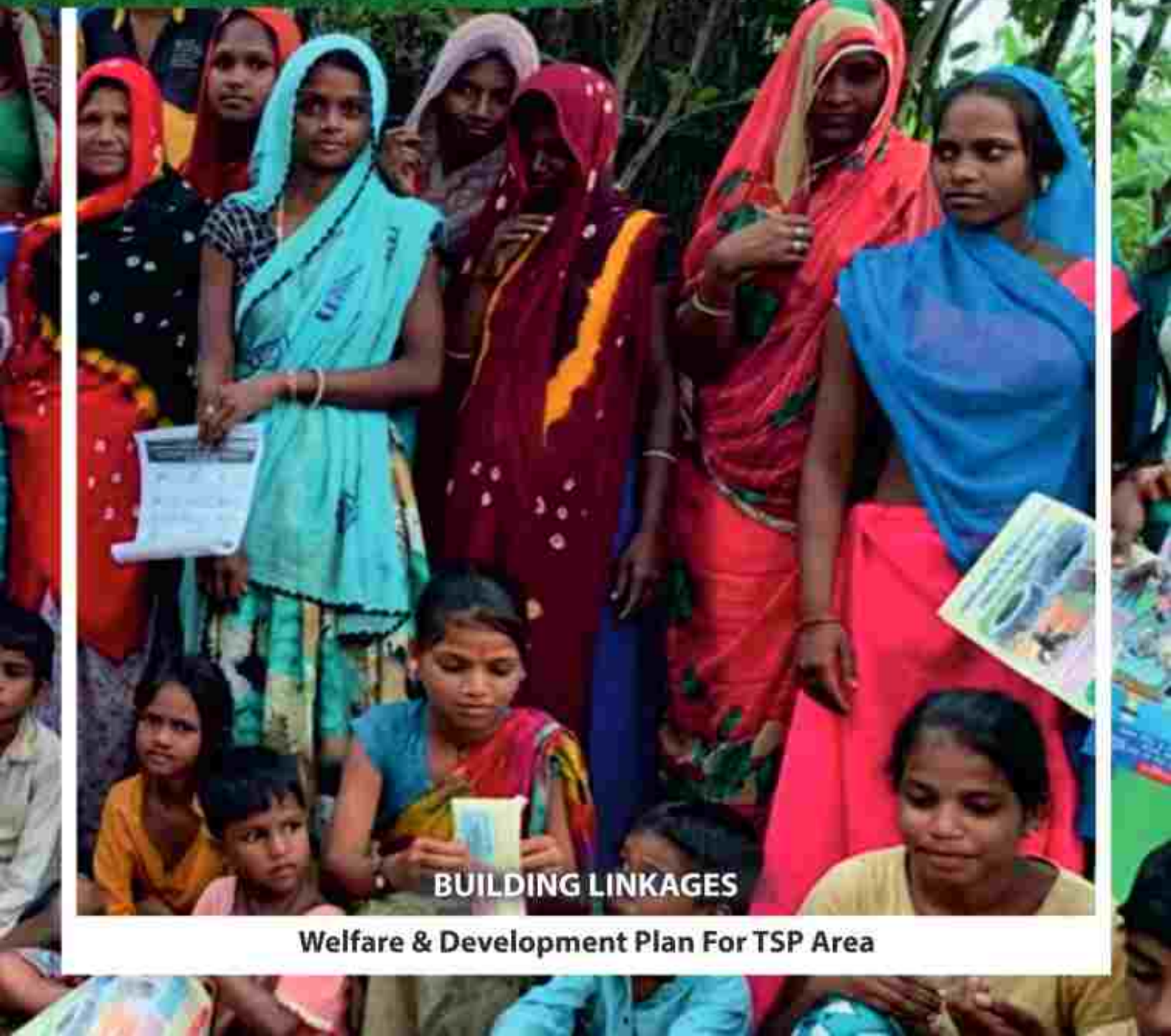


Rajasthan State Legal Services Authority



BUILDING LINKAGES

Welfare & Development Plan For TSP Area

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India has celebrated its 75th Independence Day on August 15, 2021. The Indian Constitution has several provisions for the welfare, development and upliftment of its people. Preamble of the Constitution has ensured social-economic and political justice to all and equality of status and opportunity to all irrespective of religion, caste, gender, place of birth etc.

Several legislation have been enacted, schemes have been framed and projects have been launched for the welfare of weaker and marginalised sections of the society. India is shining but it is shining for a small section of



society. In spite of various laws, regulations, rules, schemes, projects etc., there are several castes, tribes, communities which could not develop as envisaged in the Constitution across India. Special endeavours are required to bring such people into main stream of life.

Besides the constitutional recognition of special status of tribal people, tribal people have remained marginal - geographically, socio-economically, politically. Today also many tribal hamlets exist where there is no electricity,



pure water, sanitation, education and other such facilities. There is a need to improve the condition of tribals who are still neglected. Much more needs to be done for them. Tribal People have not got the benefits.

Scheduled Tribes in Rajasthan constitute around one tenth of the total population of the state but they are the most oppressed community. The Scheduled Tribes of

Background

the state but they are resided in the places away from human settlements. They have minimal access to Govt. Schemes.

In pursuance to the above mandate, RLSA has proposed a Welfare & Development Plan for tribal people, who are residing in Scheduled Areas of Rajasthan, as notified by Ministry of Law & Justice dated 19.05.2018. The principal aim of this welfare and development plan is to legally empower the tribal people i.e. to provide them access to various laws, schemes, projects for their legal empowerment and betterment.

Aforesaid welfare and development plan is divided in two phases viz :-

Phase-I

Relates to identification of villages from districts which are notified in scheduled areas.

Phase-II

Relates to execution of welfare and development plan for the scheduled tribes as notified by the Government.

This report has five chapters i.e. Background, the concept note, field visits, welfare schemes related to tribals and way forward. This report discusses the contemporary status of Scheduled Tribes in Rajasthan and the affirmative actions that can help to bring them into the mainstream of development. The report concludes with suggesting future courses of action that can help in improving the position of these sections in the state. The report will put forth the issues of communities particularly in Rajasthan and efforts required for qualitative improvement in the status of these communities.

The present field visit proved to be a challenging work. It was conducted in 26 village of 8 Tribal Districts i.e. Rajsamand, Udaipur, Chittorgarh, Pali, Banswara, Pratapgarh, Dungarpur and Sirohi. As sample 100 tribals (including children, women, men and political representatives) interviewed from such villages.

The method of stratified sampling was used for selection of localities and families of tribal. Interview Schedule was used as the main instrument of data collection. It was drafted on the basis of major variables, parameters and objectives of the study.

The objective behind the field visit is to prepare an extensive road map to execute the tribal welfare scheme more effectively.



CONCEPT

"The law should view mankind as a society of equals."

Justice Cardozo

The preamble of constitution enshrines the pledge of equality. Article - 14 of the Constitution guarantees equality before the law and the equal protection of laws. The guarantee of Article - 14 is available to citizens and non-citizens alike.

The constitution further prohibits discriminations such as those based on religion, race, caste, sex, place of birth.

The constitution emphasizes on authentic equality, not just equality as a right theory but equality of opportunity, which requires at the least fulfilment of the basic human means of those who are denied the means and ability. The commitment to equal protection of laws, combined with the directive principles of state policy mandates for Affirmative action in protecting and uplifting weaker sections of the society and constitutes a unique feature of the constitution.

Welfare & Development Plan for TSP Area



Article - 14 provides that the "State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Article - 15 deals with the Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article - 16 says there shall be Equality of opportunity in matters of public employment.

Article - 17 deals with Abolition of untouchability.

These Fundamental Rights have also been aimed at overturning the inequalities of pre-independence social practices.

The main objective of the Constitution is to promote harmony throughout the nation. It provides a way of life. It includes fraternity, liberty and equality as the notion of the happy life. The factors which help in achieving this objective are Social, Economic and Political Justice.

- Social Justice is "to create a society without discrimination on any grounds like caste, creed, gender, religion etc."
- Economic Justice is "no discrimination on the basis of wealth, income economic status etc."
- Political Justice is "providing equal, free and fair right without any discrimination to participate in political opportunities."



To maintain balance in the society, union and states have made several efforts. Several legislations have been framed by union and states to bring those into main stream who are weak and marginalised. Even NALSA has also framed schemes for weaker and marginalised sections of the society.

Part - X of the Constitution deals with the Scheduled and Tribal Areas.

Article - 244 deals with the Administration of Scheduled Areas and Tribal Areas.

To ensure the protection of aboriginal customs, culture of the tribes and prevent alienation of their lands and natural resources to non-tribals, Article-244 of the Constitution has the provision for declaration of Schedule V & Schedule VI areas.

Schedule-V areas can be declared in any state except Assam, Meghalaya, Tripura and Mizoram. Consequently, V-Schedule areas have been declared in 10 states of India namely Andhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chhattisgarh, Orissa, Rajasthan and Telangana.

Part- XVI was incorporated in the Constitution with the objective to bring those weaker and marginalised classes into main stream, who need special treatment. In Part-XVI, special provisions relating to certain classes are enumerated.

Article - 342 of the Constitution deals with the notified Scheduled Tribes.

According to the census of 2011, total population of scheduled tribes is of 10,42,81,034 persons, constituting 8.6% of the population of the country. Details are as follows :-



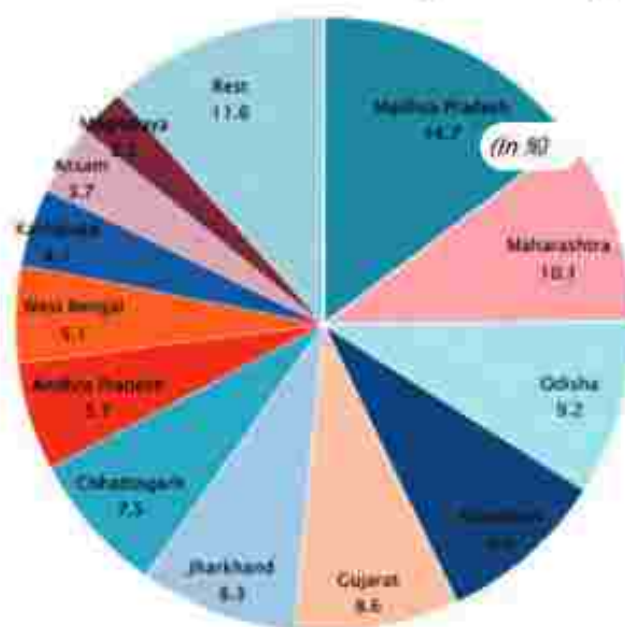
Population of Scheduled Tribes: 1961-2011

Census Year	Population	Decadal Growth Rate				
	Total	Rural	Urban	Total	Rural	Urban
1961	3,01,30,184	2,93,57,790	7,72,394			
1971	3,80,15,162	3,67,20,681	12,94,481	26.2	25.1	67.6
1981	5,16,28,638	4,84,27,604	32,01,034	35.8	31.9	147.3
1991	6,77,58,380	6,27,51,026	50,07,354	31.2	29.6	56.4
2001	8,43,26,978	7,73,39,335	69,87,643	24.5	23.2	39.5
2011	10,42,81,034	9,38,19,162	1,04,61,872	23.7	21.3	49.7

Proportion of Scheduled Tribe Population: 1961-2011 (In %)

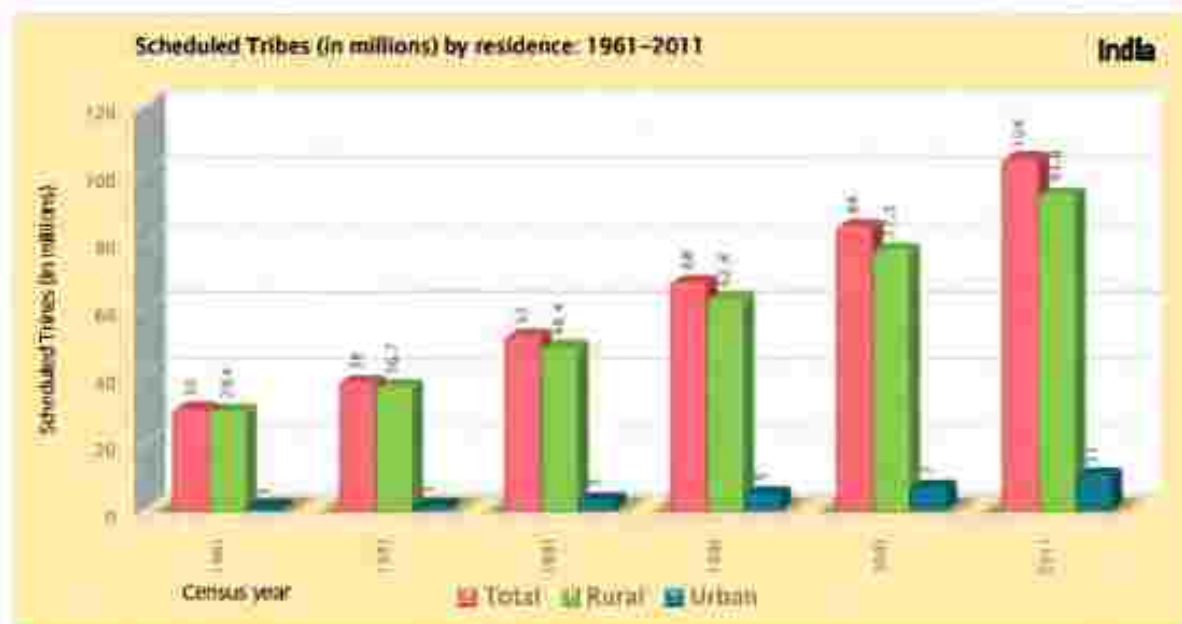
Census Year	Proportion of Scheduled Tribes to total population		
	Total	Rural	Urban
1961	6.9	8.1	1.0
1971	6.9	8.4	1.2
1981	7.6	9.2	2.0
1991	8.1	10.1	2.3
2001	8.2	10.4	2.4
2011	8.6	11.3	2.8

Distribution of Scheduled Tribe Population by States - 2011



Population of Scheduled Tribes India : 1961-2011

(in millions)



- Constitution adopted many provisions to provide special status to tribal people and special efforts were made to safeguard their rights and interests. .
- The Tribal Sub-Plan is a planning concept used to channelize the flow of benefits from the Central government to tribal populations of the states for their upliftment and development. The purpose is to bridge the gap between tribal population and others by accelerating access to education and health services, housing, income generating opportunities and protection against exploitation and oppression etc.
- The concept of Tribal Sub-Plans was introduced in the Fifth Five Year Plan (1974-1979) and implementation commenced in 17 states and 2 union territories. Areas under Tribal Sub-Plans were gradually increased; at the end of the Ninth Five Year Plan (2002), 23 states / union territories were covered.
- Areas included in the Tribal Sub-Plan are blocks or tehsils with 50 percent or more tribal population. The process of TSP development is led by the tribal welfare departments of the respective states.

Scheduled Area in Rajasthan

Scheduled Area in Rajasthan comprises of eight districts in south eastern part of the State. 5697 villages of the southern part of Rajasthan having tribal population more than 50 percent have been declared as Scheduled Areas by the Government of India, Gazette notification dated 19-05-2018.



CENSUS OF INDIA 2011
PERCENTAGE OF SCHEDULED TRIBE
POPULATION



As per the Census 2011, total population of scheduled area of Rajasthan is 64,63,353 out of which scheduled tribes population is 45,57,917 which is 70.43% of the total population of the Scheduled Area.

In spite of various efforts made by the Union and State Governments to improve the social economic conditions of tribes, the life situations of Scheduled Tribes have only been improved marginally. The Human Development Index of the Scheduled Tribe is much lower than the rest of the population. The gap in the literacy rate is also very high. Economically also, Scheduled Tribes are not at a very comfortable place. More Scheduled Tribes families are below the poverty line than those from above communities. Their percentage in the Government jobs is not in proportion to their population despite the provisions for reservation. Their condition, thus, is far worse than that of the rest of the population and they have not been able to reach the envisaged level of development, where they could benefit from the opportunities offered by the fast expanding economy.

Therefore, RLSA has come up with a scheme for tribals of Rajasthan, more particularly for vulnerable tribal groups of Rajasthan. Every year RLSA would adopt one identified village from each district of tribal area to empower them legally (social, economical etc.), as per the mandate of the Constitution, with the assistance of local administrative authorities and experts.



Aims and Objectives

Aims

The principal aim of this welfare and development plan is to legally empower tribal people i.e. to provide them access to various laws, schemes, projects for their legal empowerment and betterment. The scheme aims at planning welfare and development programme in a comprehensive manner, so that a visible impact is made for improvement of quality of life. Various union, state legislations, projects and schemes have been formulated for the welfare and development of tribal.

Objectives

- To include them in social and economic growth of the State.
- To seek positive transformation and to engender progressive changes in the communities.
- To improve rural people's livelihoods in an equitable and sustainable manner both socially and environmentally through better access to assets such as natural, technological etc.
- To render service to the larger community by creating and sustaining a culture of cooperative living for inclusive and sustainable development.
- To empower marginalized and vulnerable groups in the village.
- To establish convergence and comprehensive development.
- To build partnerships and networking/tie ups with various agencies (NSS units, NGOs, industries, Public and Private sector, NRI) and industries working in and around the village/district for development of the selected village.
- To ensure availability and accessibility of various Govt. schemes and services.
- To generate awareness on gender issues and social issues like literacy, health & hygiene, sanitation, safe drinking water, livelihood options etc.
- To create sustainable livelihood opportunities.
- To provide access to rights and entitlements.

1. Target Area

The target area in Rajasthan would be of the remotest and backward villages of those Districts, which are notified by the Govt. of India (Notification dated - 19th May, 2018). The names of the Districts are as under:

- I. Banswara
- II. Dungarpur
- III. Pratapgarh



- IV. Udaipur
- V. Rajsamand
- VI. Chittorgarh
- VII. Pali
- VIII. Sirohi

In Rajasthan: Banswara, Dungarpur, Pratapgarh (fully tribal districts), Udaipur, Rajsamand, Chittorgarh, Sirohi, Pali (partly tribal areas) have been declared as part of Schedule V areas.

2. Operational Framework

The operational framework of the programme consists of two parts. Part I and part II are interrelated. In fact, part II is the next essential step after the completion of part I. The operational framework is suggestive in nature, and may be modified in view of the local conditions of targeted area.

PART-I

The first part consists of a series of steps which are preparatory in nature, and are requisites for translating action into the activities envisaged under Part II of the programme. The steps are as follows:

1. **Identification of the Village** - Secretary, District Legal Services Authority, in consultation with the local authorities i.e. Collector, District Education Officer, CEO, Zila Parishad, CM&HO, will identify the village from each district considering the distance, caste composition, socio-economic condition and overall development. The criteria for selecting the village is its backwardness in terms of accessing government sponsored development/ welfare programmes etc.
2. **Meeting with Administration** - A meeting with the administration may be organised so as to understand the needs of the areas. Primarily, assessment may be based on the number of hospitals, schools, access of schemes, available resources, economic conditions etc.
3. **Formation of teams** - District Legal Services Authorities shall constitute team(s). Team(s) shall be apprised about the objectives of the campaign.

Composition of Team - Team shall comprise of;

- | | |
|-----------------------|-------------------------------|
| I. Secretary, DLSA | II. Block Development Officer |
| I. Tehsildar | II. Village Sarpanch |
| III. One Panel Lawyer | IV. One Para Legal Volunteer |

4. Need-base Assessment Survey - Overall development of a village depends on many factors such as socio cultural status, infrastructure, socio economic and also socio-political situations prevailing in that particular village. Indeed a micro level planning is necessary for the holistic development of tribal area. This survey is to be focused not only on the availability of different resources in the village but also on the requirement of the villagers. After completing the survey, assessment may be done which will help to understand the present scarcity/requirements of the village. Need-based assessment is pre-requisite for strategizing and implementing the various activities under the present programme.

