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SPEED POST

By Speed Post



Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.

File No. 23/02/Dadra & Nagar Haveli/Review/2015/RU-I

Date: 23/04/2015

To

Shri R.K. Verma,
Administrator,
U.T. of Dadra & Nagar Haveli,
Secretariat,
Silvassa - 396230.

Shri L.C. Goyal,
Home Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110003.

Sub: Review of Monitoring of Implementation of Reservation Policy and Development Programmes for Scheduled Tribes being run in Dadra & Nagar Haveli.

Sir,

A report on the visit of the National Commission for Scheduled Tribes (NCST) to the UTs of Dadra & Nagar Haveli and Daman from 23/02/2015 to 26/02/2015 to review the implementation of development programmes, reservation policy and SC and ST POA Act, 1989 in respect of STs is enclosed.

It is requested that the action taken on the points emerging from the visit of the Commission, as mentioned in the report from all the Departments concerned may be complied and sent to the Commission by 22nd May 2015.

Encl attached 10 files.

Yours faithfully,

Pramod Chand
(Pramod Chand)
Deputy Secretary

Copy for information and necessary action to:

1. Inspector General of Police,
Police Head Quarters,
U.T. of DD and D&NH,
Silvassa - 396230.
2. Superintendent of Police,
(Crime & Traffic, HQ),
UT of D&NH,
Silvassa - 396230.
3. Superintendent of Police, Daman
Police Head Quarters,
Dunetha, Nani Daman,
Daman- 396210.

4. SSA
NIC (NCST)
for uploading on the website.

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27/4/15

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Government of India
National Commission for Scheduled Tribes

Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the UTs of Dadra & Nagar Haveli and Daman from 23-02-2015 to 26-02-2015 to review the implementation of development programmes, reservation policy and SCs and STs (PoA) Act, 1989 in respect of STs.

1.0 The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, accompanied by Shri Ravi Thakur, Hon'ble Vice-Chairperson, Smt. K.D. Bhansor, Director, NCST, Shri T.D. Kukreja, Private Secretary to Chairperson, NCST and Shri R.K. Dubey, Assistant Director, NCST, Regional office, Bhopal visited the UTs of Dadra & Nagar Haveli and Daman from 23-02-15 to 26-02-15 in accordance with the programme communicated to the UT Administration vide Wireless message No. 23/02/DADRA & NAGAR HAVELI/REVIEW/2015/RU-I dated 04-02-2015 for field visits and to review the development programmes, reservation policy and implementation of the SCs and STs (PoA) Act, 1989 in respect of STs in the UTs.

23-02-2015

2.0 **Formal welcome and briefing the Commission about various aspects of tribal development by District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli and other Senior officers of UT Administration.**

The Commission reached Vapi Railway Station and proceeded for Silvassa by road, which is the district headquarters of the Dadra & Nagar Haveli district. It reached Silvassa camp at 08:15 in the morning where District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli and other senior officers of UT Administration warmly welcomed the Commission. Guard of honour was given to Hon'ble Chairperson, NCST. Representatives of many tribal Associations and other social groups also welcomed the Commission. Thereafter, the District Collector, Dadra & Nagar Haveli, briefed the Commission about the general information related to the UT. The Commission was informed that Dadra & Nagar Haveli UT is having 52% ST population whereas Daman has about 6% ST population. The tribal community is dominated by Varli, Kokna, Dhodia and Naikda tribes. There are 7 tribes Scheduled in Dadra & Nagar Haveli.

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2.1 Meeting with District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli and other Senior officers of UT Administration in respect of Petitions of Scheduled Tribe individuals of UT pending in the Commission.

In the afternoon, the Commission held sitting with District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli and other senior officers of UT Administration in respect of 11 petitions of Scheduled Tribe individuals/Associations of UT pending in the Bhopal Regional office of the Commission which included 8 cases of land transfer, 2 cases of alleged atrocities and 1 case of service matter. The proceedings of each sitting are being issued separately.

24-02-2015

3.0 As per the tour programme conveyed to the UT Administration, the Commission, alongwith District Collector and other officers, proceeded for field visits in the UT of Dadra & Nagar Haveli in the forenoon and observed various development initiatives of the UT administration for socio-economic development of Scheduled tribes residing there. The Commission interacted with the local tribal community to have feedback on the implementation of various developmental programmes being run for their welfare. The details of field visit and observations of the Commission are as under:

