



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A constitutional body under Article 338A of the Constitution of India)

F. No. Review/32/WB(Dist-Darjeeling)/2025/Cord.

Dated: 09.07.2025

To,

The District Magistrate
District- Darjeeling,
Office of The District Magistrate,
Kutchery Building, Lebong Cart Road,
Darjeeling, West Bengal, Pin - 734101
Email: dm-darj@nic.in

**Subject: Review of implementation of Constitutional safeguards, welfare and development schemes
Scheduled Tribes in the Darjeeling District of West Bengal State-reg.**

Sir/Madam,

I am directed to enclose herewith a copy of tour report of **Shri Nirupam Chakma, Hon'ble Member, NCST, New Delhi during 19.03.2025 to 21.03.2025** on the above mentioned subject for necessary action.

2. It is requested that Action Taken Report/Compliance Report on the recommendations of tour report may be furnished to this Commission within **30 days** positively.

Encl: as Above.

(एच.आर.मीना/H.R. Meena)

अनुसंधान अधिकारी/Research Officer
E-Mail ID: sarthak.banduni@ncst.nic.in

Copy for information to: -

- 1. Ms. Pushpa Barla**
Daughter of Mr. Larentus Barla,
Navghat, Bhojanarayan Tea Garden,
P.O. Kamla Bagan, P.S. Bagdogra,
District: Darjeeling,
West Bengal – 734426
- 2. PS to Hon'ble Member (Shri Nirupam Chakma)**
- 3. NIC for uploading.**



सत्यमेव जयते

National Commission for Scheduled Tribes

Visit Report of Hon'ble Member Shri Nirupam Chakma to West Bengal (Review of Constitutional Safeguards and Welfare Measures for Scheduled Tribes)

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Spot Visit Report of Hon'ble Member Shri Nirupam Chakma, NCST to Bhojanarayan Tea Garden, Siliguri District, West Bengal on 19.03.2025

Introduction and Background

On 22.01.2025, the Hon'ble Member, Shri Nirupam Chakma, scheduled a sitting in the File No. NCST/DEV-355/WB/3/2022-ESDW related to Smt. Pushpa Barla case at the NCST headquarters in New Delhi with the District Magistrate of Darjeeling and the Police Commissioner of Siliguri to discuss the ongoing land-related issues faced by tribal families in the Bhojanarayan Tea Garden. The Deputy Secretary of West Bengal appeared on behalf of the District Magistrate of Darjeeling, while the Police Commissioner of Siliguri was absent from the sitting. The petitioner attended the sitting.

During the sitting, it was recommended that a field visit be conducted to the Bhojanarayan Tea Garden, to assess the Lease Certificate records and the challenges faced by the Scheduled Tribe (ST) communities in the area.

The Bhojanarayan Tea Garden, a long-standing plantation in the Siliguri region, is currently embroiled in a dispute over land ownership, cultivation rights, and the treatment of local tribal families who have historically worked and lived on the land. The visit was undertaken to understand the situation more comprehensively and to address the multiple challenges that the tribal communities, including the petitioner, Smt. Pushpa Barla, have been facing.

On 19.03.2025, a spot visit was conducted at Bhojanarayan Tea Garden, Siliguri, West Bengal, under the Chairmanship of Shri Nirupam Chakma and Shri Jatothu Hussain, Hon'ble Members of the NCST. The Manager and Deputy Manager of the Bhojanarayan Tea garden, Additional Executive Officer (Siliguri), Project Officer-cum-District Welfare Officer (DWO), local representatives, and affected tribal families, including Smt. Pushpa Barla's father, Purnima Minz, Barna Toppo and James Kujur were present on the site.

Key Observations During the Spot Visit

- i. **Historical Context and Land Ownership Disputes:** The Deputy Manager of Bhojanarayan Tea Garden provided insights into the history of the garden, stating that it was established in the 1960s after acquiring land from a Zamindar named Bhojanarayan. The garden covers approximately 390 hectares and employs around 600 workers. Historically, tribal families have worked on the land, and many were provided with land for tea cultivation. However, ambiguities in land ownership persist, with some parts of the land being leased to the tea company by the Government of West Bengal, while other portions have been subdivided into smaller plots, creating confusion regarding rightful ownership. The visit also highlighted that Bhojanarayan Tea Garden was recently acquired by Sunfort Tea Private Limited (STPL) in 2024, marking a significant shift in ownership and operations.
- ii. **Ambiguity in Land Utilization and Mismanagement:** The disputed land in question, Plot No. 1110/1326, Mouza Hetmuri, JL No. 85, Block Phansidewa, spans 0.99 acres and has been under cultivation by tribal families for decades. Despite this, the current lease agreement stipulates that any unused land within the tea estate should revert to government ownership. The visit revealed

that significant portions of the land were left barren and unused for tea cultivation, which is a clear violation of the lease agreement. These unused portions have become a source of grievance for the tribal families who have historically cultivated the land and are now being denied access to it.

- iii. **Impact of Land Fragmentation:** The spot visit also revealed the problematic subdivision of land into small plots. The garden is home to over 321 small plots within the leased area, some of which are being used without proper authorization. This fragmentation of the land not only complicates the land ownership but also hinders effective and fair land use. The irregular land distribution has been a key factor in the exploitation of the lease terms and leaves the tribal families at a disadvantage, as they are unable to claim the land they have worked on for generations.
- iv. **Exploitation of Tribal Communities and Commercial Interests:** One of the major concerns raised during the visit was the increasing exploitation of tribal families due to the expanding commercial interests of the tea garden. The rapid growth of tea tourism in the Darjeeling region has led to the conversion of large portions of land, historically used for cultivation by Scheduled Tribes, into tourist attractions. This has resulted in the displacement of tribal families from their ancestral lands, with little or no compensation or alternative livelihood opportunities. The commercial push for tourism has further marginalized the ST communities, eroding their cultural identity, economic independence, and sense of belonging, which has led to their alienation from their ancestral lands and traditional ways of life.
- v. **Harassment and Threats Faced by Tribal Families:** Testimonies from the tribal families present at the visit, including Smt. Pushpa Barla's father, Purnima Minz, Barna Toppore revealed that they have faced ongoing harassment and threats from the management of Bhojanarayan Tea Garden. These families have been subjected to intimidation tactics to force them off the land they have cultivated for decades. The atmosphere of fear and coercion created by the tea company has made it difficult for these families to assert their rights and live peacefully on their ancestral land.