The team(s) under the supervision and guidance of District Legal Services Authority shall collect the data of respective District to understand the basic requirement of the respective village. The information may be collected by interacting with the BDO, Sarpanch, local bodies and villagers.

After collection of the data, basic requirement of the village may be assessed on the following available infrastructure and other facilities:

- Available Infrastructures i.e. Schools, Colleges, Public Holdings, Medical facilities
- Available Skill /economic upliftment
- Status of hygiene and sanitation
- Basic needs of the villagers

5. Identification and Partnering: DLSAs shall build partnerships and networking/tie ups with various agencies (NSS units, NGOs, industries, Public and Private sector) and industries working in and around the village/district for development of the selected village.

Part - II

After completion of the need-based assessment, Part- II of the programme may be executed. The activities shall be devised in consonance with the needs of the areas which may be as follows:

1. Education and knowledge: Education also helps the villagers to participate in the development process. Department of Education and NGOs working in the field of education may connect with the program.

Proposed Interventions:

- a. Opening of Education Centres
- b. Availability of Qualitative Education
- c. Opening of School in case of non-availability
- d. Ensuring quality education
- e. Admission/Readmission of dropouts children's



2. Economic Upliftment: Agriculture is the primary source which in turn mostly depends on the weather. Therefore, development of village will come with an introduction of sustainable employment for all villagers which can be achieved through skill development and financial independence. Services of Rajivika, RSLDC, Agriculture Dept. and NGOs may be availed in this regard.

Proposed Intervention

- a. Entrepreneurship Development
- b. Generation of Source of Income
- c. Skill Development Programme
- d. Integrated Farming

3. Access to various Central/State Welfare Schemes: There are various welfare schemes formulated and being executed by the Central and Stat Govt. for the welfare of the tribal people. Team constituted by DLSA would assist the residents of identified village to access the benefits under the welfare schemes.

Proposed Interventions:

- a. Access to welfare schemes
- b. Ensuring release of benefits under the scheme
- c. Loan Benefits
- d. Banking Assistance

4. Health Programme: Health or well-being is one of the main indicators which one needs to give most priority. The Department of Medical & Health may be mobilized to intervene to provide various benefits under the health and family care schemes.

Proposed Interventions:

- a. Availability of Primary Health Centres & Medical Officers
- b. Periodic Health Check Up Camps
- c. Awareness Programmes on Health, Nutrition & Sanitation

5. Development of Social Infrastructure: More and more social infrastructure ensures a healthy development of the village. Therefore, focus must be on developing following social infrastructure.

Proposed Interventions:

- a. Schools
- b. Hospitals



- c. Community Centres
- d. Playground
- e. Parks
- f. Libraries etc.

6. **Women Empowerment:** The programme may be carried out in consonance with the Women Empowerment programme as proposed in Action Plan of the Year 2021-22.

7. **Area Development:**

- 1. Watershed development along with water literacy
- 2. Road connectivity
- 3. Electric Connections
- 4. Housing development by promoting cost-effective appropriate technologies.

8. **Natural Resources System:** Team constituted by DLSA with the assistance of experts would promote various schemes run by govt. for preservation of natural resources for the welfare and development of local tribal people of identified villages:

- 1. Water Harvesting
- 2. Solar Energy
- 3. Environment Protection
- 4. Forestation

9. **Litigation free village:** Special Lok Adalats, camps and other programmes may be organised to make the village free from disputes and litigation.

10. **Legal Awareness:** In order to maintain balance between legal rights and duties, legal awareness is very important. Therefore, legal awareness programmes may be devised and implemented to make each and every citizen of the village a responsible citizen.

11. **Any Other Issue:** Any other issues as per local requirement of an identified village that emerges during the campaign will also be dealt accordingly.

12. **Time Lines:** Part (I) of the programme may be completed within a period of seven days. Part (II) of the programme shall be started after completion of part(I), and shall continue for a period of one year.



FIELD VISIT



Phase : I

Identification of villages

In order to identify villages "the most backward village" of the scheduled district, field visit was undertaken with the following major objectives -

- To study the socio-economic status of the tribals in 26 villages of 8 District i.e. Rajsamand, Udaipur, chittorgarh, Pali, Banswara, Pratapgarh, Dungarpur and Sirohi.
- To examine the nature and characteristics of the socio - cultural problems faced by them.
- To verify the effectiveness of the intervention methods in the context of inclusive development of tribals.
- To develop a roadmap to execute phase II of the campaign

Team Members

Director, RSLSA

Secretary of respective District Legal Services Authority

Block Development Officer

Representatives of Panchayats

At the outset, keeping in mind the idea of social, economic and political justice as envisaged in the preamble, Secretaries of scheduled districts with the assistance of local authorities shortlisted and proposed the names of villages of TSP areas where the welfare and development plan can be executed. The list of shortlisted villages was further filtered on set mandates and physical visit of 26 shortlisted villages was planned and geared up on 11th of August 2021 at 01.30 PM from Jaipur to Pali District.

List of Shortlisted Villages

S. No.	District	Village
1.	Pali	Thandiberi
2.	Sirohi	Valoriya
		Bhadaveri
		Semli
		Boki Bhagli
		Arnua Phali
3.	Udaipur	Bokhada
		Naal
		Popalty
		Sada
		Mahadi
4.	Rajsamand	Kalthana
		Udawat
		Jetaran
5.	Banswara	Surajpura
		Hathiya Dilli
		Suliya Malpura
6.	Dungarpur	Gandhava
		Rastapal
		Ambada
7.	Pratapgarh	Pal
		Gamda
8.	Chittorgarh	Nayakhera



District - Pali

Village – Thandi Beri



District Name	Pali	
Village Name	Thandiberi	
Sub Division Name	Bali	
Panchayat Samiti	Bali	
Gram Panchayat	Thandiberi	
Distance from District Hq. (In KM)	140	
Distance from Sub-Division (In KM)	60	
Total Population of Village	2550	
Total Scheduled Tribe Population of Village	2517	
% of Scheduled Tribe population	98.70%	
Education %	30.90%	
Female Education %	10.39%	
Children Education %	-	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	Yes
	School	Yes



On 12th August on 2021, field visit begun with visit of first identified village namely Thandi Beri of Gram Panchayat Amliya, district Pali. The team reached there via Dudani, Kothar, Bhandar, Nana, Amliya to village Thandi Beri.

An interaction was done with local tribes. During the interaction, the ground level difficulties faced by tribes were identified and local tribes also gave written complaints about the difficulties faced by them. Amongst the various issues, some of the major issues are as follows:-

Requirement of teachers at Government Secondary School

There are 135 girls & boys at present in the school. Most of the students have migrated to nearby schools due to lack of teaching faculty.

Lack of Infrastructure

There was lack of basic infrastructure such as proper transportation and water facility, electricity, roads etc.

Lack of Medical Infrastructure

There were no medical staff including ANM, visiting doctors etc. In case of emergency, local tribes do not have first-aid facility and they have to either go to Nana or Pindwara.

Veterinary Hospital

No veterinary hospital is available at panchayat level. Animals, in case of emergency need to be taken to Nana, Pindwara or Bera.

Skill Development Centres

No self help group and skill development centre is available for the purpose of strengthening their economic growth.

No Network

There was no network connectivity. In the pandemic, there is no online facility available for children to attend their classes online.

Alcohol

Liquor is a big menace due to unawareness amongst the local tribes.



Lack of Awareness

Tribes are unaware about the laws, schemes, projects which are legislated/ introduced for the purpose of their welfare and upliftment.

Therefore, it is essential to legally empower the local tribes of Thandi Beri for their development and upliftment in accordance with the proposed plan of RSLSA.



District – Sirohi

Village – Bhada Veri



District Name		Sirohi
Village Name		Bhadaveri
Sub Division Name		Pindwara
Panchayat Samiti		Pindwara
Gram Panchayat		Moras
Distance from District Hq. (In KM)		54
Distance from Sub-Division (In KM)		30
Total Population of Village		108
Total Scheduled Tribe Population of Village		108
% of Scheduled Tribe population		100%
Education %		NA
Female Education %		NA
Children Education %		NA
Basic Amenities	Electricity	Nil
	Drinking Water	Nil
	Road	01 KM
	Medical	Nil
	School	Nil



Story of Kanku

During the interaction with the tribes of Bhada Veri, We came across a young woman named, Kanku, who was VIII pass. She was very vibrant and eager to learn new things in life. During interaction with local residents, we came to know that a few more young women of the village, were little bit educated. Two of them were VI & V standard pass. All the three women have migrated to Bhada Veri with their companions, but could not continue their studies because of lack of school in the vicinity.



Common Observations at Bhadaveri



- Local tribes are living in *Kachcha Jhopda*, where there is no electricity. Even they do not have the access to various government schemes and they still make their food on *Chulahas*.
- There is no basic infrastructure like roads, light, water and medical facilities for the local tribes and there is no Aanganbadi Centre in the village.
- Residents have to go to nearby tehsil headquarter for any kind of medical requirement, which is again a difficult task for them to reach in time to the nearby health centre because of lack of road infrastructure and transportation to avail first-aid.
- Residents are also not aware of hygiene. There is common water body for local tribes and their pet. As a result, both are consuming water from the same water resource available in the village.
- Except for agriculture, there are no other means to earn livelihood. Agriculture too is dependent on rain water, therefore, after rain, it becomes difficult for them to earn their livelihood which in turn forces them to migrate to other places once the rains are over.
- No self-help group and skill development centre is available for the purpose of strengthening their economic growth.

Therefore, in Bhada Veri too, it is essential to legally empower the local tribes for their development and upliftment in accordance with the proposed plan of RSLSA.



Village–Bokibhagali



District Name		Sirohi
Village Name		Bokibhagali
Sub Division Name		Sirohi
Panchayat Samiti		Sirohi
Gram Panchayat		Goyli
Distance from District Hq. (In KM)		25
Distance from Sub-Division (In KM)		25
Total Population of Village		382
Total Scheduled Tribe Population of Village		346
% of Scheduled Tribe population		90%
Education %		27
Female Education %		10
Children Education %		NA
Basic Amenities		Electricity Nil
	Drinking Water	02 DFU System, Hand pump
	Road	Nil
	Medical	Nil
	School	01 Primary School



Village Bokibhagli, is a part of Gram Panchayat Goyali. It took about one and a half hours to reach the village from Pindwara tehsil. There is no paved road to reach the village and one can reach the village only by jeep. The road is rough and inaccessible. Local tribes are from Grasia and Raika community. According to information, there are 82 families residing in the village.



Water tank with solar panels with RO facility and hand pump are there, but most of the time, they remain non-functional. Local residents also complained about road, medical and quality of education facilities. Though, there is facility for primary education in the village, teachers are appointed but due to lack of roads & transportation facility, it becomes difficult for the children to avail higher education. Residents of Bokibhagli too require access to various schemes and projects formulated by government for their upliftment and development.



Village-Semli



District Name	Sirohi	
Village Name	Semli	
Sub Division Name	Pindwara	
Panchayat Samiti	Pindwara	
Gram Panchayat	Sanwara	
Distance from District Hq. (In KM)	85	
Distance from Sub-Division (In KM)	60	
Total Population of Village	1875	
Total Scheduled Tribe Population of Village	1875	
% of Scheduled Tribe population	100%	
Education %	NA	
Female Education %	NA	
Children Education %	NA	
Basic Amenities	Electricity	Nil
	Drinking Water	01 Public Well, 06 personal well, 5 hand pump
	Road	23 KM
	Medical	Nil
	School	02 Primary School & 02 Aanganwadi





The next halt was village Semli of Sanwada Gram Panchayat of Sirohi district. A total of 234 families are residing in the village. There we met Sarpanch, Manju, who was Vth passed. The village is connected by road, but the local people reside on different hills in a scattered manner. Being a hilly area, basic facilities are lacking in the village. The area lacks electricity, water, medical, communication and road facilities.

Primary school is there in the village, but there is lack of higher education. After primary education, the children of the village have to go for higher education to Chauki Boola, which is 15 kms from the village, which in turn results in large number of dropouts after completion of primary education.





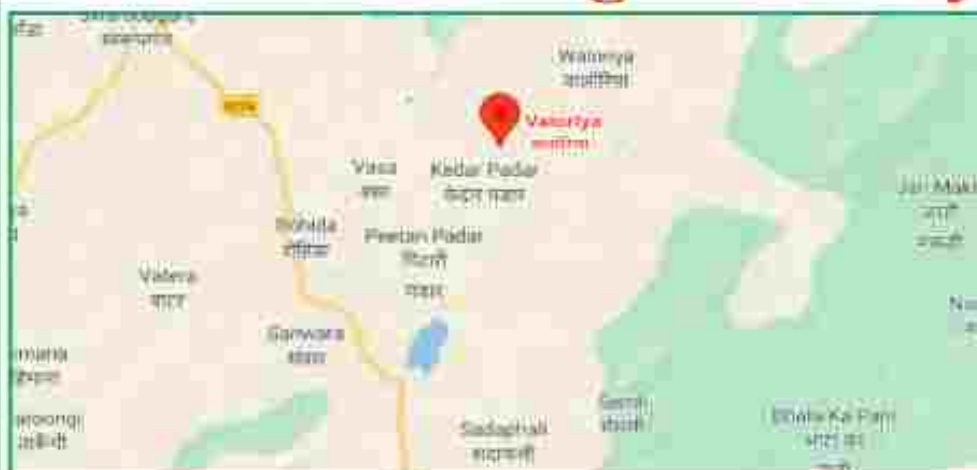
There is no sub-health center and primary health center in the village. Primary health center is available in Gram Panchayat Rohida at a distance of 20 km, due to which the villagers are not able to get medical facilities as soon as possible even in emergency situations.

In the village, the team met Urmila, Isha and Kali. Urmila, Isha and Kali were studying in IX, VIII and V standard respectively.

Urmila was living with her mother, elder sister and brother-in-law. Agriculture is their only source of income. It has been 10-15 years since Urmila's father passed away. The financial condition of Urmila and her family was not good and they were living in a mud house with no electricity.

There is no NGO or self-help group in the village to impart skill-based training to villagers, to improve their economic condition.

Village-Valoriya



District Name		Sirohi
Village Name		Valoriya
Sub Division Name		Pindwara
Panchayat Samiti		Pindwara
Gram Panchayat		Valoriya
Distance from District Hq. (In KM)		61
Distance from Sub-Division (In KM)		36
Total Population of Village		6480
Total Scheduled Tribe Population of Village		6475
% of Scheduled Tribe population		100%
Education %		NA
Female Education %		NA
Children Education %		NA
Basic Amenities	Electricity	543 families have electricity facility
	Drinking Water	Water tank- 2, Jantajal Yojna-1 and Hand pump – 29
	Road	56 KM
	Medical	02 health centre
	School	01 Senior Sec. School, 06 Primary School & 04 Aanganwadi



Village Valoria is situated in Gram Panchayat Valoria and Panchayat Samiti Pindwara. According to information, total 934 families have been residing in the village. The village panchayat headquarter is connected by road. According to information, in the entire panchayat, there is an asphalt road of about 17 km. People in the village are residing on different hills in a scattered manner.

Common Observations

- There is a lack of electricity, medical and drinking water, though some families have electricity connection and some have solar system. Although a few people have the facility of single-phase electricity in the village, but there is a need for three phase electricity connection for agriculture.
- The village has two water tanks and 29 hand pumps, but they are not sufficient in proportion to the population.
- The village has a primary school, but does not have secondary school.
- There is a health center with ANM in the village but there is shortage of doctors.
- Agriculture is the main source of income. Local residents have to face inconvenience due to their living in inaccessible hilly area.

Interview of Villagers

Savadhi was studying in class XI in Valoria and Mahendra was studying in class-XII. Savadhi wants to serve the people living in her area by becoming a doctor. Mahendra also wants to serve the people of his village.



Village-Arnua Phali



District Name	Sirohi	
Village Name	Arnua Phali	
Sub Division Name	Pindwara	
Panchayat Samiti	Pindwara	
Gram Panchayat	Valoriya	
Distance from District Hq. (In KM)	48	
Distance from Sub-Division (In KM)	26	
Total Population of Village	576	
Total Scheduled Tribe Population of Village	574	
% of Scheduled Tribe population	99.99%	
Education %	22.15%	
Female Education %	4%	
Children Education %	NA (22 children enrolled in school)	
Basic Amenities	Electricity	Nil (60 families using solar lights)
	Drinking Water	02 Well, 02 Hand pumps
	Road	07 km gravel road
	Medical	ANM Centre (No one posted)
	School	01 Primary School





Village Arnua Phali was situated in a dense forest area, much inside the main road and there was unpaved road to reach the village. It took about 45 minutes to reach the village from the main road.

Arnua Phali was earlier a part of village Valoria, but now it has been declared as revenue village. The notification which was issued for the TSP area was done before the said declaration. In such a situation, the said village is not included in TSP area. A request has also been made by the localites to include the village in the TSP area.

Though, there is a primary school in the village, but there is shortage of teachers. Village also has sub-health centre which has ANM also but doctors do not come or visit the village. The village lacks all basic facilities like roads, water and electricity being in forest area.



District - Udaipur

Village-Bokhda



District Name		Udaipur
Village Name		Bokhda
Sub Division Name		Gogunda
Panchayat Samiti		Sayra
Gram Panchayat		Bokhda
Distance from District Hq. (In KM)		72
Distance from Sub-Division (In KM)		37
Total Population of Village		5327
Total Scheduled Tribe Population of Village		4209
% of Scheduled Tribe population		79.01%
Education %		34.42%
Female Education %		9.12%
Children Education %		85%
Basic Amenities	Electricity	Yes In wildlife (solar)
	Drinking Water	Yes In wildlife (Openwell)
	Road	Yes
	Medical	01 Sub Centre
	School	9





In Bokhda, the team met the important stakeholder posted in the village:

1. Mr. Govind Singh, Principal,
2. Mr. Shailendra Joshi, Block Development Officer
3. Mr. Kailash Paliwal, Village Development Officer
4. Mr. Kamla Garasiya, Sarpanch

at Panchayat Bhawan. From there, we left for Khurra, a town in Bokhda and reached at 11.15 am. There are about 200 families in Khurra and all are Garasiyas.



Khurra

In Khurra, team met Somali, who was a Class-XII pass-out and Somali studied in Gogunda Hostel. Despite the low rate of female education in the said village, Somali is completing her school education while staying in a hostel was surprising and inspiring too for other children of the village.

Somli was asked about her inspiration. Somali said that she has been encouraged by her father and brother. Somali's brother works as a laborer and her father does farming. Somali has applied for admission in B.S.T.C. Somali wants to become a teacher to spread awareness amongst local residents. Somali was asked which facility she felt most lacking in the village, Somali's answer was toilets.



Story - 1

Sapna has recently entered in class-VII. Sapna has six sisters and one brother. Sapna has a dream of becoming a teacher, but Sapna says that there is no school in her village. They go to Kasturba Vidyalaya, which is 25 km from her town, where hostel is also available.

Farming, animal husbandry and labour are the main sources of income for the local citizens in the village. Some families in the village have wells for farming. To raise the standard of living for the local residents of the village, it is necessary that various schemes run by the government should be made accessible to them.

Story - 2

Samooni is residing in Khurra with her husband and three children. Samooni's husband does masonry work. Samooni's one child is in II grade and her remaining children are young and they go to the Maa Bari centre. Samooni says that the solar panels installed for electricity have been provided by the government.

Samooni is also from the Garasiya tribe. Samooni's standard of living is very poor, her Mud house is also 'Kutchha' and she is unable to understand Hindi. The houses of local citizens in Khurra are mud houses 'Kutchha' and they are not maintaining hygiene also. There is no regular electricity, but solar panels have been installed for the purpose of electricity. Khurra is in forest. One has to walk about one-and-half kilometer to reach Khurra.