Visit to Ambavadi village

3.1 The Commission reached Ambavadi village and observed the activities of "Gayatri Maa Doodh Utpadak Sahakari Mandali" of the village which is run by the women of the tribal Community. The Commission was informed that this co-operative society has 36 members. There are some other similar co-operative societies running in the UT namely "MS Gokul Kharbharipada Doodh Utpadak Sahakari Mandali" (with 12 members and 20 cows), "MS Sarsawati Karchond Doodh Utpadak Sahakari Mandali" (with 10 members and 10 cows), "MS Sarsawati Doodh Utpadak Sahakari Sanstha, Vansda" (with 20 members and 20 cows). Animal husbandry and veterinary department of the UT has assisted these societies. The milk produced by the members of these societies is collected by Vasundhara Dairy run by Valsad Jila Sahakari Doodh Utpadak Sangh Ltd. It was also informed that Dena Bank has extended loan facility to the members by lending Rs 48,000/- to each member. It was also informed that milk can, chop cutter for cutting fodder and shed are provided to the members of the society. Insurance cover for the cows is also provided to them. Total milk production of the society is about 2,000 Liters. per day and payment to the members for the milk is made after every 15 days. The Commission was informed that there are 91 households in the Ambavadi village. There is a mobile dispensary of Animal husbandry and veterinary department of the UT and the services are offered free of cost. However, the members of the "Gayatri Maa Doodh Utpadak Sahakari Mandali" of the village informed that they are facing hardship in procuring fodder for their cows because of limited subsidy given to them by the Govt. This problem is acute in the non-milching period of cows as there is no income in this period by selling the milk. They demanded for more subsidy/Govt. assistance for procuring fodder. They said that the expenditure on

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feeding the cows is more resulting in lesser profit to them. Hon'ble Chairperson, NCST advised the District Collector to examine whether more Govt. assistance can be provided to the members of these co-operative societies. He also suggested that poultry farming has been observed as more successful in tribal areas being cost effective. It should be promoted in the tribal community of the UT to generate more income.

3.2 The villagers appreciated the health services in the area and informed that PHC is about 2 kms. away from the village and 108 Ambulance service is also available to them. As far as MGNARGA is concerned, the main activity undertaken is construction of roads. The villagers demanded to include animal husbandry in the scheme. So far, about 12,000 job cards have been issued in the districts out of which 450 cards have been issued in Dudhni Panchayat which is Tribal dominated area. The villagers informed that they face problems in going to Dudhni during the rainy season when the dam reservoir is filled with water. They demanded for construction of a bridge connecting Dudhni with the village. The villagers also informed the Commission that construction of Dudhni Ambavadi school is not been completed in last few years. The District Collector informed the Commission that the contractor constructing the building has left and the administration is taking necessary steps to complete the construction work. Hon'ble Chairperson, NCST directed the District Collector to take necessary steps for the construction of bridge and completion of school building at the earliest.

3.3 During the interaction with the villagers, the Commission was informed that the tribal villagers have agricultural land and they produce paddy during the rainy season. They also produce vegetables like Brinjal, Tomato and coriander. Fodder is also produced for cattle. Most of the irrigation depends on rains. However, pipeline irrigation is also prevalent in some areas by using the water stored in the dam reservoir. Some tribal women informed the Commission that there is water scarcity in the village, especially during the summer when the dam reservoir dries up. Hon'ble Chairperson, NCST desired to know about the sources of water used by them before the construction of dam. It was informed that earlier they used wells for their water requirements but most of the wells are now filled with silt and soil. Hence, there is no or very little water in the wells. Hon'ble Chairperson, NCST asked them about the solutions available in this regard. The villagers suggested that deep boring in the old wells, construction of new wells/bore wells is the solution. Hon'ble Chairperson, NCST advised the District Collector to make arrangements for deepening of old wells and construction of new wells/bore wells to solve the water crisis especially during the summer when the dam reservoir dries up.

3.4 The villagers also informed the Commission about lack of toilets in their houses as a result of which they have to go to the fields for defecation. It was also informed that toilets in Ambavadi School run by the Zila Panchayat have been constructed in the centre of the school buildings and students, especially the girls find it difficult to use them out of shame. Moreover, the other school buildings in the UT have also not been constructed in a planned way. Hon'ble Chairperson, NCST advised the District Collector to co-ordinate

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with the Zila Panchayat and get prepared a model plan of the school buildings depicting provision of classrooms, play ground, toilets, front space etc. for all the schools of the UT.

(Action: District Admn./UT Admn.)

Visit to Dudhni

3.5 The Commission visited Dhudhni village and interacted with the local officers and villagers. The Commission was informed that 135 fibre boats have been provided to the local population for transportation through the dam reservoir. SC/ST/OBC Finance and Development Corporation of the UT is providing loan up to Rs 5 lacs to the beneficiaries for this purpose. The beneficiaries, however, informed the Commission that they have to wait for 3-4 days or even more for their turn for operating the boat due to large number of boats in the dam reservoir. On query, the villagers informed that vocational training of tailoring and embroidery is provided to them in Silvassa which is far away. They demanded that a Vocational training center should be opened in Khanvel which is comparatively nearer. They also demanded for installing rope-way for promoting tourism in the area. Hon'ble Chairperson, NCST supported the demands and directed the administration to do the needful in this regard.

