

Bill No. XXI of 2018

THE NATIONAL TRIBAL EDUCATION BOARD BILL, 2018

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BILL

to provide for the constitution of a Board for promoting and monitoring education and skill development of persons belonging to the Scheduled Tribes and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the National Tribal Education Board Act, 2018.

(2) It extends to the whole of India.

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

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint for the purpose of section 3;

Short title
extent and
commence-
ment.

Definitions.

(b) "Board" means the National Tribal Education Board constituted under section 3;

(c) "Chairperson" means the Chairperson of the Board;

(d) "member" means a member of the Board and includes the Chairperson;

(e) "prescribed" means prescribed by rules made under this Act; 5

(f) "regulations" mean regulations made by the Board under this Act;

Constitution
and
incorporation
of Board.

3. (1) With effect from the appointed day, the Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the National Tribal Education Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sued and be sued. 10

(3) The Board shall consist of the following persons, namely:—

(a) Secretary to the Government of India in the Ministry of Tribal Affairs, *ex officio*—Chairperson; 15

(b) Secretary to the Government of India in the Ministry of Human Resource Development, *ex officio*—Member;

(c) Secretary to the Government of India in the Ministry of Skill Development and Entrepreneurship, *ex officio*—Member;

(d) six members to be nominated by the Central Government by rotation in the alphabetical order to represent respectively the Governments of the States of Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Jharkhand, Madhya Pradesh, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim and Tripura: Provided that the nomination shall be from officials of the State Government holding the rank of Secretary to the State Government and dealing with education or skill development or tribal matters; 20
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(e) not more than three members to be appointed by the Central Government from amongst persons having experience in pedagogy;

(f) not more than three members to be appointed by the Central Government from amongst persons having experience in imparting education or skills training; 30

(4) The head office of the Board shall be at Visakhapatnam in the State of Andhra Pradesh or such other places as the Central Government may, by notification in the Official Gazette, specify and the Board may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India.

(5) The qualifications and experience, term of office and allowances of the members specified in clauses (e) and (f) of sub-section (3) shall be such as may be prescribed. 35

(6) Not less than two members shall be persons belonging to the Scheduled Tribes.

(7) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties, as may be prescribed or delegated to him by the Board. 40

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case. 45

4. (1) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act. Officers and employees of the Board.
- (2) **The qualifications and experience, terms and conditions of service including salary and allowances of the officers and employees of the Board shall be such as may be specified in the regulations Made by the Board.**
- (3) **The Board may engage the services of personnel, both from within and outside the country as consultants, visiting educationists on such terms and conditions and remunerations as may be specified in the regulations made by the Board and shall facilitate their operations within the country.**
5. (1) Subject to the rules made in this behalf, the Board shall constitute an Oversight Committee of Experts consisting of experts, eminent educators and academics to advise and assist the Board. Oversight Committee of Experts.
- (2) The Oversight Committee shall consist of the following persons, namely:—
- (i) an educator of eminence and international repute— Chairperson;
- (ii) Chancellor of the Indira Gandhi National Tribal University, Madhya Pradesh, *ex officio*—Member;
- (iii) not more than five members to be appointed by the Central Government from amongst distinguished experts in different areas of skill development, education, tribal welfare and pedagogy;
6. (1) Subject to the rules made in this behalf, the Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act. Committees of Board.
- (2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1), such number of persons who are not members of the Board as it may think fit, and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee.
7. (1) The Board shall serve as a body for promoting and monitoring education and skill development of persons belonging to the Scheduled Tribes. Powers and functions of the Board.
- (2) The powers and functions of the Board, shall, *inter alia*, include to—
- (i) serve as a monitoring agency for educational and skill development schemes intended for the benefit of the persons belonging to the Scheduled Tribes run by the Central Government and various State Governments;
- (ii) evolve nationally coordinated programmes to promote literacy and formal education in districts with a significant portion of population belonging to the Scheduled Tribes, with a special focus on increasing literacy amongst the female individuals of such population;
- (iii) assist in setting up infrastructure and environment suitable for educational pursuit in schools in districts with a significant portion of population belonging to the Scheduled Tribes;
- (iv) promote the availability of course contents designed specifically for children belonging to the Scheduled Tribes in local languages and dialects;
- (v) coordinate measures taken by the various State Governments to increase the levels of education in the population belonging to the Scheduled Tribes on a regular basis to develop a repository of best pedagogical and outreach practices;
- (vi) conduct and publish research papers and surveys on the state of education and skill attainment of the persons belonging to the Scheduled Tribes;