There is no medical, water and education facility in Khurra. After leaving Khurra, team reached Gram Panchayat Mahadi via Gogunda, Jaswantgarh, which is in Tehsil Kotra. Village Mahadi, Naal and Veol, are under Gram Panchayat Mahadi.



Village-Naal



District Name		Udaipur
Village Name		Naal
Sub Division Name		Kotda
Panchayat Samiti		Mahadi
Gram Panchayat		Mahadi
Distance from District Hq. (In KM)		131
Distance from Sub-Division (In KM)		13
Total Population of Village		838
Total Scheduled Tribe Population of Village		838
% of Scheduled Tribe population		100%
Education %		13.68%
Female Education %		3.65%
Children Education %		9.30%
Basic Amenities	Electricity	No
	Drinking Water	No
	Road	No
	Medical	No
Upper Primary School	School	Upper



In Naal, localities are residing in Mud houses on different hills in scattered manner. There is no medical facility. In case of medical requirement, the residents of Naal have to go to Mahadi, where the sub-health centre is located, which is at a distance of about 05 kilometers and at night, the residents of Naal have to go to Kotra for medical treatment, which is 13 kilometers away. There is no facility of electricity, road, education in Naal.

During the journey of Naal, the team met Mahadi's Sarpanch – Kokila, Mahadi's Village Assistant - Mohan Paragi, Deputy Sarpanch - Bhanwarlal who also stayed with Gram Panchayat Mahadi.

The team also met Bhalla and Ishwar Lal in Naal. Bhalla who is 15-16 years old, 5 sisters and 2 brothers. Bhalla's two younger sisters are studying but at present Bhalla is not studying. One elder sister of Bhalla is married and one is engaged. Both sisters are at their in-laws' house and both are illiterate. Bhalla says that his elder sister could not study in the village due to lack of education and awareness. Ishwar Lal, is studying in class XI. Ishwar's parents do farming and labour.

After meeting Ishwar and Bhalla, the team realised that local residents of Naal also require the access to various schemes and projects made for their empowerment.



Village-Mahadi



District Name	Udaipur
Village Name	Mahadi
Sub Division Name	Kotra
Panchayat Samiti	Kotra
Gram Panchayat	Mahadi
Distance from District Hq. (In KM)	132
Distance from Sub-Division (In KM)	12
Total Population of Village	6300
Total Scheduled Tribe Population of Village	6295
% of Scheduled Tribe population	99.92%
Education %	13.68%
Female Education %	3.65%
Children Education %	7.8%
Basic Amenities	Electricity -Yes
	Drinking Water - Yes
	Road - Yes
	Medical - 01 PHC
School	01 Senior, 1 UPC & 6 Primary School



Village Mahadi - There are 160 families residing in Mahadi. Localites are from Bheel and Garasi ya tribes.

Story-1

Rekha is studying in class X and after completing her studies she wants to join the police. On being asked, Rekha told that there is less awareness among the people in her village and they are addicted to liquor also. Therefore, she wants to join police to spread awareness amongst local people.

Story-2

Prerna is studying in class IX Prerna wants to become a teacher when she grows up. She wants to educate the people of her area because the rate of education in her area is very low and people are very reluctant to continue their studies in her area.

Story- 3

Mukesh has passed class IX and presently, he is doing S.T.C. course. Mukesh wants to become a teacher, because people in his area are less inclined towards education. Mukesh's wife Sona is also VIIIth passed. In order to raise the standard of living of her family, Sona is also willing to do some other work apart from domestic work but according to the information, at present no NGO or self-help groups, are working to provide skill-based training to the local residents.

Common Observations

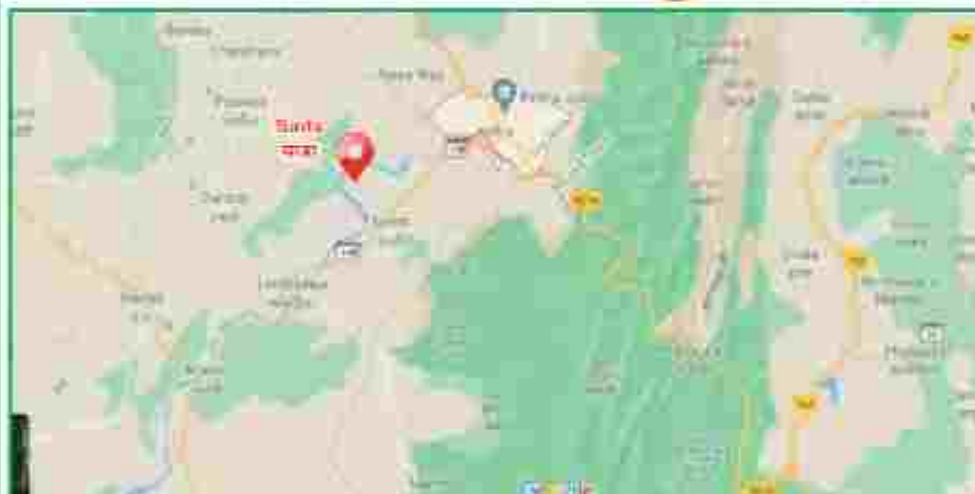
Sub-health centre is available in Mahadi and an ANM is appointed but the villagers complained that ANM does not do her work well and does not give medical advice properly.

The main source of income of the villagers is agriculture and labour. Villagers migrate to Gujarat when agriculture and other work on wages is not available in the village. During the visit, it came into our knowledge that child-labor is also prevalent in the village. In Mahadi, 30 percent houses are constructed and 70 percent houses are kutchha (Mud Houses). Although the village is situated on the roadside but people live on different hills that too in scattered manner, so they have to walk through dirt track only.

There is electricity in the village but not every house has connections and there are deficiencies of other basic amenities also.

Our next halt from Mahadi is the village Sada of Sada Gram Panchayat which is situated in Panchayat Samiti and Tehsil Kotra. There are two villagers in the Sada gram panchayat, the Sada and the Luke. Total families in Sada are 703.

Village-Sada



Sada is located on the main road itself. The residences of localites are normally constructed, they have toilet facilities too. There is also the facility of electricity, water and education in Sada, but still people were complaining about deficiency of

District Name		Udaipur
Village Name		Sada
Sub Division Name		Kotra
Panchayat Samiti		Kotra
Gram Panchayat		Sada
Distance from District Hq. (In KM)		134
Distance from Sub-Division (In KM)		14
Total Population of Village		5850
Total Scheduled Tribe Population of Village		5846
% of Scheduled Tribe population		99.93%
Education %		17.04%
Female Education %		5.47%
Children Education %		6.75%
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	01 PHC
	School	01 Senior, 1 UPC & 5 P.S.



Village-Popalti



District Name	Udaipur	
Village Name	Popalti	
Sub Division Name	Girwa	
Panchayat Samiti	Girwa	
Gram Panchayat	Popalti	
Distance from District Hq. (In KM)	15	
Distance from Sub-Division (In KM)	15	
Total Population of Village	1902	
Total Scheduled Tribe Population of Village	1902	
% of Scheduled Tribe population	100%	
Education %	28.25%	
Female Education %	14.48%	
Children Education %	50% approx.	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes Handpump + Open well
	Road	Yes
	Medical	(One Sub centre)
	School	2 PS, 01 government Sec. School





In Popalti, local residents are from Bheel community and 362 families are residing. We reached Popalti gram panchayat at 08.15 am. On reaching there the team met Meera, the Sarpanch of Popalti, who is a class-V pass. Sarpanch Meera, Vijaymala Rathod, Patwari, Arvind Chauhan, Village Development Officer, Pannalal Gameti and Hemendra Kumar, Panchayat Assistants, Ramesh Kumar Meena, LDC were also present in the Panchayat Bhawan. Devilal and Mangilal, the local residents of Popalti, were also present in the Gram Panchayat building along with the said local officers/employees.

Rohi Phala

Rohi Phala is a small locality of village Popalti, where the team met Bhanwari, who is in IX standard but was unable to give any satisfactory answer during the discussion.

Story- 1

Munna is studying in class-VI and has a younger brother. Munna's parents are labourers. During discussion, Munna was unable to answer questions put to him. Despite studying in class-VI, Munna was hesitant in making any kind of conversation.

Story- 2

Kauva has three brothers. He is the eldest, and studying in V standard. Kauva likes Jyoti Madam, because she pays attention to Kauva in his studies. Kauva's younger brother's name is Dinesh, who is studying in class-II and the youngest one goes to Anganwadi. Kauva's father Ambalal is a labourer and Kauva's mother does farming. Kauva's father Ambalal says that he is teaching his children so that they can progress more in life.

Story- 3

Govind is VIII passed. Govind's wife's name is Ladi. Ladi looks after the household chores. Govind has one son and four daughters. Govind's mother was also present on the occasion, whose name is Andu. She is 50 years old. Andu says that she has four children and all four are labourers. Andu's husband Nanji was also present on the occasion, who complained that there is deficiency of water in the village and roads are also not there. Some houses in the village have electricity but some do not.

The village does not have medical facility for which they have to go to Nai. At present, houses in Rohi Phala are Kuttcha (mud houses), but they have been registered in the Prime Minister's Housing Scheme for permanent construction. During the interaction, it also came to our knowledge that 100 families are residing in Rohi Phala and there are total 7 Falas in village Popalti.



District – Rajsamand

Village-Udawar



District Name	Rajsamand	
Village Name	Udawar	
Sub Division Name	Kumbhalgarh	
Panchayat Samiti	Kumbhalgarh	
Gram Panchayat	Vardara	
Distance from District Hq. (In KM)	54	
Distance from Sub-Division (In KM)	14	
Total Population of Village	1004	
Total Scheduled Tribe Population of Village	919	
% of Scheduled Tribe population	91.53%	
Education %	32%	
Female Education %	24%	
Children Education %	78%	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	Yes
	School	Yes



The village has primary school where 85 students are studying as per information. For higher education, children have to go to Bardara which is 2.5 Km from Udawar. The road in the village is unpaved. Agriculture, wages, NREGA are the only means of employment for the local people. Some houses in the village are constructed and some are Kutchha (mud house). Toilet facilities are available in 50% of the houses. Sub-health Center is available in the village, in which ANM is also appointed, but Primary Health Center is available only in Bardara.



Story- 1

Jamku has been residing in this village with her husband for last 25 years. Jamku's son Somlal has done M.Com and presently he is doing LL.B. from Nathdwara. Somlal, wants to become a Judge or lawyer to help his people. Somlal says local residents have issues related to ownership of land, therefore, to resolve those issues, he would like to become lawyer. Presently, he is working at computer centre, Calvada.

Out of the 30 families residing in village Bhagal of Udavad, some of them belong to Rajput or Goswami community. In Bhagal, we met Hariharpuri Goswami, who explained that there is lack of electricity, water and education in the village. Hari Harpuri says that primary school does not have any playground and people have also encroached near the school for which he made a request to remove the same.

Story- 2

The team also met social worker Mohan Ram, who belongs to Mazdoor Kisan Shakti Group. NGO 'Shrishti' is also working in the field of education in the village. Ward Panch Kamli Bai and Lachhi Ram were also present. Complaints were mainly made by all about the lack of electricity, water and employment. During the discussion, the fact came to the fore that the DMFT project of the centre of about 1.60 crores is proposed for water in the village.

There are also 7 groups of Rajiveka working in the village. Assistant Development Officer, Shri Laxminarayan, Village Development Officer, Ravi Kumar were also present on the occasion. During the discussion, the fact also came to the fore that due to the hotel business in the vicinity, some local residents of the village got employment too. Residents of the village have got government jobs also. Mannaram and Dhularam have become teachers and one resident has also become a police constable. The local residents said that the benefits of the schemes implemented by the state government for the TSP area are not being fully available to the local residents. There is also no internet connectivity in the village, which caused inconvenience to the students to study during the Covid period.

Story- 3

Lavina Goswami is studying in class-IV at Bardara where she goes by van. Lavina wants to become a police officer to provide protection to people of her area. Lavina identified herself as being from the family of Hariharpuri Goswami,

Story- 4

Phoolvati is Asha Sahyogini, who is XII pass goes to Kotda, which is located at a distance of about 6 kms from Udavad. Phoolvati has three children, one of them goes to school and two to the Anganwadi centre. Phoolvati says that if she gets the opportunity, she is ready to help the people of her area as well. Asha Sahyogini, Narmada, was also present there.

Thereafter, we met Nanibai. Though Nanibai did not receive any formal education, she seemed quite satisfied and happy with her village life. Nani has a boy named Rada, who is V pass and his wife is Rumani, who has not received any education. No complaint of any kind has been made by Nanibai.

Village lacks roads, means of transportation, E-mitra facility etc. Villagers do not have access to all the projects and schemes which have been formulated to bring them into mainstream.



Village-Kalthana



District Name	Rajsamand
Village Name	Kalthana
Sub Division Name	Kumbhalgarh
Panchayat Samiti	Kumbhalgarh
Gram Panchayat	Vardara
Distance from District Hq. (In KM)	56
Distance from Sub-Division (In KM)	16
Total Population of Village	1428
Total Scheduled Tribe Population of Village	1015
% of Scheduled Tribe population	71.08%
Education %	48%
Female Education %	29%
Children Education %	85%
Basic Amenities	Electricity - Yes
	Drinking Water - Yes
	Road - Yes
	Medical -Yes
	School - Yes

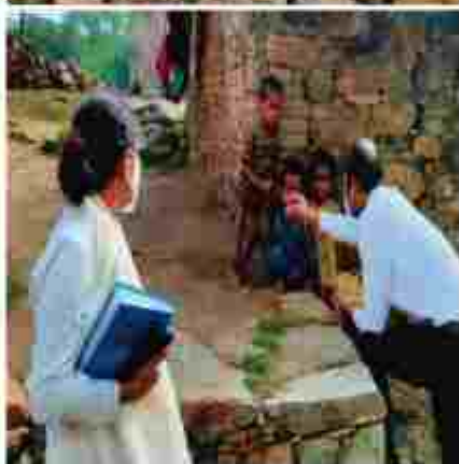




Story- 1

The team met Sohni Bai in the Tarkala ki Bhagal of Kalthana. Sohni has a family of 9 people, which includes three girls, three boys and one daughter-in-law. Sohni complains about deficiency of medical facility in the village. She

said dispensary is located at Bardara which is at a distance of 5 km and that takes about half an hour to reach. There was a conversation with Sugna, Sohni's girl. Sugna told that she is studying in III grade and she wants to become a teacher as she loves to teach.



Story- 2

Rodhi Lal is VIII pass and does the business of making medicines from herbs. He learned this art from his father Varadaram. His father had been awarded the President's Award, who used to make medicines from the herbs collected from the forests.

Rodhi Lal says that he can even treat diseases like cancer with the medicines made from herbs, collected from the forests. He has four children and wife. One has done B.Ed. His

daughters are studying in VIII and X standard. He belongs to Bheel community and earns enough money to support his family, from the business of medicine.

Local residents complained about cleanliness in the village and requested that there is only one hand pump among 40 families in Tarkala ki Bhagal, due to which the problem of water persists.



Village-Jetaran



District Name	Rajsamand	
Village Name	Jetaran	
Sub Division Name	Kumbhalgarh	
Panchayat Samiti	Kumbhalgarh	
Gram Panchayat	Pipana	
Distance from District Hq. (In KM)	58	
Distance from Sub-Division (In KM)	18	
Total Population of Village	1473	
Total Scheduled Tribe Population of Village	966	
% of Scheduled Tribe population	65.58%	
Education %	65%	
Female Education %	37%	
Children Education %	100%	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	No
	School	Yes



Jetaran is our next halt. Total 331 families are residing in Jetaran. Local residents are from Bheel community in Jetaran.

Story- 1

During visit to the village, the team met Jivaram, who is about 60 years of age, though he could not tell his age. Jivaram says that he gets Rs 750/- per month as old age pension. Jivaram has three children, out of which only one child has studied, remaining two children could not study because of lack of awareness. All of his three sons make their living by farming only. Two of them are married and one has three daughters. One of his grand-daughter goes to local school. Jivaram's daughter-in-law is Ward Panch. Jivaram says that 80 families of Bheel tribe are residing in his Bhagal.

According to Jivaram, some of the local residents are from Other Backward Class and Rajput community. Jetaran has 7 to 8 small dhanis as told by local people present. Jivaram also complained about electricity and water deficiency in the village. People also complained about insufficient means of employment. People were a little hesitant to express their views openly. Few houses were constructed in the village.

It was also disclosed by the villagers that under the Pradhan Mantri Awas Yojana, 185 houses have already been registered for construction.





Story-2

Tara, who is the daughter of Chaukharam and studying in class-V, belongs to the Gameti community. After making various efforts, Tara opened up and said she wants to become a teacher. After being asked Tara could not write her name. Tara was accompanied by Kasni, who is daughter of Mohan, a local resident and was studying in class-VI. Kasni could not explain anything. When Kasni was asked why she is pursuing education, she could not reply and she could not write her name too. Even Kasni's mother complained about Kasni's inability to read and write inspite of her being in class-VI.

The local teacher was also present, even he could not give satisfactory reply regarding students' inability to read and write, in spite of them going to school regularly. The teacher who was present during the discussion said that because of COVID, students have stopped coming to school and that's why they are not in a position to respond to the queries putforth.

It appears that awareness regarding education is much required amongst the villagers.

Story- 3

Sagar Kanwar, the wife of Fatah Singh says that 14-15 families in the village belong to the Rajput community. Sagar Kanwar was seen sewing on the spot. Sagar was interested in teaching sewing skills to the local residents. As per Sagar's version, in the past about 50 sewing machines were given to the local residents but presently nobody has it. Because of poor economic conditions local residents have sold all those sewing machines.

Sagar's son, Mahavir Singh, was also present, who is studying in class-XII and he has Hindi, English and social science subjects. He is taking examination from open Boards. He got his secondary education in the village itself. Mahavir says that villagers are least interested in education. After speaking to Mahavir, it appears that awareness regarding education is much required amongst the villagers.

District Dungarpur

Village - Gandhwa



District Name		Dungarpur
Village Name	Gandhwa	
Sub Division Name	Jhonthari	
Panchayat Samiti	Jhonthari	
Gram Panchayat	Gandhwa	
Distance from District Hq. (In KM)	35	
Distance from Sub-Division (In KM)	8	
Total Population of Village	3476	
Total Scheduled Tribe Population of Village	3100	
% of Scheduled Tribe Population	95%	
Education %	40%	
Female Education %	20%	
Children Education %	50%	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	No
	School	Yes

Local residents earn their livelihood through animal husbandry, farming and labour. Representatives of NGO 'Save the Children', Shri Krishna Vaishnav and Pankaj Jhotani were also present during the visit. According to them, they are working for welfare of the children in the village. Benefits of various schemes of the Central Government and State Government such as Shramik Shiksha Kalyan Yojana, Palanhar, Old Age Pension, Widow Pension, etc. are being given to the residents of the village. Children, who have lost both their parents or either one of them during Covid-19, have also been provided proper care and attention. Presently, those children are residing with their grandparents or other relatives.

Story-1

In the village, the team met Rameela Bheel, who has one boy and three girls. Her husband Rakesh is a labourer. Her two children are studying in class-III and IV. She has been living in this village for last 10 years. For medical treatment one has to go to Seemalwada, which is situated at a distance of 12 kms. She has been registered under the government scheme to build her house. Rameela's girl Kalavati was also present on the occasion, who is eight years old and is studying in class-III. Kalavati says that she enjoys going to school and wants to study a lot.

Story-2

Vasundhara Bheel, studying in class-IX, was also present during the discussion. On being asked, Vasundhara told that she has two brothers. Her elder brother is studying in college and Vasundhara's younger brother is specially-abled, who can not speak & hear and is presently staying in a deaf & dumb school, i.e. Tapas at Dungarpur.