Figures 1 & 2: Hon'ble Members Shri Nirupam Chakma and Shri Jatothu Hussain conducted a spot visit to Naughat Village on 19.03.2025 to investigate Pushpa Barla Land Dispute

Recommendations

1. **Reclamation of Unused Land:** The Government of West Bengal may immediately take steps to reclaim all barren and unused portions of the tea estate, as per the terms of the lease agreement. A comprehensive audit of the land may be conducted to identify all unused or misused parcels of land, which could be repurposed for the benefit of the tribal families.
2. **Redistribution of Land to Tribal Families:** The reclaimed land may be redistributed to the rightful claimants, with priority given to tribal families who have historically worked and resided on the land, such as the family of Smt. Pushpa Barla. A transparent process may be established to ensure that land redistribution is fair and in accordance with the West Bengal Land Reforms Act, granting formal ownership and security to these families.
3. **Strengthened Legal Protection under the SC/ST Act:** Immediate action may be taken to extend protection under the SC/ST (Prevention of Atrocities) Act, 1989, to ensure that tribal families are safeguarded from any further harassment or threats from the Tea Garden Company Management. This may include the establishment of a dedicated helpline for reporting incidents of exploitation, as well as ensuring that FIRs are swiftly registered in cases of threats and that legal proceedings are expedited.
4. **Investigation into Land Ownership Irregularities:** An independent investigation may be conducted to address the ambiguities in land ownership and land usage, particularly regarding the subdivision of the tea estate into numerous small plots. Land records may be reviewed and updated to reflect accurate ownership and land use.

- 5. Inclusive Development and Livelihoods:** Any future development activities in the Darjeeling region, including tea tourism, may be designed to include tribal communities. These projects may be developed in consultation with the local Scheduled Tribe families, ensuring that they benefit economically and that their cultural heritage is preserved. Skill development programs and alternative livelihoods may be promoted to enable tribal families to actively participate in and benefit from regional growth.

The spot visit to Bhojanarayan Tea Garden revealed significant challenges faced by the tribal communities, including land disputes, exploitation by commercial interests, and threats to their ancestral rights. The Commission is committed to addressing these issues through legal, administrative, and social measures to ensure that the rights of the tribal families are respected and that they are provided with the opportunity to live with dignity and security on their ancestral land.



निरुपम चाकमा / Nirupam Chakma
सदस्य / Member
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National Commission for Scheduled Tribes
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नई दिल्ली / New Delhi

Visit report of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes (NCST), New Delhi to the Darjeeling District of West Bengal State to review the implementation of Constitutional safeguards, welfare and development schemes for Scheduled Tribes on 20.03.2025

The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of Scheduled Tribes in the country. As per constitutional provisions, the Union and every State Govt. shall consult the Commission on all major policy decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President of India reports upon working of those safeguards and all such reports are to be laid before each House of Parliament along with Memorandum explaining the Action Taken or propose to be taken on the recommendations relating to the Union and the reasons for non- acceptance, if any, of any of such recommendations.

In pursuance of the above constitutional mandate, Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes chaired the meeting with the District Magistrate and other district officials of Darjeeling district on 20.03.2025 to evaluate the working of constitutional safeguards available to the Scheduled Tribes in the Darjeeling district and review implementation of various service safeguards and other developmental schemes/programmes for the welfare and development of Scheduled Tribes.

Before the District-level review meeting, Hon'ble Members Shri Nirupam Chakma and Shri Jatothu Hussain, National Commission for Scheduled Tribes (NCST) held a preliminary discussion with representatives of ST associations at the Circuit House Building in Darjeeling. The session provided an opportunity for direct interaction with ST community leaders, who shared pressing issues faced by the local population and provided insights into the challenges in accessing welfare schemes intended for their upliftment. The meeting highlighted several concerns as under.



Figure 3: Meeting of Shri Nirupam Chakma and Shri Jatothu Hussain, Hon'ble Members, NCST with ST Association Representatives and Community Members in Circuit House Darjeeling to Address Issues and Challenges.



Figure 4: Shri Nirupam Chakma, Hon'ble Member, NCST with Representatives of ST Associations at Circuit House, Darjeeling.

- i. **Caste Certificate Process:** The shift to an online system for applying for tribal certificates has made it difficult to prevent misuse. In the past, associations could directly validate the claim of applicants before the issuance. Community certifications helped to prevent fraudulent applications, but now that is not possible with the online process. The suggestion is to authorize certain associations to validate the claim of applicants similar to the practice in Assam before issuance. Community certifications helped to prevent misuse and ensure that only eligible individuals apply for tribal certificates.
- ii. **Quota for STs (Scheduled Tribes):** The current quota for STs remains unchanged at 6%. In 2003, the Limbu and Tamang communities were recognized as new STs (S.No: 39th and 40th in the List), but their inclusion has not led to an expansion of opportunities for these communities. The issue of fake caste certificates being issued to non-tribals for benefits under the ST quota is also a major concern, which needs stricter monitoring and enforcement.
- iii. **Monastery Damage and Burial Practices:** Monasteries, which are an integral part of the local culture and religion, have been damaged. Additionally, there is a lack of funding and employment opportunities for the communities linked to these monasteries. Another concern is the lack of proper burial facilities, including electric cemeteries, which are essential for traditional burial practices in Darjeeling. There is a need for better infrastructure and support to preserve these cultural sites and practices.
- iv. **Land Issues - Village Tourism and Deforestation:** There is growing concern about land issues, particularly in relation to village tourism and home stays. While tourism has potential, there are concerns regarding land ownership and the exploitation of forest resources, contributing to

deforestation. There needs to be more regulations to balance development with environmental sustainability.