(vii) recommend and suggest to the Central Government and the various State Governments with regard to improving the quality of the educational and skill development schemes intended for the benefit of the persons belonging to the Scheduled Tribes;

(viii) consider and take decisions on the recommendations and suggestions made by the Oversight Committee; 5

Explanation 1.—For the purposes of this section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Explanation 2.—For the purposes of this section, the expression "a significant portion" means a portion of not less than thirty per cent. 10

Grants and loans by the Central Government.

8. The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

Tribal Education Board Fund.

9. (1) There shall be constituted a Fund to be called the Tribal Education Board fund, and there shall be credited to the Fund— 15

(a) any grants and loans made to the Board by the Central Government under section 8;

(b) all sums received by the Board including donations from any other source;

(c) recoveries made of the amounts granted from the Fund; 20

(d) any income from investment of the amount of the Fund.

(2) The Fund shall be applied for meeting—

(a) expenses on the object and for the purposes authorised by this Act;

(b) salaries, allowances and other expenses of the members, officers and other employees of the Board; 25

(c) remunerations of the consultants and visiting educators; and

(d) expenses of the Board in the discharge of its functions under this Act.

Budget.

10. The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government. 30

Annual report.

11. The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

Accounts and audit.

12. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. 35

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the Board under this Act. 40 45

(4) The Board shall furnish to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report.

13. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual report and auditor's report to be laid before Parliament.

5 **14.** (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Power of the Central Government to issue directions.

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

10 (2) The decision of the Central Government, whether a question is one of the policy or not, shall be final.

15. (1) If at any time the Central Government is of the opinion —

Power of the Central Government to supersede Board.

(a) that on account of grave emergency, the Board is unable to discharge the functions and the duties imposed on it by or under the provisions of this Act; or;

15 (b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

20 (c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

25 (2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

30 (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the board is reconstituted under sub-section (3), vest in the Central Government.

35 (3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed to be disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

40 (4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

45 **16.** The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 19) as it may deem necessary.

Delegation.

Protection of action taken in good faith.	17. No prosecution or other legal proceeding shall lie against the Central Government or the Board or any committee appointed by it or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Central Government or the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulation made thereunder.	5
Power of Central Government to make rule.	18. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— (a) the qualifications and experience, term of office and other allowances of the members of the Board, under sub-section (5) of section 3; (b) the powers and duties of the Chairperson under sub-section (7) of section 3; (c) the constitution of Oversight Committee under section 5; (d) the constitution of committees under sub-section (1) of section 6; (e) the form in which, and the time at which the Board shall prepare its budget under section 10 and its annual report under section 11; (f) the form of annual statement of accounts under sub-section (1) of section 12 and the date before which audited copy of the accounts may be furnished to the Central Government under sub-section (4) of that section; (g) any other matter which is to be or may be prescribed or in respect of which provision is to be or may be, made by rules.	10 15 20
Power of Board to make regulations.	19. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for the qualifications and experience, terms and conditions of service including salaries and allowances of the officers and employees of the Board under sub-section (2) of section 4.	25
Rules and regulations to be laid before Parliament.	20. Every rule and every regulation made under this Act shall be laid, as soon as 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 regulation 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 or regulation.	30 35

STATEMENT OF OBJECTS AND REASONS

According to the Census of 2011, the tribal population in India is ten crore and forty two lakh. India has the world's largest tribal population which continues to remain relatively underprivileged despite the country's economic progress. Though India's education system over the past few decades has made significant progress, the literacy of the Scheduled Tribes and other marginalized groups has been a matter of concern even after so many years of independence. This is despite the fact that the largest proportion of centrally sponsored programmes for tribal development are related to the single sector of education.