Due to Covid, Vasundhara's brother was also present in the village itself. Though he could not understand our language, but through sign language, Vasundhara explained him how he feels in school, then he said that he is enjoying there. After



completing his studies, he would like to do something big in his life. Vasundhara's mother Kailash and father Shankar was also present. Shankar works as a labourer. Both of them are providing education to their children to make them independent and to improve their economic condition.

Story-3

After walking a little further into the village, the team met Manohar Maliwad, who

belongs to the Bheel tribe. Manohar is illiterate and he is a labourer. His wife passed away few years back. Manohar has seven children, five girls and two boys. His 6 children are studying. His eldest son has dropped out and does not do anything. Manohar has a daughter studying in class-IX, whose name is Bhavna. Another girl



Varsha is studying in class-VI. Both the girls are fond of Hindi language and they want to persue their career in Hindi language after completing their education. Manohar has one and a half bighas of land. Manohar says that apart from doing work on daily wages, he also does farming during the rainy season. Though Manohar is living in a hut but he has a partial constructed house also. Manohar said he did not get enough money

to complete the construction work. There was lack of cleanliness in Manohar's house. Manohar did not show any special interest in the matter of children. On talking to Manohar's children, it seemed that they need extra support and assistance to move forward in life.



Village - Rastapal



District Name		Dungarpur
Village Name		Rastapal
Sub Division Name		Simalwara
Panchayat Samiti		Simalwara
Gram Panchayat		Rastapal
Distance from District Hq. (In KM)		45
Distance from Sub-Division (In KM)		12
Total Population of Village		4506
Total Scheduled Tribe Population of Village		4065
% of Scheduled Tribe population		90.2%
Education %		60%
Female Education %		30%
Children Education %		80%
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	Yes
	School	Yes

Village Rastapal is also a Gram Panchayat. Total 232 families are residing in the village. 80 percent of the local residents are from Bheel tribe and 20 percent are from the Other Backward Classes. Kanhaiya Lal Rao, Rajesh Kumar Katara, Ward Panch, Sarpanch, Sanjay Kumar, Assistant Engineer, Panchayat Samiti, Lalit Pandya, P.L.V. Gaurav Pandya, Village Development Officer, Ishwar Lal Kalal were also present. During the discussion, it came to our knowledge that there are 6 Anganwadi centers and 2 Maa-wadi centers in the village. Sarpanch said that there is no separate school for girls in the village and the schools which are available does not even have good teachers for science subjects.

Due to co-education, the girls of the village at some level are hesitant to continue their studies which results in large number of girl child dropouts.

Team met Mani in the village. Mani belongs to the Bheel tribe. Mani is old, unable to disclose her age. Mani said that she is getting one thousand rupees as monthly pension. Mani has two daughters, both are married. Both the daughters have received primary basic education. Mani's daughter, Gautami, has five daughters and one son. Gautami's daughter, Deepika is 17, studying in class XII. Deepika has agriculture subject. In class X, Deepika got 61% marks. Deepika says that she wants to become a doctor in the future, but she has no knowledge that whether one can become a doctor by taking agriculture subject or not. Although the facility of education is available in the village, but the level of education appeared to be low. Deepika also says that she studied online during the Covid period in the village. Deepika's two elder sisters have completed their college education. One sister is married. The rest of the siblings are younger who are all studying. Gautami complained that there is no means of employment in the village. They do farming during the rains, but after that they are forced to work on daily wages.



Village - Ambada



District Name		Dungarpur
Village Name		Ambada
Sub Division Name		Chikhali
Panchayat Samiti		Chikhali
Gram Panchayat		Ambada
Distance from District Hq. (In KM)		78
Distance from Sub-Division (In KM)		37
Total Population of Village		7669
Total Scheduled Tribe Population of Village		7520
% of Scheduled Tribe population		100%
Education %		50%
Female Education %		40%
Children Education %		50%
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	Yes
	School	Yes

Total 547 families are residing in Ambada. About 66 percent of the local residents are from Scheduled Tribes and 11 percent from Scheduled Castes. The village has e-mitra and net connectivity. There are 9 Anganwadi centres and two Maa-Wadi centres in the village. Veterinary hospital is also available in the village. The people of the village mostly do agriculture, but due to lack of cultivation in winter and summer, they go to Gujarat to earn their livelihood. Though ANM is appointed in the sub health centre but ANM does not come regularly.

Sarpanch Naveen Bameria, Panchayat Samiti member Babli Damor, who is studying in the final year, Ward Panch, Kachru Damor and Sukhram, Village Development Officer, Ramesh Yadav were also present.

Leela, who lives in her hut which is built little away from the main road, says that she has built her house under the Pradhan Mantri Awas Yojana. She received one lakh twenty thousand rupees for the construction of the house. She earns from NREGA scheme. Under NREGA, for 100 days, she is receiving 22,000 rupees per annum. Leela has five children, Veena, Sumitra, Renuka, Lokesh and Rohit.

Veena is 13 years old. Renuka and Lokesh are also studying. Leela says that apart from NREGA, there are no other means of employment in the village. The rest of her children do not have Aadhar card, therefore, they could not get admission in school.

It was told by the sarpanch that the girls' school in the village panchayat Ambada is required to be upgraded to a higher secondary school. A girls' hostel should also be opened up in the vicinity which will benefit the girls of the village. He also says that there should be a skill centre in the village for widows and women in need, so that, women can also get employment opportunities.



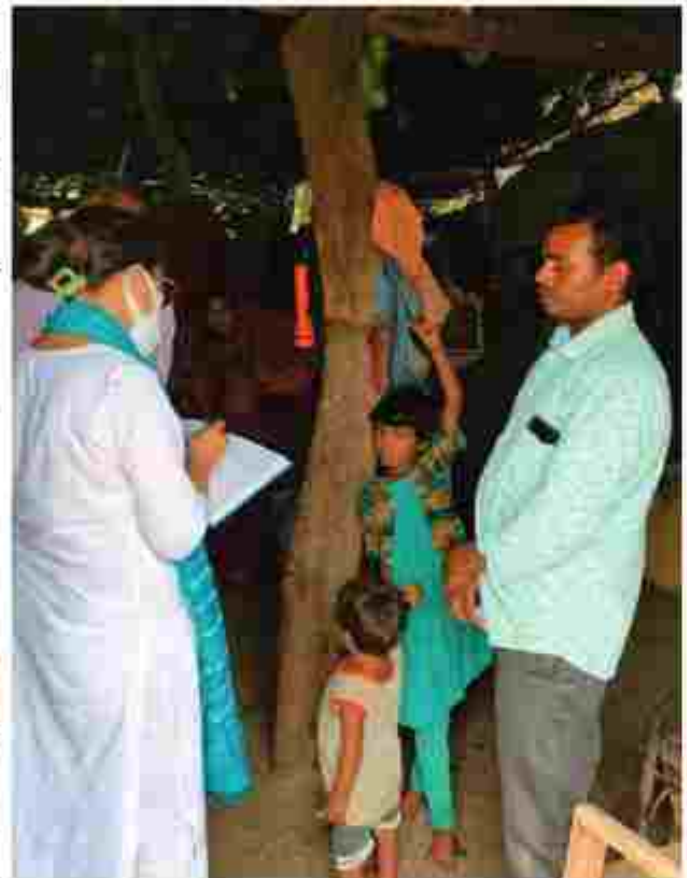
District Banswara

Village - Hatiya Dilli



District Name		Banswara
Village Name	Hatiya Dilli	
Sub Division Name	Kushalgarh	
Panchayat Samiti	Kushalgarh	
Gram Panchayat	Bagaycha	
Distance from District Hq. (In KM)	75	
Distance from Sub-Division (In KM)	25	
Total Population of Village	768	
Total Scheduled Tribe Population of Village	768	
% of Scheduled Tribe population	100%	
Education %	50%	
Female Education %	30%	
Children Education %	80%	
Basic Amenities	Electricity	No
	Drinking Water	No
	Road	Yes
	Medical	No
	School	Yes

For medical treatment, the local people have to go to the village panchayat headquarter Bagayacha, which is five kilometers away. The people of the village do agriculture during the rainy season. Besides agriculture other means of employment are NREGA and daily wages. After the rain, they migrate to Madhya Pradesh to earn their livelihood on daily wages. The problem of water, electricity was reported in the village. Solar panels are installed in few houses but they are not functioning as reported by the villagers. People from the village are also going for government jobs. Mansingh and Parsingh of the village have become third grade and second grade teachers respectively.



Story-1

In the village, the team met Lalita, who is the Deputy Sarpanch and belongs to the Bheel tribe. Lalita says that she has four children, one daughter and three sons. Her husband's name is Rajesh. Her daughter, Renuka, is a student of B.A., final year. She got 52% marks in class-XII and wants to become a teacher after completing her education. Son, Premsingh, is studying in B.Sc., first year, who has got 76% marks in XII and wants to become a doctor. Lalita has a constructed house, which she has built under the Pradhan Mantri Awas Yojana. She had received one lakh twenty thousand rupees in instalments to build her house. She has also got toilet in her house for the construction of which she got twelve thousand rupees. In the village, the Bagad Mazdoor Kisan Sangathan is working for the forest rights of the villagers.

Story-2

Thereafter, the team met Ramsu, who is 35 years old. Ramsu has wife, Roshni, and four children. Roshni is 32 years old. Ramsu's eldest girl Pooja is 9 years old, Pushpa is 6 years old, Dhanraj is four-and-a-half years old and Ajay is two years old. Ramsu's three children are studying. He is living in a hut. During rains, he does agriculture and grocery items from his hut only.



Ramsu says that he also runs a self-help group in the state of Madhya Pradesh, where Government also provides assistance to run the same. In the hut where Ramsu is staying, his animals such as cow, hen and goat are also tied up. There is no separate room for kitchen. One portion of the hut is used for the kitchen. There is no electricity in the hut. There was no cleanliness in the hut.

Roshni, Ramsu's wife, says that she is little educated and helps her husband in the grocery shop but if she gets an opportunity to learn new skills, she would definitely like to learn those skills to improve the financial condition of her family.



Ramsu complained about lack of water and electricity. An attempt was made to talk to Ramsu's elder girl Pooja but after asking a lot, Pooja could only tell that she lives in Hatia Dilli. Apart from this, Pooja was unable to tell anything. During the conversation with Pooja a need to improve the level of education was felt.

Story-3

Kavita, who is 18, has read till XI standard. She got 55% marks in XI class. She is a relative of Ramsu. She lived at a short distance from Ramsu. Kavita has mother, father, two brothers, sister-in-law and their children as a family. One of her brother is married, who has three children. Kavita could not continue her studies because of personal problems. Kavita wants to continue her studies and for which she requires assistance and support.

Village - Suliya Malpura



District Name		Banswara
Village Name	Suliya Malpura	
Sub Division Name	Kushalgarh	
Panchayat Samiti	Kushalgarh	
Gram Panchayat	Kakanwadi	
Distance from District Hq. (In KM)	76	
Distance from Sub-Division (In KM)	24	
Total Population of Village	779	
Total Scheduled Tribe Population of Village	779	
% of Scheduled Tribe population	100%	
Education %	60%	
Female Education %	35%	
Children Education %	65%	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	Yes
	School	Yes

In Sulia Malpura, 100% local residents are from the Bheel community. About 125 families are residing in Sulia Malpura. Some houses in the village are constructed while some are kutchha.

No proper road is available to reach to the village. Approximately, 5 km road is broken. To earn livelihood, villagers either do agriculture or work on daily wages. Once rains are over, local residents migrate to Gujarat to earn their livelihood.

Story-1

Team met Junghu in Sulia Malpura, who is approximately 60 years of age, though Janghu could not tell her age. She gets an old age pension of Rs.800 per month. Junghu has four children. Kesari Singh who is V pass, Manish, who has done B.A., B.Ed., Dhan Singh is X fail and Ramila is IV pass. Kesari has five children and Dhan Singh has two children. Children migrate to Gujarat to work on daily wages. Junghu is staying in a hut. She says that he has been registered for the construction of her house, which she will get built once sons are back from Gujarat. Janghu has two bullocks, one cow and two goats.

There is no electricity, water system in Janghu's hut. Junghu's grandson Ankit, who is studying in class-II, was also present during the interaction. When Ankit was asked to write his name, Ankit could not write his name. Gram Panchayat Assistant, Khuman Singh, Nanuram Damor, local residents, Prabhulal and Kaluram of village Garthana were also present. Junghu's financial condition seemed weak.



Village - Surajpura



District Name		Banswara
Village Name	Surajpura	
Sub Division Name	Kushargarh	
Panchayat Samiti	Choti Sarwan	
Gram Panchayat	Chhayabadi	
Distance from District Hq. (In KM)	55	
Distance from Sub-Division (In KM)	25	
Total Population of Village	695	
Total Scheduled Tribe Population of Village	695	
% of Scheduled Tribe population	100%	
Education %	60%	
Female Education %	50%	
Children Education %	90%	
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	No
	School	Yes

The next halt was Surajpura, village of tehsil chhota Sarwan gram panchayat Chhayan Badi. About 173 families are residing in the village. The village is located on the road side but for 5 km no proper road is available. The main problem in the village is of employment.

Due to non-availability of water, the local residents migrate to the neighbouring states, Madhya Pradesh and Gujarat, to work on daily wages in summer & winter. The women in the village are less educated. There was lack of general awareness regarding hygiene, cleanliness, education etc. in the village. Local residents and their pets share the common hut. Manohar, LDC, Up-Pradhan Naya Kheda, Mannalal Maida and PLV, Nirma Mayda, accompanied us.



Story-1

Ganga, wife of Bhairu, gets pension. Ganga has four children; Shankar, Rai Chand, Nirma and Jama. Nirma has not studied. Two of them are VII and VIII pass. Nirma says that people are leaving the village for employment. Local residents either do farming or work on daily wages.

Ganga also says that there is no hospital for the treatment of animals in the village due to which they have to take their animals to Danpur. Ganga stays in a hut.

Arjuna and Ishwar Lal, the acquaintances of Ganga, were present with Ganga. Arjun is sixteen years old, studying in class-XII. Arjun got 89% marks in XI. Arjun wants to become a teacher after completing his studies and wants to educate the people of his village. Arjun has a smart phone. Arjun frequently visits Danpur for shopping which is at a distance of one-and-a-half hour from Surajpura, therefore, he is aware of the current trends. Arjun has his mother, father and sister in his family. His sister Lakshmi is studying in class-VI.

Ishwarlal is 20 years old, after completing his XII he wants to take admission in



B.S.T.C. course as he aspires to become a teacher. Ishwarlal has five siblings. Three brothers and two sisters. Both the sisters of Ishwar are also studying, one in class VIII and the other in class VI. Ishwar's mother gets a pension of Rs.500. Ishwar's family owns three bighas of land, in which he cultivates himself.

Story-2

We met Renu in the village, Renu is XII pass. Dinesh is Renu's husband. Renu is a Pashu Sakhi and she also runs a self-help group, in which there are 5 groups, each group has 13 women. Self help group provides money to women on interest. Renu's purpose is to support and assist the villagers to improve their economic conditions.

Story-3

We met Santosh. She is very vibrant and vocal and wants to become a doctor later but Santosh says that there is lack of higher education in the village and parents are also not much interested in higher education. During the conversation with Santosh, it was felt that if proper guidance, assistance and support are provided to her she will be able to complete her education.

District Pratapgarh

Village - Gamda



District Name		Pratapgarh
Village Name	Gamda	
Sub Division Name	Pipalkhunt	
Panchayat Samiti	Suhagpura	
Gram Panchayat	Datiyar	
Distance from District Hq. (In KM)	56	
Distance from Sub-Division (In KM)	16	
Total Population of Village	1248	
Total Scheduled Tribe Population of Village	1107	
% of Scheduled Tribe population	88.70%	
Education %	65%	
Female Education %	35%	
Children Education %	82%	
Basic Amenities	Electricity	Yes
	Drinking Water	Handpump/ JY
	Road	Yes
	Medical	No
	School	UPS School

According to the local people present, 90 percent are 'Meena' and 10 percent are 'Meghwal'. About 87 families are residing in Halra Pada Phala of Gamda and there are total 500 people. For higher education, villagers have to go to Pandava, which is located at a distance of five kilometers and have to go to Peepalkhunt, Pratapgarh for college. Electricity is available in the village. There are hand pumps and wells for water supply, but there is no water pipeline. There is no centre in the village for the treatment of animals due to which the animals have to be taken to Bodia for treatment which is about 4 kilometers away. The access road to village is broken.



Story-1

Halra Pada is a small locality of village of Gamda. The team met Badiya in the primary school of Halra Pada in Gamda. Badiya has given one and a half bighas of land for the primary school. Badiya says that he wants every child of his village to have an access to



school and for that very purpose he has given land to the authorities. Teachers are regularly coming to the above school to impart education to the local children.

Manju Meena and Bhairu Lal Meena are presently taking classes of Hindi, Mathematics and English for the students of class-I to V.

Story-2

Aarti is studying in class-III. Aarti also has a younger brother. On being asked what she had learnt in school, she was unable to answer.

Sandeep was also present on the occasion, who has four brothers. With lot of effort, Sandeep recited the Hindi poem, "Machli Jal Ki Rani Hai". Sandeep says that he wants to become a teacher after completing his education.

Monika is studying in class VIII, who goes to Gamda to study. She is very fond of science and she wants to become a doctor to provide medical assistance to the local villages.

Monika's father is a farmer. Mother does household chores. Monika has two younger brothers, who are studying.

Shri Ramnath Chaudhary also came on the occasion, who is from Sikar district and is currently residing in Pratapgarh. He is in the field of building construction and is class-X pass. He says that there is a need for development in Gamda.

Sugna was also present on the spot. Sugna's parents live in Halra Pada who is VIII pass. She is married in Hazari Guda. She has 6 daughters and one son. Sugna's two daughters are Asha Sahyogini and one works in Maa-wadi centre. Her daughter and son have done B.S.T.C. Sugna says that in order to improve the financial condition of any family, it is necessary that families should provide assistance to their children so that they can complete their education.

In the Panchayat Bhawan, Sarpanch Surajmal along with other local residents Vaguram, Anil etc. were present in large numbers. It was disclosed by local residents that though people got money under the Pradhan Mantri Awas Yojana to build houses but due to their poor economic condition, they could not complete the construction of their houses and only few houses have toilets. Localities do not have necessary documents for the purpose of financial assistance from the government to construct toilets, therefore, they are not getting any finances for the said purpose, but they are getting old age and widow pension.

Story-3

According to ASI, Devi Lal, who is posted at police station Suhagpura, villagers do not have much litigation as only 10 cases were registered last year and that too due to dispute over land possession.

Story-4

Anil is a local resident, who is studying in Kota. He is doing graduation. Anil has two brothers and sisters. Brother is in class-XII and sister is in class-X. Anil's father does farming and mother is a housewife. They have five bighas of land. Anil says that the level of education in the village is not good. His maternal uncle, who is a postman in Pandava, inspired him to study outside the village. He did his initial schooling from the village, thereafter, he went to Bodia and from Bodia, he went to Pratapgarh residential school to complete his schooling. He got 70% marks in XIIth. Presently, he has Science and Mathematics. He wants to become a teacher of science and mathematics or wants to do any small business from which he can earn respectable income.

Anil says that access road to village is in very bad shape which needs to be repaired. At the same time, there is a need to raise the level of education as well. Anil feels that villagers lack general awareness.

Story-5

Boola has three sons aged, 10, 7 and 5 years respectively. Her two elder sons are going to school and the younger one goes to Anganwadi. Her husband is presently working as a labourer in Gujarat.

Boola also has a mobile that too with net connectivity. Boola does household chores. Boola has two bullocks, four cows and three-four goats. Boola, though, has never gone to school but she manages to see the time in a watch which she is wearing.