- v. **Discrepancy in Scholarships for Minority and SC/ST Students:** There is a disparity in scholarship schemes wherein the amount awarded to minority students up to Class X is higher than that given to SC/ST students. This creates an imbalance in educational opportunities and should be addressed by the government to ensure equal support for all communities.

Key Observations based on the reply to the NCST questionnaire

The meeting, chaired by Shri Nirupam Chakma, Hon'ble Member, included officials from the NCST Secretariat, the District Magistrate via video-conferencing, and officials from various departments of the district administration. Hon'ble Member provided an overview of the functions, responsibilities, and powers of the NCST as a constitutional body, setting the stage for a comprehensive discussion on the NCST questionnaire. Based on responses to these points, the Commission has made the following observations:

1. General Information and Demographics

Darjeeling district, located in the state of West Bengal, has a total population of 1,644,584, as per the 2011 Census. Among this, the population of Scheduled Tribes (ST) in the district is significant, with 64,637 ST habitations. Specifically, the ST population totals 322,414, with 159,572 male and 162,842 female children. This demographic data reflects the considerable presence of ST communities in Darjeeling, highlighting the need for focused welfare initiatives tailored to their specific needs and challenges.

2. Education

Education in Darjeeling, especially for the ST community, faces some gaps. The literacy rate for STs is significantly lower than the general category, with 78.66% male and 62.6% female literacy rates among the ST population, compared to 85.61% male and 73.33% female literacy rates in the general category. Despite this disparity, it is encouraging to note that all children below the age of 14 attend school. However, the enrolment rates for ST students at both the elementary and middle school levels are considerably lower compared to their general category counterparts. For instance, the enrolment rate at the elementary school level is 12.66% for ST students, compared to 50.50% for the general category. Furthermore, ST students face a higher dropout rate at both the middle school (3.54% for STs vs. 2.5% for the general category) and high school levels (7.20% for STs vs. 5.37% for the general category). These figures underscore the need for targeted interventions to improve ST student retention and enrolment, particularly at the higher educational levels.

3. Agricultural and Economic Empowerment

Agriculture remains a key source of livelihood for the ST community in Darjeeling. There are approximately 102,371 ST farmers, who cultivate a variety of crops, including field crops such as maize, paddy, and potatoes, as well as spices like cardamom and ginger, and fruits such as oranges, peaches, and papayas. Although there has been some adoption of improved agricultural methods, the uptake is only partial. To improve the economic conditions of ST farmers, several measures have been proposed. These include securing land ownership, providing irrigation support, promoting mechanization, encouraging crop diversification, and facilitating organic farming practices. Furthermore, 10,146 ST individuals are

registered as unemployed, with a majority being unskilled laborers. This highlights the pressing need for vocational training, access to finance, and better market linkages to improve livelihoods and create sustainable economic opportunities for the ST community.

4. Infrastructure and Housing

Infrastructure development in Darjeeling, particularly for ST communities, has seen some progress. Over the last decade, 2,053 house site pattas have been distributed to ST families, and an equal number of houses have been constructed under various government schemes like Pradhan Mantri Awas Yojana (PMAY). However, the need for further expansion of housing programs is evident. The Grey Water Management (GWM) scheme has been introduced to improve drainage facilities in some areas, and the Jal Jeevan Mission aims to provide functional household tap connections to all households, with 50% already benefiting from this initiative. Additionally, there are efforts underway to improve road connectivity, with 18.35 km of link roads identified for construction under the PM JUGA scheme to enhance access to remote ST habitations. Although progress has been made, there is still a significant gap in infrastructure and housing that needs to be addressed to improve the living conditions of the ST population.

5. Welfare Services

The district has made strides in ensuring the availability of basic welfare services to the ST community. Health facilities are available in all ST villages, and the district has made efforts to improve sanitation by installing solar street lights under the 15th Finance Commission. In terms of drinking water, all ST villages now have access to potable water, with the Jal Jeevan Mission ensuring that a significant percentage of households have functional tap connections. The Public Distribution System (PDS) operates effectively, ensuring that ST households have access to essential food provisions. Furthermore, there have been no reported cases of child labor in the district, and the Anganwadi and Mid-Day Meal schemes benefit nearly 20,000 ST children, ensuring that young children have access to basic nutrition and early childhood education.

6. Legal and Social Welfare

In terms of legal protections, the Prevention of Atrocities Act (PoA) has been actively enforced in the district. Several cases have been booked under the PoA Act, with chargesheets filed and compensation provided to the victims. There are no reports of manual scavenging or dry latrines in the district, and there has been no social unrest among the ST population in the last decade. These factors reflect a relatively stable social environment, with legal safeguards in place to protect the rights and dignity of ST communities.

7. Economic Development and Livelihoods

Economic development and livelihood opportunities for the ST community have been bolstered by the establishment of 4,338 Self-Help Groups (SHGs) of ST women. These SHGs are involved in various activities such as agriculture, animal husbandry, floriculture, tailoring, food processing, and handicrafts. Programs like the Community Managed Sustainable Agriculture (CMSA), Startup Village Entrepreneurship Program (SVEP), and Integrated Farming Clusters have been introduced to support these SHGs and foster sustainable livelihoods. These initiatives aim to enhance the economic empowerment of ST women and create avenues for financial independence. However, continued support

for skill development, access to finance, and market linkages is crucial for ensuring the long-term success of these SHGs.

