1-Barakhanba Lane, Connaught Place, New Delhi-110001.
3. The Deputy General Manager, Power Grid Corporation of India Ltd., B-9, Qutab
Institutional Area, Katwaria Sarai, New Delhi-110016.
4. SPPS to Secretary, PA to JS, PA to Director/Assistant Director (RU-II).
5. SAS, NIC for uploading on NCST’s website.
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 Sikkim for the effective implementation of constitutional safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes.

No. Review-28/Sikkim/2017-RU.II
Dates of Review: 15th December to 20th December, 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 NCST is required to present to the Hon’ble President of India annually and at such other times as the Commission may deem fit, reports upon working of those safeguards. 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 Sikkim from 15th December to 20th December, 2019. The Commission was led by Dr. Nand Kumar Sai, Hon’ble Chairperson accompanied by Hon’ble Members Shri H.K.
Damor and Shri H.C. Vasava, Shri K. Touthang, Joint Secretary to the Government of India and Shri S.P. Meena, Assistant Director.

3. On 16th December, 2019, since no office bearer of ST Employees Association of North Eastern Electric Power Corporation Ltd. (NEEPCL) and officers of the Management of NEEPCL turned up due to bad conditions on account of demonstrations, they requested for postponement of the meeting with them. In the afternoon, a meeting with ST Employees of National Hydro Power Corporation Ltd. was held at Gangtok. The office bearers of Scheduled Tribe Employees Association informed that they have no issue with the management. It was informed that at present there is no Union for Scheduled Tribe employees. The ST employees did not raise any specific demand except that they may be allowed to form their union as at present there is no Union of ST employees. The Director (Personnel) and other senior officers of NHPC informed that, including its Corporate office and Teesta V Project, there is no case of harassment or promotion of Scheduled Tribes. The Chairperson (NCST) suggested that Management of the NHPC should take care of their genuine needs/demands from time to time. The Chairperson also suggested that association of ST Employees of NHPC be formed so that the ST employees could raise their grievances freely in their association.

4. On 17th December, 2019, the Commission had field visits and interacted with local ST people and ST leaders. Due to bad weather, district review meeting could not be convened on 17th December, 2019.

5. On 18.12.2019, in the meeting with ST Employees Association of Power Finance Corporation Ltd., no specific demand was raised by the
Association. It is a matter of great satisfaction that the Power Finance Corporation (PFC) is taking adequate care of the demands of ST employees by giving them timely promotion. The Power Finance Corporation (PFC) made a presentation of the activities of their corporation. The PFC was set up in 1986, and declared as a Navratna PSE by Govt. of India. As on 30th September, 2019, there are 30 ST employees in the PFC which form 6.20 Percent of the total strength of 484 employees of the PFC. There is no shortfall/backlog of vacancies in ST category. The PFC is implementing reservation policy of the Government nicely. One member belonging to ST category is included in the Selection Committee for recruitment process. The Chairperson, NCST desired that adequate representation to Scheduled Tribe candidates be provided who are appointed on contractual basis. The Chairperson appreciated the efforts being taken towards CSR initiatives and desired that separate fund in CSR be provided for undertaking activities for Scheduled Tribes.
6. In the afternoon of 18th December, 2019, the Commission met the Scheduled Tribes Employees Association of Power Grid Corporation of India Ltd. (PGCIL). The employees Association raised number of issues before the commission. The important demands made by them were (a) inclusion of workers belonging to Scheduled Tribes who are employed on contractual basis, (b) the matter regarding extending CSR activities for Scheduled Tribe farmers be considered by the management of the Company, (c) special provision be made for employing the relative of the Scheduled Tribe workers who die during service, (d) compensation as per the rates of National Highways Authority of India be made to Scheduled Tribes on account of diversion of electric lines whose land is acquired for this purpose, (e) the matter regarding privatization or selling of assets needs reconsideration.

7. In the meeting held with the management of the Power Grid Corporation of India Ltd, the above issues raised by the ST Employees Association were raised and discussed. The Management assured the
Commission that they will look into all issues and would try to redress the grievances of Scheduled Tribes employees. The Management also assured that adequate representation to ST candidates would be given while fulfilling the vacancies on contractual basis. Timely promotion would be given to ST employees. The Chairperson stressed the need for relaxation of norms while giving promotion to ST employees and the Company should discuss the matter with ST Employees Association once in a year.

8. On the same day, a district review of Gangtok was undertaken by the Commission with Additional District Collector and Additional Supdt. Of Police. The Commission discussed the issues regarding effective implementation of Central schemes like MGNREGA, Pradhan Mantri Awas Yojana, etc. The progress about implementation of these schemes was satisfactory. One important issue raised in the meeting related to spread of cancer disease on account of eating dry meat by the residents of the area.

9. The Commission also met the Hon’ble Chief Minister and Hon’ble Governor of the State and discussed with them the experience gained by the Commission during visit to the State with regard to issues concerning Scheduled Tribes in the State. Both the Chief Minister and Governor were serious about the problems of the Scheduled Tribes and assured the Commission about resolving of their problems with utmost sincerity.
10. On 19th December, 2019, the Commission had a State review meeting with Chief Secretary, DGP, Secretary (Social Justice and Welfare Department) and other senior officers the State. The Commission apprised the State of its views gained in the field visits and also the district review meeting. The matter regarding spread of cancer disease as raised during the district review meeting was discussed with State Government authorities and desired that the State should send a proposal to the Commission about a special package for this disease so that the Commission could take up the matter with the Ministries of Healthand Tribal Affairs. The issues regarding elementary education and opening of one another Sanskrit Vidyalaya in the State, reservation policy were also discussed.