Village - Pal



District Name		Pratapgarh
Village Name	Pal	
Sub Division Name	Pratapgarh	
Panchayat Samiti	Dhamottar	
Gram Panchayat	Pal	
Distance from District Hq. (In KM)	50	
Distance from Sub-Division (In KM)	50	
Total Population of Village	1210	
Total Scheduled Tribe Population of Village	1210	
% of Scheduled Tribe population	100 %	
Education %	58%	
Female Education %	30%	
Children Education %	80%	
Basic Amenities	Electricity	No
	Drinking Water	Handpump
	Road	No
	Medical	Sub Centre
	School	Sr. Sec. School

There is no access road to village Pal. The village is situated in Sita Mata Wildlife Sanctuary. It took us approximately one and a half hour to cover 48 kms to reach Pal. According to the 2011 census, 441 families are residing, in a scattered manner on the hills.



Story-1

Meera has three children, who are in Maa-wadi centre. Meera could not tell their age. Meera's husband is Deva, who is a labourer.

Nathi has four daughters and one son. It has been five years since Nathi's husband died. Nathi gets a widow pension of Rs 500 per month, but is not receiving any support for her children. She works on daily wages also to support her family. She needs government support to raise her children.



Story-2

Om Prakash's age is 12 years. Om Prakash has three siblings, He is the eldest and is studying in class VIII. He likes Hindi subject. He wants to become a teacher. On being asked what he had been taught in school, Omprakash was unable to answer. He could barely write his name. Omprakash's mother Geeta is V pass. She assists her husband in farming during rains. Omprakash's father's name is Shankar, who does construction work and earns 500 rupees per day. Shankar also has two bighas of land for cultivation, in which he has sown a crop of maize. He gets drinking water from the hand-pump. He has also installed solar panels for electricity. Shankar wants that his children must complete their education, so that they become independent and live a respectable life.

During the interaction with the local residents, the need was felt to improve the level of education and the economic conditions of the villagers.

District Chittorgarh

Village - Naya Khera



District Name		Chittorgarh
Village Name		Nayakhera
Sub Division Name		Barisadari
Panchayat Samiti		Barisadari
Gram Panchayat		Kevalpura
Distance from District Hq. (In KM)		87
Distance from Sub-Division (In KM)		22
Total Population of Village		978
Total Scheduled Tribe Population of Village		975
% of Scheduled Tribe population		99.69%
Education %		5%
Female Education %		0%
Children Education %		5%
Basic Amenities	Electricity	Yes
	Drinking Water	Yes
	Road	Yes
	Medical	Yes
	School	Yes

Tube wells and hand pumps are available for water and farming. The village is on the main road but in interiors, no road is available. Apart from agriculture and NREGA, there are no other means of employment available for the villagers.

During the conversation, need was felt to improve the level of education and standard of living. Local residents were also apathetic towards cleanliness in the village.



Story-1

Gordhanlal, Assistant Development Officer, Shambhu Singh, Gram Panchayat LDC, Mahipal Singh, Patwari, Prakash Chand, Sarpanch were with us in the village.

The first team met Sugna, who is 50 years old. Sugna's husband's name is Manak. Sugna did not do anything. Sugna had a son, who is no more. Sugna's grandson's name is Vishnu, who is 6-7 years old. Sugna's mother's name is Kusha, who was making food for the family at the time of the visit.

After much effort Vishnu said that he is studying in class-II and wants to join the Army. Also, present on the occasion were Sohan, Pushkar, Dilkhush, Abhishek and Chhotu who are studying in class IX, V, III and I respectively.

Story-2

Next we met Priyanka, who is in her first year of college. She lives with her mother, father and sister. Her sister, Santosh is studying in class-XI. Priyanka got 81% marks in class-XII. Priyanka wants to become a sportsperson or a teacher after completing her studies, because she loves to teach but her mother wants her to join police services.

Story-3

Rami, who is a class-VI pass, has two children and a husband. Rami is associated with a self-help group. Rami says that every member deposits 10 rupees every week and at the end of every month the said amount is given on interest to any member as per the requirement.

Story-4

Local resident Lal Singh, who is about 30 years old, is VI pass, has wife, two daughters and a son. His wife is III or IV grade passed. His son Gopal is studying in class-III, daughter Asha is studying in class-II and youngest one has not started going to school yet. He does farming and sometimes goes to Ahmedabad to work on daily wages. He has two goats, his financial condition is not good. He is sending his children to school, so that their standard of living can be improved. His wife stays at home. If any skill is taught to his wife, then she would definitely be able to help in increasing the income of her family by doing some work.

Story-5

Lalu, who is about 60 years old lives with his wife, Kanki, in a hut. Kanki was cooking food on the 'Chulha'. Lalu has about one bigha of land. They have four daughters, all are married and staying with their in-laws. Lalu has one bull, one cow and 10 sheep. Lalu's house is also not constructed. He has no light and water facility in his hut.

Lalu, who is 60 years old, fetches water from a distance of one kilometer, which certainly causes inconvenience to him.



Way Forward

The visit of villages has given new possibilities and understanding to go further with the welfare programme with required suggestive modification and amendments.

- The objective of this scheme is to empower ST population by means of creation of awareness and to provide all sorts of support to needy tribals living in identified villages of respective districts in the state and to address the issue of STs.
- The second phase of the scheme is decided according to area specific tastes and preferences of the tribes. Special priority should be given to women and girls as the present year is dedicated to women. For making the tribal hamlets self-sufficient and to address all other requirements of the tribal population, it is proposed to ensure participation of local administration and mobilization of population at large to come forward and assert their rights.
- As far as tribal development is concerned, this is a need-based scheme, which will be operated on a project mode. While executing the programme priority will be given to self-employment and skill development, water supply, sanitation, electrification, roads, bridges, pathways, vocational training and facilitation centers, microenterprises and income generating programmes, admission of ST students in educational institutions etc.
- In order to channelize and to extend the benefits of tribal development schemes to the STs, link between the scheduled tribe beneficiaries and the local bodies / line departments will be developed.

• **Proposed Interventions**

1. Education and knowledge: Education also helps the villagers to participate in the development process. Dept. of Education and NGOs working in the field of education may connect with the program.

• **Proposed Interventions:**

- a. Opening of Education Centres
- b. Availability of Qualitative Educations.
- c. Opening of School in case of Non Availability
- d. Ensuring Quality Education
- e. Admission/Readmission of Dropouts Children's

2. Economic Upliftment: Agriculture is the primary source which in turn mostly depends on the weather. Therefore, development of villages will come with an introduction of sustainable employment for all villagers which can be achieved through skill development and financial independence. Services of Rajivika, RSLDC, Agriculture Dept.

and NGOs may be availed in this regard.

Proposed Intervention

- a. Entrepreneurship Development
- b. Generation of Source of Income
- c. Skill Development Programme
- d. Integrated Farming

3. Access to various Central/State Welfare Schemes: There are various welfare schemes formulated and being executed by the central and state govt. for the welfare of the tribal people. The team constituted by RSLSA would assist the residents of identified village to access the benefits under the welfare schemes.

Proposed Interventions:

- a. Access to welfare schemes
- b. Ensuring release of benefits under the scheme
- c. Loan benefits
- d. Banking assistance

4. Health Programme: Health or well-being is one of the main indicators which one needs to give most priority. The dept. of Medical & Health may be mobilized to intervene to provide various benefits under the health and family care schemes.

Proposed Interventions:

- a. Availability of Primary Health Centres & Medical Officers
- b. Periodic Health Check Up Camps
- c. Awareness Programmes on Health, Nutrition & Sanitation

5. Development of Social Infrastructure:

More and more social infrastructure ensures a healthy development of the village. Therefore, focus must be on developing following social infrastructure.

Proposed Interventions:

- a. Schools
- b. Hospitals
- c. Community Centres
- d. Playground
- e. Parks

- f. Libraries etc.
6. **Women Empowerment:** The programme may be carried out in consonance with the Women Empowerment programme as proposed in Action Plan of the Year 2021-22.
7. **Area Development:**
 1. Watershed development along with water literacy
 2. Road connectivity
 3. Electric Connections
 4. Housing development by promoting cost effective appropriate technologies.
8. **Natural Resources System:** Team constituted by RSLSA with the assistance of experts would promote various schemes run by govt. for preservation of natural resources for the welfare and development of local tribal people of identified village:
 1. Water Harvesting
 2. Solar Energy
 3. Environment Protection
 4. Forestation
9. **Litigation free village:** Special Lok Adalats, camps and other programmes may be organised to make the village free from disputes and litigation.
10. **Legal Awareness:** In order to maintain balance between legal rights and duties, legal awareness is very important. Therefore, legal awareness programmes may be devised and implemented to make each and every citizen of the village a responsible citizen.

Besides, interventions mentioned above, all initiatives shall be taken for integrated development of the identified villages. This scheme is an ongoing scheme. Initially, it will be executed in the 9 identified villages.

Schemes & Acts

जनजाति क्षेत्रों में संचालित योजनाएं

आश्रम छात्रावासों का संचालन

जनजाति वर्ग के छात्र-छात्राएं उनके निवास स्थान के नजदीक वांछित स्तर का विद्यालय नहीं होने की स्थिति में उनके परिवारों की कमजोर आर्थिक स्थिति के कारण दूर-दराज के विद्यालयों में अध्ययन जारी नहीं रख पाते हैं। अतः ऐसे छात्र-छात्राएं अध्ययन जारी रख सकें, इस उद्देश्य से विभाग द्वारा 372 आश्रम छात्रावास संचालित किये जा रहे हैं। इन छात्रावासों में 2500/- रु प्रतिमाह प्रति छात्र-छात्रा की दर से निःशुल्क आवास, भोजन, पोशाक एवं अन्य सुविधाएँ उपलब्ध करायी जाती है। आश्रम छात्रावासों में कार्यरत अधीक्षक एवं कोच को 15 प्रतिशत विशेष भत्ता एवं 10 प्रतिशत मकान किराया भत्ता दिया जा रहा है।

आवासीय विद्यालय संचालन योजना

अनुसूचित क्षेत्र, माछा क्षेत्र तथा सहरिया क्षेत्र में छात्र-छात्राओं में शिक्षा के उन्नयन हेतु भारत सरकार व राज्य सरकार द्वारा आवासीय विद्यालयों का निर्माण कराया गया है। आवासीय विद्यालयों में स्वीकृत शैक्षणिक/ गैर शैक्षणिक पदों पर शिक्षा विभाग से कर्मचारियों/अधिकारियों को प्रतिनियुक्ति/पदस्थापन पर लिये जाकर अध्ययन व्यवस्था संचालित की जा रही है। इन आवासीय विद्यालयों में राजस्थान माध्यमिक शिक्षा बोर्ड, अजमेर का पैटर्न संचालित किया जा रहा है। वर्तमान में विभाग द्वारा 13 आवासीय विद्यालयों का संचालन किया जा रहा है। आवासीय विद्यालयों में कार्यरत अध्यापकों को 15 प्रतिशत विशेष भत्ता दिया जा रहा है। जिनकी छात्र-छात्रा क्षमता 2920 है।

मॉडल पब्लिक रेजीडेन्शियल स्कूल संचालन

अनुसूचित क्षेत्र में मॉडल पब्लिक रेजीडेन्शियल स्कूल, ढीकली, जिला उदयपुर (बालिका) एवं सूरपुर जिला डूंगरपुर (बालक) का संचालन किया जा रहा है।

एकलव्य मॉडल रेजीडेन्शियल पब्लिक स्कूल संचालन

विभाग द्वारा अनुसूचित क्षेत्र में 14 माछा क्षेत्र में 6 एवं सहरिया क्षेत्र में 1 एकलव्य मॉडल रेजीडेन्शियल पब्लिक स्कूल का संचालन किया जा रहा है। उक्त स्कूलों की कुल प्रवेश क्षमता 7410 छात्र-छात्रा है।

खेल छात्रावासों व खेल अकादमियों का संचालन

अनुसूचित क्षेत्र में जनजाति छात्रों को खेल-कूद हेतु प्रोत्साहित करने तथा उन्हें राष्ट्रीय एवं अन्तर्राष्ट्रीय प्रतिस्पर्धाओं के लिए तैयार करने के उद्देश्य से 1 खेल अकादमी व 12 खेल छात्रावास संचालित किये जा रहे हैं। इनमें 6 बालक एवं 6 बालिकाओं हेतु खेल छात्रावास/खेल अकादमी निर्मित होकर संचालित हैं, जिनकी कुल प्रवेश क्षमता 875 छात्र/छात्राओं की है।

खेल छात्रावास खेल अकादमी में सम्पूर्ण राज्य के कक्षा 6 से 12 वीं तक के जनजाति खिलाड़ी बालक/बालिकाओं को प्रवेश दिया जाता है। छात्रावास में छात्र/छात्राओं का चयन विशिष्ट प्रकार के बेट्टी टेस्ट और कौशल परीक्षणों के आधार पर किया जाता है। प्रवेशित छात्र/छात्राओं को अनुमोदित पैटर्न अनुसार भोजन, आवास, विद्यालय पोशाक एवं अन्य सहायक सामग्री निःशुल्क उपलब्ध करायी जाती है। इन खेल छात्रावासों में

प्रवेशित छात्र/छात्राओं को निकटतम विद्यालयों में नियमित अध्ययन की सुविधा के साथ-साथ खेल छात्रावास की समस्त सुविधाओं का लाभ दिया जा रहा है।

बहुउद्देशीय छात्रावासों का संचालन

राज्य की अनुसूचित जनजाति की छात्राएं जो दूर-दराज के क्षेत्र की निवासी हैं एवं शहर में रहकर पी.एच.डी, नीट (NEET), पी.टी.ई.टी., आई.आई.टी., ए.आई.ई.ई.ई., पी.ई.टी. व प्रशासनिक सेवाओं एवं अन्य उच्च शिक्षा प्राप्त करने हेतु कमरा किराया लेकर अध्ययन करने में असमर्थ हैं, उन्हें निःशुल्क आवासीय व भोजन की सुविधा उपलब्ध कराये जाने के प्रयोजनार्थ जिला मुख्यालय उदयपुर में 150 बालिकाओं की क्षमता एवं कोटा, डूंगरपुर, बांसवाड़ा व प्रतापगढ़ जिला मुख्यालय पर 100-100 बालिकाओं की क्षमता एवं बारा जिला मुख्यालय पर 50 छात्राओं की क्षमता वाले बहुउद्देशीय छात्रावासों का संचालन किया जा रहा है।

कॉलेज छात्रावासों का संचालन

अनुसूचित क्षेत्र के महाविद्यालयों में अध्ययनरत छात्र/छात्राएं जो दूर-दराज क्षेत्र की निवासी हैं एवं महाविद्यालय स्थल पर मकान किराये पर लेकर उच्च शिक्षा प्राप्त करने में असमर्थ हैं। ऐसे छात्र/छात्राओं को महाविद्यालय स्थल पर निःशुल्क आवासीय सुविधा उपलब्ध कराये जाने के प्रयोजनार्थ कॉलेज छात्रावासों का संचालन किया जा रहा है। वर्तमान में 7 कॉलेज छात्रावासों का संचालन विभाग द्वारा किया जा रहा है, जिनकी कुल छात्र क्षमता 350 छात्र/छात्राओं की है। इन छात्रावासों में निवासरत छात्र/छात्राओं को राज्य सरकार द्वारा निःशुल्क आवास, अल्पाहार एवं भोजन की सुविधा उपलब्ध कराई जाती है।

आश्रम छात्रावासों में विशेष कोचिंग योजना

आश्रम छात्रावासों के कक्षा 6 से 12 वीं के छात्र-छात्राओं को आश्रम छात्रावास में ही विषय विशेषज्ञ के माध्यम से कठिन विषयों की कोचिंग कराई जाती है ताकि छात्र-छात्राएं कठिन विषयों की अच्छी तैयारी कर अच्छे अंकों से उत्तीर्ण हो सकें। कक्षा 10 वीं में अंग्रेजी, विज्ञान एवं गणित तथा कक्षा 12 में कला वर्ग में अनिवार्य अंग्रेजी व ऐच्छिक अंग्रेजी, वाणिज्य वर्ग में अनिवार्य अंग्रेजी तथा तीनों ऐच्छिक विषय तथा विज्ञान वर्ग में अनिवार्य अंग्रेजी तथा चारों ऐच्छिक विषयों की कोचिंग कराई जाती है।

आश्रम छात्रावासों के छात्र-छात्राओं हेतु शैक्षणिक भ्रमण योजना

जनजाति छात्र-छात्राओं को शहरी, वैज्ञानिक, पर्यावरणीय व आधुनिक ज्ञान उपलब्ध कराने की दृष्टि से छात्रावासों के छात्र-छात्राओं को शैक्षणिक भ्रमण कराये जाने हेतु यह योजना संचालित की जा रही है। शैक्षणिक भ्रमण के दौरान राजस्थान के शैक्षणिक एवं ऐतिहासिक महत्व के स्थलों पर छात्र-छात्राओं को भ्रमण कराते हुए जनजाति छात्र-छात्राओं की जिज्ञासा पूरी करने का प्रयास किया जाता है। इसका मूल उद्देश्य जनजाति के छात्र-छात्राओं को स्मारकों के बारे में ज्ञान प्राप्त कराना ताकि वे राष्ट्रीय विकास की धारा से रुबरु होकर ज्ञान में सुधार ला सकें और जागरूक तथा जिम्मेदार नागरिक बन सकें। भ्रमण से उन्हें भौगोलिक परिस्थितियों का ज्ञान प्राप्त हो सकेगा। यह भ्रमण कार्यक्रम सात दिवसीय होता है, जिसमें भोजन, नाश्ता के अतिरिक्त छात्र-छात्राओं को दर्शनीय स्थानों का टिकट एवं ठहरने की व्यवस्था, स्टेशनरी, बसों के किराये का प्रावधान किया गया है।

छात्रगृह किराया योजना (केवल राजकीय महाविद्यालय/विश्वविद्यालय के छात्र-छात्राओं हेतु)

इस योजनान्तर्गत अनुसूचित क्षेत्र के जनजाति के ऐसे छात्र-छात्राएँ जो राजकीय महाविद्यालय/विश्वविद्यालय की स्नातक तथा स्नातकोत्तर कक्षाओं में पढ़ते हैं, उनमें से जिन छात्र-छात्राओं को छात्रावास में स्थानाभाव के कारण आवासीय सुविधा नहीं मिल पाती है और किराये के मकान में रहकर नियमित अध्ययन करते हैं, उनको इस योजनान्तर्गत आवासीय सुविधा उपलब्ध कराई जाती है। पैटर्न अनुसार मकान किराया की राशि निम्नानुसार पुनर्भरण की जाती है—

क्र.सं.	स्थान	अवधि दर	प्रतिमाह प्रति छात्र-छात्रा	राशि (10 माह की राशि)
1.	सभाग मुख्यालय	10 माह	500.00	5000.00
2.	जिला मुख्यालय	10 माह	400.00	4000.00
3.	अन्यत्र स्थान	10 माह	300.00	3000.00

जिन छात्र-छात्राओं के माता-पिता आयकरदाता है, उन्हें यह सुविधा उपलब्ध नहीं होगी। छात्राएँ अनुसूचित क्षेत्र की मूल निवासी होने तथा राज्य में ही अध्ययनरत रहने पर ही योजना का लाभ देय होगा।

बोर्ड एवं विश्वविद्यालय में प्रथम श्रेणी उत्तीर्ण जनजाति प्रतिभावान छात्रों को छात्रवृत्ति