3.6 The Commission also inquired about the availability of PDS facilities in the area. It was informed that there are 3 ration shops in the Panchayat and computerised ration card is being issued to the beneficiaries. Ration is being provided to all the SC/ST families by the Administration. The Commission inquired about the social impact of MGNARGA in the area and desired to know whether it has affected migration of tribal population in search of employment/livelihood. The Commission was informed that no visible impact is seen and the tribal population migrates to nearby towns like Surat or Valsad after Deepawali festival for earning their livelihood and return to their village before Holi. Many of them also go to adjoining State of Maharashtra and other places in Gujarat State for working in Brick Kiln Industry or as a labour.

3.7 The local tribal Artists of Kokna and Varli tribes presented Tadpa and Toor dances. Tadpa dance is named after Tadpa instrument. This dance is performed at the time of harvesting of crops. Toor dance is performed at the time of marriage ceremony. The Commission advised the UT administration to preserve the tribal culture by promoting their folklores, dances and handicrafts.

(Action: District Admn./UT Admn.)

Visit to Kaucha village

3.8 The Commission visited Kaucha village and inspected a small scale poultry unit run by a tribal beneficiary. The unit has been started this year only with the assistance of UT Administration. Presently, there are 120 hens. The beneficiary informed the Commission that the eggs and chicken produced in the unit are sold in open market and

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also utilized in mid-day meal scheme. On query, he informed that his income from the unit is about Rs. 200/- per day. The Commission appreciated the scheme and advised to setup more units benefiting the tribal population of the UT.

3.9 The Commission met some tribal villagers who have been benefitted by different schemes of the UT Administration like "Swachha Aangan Yojana" and "Suryoday Awas Yojana". The Commission was informed that an amount of Rs. 1.50 Lacs is provided to the beneficiaries under "Suryoday Awas Yojana" out of which Rs. 20,000/- is granted for construction of toilet. The tribal villagers complained about scarcity of potable water in the village and requested the Commission to solve this problem. Residents of Loharpada in the village informed that their habitation is cut off by road for about four months during rainy season due to filling of water in the dam reservoir in which the Kuchha road is submerged. They demanded for construction of Pucca road and demolition of allegedly illegal construction by a public representative which has narrowed the existing Kuchha road. The Commission directed the District Collector to solve the water problem and take necessary steps for road construction as desired by the residents of Loharpada. District Collector assured the Commission to settle the issues shortly.

3.10 The Commission also inspected a bio-gas plant in Paraspada of Kaucha village where first bio-gas plant has been setup with the financial assistance of the administration, the Commission was informed that the cost of the unit is Rs. 30,000/- out of which the beneficiary has to pay Rs. 7,500/- and there is 75% subsidy in the scheme. The unit is run with about 2 kg of cow dung and 3-4 ltrs. of water every day. A fiber tank has been provided to the beneficiary and a wormy-compost plant has also been setup by using Gobar-gas slurry. The fertilizer so produced is used in the Agricultural fields of the village. The beneficiary has planted bananas in about half an acre land and used wormy-compost fertilizer in his fields. The Commission appreciated the scheme and advised the UT administration to setup more such units.

(Action: District Admn./UT Admn.)

25-02-2015

Meeting with Tribal delegates at Silvassa

4.0 In the forenoon, the Commission held meeting with representatives of tribal associations and individuals of Dadra & Nagar Haveli and Daman to get feedback from them on the implementation of developmental programmes in the UTs and to know about their problems. District Collector, Dadra & Nagar Haveli, Superintendent of Police, Dadra & Nagar Haveli, Deputy Director, Social welfare, Dadra & Nagar Haveli and other DLOs were also present in the meeting. Following issues were brought to the notice of the Commission:

