

AS INTRODUCED IN THE RAJYA SABHA
ON THE 7TH FEBRUARY, 2025

Bill No. XLVII of 2024

THE NATIONAL TRIBAL HERITAGE COUNCIL BILL, 2024

A

BILL

*to establish a National Tribal Heritage Council for the protection, preservation
and promotion of the rich cultural heritage of tribal communities in the
country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-fifth Year of the
Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the National Tribal Heritage Council
 Act, 2024.

Short title and
commencement.

- (2) It shall come into force on such date, as the Central
Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—
- (a) "Council" means the National Tribal Heritage Council constituted under section 3 of this Act;
 - (b) "prescribed" means prescribed by rules made under this Act;
 - (c) "State Committees" mean the State Tribal Heritage Committees established under section 7 of this Act. 5
 - (d) "tribal communities" refers to the Scheduled Tribes as recognized under the Constitution of India;
 - (e) "tribal heritage" includes the cultural, historical, linguistic, and artistic expressions and practices of tribal communities including any act or practice, representation, expression, knowledge, skill, as well as the instrument, object and artefact associated therewith, that tribal communities recognize as part of their heritage. 10

CHAPTER II

THE NATIONAL TRIBAL HERITAGE COUNCIL 15

Constitution of
the National
Tribal Heritage
Council.

3. **(1) The Central Government shall, within one year from the date of commencement of this Act, by notification in the Official Gazette, constitute a body to be known as the National Tribal Heritage Council for the protection, preservation and promotion of tribal heritage of the country and to perform such functions as assigned to it, under this Act.** 20
- (2) The head office of the Council shall be at New Delhi.**
- (3) The Council shall consist of the following -**
- (i) a Chairperson, who shall be an eminent person with extensive knowledge and experience in tribal culture and heritage;** 25
 - (ii) five representatives from recognized tribal communities in the country - Members;**
 - (iii) two experts in the field of anthropology or cultural studies - Members;** 30
 - (iv) one representative from the Union Ministry of Tribal Affairs – Member *ex-officio*;**
 - (v) one representative from the Union Ministry of Culture – Member *ex-officio*;**
 - (vi) two representatives from civil society organizations working in the field of tribal heritage - Members; and** 35
 - (vii) one legal expert with experience in heritage conservation laws - Member.**
- to be appointed by the Central Government in such manner as may be prescribed.** 40

(4) The Central Government shall provide the Council with such number of officers and employees as may be necessary for the efficient performance of the functions of the Council under this Act.

5 (5) The salary and allowances or remuneration payable to, the term of office, the mode of filling of vacancies and other terms and conditions of service etc. of the Chairperson, Members, officers and employees of the Council shall be such as may be prescribed.

10 (6) The Council shall have the power to regulate its own procedure.

4. The Council shall perform any or all of the following functions, namely, to: —

Functions of the Council.

15 (a) formulate and implement policies for the protection, preservation, and promotion of tribal heritage;

(b) identify and document the tangible and intangible cultural heritage of tribal communities of the country;

(c) **establish and maintain cultural centers, museums, and libraries dedicated to tribal heritage;**

20 (d) promote research, education, and awareness about tribal heritage;

(e) **provide financial and technical assistance to tribal communities and organizations engaged in the protection of tribal heritage;**

25 (f) collaborate with national and international organizations for the exchange of knowledge and best practices in tribal heritage conservation;

30 (g) advise the Central Government on legislative and administrative measures necessary for the protection of tribal heritage; and

(h) undertake such other measures as the Council may deem appropriate for the implementation of the provisions of this Act and perform such other functions as may be assigned to it by the Central Government.

35 CHAPTER III

RIGHTS AND OBLIGATIONS

5. The tribal communities shall have the right to: -

Rights of tribal communities.

(a) protect, preserve, and promote their cultural heritage;

40 (b) participate in the decision-making processes regarding their cultural heritage; and

(c) access financial and technical assistance provided by the Council for the protection of their cultural heritage.

Obligations of
the Central
Government.

6. (1) **The Central Government shall,-**
- (a) **ensure the protection, preservation, and promotion of tribal heritage; and**
- (b) **take necessary measures to prevent the exploitation and commercialization of tribal heritage without the consent of the respective tribal communities.** 5

CHAPTER IV

ROLE OF STATE GOVERNMENTS AND DISTRICT ADMINISTRATION

Role of State
Governments.