वर्ष 1993-94 से यह योजना प्रारम्भ की गई। जनजाति के ऐसे प्रतिभावान छात्र जिन्होंने राजस्थान से माध्यमिक शिक्षा बोर्ड एवं केन्द्रीय माध्यमिक शिक्षा बोर्ड द्वारा आयोजित कक्षा 10 एवं 12 की परीक्षा प्रथम श्रेणी में उत्तीर्ण की है तथा विश्वविद्यालय में स्नातक एवं स्नातकोत्तर की परीक्षा में भी प्रथम श्रेणी में उत्तीर्ण होते हैं, उन्हें राशि रु 350/- प्रति छात्र प्रतिमाह की दर से 10 माह तक छात्रवृत्ति दी जाती है।

जनजाति छात्राओं को उच्च शिक्षा हेतु आर्थिक सहायता (निजी एवं राजकीय महाविद्यालय स्तर की छात्राओं के लिए)

जनजाति वर्ग की छात्राओं को उच्च शिक्षा हेतु प्रोत्साहित करने के उद्देश्य से वर्ष 1994-95 में यह योजना प्रारम्भ की गई। योजना का लाभ उन छात्राओं को प्राप्त होगा जो राज्य की मूल निवासी हों और महाविद्यालय (सामान्य शिक्षा) में नियमित रूप से अध्ययनरत हों। योजनानुसार प्रत्येक अध्ययनरत छात्रा को राशि रु 500/- प्रतिमाह की दर से 10 माह तक (5000/- रु एकमुश्त) आर्थिक सहायता प्रदान की जाती है। इस योजना में उन्हीं छात्राओं को आर्थिक सहायता दी जाती है जिन्होंने महाविद्यालय में पिछली परीक्षा उत्तीर्ण कर अगली कक्षा में प्रवेश लिया हो साथ ही आर्थिक सहायता केवल उन्हीं छात्राओं को देय होगी जिनके माता-पिता आयकरदाता नहीं हैं। छात्राएँ राज्य की मूल निवासी होने तथा राज्य में ही अध्ययनरत रहने पर ही योजना का लाभ देय होगा।

जनजाति छात्राओं को उच्च माध्यमिक शिक्षा हेतु आर्थिक सहायता

कक्षा 11 वीं एवं 12वीं में अध्ययन करने वाली जनजाति छात्राओं को शिक्षा के क्षेत्र में उच्च माध्यमिक शिक्षा के लिये प्रेरित करने के उद्देश्य से वर्ष 2010-11 से यह योजना प्रारम्भ की गई। योजना का लाभ उन छात्राओं को प्राप्त

होगा जो राज्य की मूल निवासी हों और राजकीय विद्यालयों में कक्षा 11वीं एवं 12वीं में नियमित रूप से अध्ययनरत हों। योजनानुसार प्रत्येक अध्ययनरत छात्रा को राशि रु 350/- प्रतिमाह की दर से 10 माह तक (3500/- रु एकमुश्त) आर्थिक सहायता प्रदान की जाती है। इस योजना में उन्हीं छात्राओं को आर्थिक सहायता दी जाती है जिनके माता-पिता आयकरदाता नहीं हैं। छात्राओं के राज्य की मूल निवासी होने तथा राज्य में ही संचालित राजकीय विद्यालयों में अध्ययनरत रहने पर योजना का लाभ देय होगा।

जनजाति के कक्षा 6 से 12 तक चयनित छात्र-छात्राओं को प्रतिष्ठित विद्यालयों/संस्थाओं के माध्यम से अध्ययन योजना

सामान्यतया जनजाति छात्र-छात्राएँ आर्थिक दृष्टि से कमजोर होने के कारण प्रतिष्ठित एवं अच्छी शिक्षा देने वाले निजी शैक्षिक विद्यालयों/संस्थाओं में अध्ययन नहीं कर पाते हैं। इसलिए राज्य की शैक्षिक संस्थाओं में जनजाति छात्रों को सामान्य वर्ग के छात्रों के साथ अध्ययन कराने एवं इन्हें गुणवत्तायुक्त शिक्षा दिलवाये जाने हेतु योजना प्रारम्भ की गई। उक्त योजना के अन्तर्गत ट्यूशन फीस, आवास, भोजन, पुस्तकें, स्टेशनरी एवं पोशाक आदि हेतु राशि स्वीकृत की जाती है जो राज्य सरकार द्वारा वहन की जाती है।

पेयजल योजना

जनस्वास्थ्य अभियांत्रिकी विभाग द्वारा जनजाति उपयोजना/गैर उपयोजना क्षेत्र में पाइपड योजना संचालित है। जनजाति लोग बिखरी आबादी में छितराए हुए रहते हैं। छितराई आबादी होने से जनजाति उपयोजना क्षेत्र में अधिक संख्या में ग्राम जनस्वास्थ्य अभियांत्रिकी विभाग के इस नार्मस के अन्तर्गत नहीं आते हैं, जिससे उक्त योजना की क्रियान्विति इन ग्रामों में नहीं कर पाता है। अतः इस प्रकार की वंचित जनजाति बाहुल्य ग्रामों/ढाणियों में पम्प एण्ड टैंक योजना, पाइपड योजना, पनघट योजना, ट्युबवेल, ओपनवेल मय एसेसरीज (विद्युत कनेक्शन सहित), पाईप लाईन घरों में पेयजल, हैण्डपम्प निर्माण कराया जाता है।

जिला स्तर पर खेल सुविधाओं का विकास

उपयोजना क्षेत्र में जिला मुख्यालय पर छात्र/छात्राओं को बेहतर खेल सुविधा उपलब्ध कराने के उद्देश्य से स्टेडियम स्पोर्ट्स इंडोर स्टेडियम का निर्माण करवाया जाता है, ताकि जनजाति छात्र/छात्राओं को राष्ट्रीय एवं अन्तर्राष्ट्रीय स्तर की खेल सुविधाएं उपलब्ध हो सकें।

राजकीय शिक्षण संस्थाओं में अतिरिक्त कमरों का निर्माण

राजस्थान राज्य में कई विद्यालय क्रमोन्नत हुए हैं एवं नवीन महाविद्यालयों की स्थापना हुई है। विगत वर्षों में महाविद्यालयों में भी छात्र/छात्राओं के नामांकन में वृद्धि हुई है एवं सभी ग्राम पंचायत मुख्यालय पर उच्च माध्यमिक विद्यालय संचालित है। विद्यालयों एवं महाविद्यालयों में छात्रों के अनुपात में कमरे निर्मित नहीं हैं। ऐसी राजकीय शिक्षण संस्थाओं में अतिरिक्त कमरों का निर्माण किया जाता है।

जनजाति वर्ग के महत्वपूर्ण ऐतिहासिक, सांस्कृतिक एवं धार्मिक स्थलों का नवीनीकरण एवं विकास

जनजाति क्षेत्रीय विकास विभाग के माध्यम से उपयोजना क्षेत्र में जनजाति महत्त्व के ऐतिहासिक धार्मिक स्थलों पर दर्शनार्थी के लिए आधारभूत सुविधाओं का निर्माण यथा सामुदायिक भवन, पेयजल, एप्रोच रोड आदि का निर्माण किया जाता है।

जलोत्थान सिंचाई योजनाओं का निर्माण एवं बंद पड़ी जलोत्थान सिंचाई योजनाओं का पुनरोद्धार

जनजाति उपयोजना एवं अन्य क्षेत्र के नदी नाले एवं बांधों के बैक वाटर में उपलब्ध पानी का सिंचाई हेतु उपयोग करने के उद्देश्य से इस योजना में विद्युत/सौर पंप द्वारा पानी को लिफ्ट किया जाकर सिंचाई क्षेत्रफल में वृद्धि की जाती है। योजना का सर्वेक्षण किया जाकर लागत तखमीने तैयार किए जाते हैं। लागत का 10 प्रतिशत भाग नकद/श्रम के रूप में लाभान्वितों द्वारा वहन किया जाता है एवं 90 प्रतिशत राशि अनुदान के रूप में टीएडी द्वारा उपलब्ध कराई जाती है। योजना का क्रियान्वयन मुख्यतया स्वच्छ परियोजना द्वारा तकनीकी दक्ष अधिकारियों की देखरेख में किया जा रहा है। क्रियान्वयन में लाभान्वित काश्तकारों की समिति की भी सहभागिता रहती है। योजना पूर्ण होने पर तीन वर्षों तक कार्यकारी एजेन्सी द्वारा लाभान्वित काश्तकारों की कमेटी के माध्यम से संचालन किए जाने का प्रावधान रखा गया है। तत्पश्चात योजना लाभान्वितों की समिति को संचालन हेतु सौंप दी जाती है। विगत वर्षों में निर्मित परन्तु वर्तमान में बंद सामुदायिक जलोत्थान सिंचाई योजनाओं का पुनरोद्धार भी इस योजनान्तर्गत उपलब्ध संसाधनों के अनुसार किया जा रहा है।

नहरों का सुदृढीकरण/विस्तार

जनजाति उपयोजना एवं अन्य क्षेत्र में पूर्व वर्षों में निर्मित वृहद, मध्यम एवं लघु सिंचाई योजनाओं की नहर प्रणालियां पुरानी होने से क्षतिग्रस्त होती रहती हैं। जल संसाधन विभाग को इन नहर प्रणालियों के रखरखाव एवं संधारण हेतु राज्य आयोजना मद में पर्याप्त निधिया उपलब्ध नहीं होने से इनके रख रखाव/संधारण हेतु जनजाति क्षेत्रीय विकास विभाग द्वारा राशि उपलब्ध कराई जाती है ताकि जनजाति कृषकों के खेतों की सिंचाई निर्बाध रूप से होती रहे। इसके अतिरिक्त जिन नहरों के विस्तार हेतु जल संसाधन विभाग के पास पर्याप्त राशि उपलब्ध नहीं होती है उन नहरों के विस्तार का कार्य भी इस योजनान्तर्गत किया जाता है, जिससे अधिकाधिक जनजाति काश्तकार लाभान्वित हो सके एवं उपलब्ध पानी से अधिक क्षेत्रफल में सिंचाई हो सके।

जल संग्रहण संरचनाओं (एनिकट) का निर्माण एवं पुनरोद्धार

जनजाति उपयोजना एवं अन्य क्षेत्र में अवस्थित नदी व नाले भौगोलिक परिस्थितियों के कारण अत्यधिक ढलान वाले होने से एक ओर तो वर्षा का जल तीव्र गति से बहकर व्यर्थ चला जाता है तथा दूसरी ओर जनजाति कृषकों की नालों के समीप की भूमि का कटाव भी होता है। अतः उक्त क्षति को रोकने एवं वर्षा के पानी के संग्रहण के उद्देश्य से जल संग्रहण ढांचों (एनिकट इत्यादि) का निर्माण किया जाता है। जल संग्रहण ढांचों के निर्माण से न केवल क्षेत्र के भू-जल स्तर में वृद्धि होती है बल्कि संग्रहित जल का उपयोग काश्तकारों की कृषि भूमि की सिंचाई के काम में भी लिया जाता है। योजनान्तर्गत पूर्व वर्षों में निर्मित जल संग्रहण ढांचों के सम्पूर्ण उपयोग हेतु उनकी मरम्मत/जीर्णोद्धार के कार्य भी कराये जाते हैं।

कुओं का विद्युतीकरण एवं विद्युत पंपसेट वितरण योजना

Assistance to tribal farmers under PM Kusum Yojana's Stream B and C for Solar energy powered pumps and providing assistance for EPS and agriculture electric connections-

(Component B)

- योजनान्तर्गत जनजाति कृषकों को सौर ऊर्जा पम्प संयंत्र स्थापना हेतु टीएडी द्वारा राशि रु. 45,000/- देय होगी।
- योजना संयुक्त निदेशक कृषि (विस्तार) के माध्यम से संचालित की जा रही है।
- 3 हॉर्स पावर सौर ऊर्जा पम्प संयंत्र स्थापना की अनुमानित औसत लागत 1.60 लाख है।
- जिसका 60 प्रतिशत अनुदान अनुमानित औसत राशि 0.96 लाख कृषि विभाग द्वारा देय होगी। 40 प्रतिशत 0.64 लाख में से राशि रु. 45,000/- टीएडी द्वारा देय होगी। 0.19 लाख कृषक द्वारा देय होगी।
- योजनान्तर्गत वर्ष 2020-21 एवं 2021-22 में 1500 जनजाति कृषकों को (45,000/- प्रत्येक कृषक को अनुदान) कुल 675.00 लाख राशि टीएडी द्वारा उपलब्ध कराई जाएगी।

(Component C)

- योजनान्तर्गत जनजाति कृषि उपभोक्ताओं को सोलर के द्वारा विद्युतीकरण करने हेतु टीएडी द्वारा राशि रु. 17,000/- देय होगी।
- योजना विद्युत वितरण निगम के माध्यम से संचालित की जा रही है।
- 3 हॉर्स पावर के विद्युत कनेक्शन को सोलर के द्वारा विद्युतीकरण करने की औसत लागत 2.00 लाख है।
- कुल लागत का 30 प्रतिशत केन्द्र सरकार एवं 30 प्रतिशत राज्य सरकार द्वारा अनुदान दिया जाना प्रावधित किया गया है।
- लागत का 30 प्रतिशत ऋण निगम द्वारा वित्तीय संस्थाओं के माध्यम से उपलब्ध कराया जाएगा, जिसका समायोजन लगभग 7 वर्षों की अवधि में सौर ऊर्जा से उत्पादित अतिरिक्त विद्युत को निगम को आपूर्ति करने से अर्जित आय से होगा।
- 10 प्रतिशत राशि औसत 20,000/- उपभोक्ता द्वारा वहन की जानी है।
- 10 प्रतिशत 20,000/- में से राशि रु. 17,000/- टीएडी द्वारा देय होगी।
- योजनान्तर्गत वर्ष 2020-21 एवं 2021-22 में 3,000 जनजाति कृषकों को (17,000/- प्रत्येक कृषक को अनुदान) कुल 510.00 लाख राशि टीएडी द्वारा उपलब्ध कराई जाएगी।
- योजना अन्तर्गत Excess Electric जल विद्युत वितरण निगम द्वारा क्रय की जाएगी। सौर ऊर्जा से उत्पादित अतिरिक्त विद्युत को निगम को आपूर्ति करने से अर्जित आय से वित्तीय संस्थाओं से प्राप्त लोन का समायोजन किया जाएगा। राशि रु. 3,000/- कृषक द्वारा देय होगी।

कुओं का विद्युतीकरण एवं विद्युत पंपसेट वितरण योजना जनजाति उपयोजना, अनुसूचित क्षेत्र एवं गैर अनुसूचित क्षेत्र में अनुसूचित जनजाति के बी.पी.एल. कृषकों के सिंचाई साधनों में सुधार करने हेतु उनके निजी कृषि कूप पर विद्युत कनेक्शन उपलब्ध कराने तथा सिंचाई हेतु विद्युत पंपसेट उपलब्ध कराया जाता है। इस हेतु कृषक की स्वयं की कृषि भूमि होना अनिवार्य है। कृषक द्वारा उसकी भूमि पर विगत कम से कम तीन वर्षों से खेती की जा रही

हो। कुंए/जल स्रोत पर विद्युत कनेक्शन चाहे जाने पर सम्बन्धित विद्युत वितरण निगम लि. का जारी डिमान्ड नोट की प्रति आवेदन पत्र के साथ आवश्यक है। विद्युत कनेक्शन हेतु अधिकतम 10,000/- एवं विद्युत पंप हेतु अधिकतम 15,000/- की राशि योजनान्तर्गत उपलब्ध कराई जाती है।

खेलकूद प्रतियोगिता का आयोजन

वित्तीय वर्ष 2018-19 में तीन दिवसीय चतुर्थ राज्य स्तरीय जनजाति छात्रावास खेलकूद प्रतियोगिता का आयोजन प्रतापगढ़ मुख्यालय पर कराया गया। प्रतियोगिता में बॉलीबाल, कबड्डी, खो-खो, तीरन्दाजी एवं एथेलेटिक्स 100 एवं 200 मीटर की दौड़ का आयोजन किया गया। अनुसूचित क्षेत्र एवं गैर अनुसूचित क्षेत्र में संचालित आवासीय विद्यालयों व आश्रम छात्रावासों का संयुक्त दल एवं खेल छात्रावासों से एक बालक एवं एक बालिका दल ने इस प्रतियोगिता में भाग लिया। प्रतियोगिता में प्रथम, द्वितीय एवं तृतीय स्थान पर रहे छात्र-छात्राओं को पुरस्कार के साथ ही प्रमाण-पत्र देकर सम्मानित किया गया।

जनजाति प्रतिभा खेल सम्मान समारोह आयोजन

विभाग द्वारा खेल में उत्कृष्ट प्रदर्शन करने वाले खिलाड़ियों को प्रोत्साहित करने हेतु इस योजना का संचालन किया जा रहा है। योजनान्तर्गत जिला स्तर पर प्रथम स्थान, राज्य स्तर तथा राष्ट्रीय-अन्तर्राष्ट्रीय स्तर पर प्रथम, द्वितीय एवं तृतीय स्थान प्राप्त करने वाले छात्र-छात्राओं को स्मृति चिन्ह, प्रशस्ति पत्र व नकद पुरस्कार प्रदान किया जाता है। साथ ही कार्यक्रम में सम्मानित छात्र-छात्राओं को समारोह स्थल तक आने-जाने के लिए किराये का भुगतान किया जाता है। इस कार्यक्रम का आयोजन प्रतापगढ़ मुख्यालय पर दिनांक 29-09-2018 को कराया जाकर खिलाड़ियों को सम्मानित किया गया।

बेणेश्वर धाम पर जनजाति छात्र-छात्राओं हेतु खेलकूद प्रतियोगिताओं का आयोजन

अनुसूचित क्षेत्र में जनजाति समुदाय के लिए डूंगरपुर जिले की पंचायत समिति, आसपुर में ग्राम साबला बेणेश्वर धाम में मेले का प्रतिवर्ष आयोजन होता है, जिसमें अनुसूचित क्षेत्र के सभी जिलों से जनजाति समुदाय के लोग एकत्रित होकर परम्परागत खेल स्पर्धा के लिए अपने साथ धनुष तीर भी लेकर आते हैं। जनजाति क्षेत्रीय विकास विभाग, उदयपुर, जिला प्रशासन डूंगरपुर एवं राजस्थान राज्य क्रीड़ा परिषद, जयपुर के संयुक्त तत्वावधान में मेला स्थल पर पारम्परिक खेलों का आयोजन मेला स्थल पर किया जाता है। प्रतियोगिता 3 दिन आयोजित की जाती है। प्रतियोगिता मुख्यतः एथेलेटिक्स, तीरन्दाजी खेल में 14 वर्ष से कम बालक एवं बालिका वर्ग, 14 वर्ष से ऊपर पुरुष व महिला वर्ग, रस्सा कस्सी पुरुष व महिला वर्ग, गिडा डोट व सतोलिया पुरुष वर्ग में एवं मटका दौड़ केवल महिला वर्ग में आयोजित की जाती है। प्रतियोगिता के दौरान सर्वश्रेष्ठ खिलाड़ियों को पुरस्कृत किया जाता है। विभाग द्वारा संचालित खेल छात्रावासों में प्रवेश देकर उन्हें प्रचलित खेलों में दक्ष प्रशिक्षक द्वारा प्रशिक्षण देकर प्रोत्साहित किये जाने के उद्देश्य से यह योजना वर्ष 2007-08 से प्रारम्भ की गई है।

आयोजित प्रत्येक खेल व इवेंट में प्रथम स्थान प्राप्त करने वाले पुरुष, महिला प्रतियोगी को क्रमशः 501, 401, 301, 201 रुपये नकद राशि पारितोषिक स्वरूप प्रदान की जाती है। रस्सा कस्सी में प्रथम दो स्थान प्राप्त करने वाले पुरुष व महिला दल को 2501 व 1501 रुपये पारितोषिक स्वरूप दिये जाते हैं। गिडा डोट में 9-9 खिलाड़ी व सतोलिया में 7-7 खिलाड़ी तथा रस्सा कस्सी में 9-9 खिलाड़ी भाग लेते हैं। तीरन्दाजी में भाग लेने वाले प्रत्येक खिलाड़ी को अपने अपने तीर कमान साथ लाना अनिवार्य है। गिडाडोट व सतोलिया के प्रथम व द्वितीय स्थान पाने