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1. A representative of Adivasi Ekta Parishad, Dadra & Nagar Haveli informed the Commission that the tribal and other local residents of Dadra & Nagar Haveli can read, write and speak Gujarati language and do not know English. But the documents of land transactions in the UT are prepared in English language. As the tribals are unable to understand the contents of the agreements made between seller and the purchaser of land and also they are unable to understand the contents of sale deed, they are often cheated and their land is grabbed by other communities and industrial units setup in the UT. Hence, all the documentations work related to land transactions should be done in the language that the tribals understand.
2. In last few years, a large number of industrial units have been setup in Dadra & Nagar Haveli and Daman due to various initiatives of the UT Administration. Now, the land has become very precious. The land belonging to tribal Community is being transferred to non-tribals without the approval of District Collector. For this, first the land use of their land is converted from "Agricultural" to "Non-Agricultural" and then transferred to non-tribals or to industrialists. In many cases, the tribal land has been transferred to non-tribals on the basis of plain paper agreements, notes and will. Plots of land allotted to poor tribals for cultivation being landless have been converted to "Non-Agricultural" and transferred to non-tribals. Thus, the tribal community of Dadra & Nagar Haveli is facing the problem of land alienation on very large scale. As the law does not permit transfer of tribal land, all such transfers should be cancelled and the land should be returned to the original owner.
3. "Scheduled Castes and other forest dwellers (Recognition of rights) Act" is not being implemented in the UT of Dadra & Nagar Haveli. So far not a single Pattas (individual or community) have been distributed in the UT despite fact that this is a central Act and the administration is controlled by Union Govt.
4. The number of teachers in the schools located in tribal areas is not sufficient and the teacher-pupil ratio is alarming. Generally, 1 teacher teaches 60-70-students of different classes at a time in Dudhni, Bandhoni and other villages. In Karchun Govapada, there is 1 teacher against 145 students. These teachers are engaged in office work, census, elections work and arrangement of mid-day meal which is adversely affecting the quality of education. Many Schools have shown 0% Result at high school level. As the students are not detained up to class 8th, the quality of education has deteriorated. Many students of class 8th are unable to write their names.
5. In the schools which are located in the areas adjoining the State of Maharashtra, Education is imparted in Marathi whereas the board paper is given in Gujarati. The students face great hardship in appearing in the exams due to this language problem as a result of which they are compelled to detain in the same class.

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6. The police authorities of the UT are not properly implementing the provisions of SC & ST (PoA) Act, 1989. In many cases of atrocities on tribals, police is not registering cases under this Act. Especially, in the cases of illegal encroachment of land belonging to tribals by non-tribal individuals and companies, relevant sections of this Act should be applied upon by the police.
7. Earlier, the UT administration used to declare holiday on "Diwasa" festival which is a prominent festival of the tribals of UT. This festival is celebrated in the month of "Sawan". Local holiday on this festival should be declared every year by the administration.
8. "Tadpa Mahotsav" is organized by the UT administration every year to promote tourism and to promote and protect tribal culture of the tribes of the UT. Though, Tadpa and Toor dance as of Varli and Kokna tribes were also performed, singers from film industry were invited by paying them huge amount in lacs. Western dances were also performed in the name of "Tadpa Mahotsav" which is cultural invasion. On the other hand, the group of 15 artists of tribal community who performed Tadpa dance was paid Rs. 1,500/- only which is discrimination by the organizers. They are expected to promote and protect tribal culture of the tribes of the UT.
9. A large number of migrants of other States, who have come to the UT for employment in industries have become voter in the UT by including their names in electoral roll and are in possession of voter identity card. They are already voter in their respective States. There is a threat that the tribals of the UT will become minority and the Lok Sabha seat, which is presently reserved for STs will be de-reserved.
10. Scheduled tribes of the UT should also be given license to run liquor shops and hotels/bars. Presently they are not getting license from the concerned department of the administration.
11. Reservation policy in recruitment to various posts and services of the UT administration is not being followed by the concerned authorities. There was discrimination with Scheduled tribes in the appointment to the posts of Assistant by the Personnel department of the UT and out of 15 posts, only 1 ST candidate was selected. This is violation of reservation norms.
12. The employment exchange in the UT is not functional. No Scheduled Tribes candidate registered in the employment exchange has been provided employment through it in the last few years. The working of employment exchange should be reviewed and improved.

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- 13. Dadra & Nagar Haveli should be brought under Vth Schedule of the Constitution of India being a tribal dominated UT. Tribal Advisory Council should also be formed in the UT alike other Vth Schedule States.
- 14. The charges for conversion of land use from Agricultural to Non-Agricultural are very high which should be reduced as poor tribals are unable to pay the same. Moreover, permission is not granted for division of land measuring less than 20 Are which should be reduced further for benefiting the tribals.
- 15. Due to acquisition of land by Govt. and industrialists for setting up of industries, most of the tribals of Silvassa town have been evicted from the town. The only area in the town where tribals are still residing is also being acquired by the UT administration in the name of setting up of Transport nagar. These tribals will become landless due to acquisition of land. Still they are in possession of the land and cultivating it. Transport nagar should be established at some other place outside the city and not at the proposed place.
- 16. The Administration has appointed teachers in its schools on contract basis who are working for last many years. Their services should be regularized by the UT administration.
- 17. As per the existing provisions, the industries being set- up in the UT were expected to provide 80% employment to local population but it was not strictly followed. There is no monitoring or control of the administration on the industries resulting in un-employment and poverty among the tribal's of the UT.