7. (1) **Every State Government shall, by notification, constitute, State Tribal Heritage Committees to support the activities of the Council at the State level.** 10
- (2) **The State Committees shall consist of representatives from tribal communities, experts in tribal culture, and government officials, to be appointed by the respective State Government, in such manner as may be prescribed.** 15

(3) **The State Committees shall coordinate with the Council to implement policies and programs for the protection of tribal heritage.**

Role of district
administration.

8. (1) **The District Collector or an officer designated by the District Collector shall be responsible for the implementation of the provisions of this Act at the district level.** 20
- (2) **The District Administration shall ensure that,-**
- (i) **tribal heritage sites and practices are identified and documented;** 25
- (ii) **financial and technical assistance is provided to tribal communities for heritage protection;**
- (iii) **complaints related to the violation of the provisions of this Act are addressed swiftly; and**
- (iv) **regular inspections are conducted to ensure compliance with heritage protection guidelines.** 30

CHAPTER V

GRIEVANCE REDRESSAL

Establishment
of grievance
redressal
mechanism.

9. (1) **The Council shall, in such manner as may be prescribed, establish a grievance redressal mechanism to address complaints regarding the violation of the provisions of this Act, received in such form and manner as may be prescribed.** 35

(2) **The Council shall ensure that the grievance redressal mechanism includes, -**

(i) **a toll-free helpline number for lodging complaints;**

(ii) **a web portal for filing and tracking complaints; and**

5 (iii) **designated officers at the State and district levels to address and resolve complaints within a stipulated timeframe.**

CHAPTER VI

DATABASE MANAGEMENT

10 **10. (1) The Council shall establish and maintain a centralized database at the district, state, and national levels for recording real-time data on tribal heritage.**

Establishment of a database on tribal heritage.

(2) The database shall include, but not be limited to,-

(i) details of tribal heritage sites and practices;

15 (ii) details of tribal communities;

(iii) documentation of tangible and intangible tribal heritage;

(iv) status of protection and preservation efforts; and

(v) details of financial and technical assistance provided.

20 **11. (1) The District Collector or an officer designated by the District Collector shall be responsible for ensuring the timely and accurate entry of data into the database at the district level.**

Role of District Administration in database management.

(2) The District Administration shall coordinate with tribal communities and other stakeholders to ensure real-time data entry and accuracy.

25 **12. (1) The State Governments, in coordination with the respective State Committees, shall oversee the integration and management of the district-level databases to form a comprehensive state-level database.**

State and National Level coordination.

30 (2) The Central Government, in coordination with the Council, shall ensure the integration of state-level databases into a national database.

13. (1) The database shall be accessible to designated authorities established under this Act, for monitoring and enforcement purposes.

Accessibility and transparency.

35 (2) The tribal communities shall have the right to access relevant data pertaining to their tribal heritage.

Data security
and privacy.

14. (1) The Central Government shall ensure that the database is secure and that the privacy of tribal communities is protected.

(2) Any unauthorized access to or misuse of the database shall be punishable under relevant laws.

CHAPTER VII

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PENALTIES

Penalty

15. (1) Any individual or entity found to be acting in violation of the provisions of this Act shall be liable to be punished for the first offence, with imprisonment for two years or with fine which may extend to one lakh rupees, or both and for any second or subsequent offence with imprisonment for five years or with fine which may extend to five lakh rupees, or both: 10

Provided that the penalty under this section shall be in addition to and not in derogation of imposition of any penalty under any other law for the time being in force. 15

CHAPTER VIII

MISCELLANEOUS

Central
Government to
provide funds.

16. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, as it may deem fit, to the Council and the State Committees, for carrying out the purposes of this Act. 20

Furnishing of
Annual Reports
etc.

17. (1) The Council shall prepare once in every year, in such form, manner and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year as well as such other reports and returns, as may be directed from time to time, and copies of such report and returns shall be forwarded to the Central Government. 25

(2) A copy of the annual report and returns received under subsection (1) shall be laid, as soon as may be after it is received, before each House of Parliament. 30

Power to
remove
difficulties

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty. 35

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Act not in
derogation of
any other law.