बालों को क्रमशः 1001 व 701 रुपये पारितोषिक दिया जाता है।

अनुसूचित क्षेत्र के उत्कृष्ट जनजाति खिलाड़ियों को प्रोत्साहन हेतु नकद राशि

जनजाति वर्ग के प्रतिभावान खिलाड़ी बालक-बालिकाओं को जो राष्ट्रीय एवं अन्तर्राष्ट्रीय स्तर पर आयोजित खेलकूद प्रतियोगिताओं में उत्कृष्ट प्रदर्शन करते हैं, प्रोत्साहन स्वरूप नकद राशि दिये जाने का प्रावधान है, जिसमें प्रथम, द्वितीय एवं तृतीय स्थान प्राप्त होने पर अन्तर्राष्ट्रीय स्तर के लिए क्रमशः 0.50, 0.25 व 0.15 लाख तथा राष्ट्रीय स्तर के लिए क्रमशः 0.25, 0.15 व 0.10 लाख नकद प्रदान किये जाते हैं। इससे जनजाति प्रतिभावान खिलाड़ी सदैव उत्साहित रहते हैं एवं उनमें खेल के प्रति लगन बनी रहती है। यह योजना अनुसूचित क्षेत्र के सभी जिलों में संचालित की जा रही है।

मानगढ़ धाम, घोटिया आम्बा, भैरव महोत्सव में जनजाति खेलकूद एवं सांस्कृतिक कार्यक्रम का आयोजन

अनुसूचित क्षेत्र में जनजाति समुदाय के लिए बांसवाड़ा जिले की पंचायत समिति आनन्दपुरी, बागीदौरा, तलवाड़ा तथा प्रतापगढ़ जिले में पंचायत समिति अरनोद एवं धरियावद में प्रतिवर्ष आयोजित मेलों में जनजाति खेलकूद प्रतियोगिता एवं सांस्कृतिक कार्यक्रम होता है, जिसमें अनुसूचित क्षेत्र के जनजाति के छात्र-छात्राएँ अपने अभिभावकों के साथ मेले में आते हैं। इसके साथ ही अपने परम्परागत खेल के रूप में अपने साथ घनुष तीर भी लेकर आते हैं। जनजाति क्षेत्रीय विकास विभाग, उदयपुर, जिला प्रशासन एवं राजस्थान राज्य क्रीड़ा परिषद, जयपुर के संयुक्त तत्वाधान में मेला स्थल पर तीन दिवसीय पारम्परिक खेलों का आयोजन किया जाता है। प्रतियोगिता मुख्यतः एथेलेटिक्स, वालीबाल, कबड्डी, फुटबाल, खो-खो, तीरंदाजी खेल में 14 वर्ष से कम बालक एवं बालिका वर्ग, 14 वर्ष से ऊपर पुरुष व महिला वर्ग, रस्सा कस्सी पुरुष व महिला वर्ग, गिडा डोट व सतीलिया पुरुष वर्ग में एवं मटका दौड़ केवल महिला वर्ग में आयोजित की जाती है एवं विभाग द्वारा संचालित खेल छात्रावासों में प्रवेश देकर उन्हें पारम्परिक खेलों में दक्ष प्रशिक्षक द्वारा प्रशिक्षण देकर प्रोत्साहित किये जाने के उद्देश्य से यह योजना वर्ष 2009-10 से संचालित है। प्रतापगढ़ जिले में आयोजित मेलों में खेलकूद प्रतियोगिता एवं सांस्कृतिक कार्यक्रम वर्ष 2015-16 से प्रारम्भ किये गये हैं।

जनजाति वस्तियों को सेवा केन्द्रों से जोड़ना (सड़क एवं पुलिया सम्बंधित कार्य)

जनजाति बाहुल्य क्षेत्र को भौगोलिक परिस्थितियों को दृष्टिगत रखते हुए जनजाति उपयोजना क्षेत्र में अवस्थित विभिन्न जनोपयोगी सेवा केंद्र विद्यालय, छात्रावास ग्राम पंचायत, अस्पताल आंगनवाड़ी केंद्र, राजीव गाँधी सेवा केंद्र, पशु चिकित्सालय केंद्र एवं आश्रम छात्रावास सुविधायें मुख्य ग्राम से दूर दूर अवस्थित हैं जहाँ पर पहुँच के समुचित सड़क/पुलिया व्यवस्था नहीं होने से वर्षा ऋतु में आमजन एवं विद्यार्थियों को इन स्थल पर पहुँचने में असुविधा रहती है। अतः उक्त संस्थानों को मुख्या सड़क अथवा मुख्य ग्राम से सम्पर्क सड़क/पुल(जो सार्वजनिक निर्माण विभाग द्वारा अपने नॉम्स के अंतर्गत नहीं करवाए जाते हैं) से जोड़ा जाकर आवागमन को समुचित सुविधा का विकास किया जाता है।

एकलव्य मॉडल आवासीय विद्यालयों का निर्माण एवं रख-रखाव

जनजाति उपयोजना क्षेत्र में कक्षा 6 से 12 तक के जनजाति छात्र / छात्राओं को एक ही स्थान पर निःशुल्क आवासीय स्थल एवं शिक्षण सुविधा उपलब्ध कराने के उद्देश्य से एकलव्य मॉडल आवासीय विद्यालय, (भारत सरकार के दिशा निर्देशानुसार) कुल क्षमता (240 छात्र एवं 240 छात्राएँ) का निर्माण कराया जाता है।

• कौशल विकास प्रशिक्षण कार्यक्रम

अनुसूचित क्षेत्र में जनजाति वर्ग के लिये रोजगार सृजन एवं आजीविका के अवसर बढ़ाने के उद्देश्य से जनजाति क्षेत्रीय विकास विभाग द्वारा राजस्थान कौशल एवं आजीविका विकास निगम के माध्यम से प्रशिक्षण प्रदान किया जा रहा है।

अनुसूचित जनजाति अभ्यर्थियों को कौशल प्रशिक्षण प्रदान करने के उपरान्त 50% को रोजगार के अवसर भी प्रदान किये जाने का भी प्रावधान किया गया है।

एम.ओ.यू. के अन्तर्गत 2 वर्ष (2017-18 एवं 2018-19) में 10000 पात्र लाभार्थियों को प्रशिक्षण प्रदान करने के उपरान्त 50 प्रतिशत को रोजगार के अवसर प्रदान करने का लक्ष्य प्रदान किया गया है। जिसके विरुद्ध माह सितम्बर, 18 तक 6166 प्रशिक्षणार्थियों को प्रशिक्षण दिया जा चुका है। विभाग द्वारा उक्त योजना/प्रशिक्षण का अधिक से अधिक प्रचार-प्रसार किया जा रहा है, ताकि जनजाति अभ्यर्थियों को मोब्लाइज कर योजना/प्रशिक्षण से जोड़ा जा सके।

टी आर आई द्वारा संचालित योजनाएं**1. चिकित्सा एवं तकनीकी (नीट / आई.आई.टी. / पी.एम.टी.) प्रवेश परीक्षा पूर्व कोचिंग**

चिकित्सा एवं तकनीकी अध्ययन में प्रवेश हेतु प्रतिष्ठित संस्थाओं के माध्यम से कोचिंग योजना अंतर्गत अनुसूचित क्षेत्र, माछा एवं बिखरी आबादी क्षेत्र के जनजाति छात्र-छात्राओं को चिकित्सा एवं तकनीकी (नीट/आई.आई.टी./पी.एम.टी.) प्रवेश परीक्षा पूर्व कोचिंग, प्रतिष्ठित कोचिंग संस्थाओं के माध्यम से कराई जाती है।

2. मूल्यांकन एवं शोध छात्रवृत्ति

जनजाति के विद्यार्थियों को पी.एच.डी. प्राप्त करने हेतु छात्रवृत्ति अधिकतम 3 वर्षों के लिए प्रदान की जाती है।

अनुसूचित जाति उप-योजना

अनुसूचित जाति उप-योजना एक अम्ब्रेला रणनीति है, जिसका उद्देश्य अनुसूचित जातियों को लाभान्वित करने के लिए विकास के सभी क्षेत्रों से वित्तीय एवं भौतिक लाभों के प्रवाह को सुनिश्चित करना है। इस रणनीति के तहत, राज्यों/केंद्र-शासित प्रदेशों द्वारा अनुसूचित जातियों के लिए संसाधनों के निर्धारण के माध्यम से वार्षिक योजनाओं के अंतर्गत विशेष घटक योजना (SCP) का निर्माण एवं कार्यान्वयन करना आवश्यक है। वर्तमान में अनुसूचित जाति की पर्याप्त जनसंख्या वाले 27 राज्य/केंद्र-शासित प्रदेश अनुसूचित जाति उप-योजना का कार्यान्वयन कर रहे हैं।

भूमिका

1972 में सरकार द्वारा गठित एक विशेषज्ञ समिति द्वारा अनुसूचित जनजातियों के विकास के लिए एक व्यापक नीति का निर्माण किया गया था। इस नीति के तहत 1976 में (5वीं पंचवर्षीय योजना), जनजातीय उप-योजना (Tribal Sub Plan - TSP) का सुझाव दिया गया था। योजना आयोग (अब नीति आयोग) द्वारा केंद्र शासित प्रदेशों और मंत्रालयों को समय-समय पर TSP के निर्माण और कार्यान्वयन पर दिशा-निर्देश जारी किये जाते हैं। TSP के कार्यान्वयन के लिए 2014 में नवीनतम संशोधित दिशा-निर्देश जारी किए गए।

1. यह राज्य/केंद्र शासित प्रदेश की वार्षिक योजना का अंग है तथा TSP के अंतर्गत प्रदत्त कोष प्रत्येक राज्य/केंद्र शासित प्रदेश की अनुसूचित जनजातीय जनसंख्या के अनुपात में होना चाहिए।
2. TSP कोष में अनुच्छेद 275 (प) के अंतर्गत भारत की संचित निधि से राशि आवंटित की जाती है।
3. यह एक केन्द्रीय क्षेत्र की योजना है, जिसके अंतर्गत राज्यों को 100 प्रतिशत वित्तीय सहायता जनजातीय मामलों के मंत्रालय द्वारा प्रदान की जाती है।
4. इसका उद्देश्य अनुसूचित जनजातियों की शोषण से सुरक्षा सहित सामाजिक-आर्थिक विकास संकेतकों के संदर्भ में, उनके व जनसामान्य के बीच के अंतर को समाप्त करना है।
5. यह राज्य/केंद्र शासित प्रदेशों की समग्र योजना से उत्पन्न होने वाले लाभ के अतिरिक्त भी लाभ प्रदान करता है, परन्तु यह 60 प्रतिशत से अधिक जनजातीय जनसंख्या वाले राज्यों पर लागू नहीं होता है।

जनजाति उपयोजना के उद्देश्य

1. जनजातीय समुदाय की शिक्षा एवं स्वास्थ्य सेवाओं तक पहुँच में वृद्धि करके मानव संसाधन विकास करना।
2. जनजातीय क्षेत्रों में आवास सहित आधारभूत सुविधाएँ प्रदान कर जीवन की गुणवत्ता में वृद्धि करना।
3. गरीबी और बेरोजगारी में पर्याप्त रूप से कमी लाना, उत्पादक परिसम्पत्तियों का सृजन और आय अर्जित करने के लिए अवसर प्रदान करना।
4. अवसरों का लाभ उठाने की क्षमता में, अधिकारों एवं सरकार समर्थित अनुदानों की प्राप्ति तथा अन्य क्षेत्रों के समान बेहतर सुविधाओं में वृद्धि करना।
5. शोषण और उत्पीड़न के विरुद्ध संरक्षण।

सहरिया योजनाएं

1. जनजाति छात्राओं को आर्थिक सहायता (कक्षा 11 वीं एवं 12 वीं)

महिलाओं को उच्च माध्यमिक शिक्षा हेतु प्रोत्साहन के लिये बारां जिले के सहरिया आदिम जनजाति की छात्राओं को आर्थिक सहायता उपलब्ध कराना। ऐसी सहरिया आदिम जनजाति की छात्राएँ जो उच्च माध्यमिक कक्षाओं (11 वीं एवं 12 वीं) में नियमित रूप से राजकीय विद्यालयों में अध्ययनरत हो। जिन्हें छात्रावास में निवास करने हेतु स्थान उपलब्ध नहीं हो पाता हो, उन्हें राशि रुपये 3500/- 10 माह तक के लिये (प्रतिमाह 350 रु प्रति छात्रा) की सहायता प्रदान की जाएगी।

पात्रता—ऐसी सहरिया छात्राएँ जो जनजाति विभाग के किसी भी छात्रावास या आवासीय विद्यालय में निवासरत न हो यथार्थ गैर छात्रावासी सहरिया छात्राएँ जो राजकीय विद्यालयों में नियमित अध्ययनरत हो व बारां जिले की मूल निवासी हो और जिनके माता-पिता आयकर दाता ना हो।

आवेदन पत्र के साथ संलग्न किये जाने वाले आवश्यक प्रमाण—पत्र/दस्तावेज—

- पूर्व कक्षा की अंक तालिका
- जाति प्रमाण पत्र
- नियमित अध्ययनरत प्रमाण पत्र

- राजकीय विद्यालय में नियमित अध्ययनरत होने का प्रमाण-पत्र
- मूल निवासी प्रमाण-पत्र
- आयकर दाता नहीं होने का प्रमाण-पत्र
- आधार कार्ड
- भामाशाह कार्ड
- बैंक पास बुक

आवेदन प्रक्रिया

जनजाति सहरिया छात्राओं द्वारा निर्धारित आवेदन पत्र ऑनलाईन भरकर भामाशाह कार्ड के साथ विभाग द्वारा निर्धारित तिथि तक पोर्टल पर अपलोड करना होगा। आवेदन पत्र विभाग की वेबसाइट www.tad.rajasthan.gov.in के HOME PAGE पर ONLINE PORTAL FOR TAD EDUCATIONAL INCENTIVE SCHEMES लिंक पर ऑनलाईन भरे जा सकते हैं। ऑनलाईन आवेदन करने हेतु विस्तृत विवरण व दिशा-निर्देश विभागीय वेबसाइट www.tad.rajasthan.gov.in पर देखे जा सकते हैं। छात्रा वर्तमान में जिस संस्थान में अध्ययनरत हो उस संस्थान द्वारा छात्राओं से प्राप्त ONLINE आवेदन पत्रों को विभागीय गार्डलाईन अनुसार जांच कर आवेदन पत्र को स्वीकृतकर्ता अधिकारी (परियोजना अधिकारी सहरिया विकास परियोजना शाहबाद) को भिजवाया जाएगा। स्वीकृतकर्ता अधिकारी द्वारा शिक्षण संस्थाओं से प्राप्त परिपूर्ण आवेदन पत्रों की ONLINE स्वीकृति जारी की जाएगी। अपूर्ण आवेदन पत्र को (यदि कोई हो तो) शिक्षण संस्थाओं / विद्यार्थियों को पुनः प्रेषित (पुनः फॉरवर्ड) किया जाएगा।

2. मुफ्त स्टेशनरी एवं पोशाक वितरण (कक्षा 1 से 5 तक)

इस योजना के अंतर्गत सहरिया आदिम जनजाति के कक्षा एक से पांच तक के विद्यार्थियों को स्टेशनरी एवं पोशाक क्रय हेतु राशि प्रदान की जाती है। इस योजना के अंतर्गत कक्षा एक से तीन तक के छात्रों को 150, कक्षा 4 के छात्रों को 250 तथा 5 के छात्रों को 350 राशि रुपये वार्षिक उपलब्ध कराई जाती है।

3. मुफ्त स्टेशनरी एवं पोशाक वितरण (कक्षा 6 से 12 तक)

इस योजना के अंतर्गत सहरिया आदिम जनजाति के कक्षा 6 से 12 तक के विद्यार्थियों को स्टेशनरी, पोशाक तथा स्कूल फीस के लिए राशि रुपये 1500 वार्षिक आर्थिक सहायता प्रदान की जाती है।

4. प्रतिभावान छात्र-छात्राओं को छात्रवृत्ति

इस योजना के अंतर्गत सहरिया आदिम जनजाति के कक्षा 10 व 12 की परीक्षा में प्रथम श्रेणी उत्तीर्ण विद्यार्थियों को राशि रुपये 6000 प्रोत्साहन के रूप में प्रदान की जाती है।

5. सहरिया छात्रों को उपस्थिति प्रोत्साहन

इस योजना के अंतर्गत सहरिया आदिम जनजाति के छात्र-छात्राओं को विद्यालय में 90 प्रतिशत अथवा अधिक उपस्थिति होने पर कक्षा 6 व 7 को 70, कक्षा 8 को 80, कक्षा 9 व 10 को 90, कक्षा 11 व 12 को 100 राशि रुपये प्रति माह उपस्थिति प्रोत्साहन के रूप में प्रदान की जाती है।

6. कॉलेज छात्र-छात्राओं को आर्थिक सहायता

इस योजना के अंतर्गत सहरिया आदिम जनजाति के महाविद्यालयों में नियमित अध्ययनरत विद्यार्थियों को राशि रुपये 20,000/- की वार्षिक आर्थिक सहायता प्रदान की जाती है।

7. बी.एस.टी.सी प्रशिक्षण

इस योजना के अंतर्गत बी.एस.टी.सी. प्रशिक्षण हेतु सहरिया आदिम जनजाति के विद्यार्थियों को प्रथम वर्ष में राशि रुपये 25,000 तथा द्वितीय वर्ष में राशि रुपये 15,000 की आर्थिक सहायता प्रदान की जाती है।

8. बी.एड प्रशिक्षण

इस योजना के अंतर्गत बी.एड प्रशिक्षण हेतु सहरिया आदिम जनजाति के विद्यार्थियों को प्रति माह राशि रुपये 60,000 की आर्थिक सहायता प्रदान की जाती है।

9. ए.एन.एम. प्रशिक्षणार्थियों को सहायता

इस योजना के अंतर्गत ए.एन.एम. प्रशिक्षणार्थियों हेतु सहरिया आदिम जनजाति के विद्यार्थियों को प्रति माह राशि रुपये 1000 की आर्थिक सहायता प्रदान की जाती है।

10. सहरिया का एकीकृत विकास (निःशुल्क घी, दाल एवं तेल वितरण)

इस योजना के अंतर्गत संपूर्ण बारां जिले के पात्र सहरिया जनजाति के परिवारों को प्रति माह प्रति व्यक्ति 250 मिली लीटर देशी घी, 500 ग्राम दाल एवं 500 मिली लीटर सोया तेल उपलब्ध करवाया जाकर 116927 यूनिट परिवारों को लाभान्वित किया जा रहा है।

11. खैरवा का एकीकृत विकास (निःशुल्क घी, दाल एवं तेल वितरण)

इस योजना के अंतर्गत संपूर्ण बारां जिले के पात्र सहरिया जनजाति के परिवारों को प्रति माह प्रति व्यक्ति 250 मिली लीटर देशी घी, 500 ग्राम दाल एवं 500 मिली लीटर सोया तेल उपलब्ध करवाया जाकर 10577 यूनिट परिवारों को लाभान्वित किया जा रहा है।

12. क्षय रोग नियंत्रण

इस योजना के अंतर्गत क्षय रोग नियंत्रण हेतु 200 सहरिया स्वास्थ्य सहयोगिनी द्वारा मरीजों का चिन्हांकन कर इलाज करवाया जाता है तथा फॉलो-अप किया जाता है। 200 स्वास्थ्यकर्मी महिलाओं को प्रतिमाह 2200 रुपये का भुगतान किया जाता है।