(Action: UT Admn.)

25-02-2015

Review Meeting with Administrator and other Senior Officers of Dadra & Nagar Haveli and Daman

5.0 The Commission held meeting at Daman with Administrator, IGP, Development Commissioner, Secretaries of various departments, District Collector, Dadra & Nagar Haveli, SP, Dadra & Nagar Haveli, District Collector, Daman, SP, Daman and other Senior Officers of UT of Dadra & Nagar Haveli and Daman in the afternoon on implementation of development programmes, reservation policy in posts and services and SCs & STs (PoA) Act, 1989 in the UTs.

5.1 In the beginning of the meeting, The Administrator of both the Union Territories welcomed Hon'ble Chairperson, Vice- Chairperson accompanying officers and briefed about various initiatives taken by the Administration for the development of Scheduled Tribes. Thereafter, he requested Hon'ble Chairperson, NCST to initiate discussion as per the questionnaire sent by the Commission, information submitted by the Administration thereof and observations during the field visits and meetings of the Commission.

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5.2 Hon'ble Chairperson, NCST informed the officers present in the meeting about the Constitutional provisions about the tribal Community and role, functions and powers of the Commission in relation to safeguarding the interests of tribal population of the country. Thereafter, on the basis of the feedback received by the Commission during the field visits and the meetings with the tribal delegates, he covered various issues concerning the tribal population of both the UTs as under:

LAND ALIENATION

5.3 Initiating the discussion, Hon'ble Chairperson said that a large number of tribals of the UT of Dadra & Nagar Haveli met him at Silvassa during his visit and most of them had their grievances related to transfer of their land to non-tribals or industries. In the sittings taken by the Commission at Silvassa related to the grievances of STs pending in the Commission, out of 11 cases, 9 were related to allegedly illegal transfer of land. As per the representations submitted to the Commission during the visit, the land belonging to tribals was transferred without following the due procedure. In many other cases, the land allotted to them being landless was also transferred on the basis of plain paper will or forged documents and the illiterate tribals were cheated. The Administration allegedly failed to protect the interests of the tribals and supported the industrialists in such acts. The Commission emphasized the need of restoration of their land by cancelling such mutations as the tribals have become landless due to these illegal transfers. He directed the UT Administration should review such transfer of lands and to provide four times compensation to the tribals under the new policy of the Union Govt. in the recent cases where the acquisition of tribal land is inevitable. He questioned that why the land use of agricultural land was changed to non-agricultural to facilitate such transfer of land to industrialists. The valuable land of tribal community has been grabbed by the way of such transfers as a result of which they are becoming poorer. The companies setup on the land belonging to these tribals have not provided them employment and outsiders have been recruited as workers denying the employment opportunities to the local tribal population. Even these companies have not extended their CSR activities for the socio economic upliftment of the tribals. The UT Administration should take necessary steps for permanent settlement of the land temporarily allotted to landless tribals of the UT. It should make a balance between the industrial development which is necessary for overall development of the country on one hand and on the other hand it should protect the tribals who own the land since time immemorial.

(Action: UT Administration)

EDUCATION AND RELATED ISSUES

5.4 Hon'ble Chairperson informed that during the field visits of the Commission in Dudhni, the local tribal population expressed its dissatisfaction on the unplanned construction of school buildings in the area. Toilets have been constructed in the center of the building which is not comfortable for the female students. He advised that a model design of the school buildings should be prepared which should be followed in construction of school buildings in the UT. Hon'ble Chairperson also expressed his

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concern over the teacher-pupil ratio in the schools located in the tribal areas. He said that the tribals have reported it to be 1:70 in the rural areas. He emphasized the need of quality improvement in teaching and requested the administration to adopt the schemes like "Gunotsava" being run in the adjoining State of Gujarat. Under this scheme, the officers of the State Govt. adopt one school each to improve the quality of education being imparted to the students of that school. He said that the Commission has been informed about non-availability of science teachers in the schools located in tribal areas. As the tribals are not being provided quality education especially in science subjects, the teachers are not prepared as usually the non-tribal teachers do not prefer to work in tribal areas. If the tribal students are taught science properly, they can be groomed as science teachers for future requirements. He advised the UT administration to prepare a uniform transfer policy for teachers to meet the shortage of teachers in the tribal areas and issue of alleged discrimination in transfer and posting. Hon'ble Chairperson also informed that there are complaints from tribals related to poor results in high school and above which was due to the reason that the students were taught in Marathi medium whereas the question paper was set in Gujarati medium to which they not familiar. He advised the UT administration to take urgent necessary steps to link the medium of teaching in the schools with the boards of concerned State.