8. Government Schemes and Financial Support

Several welfare schemes have been implemented for the ST community, such as polyhouse farming, goat farming, and financial loans under the National Scheduled Tribes Finance and Development Corporation (NSTFDC). While some schemes, such as goat farming, have seen significant progress, with 80% of the targeted beneficiaries reached, other initiatives like NSTFDC loans have not yet fully met their targets. The implementation of such schemes is essential for enhancing the economic prospects of the ST population, particularly in rural areas.

9. Tribal Sub Plan (TSP)

Under the Tribal Sub Plan (TSP), various welfare activities have been funded, including education, healthcare, and economic empowerment initiatives. A total of Rs. 4.5 crore has been allocated to 34 schemes under Article 275(1), with additional funding provided for state development schemes that benefit the ST population in both Darjeeling and Siliguri. These funds support critical areas such as education, healthcare, infrastructure, and cultural preservation, which are key to the socio-economic development of ST communities.



Figure 5: Shri Nirupam Chakma, Hon'ble Member, chaired the District-Level Review meeting along with the NCST officers at the District Commissioner Office conference hall in Darjeeling

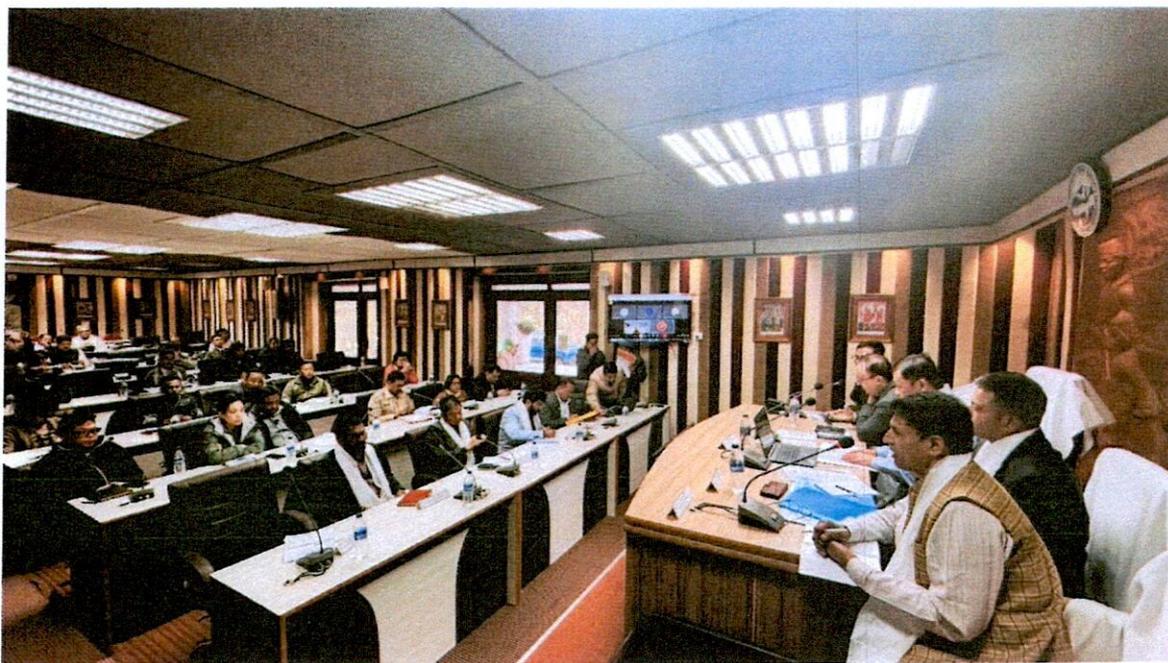


Figure 6: Shri Nirupam Chakma, Hon'ble Member, discussing the response to the NCST questionnaire with the District Administration of Darjeeling Comprehensive and Holistic Recommendations for the Welfare and Development of Scheduled Tribes (ST) in Darjeeling District, West Bengal

The National Commission for Scheduled Tribes (NCST), after careful review of the challenges faced by the Scheduled Tribe (ST) communities in Darjeeling, recommends a series of comprehensive and integrated actions aimed at addressing the systemic issues affecting the marginalized tribal population. These recommendations span various sectors, ensuring that there is a holistic approach to the socio-economic development and welfare of the ST communities.

1. Awareness and Empowerment Initiatives at the Grassroots Level

Block-Level Awareness Programs: A widespread and sustained awareness campaign may be organized at the block level, targeting rural and remote tribal areas. These programs may educate the ST communities about government schemes and welfare programs, their eligibility criteria, application processes, and the real-life impact of these programs on the community.

- i. **Holistic Approach:** Involve local tribal leaders, self-help groups (SHGs), and NGOs to build trust and ensure the participation of women, youth, and marginalized groups in these initiatives.
- ii. **Community-Based Awareness:** Develop educational materials in local languages and tribal dialects, leveraging technology (such as mobile apps) to enhance the reach of these campaigns. Engage local community radio stations, cultural programs, and folk media to disseminate information effectively.

2. Strengthening Financial Inclusion and Economic Empowerment

Role of Lead Banks in Financial Inclusion: The Lead Bank may design a targeted annual action plan to improve the financial literacy and banking access of the ST communities. The plan should focus on:

- i. **Financial Literacy Campaigns:** Conducting financial literacy workshops and distributing materials explaining banking products, subsidies, and financial assistance available for the tribal population.
- ii. **Microfinance and Credit Facilities:** Ensure that ST families, especially women and small-scale entrepreneurs, have access to credit facilities, loans, and microfinance schemes to start or scale up businesses.
- iii. **Promotion of Digital Banking:** Promote digital literacy and the use of digital banking systems to increase access to financial services in remote areas.
- iv. **Long-Term Economic Programs:** Create programs for agricultural and non-agricultural financial products tailored to the needs of ST communities, such as livestock loans, small-scale agriculture financing, and support for traditional crafts and handlooms.