2. India's literacy rate has climbed from 28.1% in 1961 to 72.9% in 2011, while the literacy rate of the tribal population is only 58.9% in 2011 after starting at a dismal 8.5% in 1961. The Statistical Profile of Scheduled Tribes Report 2013 by the Ministry of Tribal Affairs noted that the literacy rate has all along been lower both for males and females Scheduled Tribes as compared to Scheduled Castes and the total population. The tribal population of Andhra Pradesh has the lowest literacy rate among all states at a low 49.2%. According to the Census of 2011, 80 tribes in India, including 15 tribes in Andhra Pradesh, still have a literacy rate lower than thirty per cent.

3. The Selected Educational Statistics 2010-2011 document published by the Ministry of Human Resource Development notes the low percentage enrolment of Scheduled Tribes population in the various levels of schooling: 11% at primary, 8.7% at upper primary and just 6.4% at the secondary level. Statistics of School Education Report 2010-2011 notes that the dropout rates, in case of the tribal population, is high as 70.9% in classes I to X, compared to less than fifty per cent pan-India.

4. The National Education Policy 2016 noted several issues currently faced in the education of tribal children, including the lack of classes and course material in local tribal languages and dialects, and the difficulty faced by tribal students when the content is not appropriately designed for them. The Committee, *inter alia*, recommended that these be addressed by having the initial classes in local dialects, that skill development be integrated into tribal education, and classes be conducted at flexible times to suit local needs.

5. There is a need to proactively promote education and skill development in the tribal population by making special measures for them, and effectively monitor all Government schemes intended for this purpose.

Hence this Bill.

V. VIJAYASAI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish the National Tribal Education Board to serve as a body for promoting and monitoring education and skill development of persons belonging to the Scheduled Tribes. Sub-clause (5) of clause 3 makes provision for allowances of members of the Board. Sub-clause (3) of clause 4 provides for salary and allowances of the officials and employees of the Board.

2. *Clause 8* provides for grants and loans by the Central Government to be used by the Board.

3. *Clause 9* provides there shall be constituted a fund to be called the Tribal Education Board Fund to which shall be credited, *inter alia* any grants and loans made to the Board by the Central Government under Clause 9 that after due appropriation made by Parliament, by law, the Central Government may make to the Board by way of grants and loans, of such sums of money as that Government may consider necessary, for being utilised for the purposes of the Bill.

4. It is not possible to give at this stage the exact estimates of recurring expenditure which would be involved out of the Consolidated Fund of India. However, no non-recurring expenditure is likely to be involved out of the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. Such rules may, *inter alia*, provide for:—(i) the qualifications and experience, term of office and other allowances of the members of the Board, under sub-clause (5) of clause 3; (ii) the powers and duties of the Chairperson under sub-clause (7) of clause 3; (iii) the constitution of Oversight Committee under clause 5; (iv) the constitution of committees under sub-clause (1) of clause 6; (v) the form in which, and the time at which the Board shall prepare its budget under clause 10 and its annual report under clause 11; (vi) the form of annual statement of accounts under sub-clause (1) of clause 12 and the date before which audited copy of the accounts may be furnished to the Central Government under sub-clause (4) of that section.

2. Clause 19 of the Bill empowers the Board to make regulations, consistent with the provisions of the Bill and the rules made thereunder, to carry out the purposes of the Bill. Such regulations may, *inter alia*, provide for the qualifications and experience, terms and conditions of service including salaries and allowances of the officers and employees of the Board under sub-clause (2) of clause 4.

3. The matters in respect of which rules and regulations may be under the aforesaid provisions are matter of procedure and administrative details. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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to provide for the constitution of a Board for promoting and monitoring education and skill development of persons belonging to the Scheduled Tribes and for matters connected therewith and incidental thereto.

(Shri V. Vijayasai Reddy, M.P.)