(Action: UT Admn.)

SERVICE SAFEGUARDS

5.5 In the meeting, the Commission was informed that the Group "A" posts under the UT Administration were filled through Union Public Service Commission providing 7.5% reservation in direct recruitment for Scheduled Tribes and 15% reservation for Scheduled Castes through All India open competition. In Groups "B" and "C" posts, there is 43% Reservation in direct recruitment for Scheduled Tribes and 2% Reservation for Scheduled Castes. In promotion to Groups "B" and "C" posts, the Reservation for Scheduled Tribes is 7.5% and for Scheduled Castes is 15%. The Commission observed that there is no rationality in reservation policy of the UT as the Scheduled Tribes, who are getting 43% reservation in direct recruitment in Groups "B" and "C" posts, are being provided only 7.5% reservation in promotion which is a bottleneck in the career up-gradation of ST employee. On the contrary, the Scheduled Castes, who are being provided only 2% reservation in direct recruitment in Groups "B" and "C" posts, are being provided only 15% reservation in promotion. This anomaly need to be addressed and Ministry of Home Affairs, Govt. of India, which controls the policy and administrative issues of the UTs should review the same in the interest of Scheduled Tribes of Dadra & Nagar Haveli. The Commission also observed that there are backlog posts of ST category in lowest rung of Group A. It also noticed that the percentage of ST employees under the Administration was far below than the required percentage under the reservation policy. The Commission directed the UT Administration to clear the backlog of ST posts at the earliest.

(Action: MHA & UT Admn.)

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Income Generation Schemes

5.6 During the discussion, The Commission discussed about the steps taken by the UT Administration in the implementation of income generation schemes in the Dadra & Nagar Haveli. The Commission observed that dairy farming is being promoted among tribal beneficiaries through co-operative societies. The Commission observed that this activity has limited potential in income generation among tribal groups as the beneficiaries have given a feedback to the Commission about difficulties in purchasing fodder in the season when the cows do not give milk and the income of the beneficiaries is very low. The Commission appreciated the recent steps taken by the Administration in promoting poultry activities in tribal community which, in view of the Commission, has been proved to be more successful and directed the Administration to expand this scheme on a large basis in the tribal community of the UT.

5.7 The Commission also advised the Administration to focus on skill development of the tribal youth as the number of jobs in the Govt. Sector is very less and the opportunities available in the industries and private sector in the UTs are being grabbed by the outsiders leading to un-employment among the tribals of the UTs. The Commission also directed the Administration to press the industries established in the UTs to provide 80% employment to the members of the affected families whose land was acquired for setting up the industries as per the agreement made between the Administration and the industries at the time of acquisition of land.

(Action: UT Admn.)

Drinking water and Electricity

5.8 The Commission, on the basis of feedback received from the tribals during the field visits, observed that there is water scarcity in tribal areas especially during the summer season when the water level in the wells and the dam reservoir recedes to the lowest level. The Commission advised the UT Administration to bore new deep wells and rejuvenate the old ones so that the issue of water scarcity could be tackled effectively. The Commission observed that there was no complaint or suggestion by the tribal groups regarding supply of electricity in the tribal villages and the implementation of Rajiv Gandhi Vidyutikaran Yojana was also satisfactory.

(Action: UT Admn.)

The Scheduled Tribes and other forest dwellers (Recognition of Rights) Act

5.9 The Commission was very much concerned about the non-implementation of The Scheduled Tribes and other forest dwellers (Recognition of Rights) Act in the UT. The Commission observed that this is a central Act and the UT Administration is also controlled by central Govt. Despite above, this Act was not implemented in the UTs and

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not a single Patta or Community Right has been recognized so far in the UTs. The Commission desired to know the reasons for non-implementation of the Act. It was admitted by the Administration that the implementation of this Act could not be progressed in the UTs. Village level committees were formed in 6-7 villages and measurement of land was also done but the implementation could not proceed beyond the village committee. Hon'ble Chairperson directed the UT Administration to speed up the process as almost 9 years have passed since the Act has been passed but nothing concrete could be achieved in the implementation of the Act.

(Action: MHA & UT Admn.)

Tribal Sub-Plan

5.10 The Commission noted that Tribal Sub-Plan is being prepared in Daman and Diu but the outlay out of total UT Plan during the last 5 years was much below 2% despite the fact that the UT is having 6.31% ST Population. The Commission advised that it should be over and above the percentage of ST population in the UT. Funds other than TSP should also be made available for incurring expenditure on tribal development. The Commission also noticed with concern that no Tribal Sub-Plan is prepared in the UT of Dadra & Nagar Haveli despite the fact that it is having 52% tribal population. The Commission advised the Administration to prepare TSP for the UT and also to ensure that proportionate funds are spent for tribal development.