19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

20. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

5 (2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

India is home to a vast and diverse tribal heritage that encompasses a wide array of cultural, linguistic, historical, and artistic expressions and practices. The tribal communities of India, spread across various regions and States, have rich traditions that include unique languages, folklore, dance, music, crafts, rituals, and ways of life. This heritage is not only a testament to India's cultural diversity but also contributes significantly to the country's cultural mosaic.

However, this invaluable tribal heritage faces several challenges that threaten its preservation and continuation. Among these challenges are:

(i) Urbanization and Industrialization: The rapid pace of urbanization and industrialization has led to the displacement of tribal communities from their ancestral lands, disrupting their traditional way of life and leading to the erosion of their cultural practices.

(ii) Globalization: The influence of global cultural trends and the spread of mass media have contributed to the homogenization of cultures, putting traditional tribal practices at risk of being forgotten or replaced by more dominant cultural norms.

(iii) Economic Marginalization: Many tribal communities face economic challenges that limit their ability to sustain and promote their cultural practices. Lack of resources and opportunities often forces these communities to prioritize immediate economic needs over the preservation of their heritage.

(iv) Environmental Degradation: The degradation of natural habitats due to deforestation, mining, and other activities not only affects the livelihoods of tribal communities but also impacts their cultural practices, which are often closely tied to their natural surroundings.

(v) Legal and policy gaps: There are gaps in the legal and policy frameworks for the protection of tribal heritage, leading to insufficient safeguarding of their cultural rights and heritage.

(vi) Lack of Documentation and Research: Much of the tribal heritage remains undocumented, and there is a lack of comprehensive research and academic focus on the diverse cultural practices of tribal communities. This makes it difficult to develop informed policies and initiatives for their preservation.

Given these challenges, there is an urgent need for a comprehensive framework dedicated to the protection, preservation, and promotion of tribal heritage. The establishment of the National Tribal Heritage Council aims to address the multifaceted challenges being faced in the preservation of tribal heritage and providing a robust framework for its protection, preservation, and promotion. This Bill aims to ensure that the rich and

diverse cultural heritage of India's tribal communities continues to thrive and contribute to the nation's cultural legacy. This Bill also confers the right to tribal communities to protect, preserve, and promote their cultural heritage, participate in the decision-making processes regarding their cultural heritage, and access financial and technical assistance provided by the Council for the protection of their heritage. It also lays down the role of the State Governments and District Administration in supporting the functioning of the Council. Further it provides for establishment of a centralized database at the district, state, and national levels for recording real-time data on tribal heritage, its access etc.

This Bill seeks to achieve the above-said objectives.

SUMITRA BALMIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Tribal Heritage Council, appointment of the Chairperson, Members, officers and employees therein and the salary and allowances or remuneration payable to them and other terms and conditions of their service. Clause 4 *inter alia* provides that the Council shall establish and maintain cultural centers, museums, and libraries dedicated to tribal heritage; provide financial and technical assistance to tribal communities and organizations engaged in the protection of tribal heritage etc. Clause 5 *inter alia* confers the right to tribal communities to protect, preserve, and promote their cultural heritage and access financial and technical assistance provided by the Council for the protection of their heritage. Clause 6 lays down the obligations of the Central Government. Clause 7 provides for establishment of State Tribal Heritage Committees. Clause 8 lays down the role of the District Administration. Clause 9 provides for the establishment of a grievance redressal mechanism including toll-free helpline number, web portal and designated officers at the State and District levels to address and resolve complaints within a stipulated timeframe. Clause 10 provides for the establishment of a centralized database at the district, State and National level for recording real-time data on tribal heritage. Clause 16 provides that the Central Government shall grant funds to the Council and the State Committees for carrying out the purposes of this Act.

The Bill, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make provisions through an order to remove any difficulties likely to arise in giving effect to the provisions of the Bill, if enacted. Clause 20 empowers the Central Government to make rules for carrying out in the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

RAJYA SABHA

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BILL

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and promotion of the rich cultural heritage of tribal communities
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(Shrimati Sumitra Balmik, M.P.)