

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
LOK SABHA
UNSTARRED QUESTION NO. †2163
TO BE ANSWERED ON 01.01.2018

LEGAL SAFEGUARDS FOR SCHEDULED TRIBES

†2163. SHRI JANARDAN MISHRA

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of existing legal measures to check discrimination meted out to scheduled tribes and to protect their rights; and
- (b) the steps being taken by the Government to bring this community into mainstream?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

- (a) The Constitution of India has several provisions to prevent discrimination against people belonging to Scheduled Tribes and to protect their rights. Some of the important provisions, inter-alia, are:
 - (i) Article 15 pertaining to prohibition of discrimination on grounds of religion, race, caste, sex or place of birth;
 - (ii) Article 16 pertaining to equality of opportunity in matters of public employment;
 - (iii) Article 46 pertaining to promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections;
 - (iv) Article 335 pertaining to claims of scheduled castes and scheduled tribes to services and posts.
 - (v) As per Article 338-A of the Constitution of India, the National Commission for Scheduled Tribes has been set-up to, inter-alia, investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; and to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes.

Besides, several legislations are in place to prevent discrimination against people belonging to Scheduled Tribes and to protect their rights. These, inter-alia, are:

- (i) In order to prescribe punishment for the preaching and practice of “Untouchability” for the enforcement of any disability arising therefrom and for matters connected therewith, the Protection of Civil Rights Act, 1955 has been enacted.
- (ii) In order to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been enacted.

- (iii) In order to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas, the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 has been enacted.
 - (iv) To recognize and vest the forest rights and occupation in forest land in forest dwelling scheduled tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded and to provide for a framework for recording the forest rights so vested, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been enacted.
- (b) Government has adopted a multi-pronged strategy for overall development and mainstreaming of tribal people in the country, which includes support for education, health, sanitation, water supply, skill development, livelihood, infrastructure, etc. Major part of infrastructure development and provision of basic amenities in tribal areas / regions in the country is carried out through various schemes / programmes of concerned Central Ministries and the State Governments concerned, while the Ministry of Tribal Affairs provides additive to these initiatives by way of plugging critical gaps.

Ministry of Tribal Affairs has been implementing several programmes/schemes for the benefit of scheduled tribe people. These, inter-alia, are:

- (i) Scheme of Girls & Boys Hostels for STs: Under the scheme, Central assistance is given to States / UTs / Universities for construction of new hostel buildings and / or extension of existing hostels.
- (ii) Scheme of Ashram Schools in Tribal Areas: The objective of the scheme is to provide residential schools for ST children to increase the literacy rate among the tribal students and to bring them at par with other population of the country.
- (iii) Scheme for Strengthening Education among ST Girls in Low Literacy districts: This scheme is being implemented in 54 identified low literacy districts where the ST population is 25% or more, and ST female literacy rate is below 35%, or its fractions, as per 2001 census.
- (iv) In order to maximize retention of ST students within various stages of school education and promoting higher learning, monetary incentives are provided by Ministry of Tribal Affairs in the form of scholarships such as Pre Matric Scholarship, Post Matric Scholarship, National Overseas Scholarship, Scholarship for Top Class Education and Rajiv Gandhi National Fellowship for ST students.
- (v) Special Central Assistance to Tribal Sub Scheme (SCA to TSS) (hitherto known as SCA to Tribal Sub Plan (TSP)): It is 100% grant from Government of India. Its objective is to bridge the gap between Scheduled Tribes (ST) population and others by providing support for education, health, sanitation, water supply, livelihood, skill development, minor infrastructure etc. It is a flexible scheme and supplements the efforts of the line Ministries/Departments.
- (vi) Grants under Article 275(1) of the Constitution: It is 100% grant from Government of India. Funding under this programme is to enable the State to meet the cost of such schemes of development as may be undertaken by the State for the purpose of promoting the welfare of Scheduled Tribes in that State or raising the level of administration of Scheduled Areas therein to that of the administration of the rest of the areas of that State. Funds are provided to States for various sectoral interventions.

A list of schemes / programmes administered by Ministry of Tribal Affairs is at **Annexure 1**.

Annexure 1 referred to in reply to in part (b) of Lok Sabha Unstarred Question No. 2163+ for answer on 01.01.2018 regarding “Legal Safeguards for Scheduled Tribes”.

Schemes being implemented by Ministry of Tribal Affairs for STs

| S. No. | Name of the Scheme / Programme |
|---------------|---|
| 1 | Special Central Assistance (SCA) to Tribal Sub Scheme (TSS) (hitherto known as SCA to Tribal Sub Plan (TSP)). |
| 2 | Grants under Article 275 (1) of the Constitution of India. |
| 3 | National Fellowship and Scholarship for Higher Education of ST students. |
| 4 | National Overseas Scholarship for ST Students. |
| 5 | Pre-Matric Scholarship for ST students. |
| 6 | Post Matric Scholarship for ST students. |
| 7 | Girls & Boys Hostels for STs. |
| 8 | Ashram Schools in Tribal Sub-Plan Area. |
| 9 | Vocational Training in Tribal Areas. |
| 10 | Equity Support to National /State Scheduled Tribe Finance and Development Corporations. |
| 11 | Institutional support for Development and Marketing of Tribal Products / Produce. |
| 12 | Support to Tribal Research Institutes. |
| 13 | Development of Particularly Vulnerable Tribal Groups (PVTGs). |
| 14 | Grants-in-Aid to Voluntary Organisations working for the welfare of STs. |
| 15 | Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP. |
| 16 | Tribal Festival, Research, Information and Mass Education. |
| 17 | Development Programmes in the Tribal Areas(EAP) |
| 18 | Van Bandhu Kalyan Yojana |