(Action: MHA & UT Admn.)

Tribal Advisory Council and Grievance redressal mechanism for the complaints of tribals

5.11 The Commission advised the Administration of UT of Dadra & Nagar Haveli to constitute a Tribal Advisory Council in the UT like other States having sizeable tribal population. Keeping in view the large number of grievances of tribals of the UT, the Commission also recommended setup a grievance redressal mechanism in the UT particularly related to the complaints regarding transfer of tribal land to non-tribals.

(Action: UT Admn.)

Protection of tribal culture

5.12 The Commission appreciated the rich tribal culture of Dadra & Nagar Haveli and observed that the tribal dances, arts other cultural activities have potential to attract tourists and businessmen in the area. The Commission directed the Dadra & Nagar Haveli Administration to take more sincere efforts in protection of the tribal culture which is facing cultural invasion. The demand of local tribals for declaring local holiday on "Diwasa" festival should be considered by the Administration as earlier it used to be declared holiday.

(Action: UT Admn.)

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MGNAREGA

5.13 The Commission was informed that about 12,000 job cards have been issued to the beneficiaries under MGNAREGA by the Administration in Dadra & Nagar Haveli. About 15,000 accounts have been opened for payment of wages to the beneficiaries under the scheme. Biometric attendance is taken from the workers and payment is made at the earliest. The Commission stressed the need for providing at least 100 days employment to the willing workers so that their financial condition can be strengthened. The Commission also emphasized that in case the employment is not provided despite demand, compensation as admissible under the Act, should be provided to the beneficiaries. The Commission also desired to know about the migration of tribals to other State in search of livelihood and the impact of MGNAREGA on such migration. The Commission was informed that the tribals of the UT migrate to nearby districts of the adjoining States of Gujarat and Maharashtra for working as agricultural labourers at the time of harvesting of crops and to work in brick kiln industry. No statistics is available on impact of MGNAREGA on such migration.

(Action: UT Admn.)

Acquisition of Tribal Land for Transport Nagar

5.14 The Commission desired to know about the view of Administration on problems being faced by the tribals whose land was acquired for construction of Transport Nagar in Silvassa as the sufferers had informed the Commission that most of the tribals of Silvassa town have been evicted from the town. The only area in the town where tribals are still residing is also being acquired by the UT administration in the name of setting up of Transport nagar. These tribals will become landless due to acquisition of land. Still they are in possession of the land and cultivating it. They had demanded that Transport nagar should be established at some other place outside the city and not at the proposed place.

5.15 The Commission was informed that the compensation for the acquired land was deposited in the court as these tribals were opposing it and had refused to accept the payment from the Administration. The Commission was unhappy that the only place in the Silvassa town where tribals are still residing was being acquired and their voice in opposition was not heard. Many tribals will be left with no land or very little land left with them due to this acquisition. The prices of land have also gone very high and they are being given meager compensation at old rates whereas they should be paid four times compensation as per the new Act. The Commission opined that it was duty of the Administration to protect them instead of devastating them from the city. Transport Nagar should be made outside the city and not in the heart of the city alike other cities in the country. The Administration should review its decisions in the interests of the tribals.

(Action: UT Admn.)

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Atrocities on Scheduled Tribes

5.16 The Commission was informed that in Dadra & Nagar Haveli, altogether 22 cases were registered by police under SCs & STs (PoA) Act, 1989 from year 2009 to 2013. These include 12 cases in 2009, 02 cases in 2010, 02 cases in 2011, 02 cases in 2012 and 04 cases in 2013. Five cases of year 2009 were closed after investigation and 07 challaned to court. In the year 2010, both the cases were closed after investigation/court direction. In the 2011 also, 02 cases were closed after investigation. In the year 2012 out of two cases, one was challaned to court and one is pending for investigation. In the year 2013, out of four cases, two were closed after investigation and 02 are pending for investigation. Hon'ble Chairperson directed the police authorities to complete investigation within the time frame stipulated in the act as some cases, though meager in number are pending for investigation since 2012. The Commission was concerned about the acquittal of most of the accused in the cases and advised the police authority to see whether appeal can be made on merits of the case. The Commission was appraised that the Principal and Sessions Judge Court has been designated as special court for trial of offences under SCs & STs (PoA) Act, 1989 by the Administration. Relief is being provided to the victims as per provisions of SCs & STs (PoA) Rules.

The Commission was satisfied with the information that no cases of atrocities were registered by the police in the UT of Daman and Diu from the year 2009 to 2013.