3. Land Rights and Livelihood Security for Landless Tribal Laborers

Addressing Landlessness and Distress Sale of Land: A comprehensive roadmap may be developed to address the issue of landless tribal laborers, especially those who have been compelled to sell their land under distress due to economic pressures. Key measures include:

- i. **Land Redistribution Programs:** Provide land titles to landless tribal families to secure their livelihood and ensure their ownership rights over agricultural land. If feasible, use the state's land reform laws to redistribute land to these families.
- ii. **Land-Based Livelihood Support:** Provide technical support for sustainable land-based livelihoods, such as organic farming, agroforestry, and horticulture, along with market linkages for the produce.
- iii. **Skill Development for Non-Agricultural Sectors:** Implement skill development programs for landless tribal laborers, focusing on construction, carpentry, plumbing, and other sustainable livelihoods that do not rely on land ownership.

4. Revitalizing and Strengthening Traditional Social and Cultural Practices

Support for Tribal Cultural Preservation: The NCST recommends the establishment of a dedicated fund for the preservation and promotion of tribal cultural heritage, particularly the monasteries, religious sites, and traditional practices that face neglect and lack of resources.

- i. **Infrastructure Support for Religious and Cultural Sites:** Allocate funding for the repair and restoration of damaged monasteries and other culturally significant sites. This will not only preserve the cultural identity of the ST communities but also promote tourism and employment opportunities for the local population.
- ii. **Cultural Awareness Programs:** Incorporate cultural education into school curricula to ensure that young tribal children are aware of and proud of their heritage. Additionally, create cultural exchange programs to promote mutual understanding between different tribal groups and mainstream society.

5. Enhancing Access to Education and Skill Development

Increase Enrolment and Retention in Education: To address the disparities in education for ST children, it is crucial to improve enrollment rates, reduce dropout rates, and enhance educational outcomes for tribal students.

- i. **Targeted Scholarships and Financial Support:** Increase the number of scholarships, stipends, and financial support to ST students, particularly those at the high school and higher education levels. Streamline the process to ensure timely disbursement of funds.
- ii. **Alternative Education Models:** Develop mobile schools, hostels, and community education centers in remote tribal areas to provide quality education without requiring students to travel long distances.
- iii. **Vocational Training and Skill Development Centers:** Establish training centers to equip the tribal youth with employable skills such as computer literacy, entrepreneurship, and vocational skills, which will open avenues for gainful employment.

6. Improving Infrastructure and Access to Basic Services

Comprehensive Infrastructure Development Plan: A long-term infrastructure development plan should be put in place to ensure the provision of basic services, including:

- i. **Affordable Housing:** Scale up the housing program to ensure that every tribal household has access to a dignified living space. Involve tribal communities in the construction process to create jobs and foster a sense of ownership.
- ii. **Improved Roads and Connectivity:** Focus on improving road connectivity to remote ST villages, ensuring all areas are accessible, especially during the monsoon season. The road network should also be optimized for transporting tribal products to markets.
- iii. **Water and Sanitation:** Expand the scope of the Jal Jeevan Mission to ensure 100% coverage of functional tap water connections for all tribal households, especially in remote areas. Improve sanitation facilities, including the provision of toilets and waste management systems, to maintain hygiene and prevent health issues.
- iv. **Electricity and Technology Access:** Ensure that every tribal household has access to reliable electricity, especially in off-grid areas, and increase access to technology like mobile phones and the internet to facilitate access to government schemes and information.

7. Strengthening Legal Safeguards and Social Protection

Monitoring and Enforcing the Prevention of Atrocities Act: Strengthen the implementation of the Prevention of Atrocities Act (PoA) by:

- i. **Establishing Vigilance Committees:** Set up district-level Vigilance and Monitoring Committees that include tribal representatives to ensure that cases of discrimination and violence against ST communities are effectively monitored and prosecuted.
- ii. **Legal Aid and Support Systems:** Establish legal aid cells to provide free legal assistance to victims of atrocities and violence, particularly those from remote tribal areas who cannot afford legal fees.

8. Addressing Unemployment and Livelihoods Challenges

Focus on Tribal Employment: Develop a comprehensive strategy for increasing employment opportunities for ST communities, with a focus on:

- i. **Skill Development and Entrepreneurship Programs:** Strengthen and expand the scope of programs like Start-Up Village Entrepreneurship Program (SVEP) and Community Managed Sustainable Agriculture (CMSA) to create sustainable livelihoods for ST women and youth.
- ii. **Public Works and Employment Programs:** Reinvigorate the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in Darjeeling, ensuring that tribal laborers have access to employment opportunities that provide fair wages and benefits.

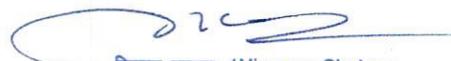
9. Corporate Social Responsibility (CSR) Initiatives

Strengthening CSR Support from Corporates: The NCST recommends the active involvement of corporate bodies like IRCON and other public sector enterprises in the welfare of tribal communities by:

- i. **Dedicated CSR Programs for Tribals:** Corporates should create dedicated CSR initiatives that focus on tribal communities, supporting projects in education, health, infrastructure development, and economic empowerment.
- ii. **Monitoring and Reporting:** A mechanism should be established to regularly monitor and evaluate CSR activities, ensuring transparency, accountability, and effective use of funds directed toward the welfare of tribal communities.

