

# Kashmir Age

## Stepped-Up Focus On Tribal Welfare As The Nation Celebrates 72nd Constitution Day

Call to strengthen implementation of PESA, J&K implements Forest Rights Act



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New Delhi, Nov 26: Several provisions have been incorporated in the Constitution for safeguarding and promoting the interests and rights of the Scheduled Tribes in various spheres so as to enable them to join the national mainstream. There is a stepped-up focus on tribal welfare and implementation of constitutional provisions for tribal people as the country celebrates 75 years of Azadi ka Amrit Mahotsav.

Article 46 of the Constitution provides that the State shall promote with special care the educational and economic interests of the weaker sections of the society and in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.

Reservation in educational institution has been provided in Article 15(4) while reservation in posts and services has been provided in Article 16(4), 16(4A) and 16(4B) of the Constitution.

Article 23 which prohibits traffic in human beings and beggar and other similar forms of forced labour has a special significance for Scheduled Tribes. In pursuance of this Article, Parliament has enacted the Bonded Labour System (Abolition) Act, 1976. Similarly, Article 24 which prohibits employment of Children below the age of 14 years in any factory or mine or in any other hazardous activity is also significant for Scheduled Tribes.

Article 243D provides reservation of Seats for Scheduled Tribes in Panchayats.

Article 330 provides reservation of seats for Scheduled Tribes in the House of the People.

Article 332 provides reservation of seats for Scheduled Tribes in Legislative Assemblies of the States.

Article 334 provides that reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and the State Vidhan Sabhas (and the representation of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination) would continue up to January, 2020.

Other specific safeguards have been provided in Article 244 read with the provisions contained in Fifth and Sixth Schedule to the Constitution.

For protecting the rights of Forest dwellers, in 2001, The Scheduled Tribes and other Traditional Forest dwellers (recognition of Forest Rights) Act, 2006 (FRA) was enacted. FRA Act, administered by Ministry of Tribal Affairs (MoTA) recognizes rights of tribals residing in forests for generations but whose rights could not be recorded. It provides for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. The Act came into operation with the notification of Rules on 01.01.2008 for carrying out the provisions of the Act. From May, 2014 till Aug, 2021; 5,03,709 claims (Individual – 4,36,644 claims and Community – 67,065 claims) were received and 5,65,515 titles (Individual – 5,11,681 titles and Community – 53,834 titles) have been distributed.

To have better coordination and implementation of the Act at field level, Ministry of Tribal Affairs held consultations with Ministry of Forest and Environment to identify common areas of concerns and action plan. In pursuit of such collaboration, MoTA and MoEFCC jointly issued a communication on 6th July 2021 to the State Governments communicating, inter alia, that the Forest Department needs to provide a high level of support to enable expeditious implementation of the Act for recognition and vesting of forest rights.

The Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) was enacted by the Centre to ensure self-governance through Gram Sabhas (village assemblies) for people living in scheduled areas. PESA Act is administered by Ministry of Panchayati Raj (MoPR), Govt. of India. It legally recognizes the right of tribal communities, residents of the scheduled areas, to govern themselves through their own systems of self-government, and also acknowledges their traditional rights over natural resources. In pursuance of this objective, PESA empowers Gram Sabhas to play a key role in approving development plans and controlling all social sectors.

One-day National Conference on the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA): To celebrate 75 years of Azadi Ka Amrit Mahotsav & commemorate the 25th year of enactment of the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA), the Ministry of Panchayati Raj in collaboration with the Ministry of Tribal Affairs and the National Institute of Rural Development and Panchayati Raj, organised National Conference on the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA)' on 18th November, 2021 at Vigyan Bhavan, New Delhi. The Conference was jointly inaugurated by Shri Giriraj Singh, Minister of Rural Development & Panchayati Raj, Shri Arjun Munda, Minister of Tribal Affairs, Shri Kapil Moreshwar Patil, Minister of State for Panchayati Raj and other dignitaries. Shri Bhagat Singh Koshyari, Governor of Maharashtra also addressed the participants. Presently, six States namely Andhra Pradesh, Himachal Pradesh, Gujarat, Maharashtra, Rajasthan and Telangana have notified PESA Rules. In the conference 4 States i.e., Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha were asked to implement PESA. Deliberations amongst officers of Panchayati Raj and Tribal Affairs at Central and State level discussed best practices of different states and also discussed the difficulties being faced in implementation of the Act.

UT of J & K: The Scheduled Tribes and Other Traditional Dwellers (Recognition of Rights) Act was notified in December, 2020 for implementation in J&K following which capacity building Trainings were organised. It was formally rolled out by LG Shri Manoj Sinha at Srinagar on 13th Sept, 2021 and at Jammu on 18th Sept, 2021. More than 2600 individual and community rights have been cleared by the authorities, benefiting 7000+ tribal families. More than 20,000 applications are under consideration with UT Tribal Welfare Department and at various stages for conferment of rights.

Training of ST representatives of PRI.: Ministry of Tribal Affairs in coordination with State TRIs have been organizing training programs for officers of State Governments responsible for implementing these acts and also for representatives of Panchayati Raj Institute to make them aware about their constitutional rights. The web site of the Ministry ([tribal.nic.in](http://tribal.nic.in)) and Performance Dashboard of the Ministry ([dashboard.tribal.gov.in](http://dashboard.tribal.gov.in)) highlights various welfare measures undertaken by Government of India for tribals and for safeguarding their constitution rights. During 75th year of Azadi Ka Amrit Mahotsav, several programs across India have been organized which can be viewed at Adi-Prasaran portal of Ministry ([adiprasara.tribal.gov.in](http://adiprasara.tribal.gov.in))

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