(Action: UT Admn.)

5.17 Summarizing the discussions held in the meeting, the Administrator of the UTs agreed that many old cases of land dispute and allegedly illegal transfer of tribal land exist in Dadra & Nagar Haveli. Most of the disputed deals were made by illiterate tribals. Many complaints are related to transfer of land by plain paper wills and allegedly forged documents. The Rights of the tribals on land and its transfer were not defined in the rules of 1972. Now a committee is being constituted under Development Commissioner to see that what changes in existing rules are required for protection of tribal land. He also informed that change of land use from "Agricultural" to "Non-Agricultural" is permissible for industrial use in the UTs. However, the Administration will see that the tribals do not become landless due to such acquisition of land. He further informed that steps are being taken by the Administration by forming a society under District Collector to ensure that the industrial units are incurring expenditure under CSR for tribal development also. It has been decided that 2% of such expenditure shall be used for construction of toilets in the UTs.

5.18 The Administrator agreed with the view of the Commission that there is a need of planning in the construction of school buildings and assured that model school building plan will be prepared and the new school buildings will be prepared as per that model. The Education department of the UT is taking steps for filling the gaps in infrastructure in the schools through common tenders. He also admitted that there is a need to improve the

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quality of education and an NGO named ASAR has been involved for base line survey of teachers in the UT. The Administration is also planning for training the teachers in institutions of Gujarat and Maharashtra to improve the quality of education. Earlier, some irregularities were done in the appointments of teachers resulting in deterioration of quality of education. Now, the Teachers Eligibility Test (TET) passed candidates are being appointed as teachers and the local candidates are being given additional 20% marks in the recruitment process. He assured the Commission that as per the suggestion of the Commission, a "Gunotsav" like arrangements shall be made in the UT like Gujarat and the officers will be given responsibility of monitoring the quality of education in the schools. As far as transfers and postings of teachers are concerned, a transfer policy has been drafted in the UT which will be shortly implemented. Usually, the teachers prefer to work in the city area and do not want to go to the schools in tribal areas. For this, a provision of rotation is being made in the transfer policy. The Administration is also taking steps to affiliate the schools having medium of education as Gujarati or Marathi with the Educational Boards of Gujarat and Maharashtra to solve the problems being faced by the students.

5.19 As far as implementation of reservation policy for Scheduled tribes was concerned, the Administration has filled up some posts recently and in process of filling remaining posts shortly. The OM's of DoPT are being followed in the direct recruitment and promotions. The issues raised by the Commission related to anomalies in percentage of reservation in direct recruitment and promotions shall be brought to the notice of MHA and DoPT.

5.20 The Administrator agreed with the suggestion of the Commission to promote poultry activities and also assured to consider the demand of tribal beneficiaries to provide more subsidies at the time of purchasing fodder for the cows under the dairy farming schemes of co-operative societies. He also assured to solve the problems of water scarcity in Dudhni-Bandhoni area by the month of May, 2015 as a scheme of about 200 crores is in progress. In the field of employment, he informed the Commission that the industries are providing 40% employment to the locals but the main problem is lack of skills in the tribals. He assured that the Administration will focus its efforts on skill development so as to enable the local tribals to get employment in the industries located in the UT and adjoining districts of Maharashtra and Gujarat. He also informed that solar lights are being provided to the tribals in Dudhni which is also a model village. The Administration is planning to build a bridge connecting Dudhni-Ambawadi to facilitate transportation. In the meantime, licensed boats are running in the dam reservoir and providing transportation facility. A boat ambulance is also operational in the area to provide emergency health services to the residents of that area. He assured the Commission to consider declaring "Diwasa" as local holiday and informed that the Administration will take more sincere steps for promoting tribal culture and dances which also attracts the tourists. He also assured that the tribal character of the Tadpa Mohatsav shall be kept intact. The UT Administration is in touch with the TRIFED to promote Varli Art.

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5.21 The Administrator of the UTs agreed to the suggestion of the Commission to sensitize the local police officers about the problems being faced by the tribals and implementation of SCs & STs (PoA) Act, 1989. He assured that the payment of compensation to the victims and their rehabilitation will also be looked into by the Administration.

In the end, He thanked the Commission for visiting UTs of Dadra & Nagar Haveli and Daman and also for valuable guidance and assured that the recommendation of the Commission shall be implemented in letter and spirit by the Administration for transforming the lives of tribals of the Union Territories. Hon'ble Chairperson, NCST also thanked the Administrator and other officers of the Administration for extending co-operation to the Commission in performing its constitutional duties.

26-02-2015

6.0 In the morning, the Commission left Silvassa by road for Mumbai and return journey to New Delhi.

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