10. Establishing Recruitment Rules (RR) in the Gorkhaland Territorial Administration (GTA)

The establishment of formal **Recruitment Rules (RR)** for Group B, C, and D positions within the **Gorkhaland Territorial Administration (GTA)** is crucial for improving the transparency, accountability, and efficiency of the recruitment process. The absence of these rules has led to concerns about inefficiency, and unfair hiring practices, which can undermine public trust and hinder the development of the region. Therefore, it is imperative to develop clear, merit-based recruitment guidelines that ensure positions are filled based on competence, diversity, and fairness.


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सदस्य / Member
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“PUSHPA BARLA CASE HEARING” (21.03.2025)

Pushpa Barla, a permanent resident of Naughat, Bhojanarayan Tea Garden, P.O. Kamala Bagan, P.S. Bagdora, West Bengal, filed a petition dated 23.03.2022 regarding illegal land encroachment. The land in question **0.99 ACRE**, Plot No. 1110/1326, Mouza Hetmuri, JL No. 85, Block Phasidewa, has been under cultivation by Pushpa's family and several other tribal families for over 50 years. Pushpa Barla's petition states that the manager of Bhojanarayan Tea Garden attempted to exploit the local tribal families by offering permanent employment in exchange for land. While some families accepted the offer, Pushpa's family refrained. Upon realizing that many tribal families lacked formal land leases, the manager allegedly fabricated lease documents for the land and falsely claimed ownership of it. Additionally, the manager accused the families of illegal construction, leading to unrest. Pushpa Barla sought legal intervention to annul the fraudulent lease documents and obtain justice in accordance with the West Bengal Land Reforms Act and the ST Act.

The hearing was held on 21.03.2025 in the Conference Room of the State Guest House, Siliguri, West Bengal under the Chairmanship of Hon'ble Members Shri Nirupam Chakma and Shri Jatothu Hussain, National Commission for Scheduled Tribes (NCST). It was attended by the Project Officer-cum-District Welfare Officer (DWO), Siliguri, the Assistant Director, the Block Land and Land Reforms Officer (BL&LRO) of Phansidewa, and other officials from the West Bengal district administration. Representing the petitioner, Smt. Pushpa Barla, her father attended the hearing along with other family members. The hearing involved a detailed examination of the disputed land's ownership, the lease agreement between the Bhojanarayan Tea Company and the Government of West Bengal, and the historical claims of tribal families over the land.

The District administration highlighted that a lease agreement was signed between the Bhojanarayan Tea Company and the Government of West Bengal on 15th July 1963, covering an area of 844.50 acres. The lease agreement officially came into effect in 1972 under the provisions of the Estate Acquisition Act, 1953, with a lease term of 30 years. Following the expiration of the original lease term, a renewal of the agreement was processed in 2021, thereby extending the tea estate's lease tenure in compliance with legal provisions.



Figure 7: Shri Nirupam Chakma and Shri Jatothu Hussain, Hon'ble Members, NCST held a Sitting at Circuit House Siliguri for the Pushpa Barla Case

Detailed Observations and Findings: -

1. Ambiguity in Land Ownership and Use:

- i. The disputed land (Plot No. 1110/1326, Mouza Hetmuri, JL No. 85, Block Phansidewa) of 0.99 acres is claimed to be government-owned and leased to the Bhojnarayan Tea Company for tea cultivation. However, the existence of over 321 small plots of varying sizes within the leased area raises significant doubts about the effective utilization of the land as stipulated in the lease agreement.
- ii. The irregular sub-division of land into multiple small plots suggests potential mismanagement, unauthorized usage, and exploitation of the lease terms, creating a complex ownership matrix that disadvantages the tribal families who have cultivated and resided on the land for generations.

2. Unused Portions of Leased Land:

- i. As per the lease agreement, any portion of land within the tea estate that is not actively utilized for tea cultivation must revert to government ownership. This clause exists to prevent misuse and ensure the land serves its intended agricultural purpose.
- ii. During the Commission's spot visit on 19.03.2025, it was observed that substantial portions of the disputed land were barren and unused for tea cultivation. This is a direct violation of the lease terms, further exacerbating the grievances of the tribal families who are denied access to this unused land despite their historical association with it.

3. Historical Cultivation by Tribal Families:

- i. Evidence presented during the hearing, as well as the testimonies of tribal families, confirmed that the disputed land has been cultivated and inhabited by Scheduled Tribe families, including the petitioner's ancestors, for over 50 years. This longstanding relationship with the land establishes not only their cultural and ancestral connection but also their legitimate claim to it.
- ii. During the spot visit on 19.03.2025, even the Bhojnarayan Tea Company management admitted that the ancestors of tribal families, including the petitioner, historically participated in agricultural activities on the disputed land, effectively acting as stewards of the land for generations. It is an admitted fact that the petitioners had been cultivating the land until a few years ago, when they were stopped.

4. Impact of Tea Tourism:

- i. The rapid expansion of tea tourism in the Darjeeling region has emerged as a significant factor contributing to the displacement and alienation of tribal families from their ancestral lands. Large portions of land historically cultivated by Scheduled Tribes are being converted into tourism hubs, often without their consent or compensation.
- ii. The Commission expressed grave concerns over the exploitation and harassment faced by Scheduled Tribe families due to the commercial interests of tea estates and tourism ventures. This exploitation undermines their cultural identity, economic independence, and sense of belonging.

5. Need for Protection under the SC/ST Act:

- i. Evidence revealed potential threats and acts of harassment by the management of the Bhojnarayan Tea Company towards the petitioner's family and other tribal families. These actions create an environment of fear, coercion, and intimidation, violating the fundamental rights of the Scheduled Tribes.
- ii. The Commission underscored the urgency of providing legal protection to the affected families under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to prevent further exploitation and safeguard their rights to live with dignity on their ancestral land.

Recommendations

i. Reclamation of Unused Land:

- i. The Government of West Bengal may take immediate steps to reclaim all portions of the leased tea estate that are currently barren, fallow, or otherwise unused for tea cultivation, as stipulated in the lease agreement or under applicable laws.
- ii. A detailed audit of land usage within the Bhojnarayan Tea Company's leasehold may be conducted to identify and catalog all unused or misused parcels of land.

ii. Redistribution to Tribal Families:

- i. The reclaimed land may be redistributed to the rightful claimants, prioritizing tribal families like that of Smt. Pushpa Barla, who is currently in possession of the land (the subject matter of the present complaint) since many decades.
- ii. The process of redistribution must ensure transparency, fairness, and recognition of tribal rights as guaranteed under the Constitution of India and relevant laws such as the West Bengal Land Reforms Act.
- iii. Appropriate land titles may be issued to the tribal families, granting them formal ownership and security against future exploitation.

iii. Verification of Historical Records:

To verify the ancestral presence of tribal families, including that of Smt. Pushpa Barla's family, in the disputed area, it is recommended that historical records such as the Census List of 1951 and 1961, Voter Lists prior to the 1960s, and data from Gram Sabhas or other local bodies be reviewed and provided. These documents will help establish the legitimacy of their claims and substantiate their long-standing association with the land. This step will ensure transparency in the investigation and provide a robust basis for determining the rightful claimants of the land.

iv. Strengthened Protection under the SC/ST Act:

- i. Immediate legal protection may be extended to all affected tribal families under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This includes the provision of police protection, swift registration of FIRs in cases of threats or harassment, and expedited legal proceedings to address their grievances.

- ii. A dedicated helpline and grievance redressal mechanism may be established to assist Scheduled Tribes in reporting incidents of exploitation or violence.

v. **Investigation into Land Ownership Ambiguities:**

- i. A comprehensive and independent inquiry may be conducted to address the irregularities in land usage and ownership, particularly the subdivision of the tea estate into multiple small plots.
- ii. The Commission recommends that land records be reviewed and updated to reflect the true ownership and usage of the land, ensuring accountability and transparency.

vi. **Awareness and Empowerment of Tribal Communities:**

- i. The District Administration may organize regular awareness campaigns to educate Scheduled Tribes about their constitutional and legal rights, with a particular focus on land ownership, prevention of exploitation, and access to legal remedies.
- ii. Training programs may be initiated to empower tribal families with knowledge about sustainable agricultural practices, alternative livelihoods, and land management.

vii. **Promotion of Inclusive Development:**

- i. The Commission recommends that any future development activities in the Darjeeling region, including tea tourism, be inclusive of tribal communities. These activities may be planned in consultation with local Scheduled Tribe families and include provisions for their economic participation and cultural preservation.
- ii. Tribal families may be offered alternative livelihoods, skill development programs, and equitable opportunities to share in the benefits of tourism and economic growth.


निरुपम चाकमा / Nirupam Chakma
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Government of India
नई दिल्ली / New Delhi

Annexures of Attendance Sheets:

National Commission for Scheduled Tribes

File No: NCST/DEV-355/WB/3/2022-ESDW

List of Officers/Staff participated in the Tea Garden Spot Visit (Pushpa Barla Case) under the Chairmanship of **Shri Nirupam Chakma, Hon'ble Member, NCST** and **Shri Jatothu Hussain, Hon'ble Member, NCST** on 19/03/25 at 12:30 P.M.

S. No.	Name and Designation	Signature
National Commission for Scheduled Tribes		
1.	Shri P. Kalyan Reddy, Director	
2.	Shri H.R. Meena, Research Officer	
3.	Shri Ashok K Lakkarsu, P.S. to Member (JH)	
4.	Shri Sarthak Banduni, Investigator	
5.	Shri Dilip Kanti Chakma, Legal Consultant	
6.	Ms. Parna Chakma, P.A. to Member (NC)	
7.		
8.		
Tea Garden Spot Visit District Administration		
1.	Jagdev Singh sandhu	9474012721
2.		9932106207
3.	Prakash Ch. Sarker	00/nareg
4.	Niranjana Ghosh	Adl. Executive Officer SSI District Administration
5.		
6.	Vijay Kumar	PO. Cum DWO, BHO & T.P.D, SSI
7.	Purnima Mung	P Mung
8.	Banaraj Toppo	
9.	Jamal Kujur	9339497620
10.		
11.		

National Commission for Scheduled Tribes

File No: Review/32/WB(Dist-Darjeeling)/2025/Coord

List of Officers/Staff participated in the meeting with the Representatives of ST's Associations under the Chairmanship of **Shri Nirupam Chakma**, Hon'ble Member, NCST on 20/03/25 at 02:00 P.M

S. No.	Name and Designation	Signature
National Commission for Scheduled Tribes		
1.	Shri P. Kalyan Reddy, Director	
2.	Shri H.R. Meena, Research Officer	
3.	Shri Ashok K Lakkarsu, P.S. to Member (JH)	
4.	Shri Sarthak Banduni, Investigator	
5.	Shri Dilip Kanti Chakma, Legal Consultant	
6.	Ms. Parna Chakma, P.A. to Member (NC)	
7.		
8.		
Representatives of ST's Associations		
1.	Hima D. Bhatia (Bhatia Aso)	9775969932
2.	Sondup Dulepa (Dulepa Aiso)	9932347327
3.	Dawa Tamang. (Dang)	8537024377
4.	Passang Tamang	
5.	Suprawa Yonzone Dang	8900823024
6.	SKSHIE MURTAN (AKL INDIA TAMANG) AISO	9882366424
7.	Numatshij Shya (Shurpo Budekhit)	9641687177
8.	Passang Norbu Lama (YD/ma)	9932207183
9.	Kiran Dang	9474411693
10.	Q. K. Seelchen	6295843660
11.	Saifuddin Baer	9635748471
12.	Amma.	9832614466
		7602537545

Representatives of ST's Associations		
14	Khitian Suda (WBSTWA)	9933883658
15	Pitbaran Sauri (WBSTWA)	8597080181
16	Trinath Murmu (ASECA)	8158037148
17	Sunil Baran Kirken (WBSTWA)	8250330459
5.		
6.		
7.		
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9.		
10.		
11.		
12.		

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

फाइल सं. NCST/DEV-355/WB/3/2022-ESDW

Dated: 21/03/25

विषय: खेती की भूमि पर अवैध रूप से कब्जा करने के सम्बन्ध में सुश्री पुष्पा बारला, दार्जिलिंग, पश्चिम बंगाल का दिनांक 23.03.2022 का अभ्यावेदन के संबंध में

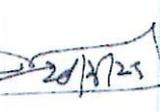
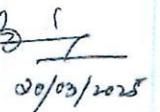
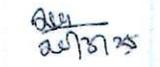
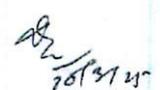
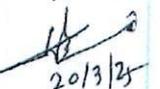
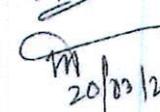
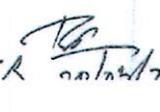
क्र. सं	नाम	पदनाम	मोबाईल नं. अथवा कार्यालय नं.	हस्ताक्षर
1.	श्री निरूपम चाकमा	माननीय सदस्य महोदय		
2.	श्री जाटोतु हुसैन	माननीय सदस्य महोदय		
3.	डॉ पी. कल्याण रेड्डी	निदेशक		
4.	श्री एच. आर. मीना	अनुसंधान अधिकारी		
5.	श्री अशोक के लक्करसु	माननीय सदस्य के निजी सचिव		
6.	श्री सार्थक बंदुनी	अ-वेषक		
7.	श्री दिलीप कालि चकमा,	माननीय सदस्य के कानूनी सलाहकार		
8.	सुश्री पर्णा चकमा	माननीय सदस्य के निजी सहायक		
कलेक्टर व जिलाधिकारी, जिला-दार्जिलिंग- पश्चिम बंगाल				
1.	Vijaykrankai	WRCS (ex) P.O Cum DW, Sig.		
2.	SHUBRAJIT MAJUMDAR	Asst. Director of BCLRO, P. Office		
3.	Mahadeban	Asst. Inspector, BCWTD		
4.	Subodh Mandal	Inspector BCLRO, Sig. office of the PO-cum-DW		
पुलिस आयुक्त, सिलीगुड़ी, पश्चिम बंगाल				
1.				
2.				
अभ्यावेदक/अभ्यावेदिका				
1.	Lorgehus Barla			
2.	Jasinta Barla			
3.	Anima Baghwar		7557034308	
4.	Berna Toppo		7407583191	
5.	Rajkumar Kaslep		8145808684	
6.	James Krishna			

National Commission for Scheduled Tribes

File No: Review/32/WB(Dist-Darjeeling)/2025/Coord

List of Officers/Staff participated in the District Review Meeting, District Darjeeling under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, NCST and Shri Jatothu Hussain, Hon'ble Member, NCST on 20/03/25 at 03:30 P.M.

S. No.	Name and Designation	Signature
National Commission for Scheduled Tribes		
1.	Shri P. Kalyan Reddy, Director	
2.	Shri H.R. Meena, Research Officer	
3.	Shri Ashok K Lakkarsu, P.S. to Member (JH)	
4.	Shri Sarthak Banduni, Investigator	
5.	Shri Dilip Kanti Chakma, Legal Consultant	
6.	Ms. Parna Chakma, P.A. to Member (NC)	
7.		
8.		
Officers of District Administration, District Darjeeling, West Bengal		
1.	Soumen Tshering Bhutia, Secy GTA	
2.	Sunanda Pradhan, ID DRD & ED GTA	
3.	Sonam Bhutia, ED, Engineering GTA	
4.	Santanu Dujara, DWD & ED GTA	
5.	Topden Lama, ED P&RD.	
6.	SO Ram Tamang, ADM (Asst)	
7.	Shreyosi Ghosh, Dist Manager SC, ST & Fin Corp	
8.	Bhaskar Roy, DM De, Darjeeling	
9.	Lopamey Somaiy, DPRO, Darjeeling	
10.	Rapden Bhutia, Asst. D.A. (Admin) Dj.	
11.	Dalavanti T. D. ...	

13. Rabin Sarki, A.E, Doojeeling - Div./PHED, GTA. - 
14. Dixita Bhunia, F.O, SSSS Doojeeling Employment Exchange 
- 9938642211 Debidul Mandal AEM (M.B) 
15. Dilomaz Mitra DPO Doojeeling 
16. Bani Lama BSWO Doojeeling 
17. Asghar Abedeen Asstt. Accounts Officer W.B. SC/ST & OBC Res. & In Corporation, Doojeeling.  20/03/25.
18. Tahsing T. Buhin Addl. SP. (Tax)  20/3/25
19. Benoy Sinchury Inspector H.P.B. Doojeeling.  20/03/2025
20. Subodh Mandal, Insp. BSWO TD  20/3/25
21. Mahadeb Das, Addl. Inspector, BSWO TD  20/3/25
22. Rajib Pramanik District Inspector of Schools (Secondary), Siliguri  20/3/25
23. Tarun Kumar Sinha D. I/S (PE), SILIGURI.  20/03/25
24. Tapas Kumar Bhowan D. I/S (PE & SE) Doojeeling.  20/03/25
25. Yesay Tamang District Planning Officer  20/3/25
26. Kalyan Kumar Ghosh for DLP, GTA
27. C. Bhattacharya for DEC, Siliguri  20/03/25