वन धन विकास योजना— जनजाति समुदाय द्वारा वन क्षेत्र में पैदा होने वाली लघु वन, कृषि, औषधीय तथा उद्यानिकी उपजों एवं अन्य उत्पादों का संग्रहण कर उनका मूल्य संवर्धन के द्वारा उचित मूल्य दिलवाये जाने के उद्देश्य से जनजाति कार्य मंत्रालय भारत सरकार तथा ट्राईफेड के माध्यम से वन धन विकास कार्यक्रम वर्ष 2018-2019 में सम्पूर्ण भारत में लागू किया गया है। इस कार्यक्रम के अन्तर्गत ट्राईफेड राष्ट्रीय स्तर पर शीर्ष सहकारी संस्था तथा जनजाति क्षेत्रीय विकास विभाग नोडल विभाग के रूप में एवं राजसंघ राज्य स्तरीय कार्यकारी संस्था के रूप में कार्यरत है। जिला स्तर पर इस योजना के सफल क्रियान्वयन हेतु सम्बन्धित जिला कलेक्टरों की मुख्य भूमिका है।

जनजाति समुदाय के निवास स्थान के निकट प्रारम्भ किये जाने वाले 300 सदस्यीय वन धन विकास केन्द्र क्लस्टर का गठन औसतन 20 सदस्यों के 15 स्वयं सहायता समूहों के माध्यम से किया जावेगा, जिसमें जनजाति समुदाय से न्यूनतम 60 प्रतिशत सदस्य होना आवश्यक है।

वन धन विकास केन्द्र क्लस्टर गठन के लिए की गई कार्यवाही— योजना के प्रारम्भ में राज्य जनजाति उपयोजना तथा सहरिया क्षेत्र में कुल 27 वन धन विकास केन्द्र क्लस्टर की स्वीकृति प्राप्त हो चुकी है। इसी प्रकार योजना के द्वितीय चरण के लिए प्रमुख शासन सचिव जनजाति क्षेत्रीय विकास विभाग द्वारा योजना का नवीन ड्राफ्ट

तैयार कर जनजाति उपयोजना, सहरिया तथा माड़ा क्षेत्र के कोटा एवं बारा जिले में नवीन वन धन विकास केन्द्र क्लस्टर के गठन किये जाने के लिये दिनांक 22.12.2020 को वेबीनार के माध्यम से राज्य के 8 जिलों यथा उदयपुर, झुंगरपुर, बांसवाड़ा, प्रतापगढ़ सिरौही, बारा, कोटा एवं झालावाड़ के जिला कलक्टरों, मुख्य कार्यकारी अधिकारी, जिला परिषद, टी.ए.डी. विभाग के अधिकारियों तथा राजीविका एवं वन विभाग के वरिष्ठ अधिकारियों के साथ बैठक आयोजित की गई तथा लगभग 555 नवीन वन धन विकास केन्द्र क्लस्टर के गठन के लक्ष्य निर्धारित करते हुए कार्यकारी योजना से अवगत कराया गया। बैठक में ट्राईफेड, भारत सरकार के माध्यम से संचालित वन धन विकास योजनान्तर्गत वन धन विकास केन्द्र क्लस्टर के गठन हेतु आवश्यक निर्देश प्रदान किये गये तथा टाईमलाईन जारी की गई।

योजना के प्रथम चरण में जनजाति उपयोजना क्षेत्र में पूर्व गठित 27 वन धन विकास केन्द्र क्लस्टर में से 6 वन धन विकास केन्द्र क्लस्टर कार्यशील हो चुके हैं। इनके द्वारा विभिन्न लघु वन उपजों, कृषि उत्पादों तथा आयुर्वेदिक औषधियों का संग्रहण, मूल्य संवर्धन, पैकिंग तथा विपणन की कार्यवाही प्रारम्भ कर दी गई है। राजीविका के माध्यम से संचालित वन धन विकास केन्द्र क्लस्टर मगवास द्वारा लगभग 75 किबंटल हर्बल गुलाल निर्मित की जाकर होली के अवसर पर विपणन किया गया है तथा शेष वन धन विकास केन्द्रों को कार्यशील किये जाने की कार्यवाही प्रगति पर है।

माननीय मुख्य मंत्री महोदय द्वारा की गयी घोषणा के अन्तर्गत जनजाति उपयोजना सहरिया व माड़ा क्षेत्र के 45 हजार जनजाति परिवारों को उनके द्वारा संग्रहित लघु वन उपजों का मूल्य संवर्धन कर मार्केटिंग के बेहतर अवसर सृजित करने के लिए 150 वन धन केन्द्र क्लस्टर का गठन किये जाने हेतु 22 करोड़ 50 लाख रुपये व्यय किये जाने का लक्ष्य निर्धारित किये गये थे। इसके विरुद्ध राजस संघ के सहयोग से अबतक 49 हजार परिवारों को उनके द्वारा संग्रहित लघु वन उपजों का मूल्य संवर्धन कर मार्केटिंग के बेहतर अवसर सृजित करने के क्रम में 162 वन धन विकास केन्द्र क्लस्टर के गठन पश्चात् ट्राईफेड, नई दिल्ली द्वारा प्रेषित प्रस्ताव स्वीकृत करते हुए 162 वन धन विकास केन्द्र क्लस्टर के गठन हेतु राशि 24 करोड़ 30 लाख रु. की स्वीकृति प्रदान की जा चुकी है, जिनमें उदयपुर जिले में 64, बांसवाड़ा जिले में 40, झुंगरपुर जिले में 35 तथा प्रतापगढ़ जिले में 23 वन धन विकास केन्द्र क्लस्टर सम्मिलित हैं।

सहभागी प्रत्याभूति योजना अर्थात् Participatory Guarantee Scheme

सहभागी प्रत्याभूति योजना क्या है?

- यह भारत सरकार के कृषि मंत्रालय की एक योजना है जिसके अंतर्गत जैव कृषि उत्पादों को अभिप्रमाणित किया जाएगा और यह सुनिश्चित किया जाएगा कि जैव उत्पाद निर्धारित गुणवत्ता मानकों पर खरे हैं अथवा नहीं।
- जो अभिप्रमाणन दिया जाएगा वह या तो एक कथन के रूप में होगा अथवा उसे एक अभिलिखित लोगो के रूप में दिखाया जाएगा।
- PGS के अन्दर दिए गये अभिप्रमाणन की प्रक्रिया सरल होती है और इसके लिए अभिलेख भी मूलभूत होते हैं।
- किसान इसमें प्रयोग होने वाली स्थानीय भाषा को भली-भाँति समझ लेते हैं।
- इसके सदस्यगण एक-दूसरे के समीप रहने वाले और एक-दूसरे को जानने वाले होते हैं।
- ये सभी सदस्य स्वयं जैव-खेती करने वाले किसान होते हैं, अतः अभिप्रमाणन की प्रक्रिया को सरलता से समझ लेते हैं।
- इसके अंतर्गत होने वाली मूल्यांकन का काम उसी गाँव के किसान करते हैं न कि कोई तीसरा पक्ष। इससे मूल्यांकन

की लागत बहुत कम रह जाती है।

- PGS के अन्दर क्षेत्रीय समूह एक-दूसरे को पहचानते हैं और उनकी सहायता भी करते हैं, इससे प्रसंस्करण और विपणन के लिए नेटवर्किंग का काम बेहतर ढंग से होता है।
- PGS में प्रत्येक किसान को अलग से प्रमाण पत्र दिया जाता है और किसान को यह छूट होती है कि वह अपने समूह से हटकर अपने उत्पाद को बाजार में बेच ले।

प्रधानमंत्री किसान मानधन योजना

भारत सरकार प्रधानमंत्री किसान मानधन नामक एक योजना चालू करने जा रही है, जिसका उद्देश्य होगा देश के छोटे और सीमान्त किसानों के जीवन में सुधार लाना।

योजना के उद्देश्य—

1. किसान मानधन योजना एक स्वैच्छिक एवं अंशदान वाली योजना है, जिसमें 18 से 40 वर्ष की आयु के किसान प्रवेश पा सकते हैं।
2. जब किसान 60 वर्ष का हो जाएगा तो उसको प्रत्येक महीने पेंशन के रूप में 3,000 रु. मिलेंगे।
3. किसान की पत्नी भी 3,000 रु. की पेंशन अलग से पा सकती है, परन्तु उसे अलग से अपना अंशदान देना होगा।
4. योजना के लिए गठित पेंशन कोष में किसान को अपनी उम्र के हिसाब से 55 रु. से लेकर 200 रु. तक का मासिक अंशदान तब तक देते रहना होगा जब तक वह 60 वर्ष का नहीं हो जाता है।
5. पेंशन कोष में केंद्र सरकार भी उतने ही पैसे का अंशदान करेगी जितना कोई किसान अपने लिए करता है।
6. पेंशन कोष का प्रबंधन भारतीय जीवन बीमा निगम (LIC) के हाथ में रहेगा और वही पेंशन देने का भी काम करेगा।
7. यदि लाभार्थी के पत्नी अथवा पति नहीं है तो उसके मरने के पश्चात् उस व्यक्ति को कुल जमा राशि ब्याज सहित दे दी जायेगी, जिसे लाभार्थी ने नामित किया होगा।
8. 60 वर्ष पूरा होने के बाद यदि किसान का निधन हो जाता है तो उसकी पत्नी अथवा पति को पारिवारिक पेंशन के रूप में पेंशन का 50 प्रतिशत मिलेगा।
9. यदि पति और पत्नी दोनों मर चुके हों तो उनके द्वारा जमा की गई सम्पूर्ण राशि पेंशन कोष में वापस हो जायेगी।
10. पाँच वर्ष तक नियमित रूप से अंशदान करने के पश्चात् लाभार्थी चाहे तो योजना से बाहर निकल भी सकता है।
11. यदि लाभार्थी बीच में अंशदान करने में विफल रहता है तो वह ब्याज सहित बकाया चुका करके अपने योगदान को फिर से नियमित कर सकता है।

प्रधानमंत्री किसान मानधन योजना की महत्ता

आशा की जा रही है कि अगले पाँच वर्षों में इस योजना का लाभ दस करोड़ श्रमिकों और असंगठित प्रक्षेत्र में काम करने वालों तक पहुँचेगा। इस प्रकार यह योजना विश्व की सबसे बड़ी पेंशन योजनाओं में से एक योजना हो जायेगी।

जनजाति भागीदारी योजना

- राजस्थान सरकार ने राज्य के जनजातीय समुदाय के उत्थान के लिए जनजाति भागीदारी योजना के प्रारूप को मंजूरी दी है। योजना की शुरुआत विश्व आदिवासी दिवस (9 अगस्त) पर होगी।
- एक सरकारी बयान के अनुसार मुख्यमंत्री अशोक गहलोत ने इस योजना को मंजूरी दे दी है। इसके तहत जनजाति समुदाय के समावेशी विकास के लिए उनकी आवश्यकता के अनुरूप कार्य करवाए जा सकेंगे। इनमें सामुदायिक संपत्तियों का निर्माण एवं मरम्मत, संवर्धन और संरक्षण के साथ-साथ रोजगार सृजन, कौशल प्रशिक्षण, डेयरी, पशुपालन आदि क्षेत्रों से संबंधित कार्य शामिल होंगे।
- योजना के तहत वे कार्य ही अनुमत होंगे, जिनके माध्यम से लाभान्वित होने वाली जनसंख्या का कम से कम 50 प्रतिशत भाग जनजाति समुदाय का हो। इसमें निजी भूमि पर योजना के तहत निर्माण अनुमत नहीं होगा।
- इस योजना में किए जाने वाले कार्य तथा गतिविधियों के लिए जरूरी राशि का कम से कम 30 प्रतिशत हिस्सा जन सहयोग, स्वयंसेवी संस्थाओं, दानदाताओं या अन्य किसी सरकारी योजना, कार्यक्रम अथवा फंड से उपलब्ध कराना होगा। योजना के तहत 10 लाख रुपये तक के कार्यों की स्वीकृति जिला कलेक्टर, 10 लाख से अधिक और 25 लाख रुपये तक के कार्यों की स्वीकृति आयुक्त जनजाति क्षेत्रीय विकास तथा 25 लाख रुपये से अधिक की स्वीकृतियां जनजाति क्षेत्रीय विकास विभाग के स्तर से जारी की जाएंगी।

सरकार ने जन जाति लोगों को सुविधाएं पहुंचाने एवं आर्थिक और सामाजिक उत्थान के लिए निम्न कल्याणकारी योजनाएं चलाई हैं—

1. ट्राइबल सब प्लान एरिया योजना

इस योजना के द्वारा जनजातीय क्षेत्र में सिंचाई, बाढ़ नियंत्रण, सामाजिक सेवा, ग्रामीण विकास, कृषि विकास और सहायक सेवाओं का विकास करना है।

2. आई आर डी पी योजना

लोगों को गरीबी रेखा से ऊपर उठाने के लिए आईआरडीपी योजना चलाई गई है।

3. मॉडिफाइड एरिया डेवलपमेंट एप्रोच

इस कार्यक्रम के तहत 10000 की आबादी वाले 44 मांडा ब्लॉक 7 जिलों में जहां 50 प्रतिशत जनजाति निवास करती हो इस कार्यक्रम की क्रियान्विति के लिए चुने गए हैं। मांडा क्लस्टर योजना के अंतर्गत 9 जिलों का चयन किया गया है इसमें 161 गांव और 37185 लोगों को लाभान्वित किया गया है। मांडा योजना पर नवी पंचवर्षीय योजना (1997 से 2000) में 30.5 करोड़ रुपये खर्च किए गए हैं।

4. बिखरी हुई जनजाति जनसंख्या के विकास की योजना

13.53 लाख की बिखरी हुई जनजाति के लोगों के कल्याण के लिए योजना चलाई गई है। यह योजना मांडा क्लस्टर एवं शहरी विकास कार्यक्रम से अलग लोगों के लिए है।

5. सहरिया विकास कार्यक्रम

बारां जिले के किशनगंज एवं शाहाबाद पंचायत समितियों के सहरिया जनजाति के लोगों के लिए उनके कल्याण के लिए योजना चलाई गई है। इसके द्वारा इनकी आर्थिक स्थिति में सुधार हेतु कृषि पशुपालन, शिक्षा, चिकित्सा, शिक्षा में सुधार करता है। सहरिया विद्यार्थी निःशुल्क शिक्षा, भोजन, आवास, किताबें, वर्दी आदि प्राप्त करते हैं। सहरिया लोगों के लिए सरकारी नौकरियों में 25 प्रतिशत आरक्षण का प्रावधान रखा गया है। नवी योजना में सहरिया विकास कार्यक्रमों पर 5.62 करोड़ रुपए व्यय किए गए हैं।

शिक्षा से संबंधित योजनाएं

कस्तूरबा गांधी आवासीय बालिका विद्यालय—

इसका प्रारंभ 2005-06 में ST/SC एवं अल्पसंख्यक वर्ग एवं BPL वर्ग की बालिकाओं के लिए किया गया था। दुर्गम क्षेत्रों में रहने वाली और कभी भी नामांकित में होने वाली या ड्रॉपआउट एसटी, एससी, ओबीसी एवं अल्पसंख्यक बालिकाओं को इन आवासीय विद्यालयों में प्राथमिकता के आधार पर प्रवेश दिया जाता है तथा स्थान रिक्त होने पर अन्य जाति की गरीबी रेखा से नीचे के परिवारों की बालिकाओं को प्रवेश दिया जाता है। इसके लिए ब्रिज कोर्स से कक्षा 5 उत्तीर्ण होना अनिवार्य है। इसमें विद्यालय के अंदर हॉस्टल सुविधा, भोजन, ड्रेस, स्टेशनरी आदि निःशुल्क व्यवस्था की जाती है। इसके आवेदन जिला परियोजना समन्वयक/बीआरसी एफ कार्यालय में किया जाता है।

नोट— यह योजना कार्यालय सीकर एवं झुंझुनू को छोड़कर समस्त जिलों में है।

कक्षा 11 व 12 में अध्ययनरत जनजाति छात्राओं को आर्थिक सहायता—

यह योजना 2010-11 में जन जाति की छात्राओं को उच्च शिक्षा हेतु प्रोत्साहित करने के उद्देश्य से राजकीय विद्यालयों में लागू की गई। इस योजना का लाभ प्राप्त करने के लिए छात्राओं को राजकीय विद्यालय में अध्ययनरत होना अनिवार्य है, जिनके माता पिता आयकरदाता हैं उन्हें यह सुविधा प्राप्त नहीं होती है। इस योजना के तहत उच्च शिक्षा हेतु रु. 350 प्रतिमाह के हिसाब से 10 माह हेतु आर्थिक सहायता प्रदान की जाती है तथा इसका आवेदन संबंधित प्रधानाचार्य कार्यालय में किया जाता है।

मांवाड़ी केंद्रों का संचालन—

इसका प्रारंभ 2007-08 में अनुसूचित क्षेत्र की जनजाति बालक-बालिकाएं एवं सहरिया बालक-बालिकाएं जो स्कूल नहीं जा पाते हैं, को शिक्षा से जोड़ने हेतु ग्राम के स्थानीय जनजाति व्यक्ति द्वारा अध्यापन कराने हेतु संचालन किया गया। मांवाड़ी केंद्र में छात्र-छात्राओं को खाना, पोशाक, स्टेशनरी एवं कक्षा 1 से 3 में अध्ययन के साथ शारीरिक स्वच्छता आदि सुविधाएं दी जाती है। इसका आवेदन संबंधित केंद्र के अध्यापक के पास किया जाता है।

स्वावलंबन योजना

1 अप्रैल, 2015 से स्वावलंबन योजना के अंतर्गत नया पंजीकरण समाप्त कर दिया गया है। स्वावलंबन/एनपीएस लाइट के 18-40 वर्ष की आयु समूह के अभिदाताओं के लिए भारत सरकार के द्वारा मई 2015 में शुरू की गई अटल पेंशन योजना में स्थानांतरण का विकल्प भी दिया गया है जो न्यूनतम गारंटीकृत पेंशन उपलब्ध कराता है और यह भारत के गरीब एवं असेवित क्षेत्र के लोगों के लिए है। स्वावलंबन/एनपीएस लाइट के 40 वर्ष से अधिक की आयु वाले अभिदाताओं जो एपीवाई में स्थानांतरित नहीं हो सकते हैं, 60 वर्ष की आयु पूरा होने तक स्वावलंबन योजना को जारी रख सकते हैं। यदि वे चाहते हैं तो योजना से बाहर भी जा (समाप्त भी कर) सकते हैं।

अनुप्रति योजना

राज्य सरकार द्वारा अनुप्रति योजना जनवरी, 2005 से शुरू की गई। इस योजना का उद्देश्य राजस्थान राज्य के अनुसूचित जाति/अनुसूचित जनजाति/विशेष पिछड़ा वर्ग/अन्य पिछड़ा वर्ग एवं सामान्य वर्ग के बी.पी.एल. परिवारों के प्रतिभावान अभ्यर्थियों को विभिन्न प्रतियोगी परीक्षाएं जैसे भारतीय सिविल सेवा, राजस्थान सिविल सेवा, आई.आई.टी., आई.आई.एम., सी.पी.एम.टी., एन.आई.टी. एवं राजकीय इंजीनियरिंग एवं मेडिकल आदि में चयन की तैयारी के लिए आर्थिक सहायता प्रदान कर प्रोत्साहित करना है।

प्रधानमंत्री जन विकास कार्यक्रम

केन्द्र सरकार ने अल्पसंख्यक वर्ग को मजबूत व शिक्षित बनाने के लिए प्रधानमंत्री जन विकास कार्यक्रम की शुरुआत की है। इस कार्यक्रम का मुख्य उद्देश्य बेहतर सामाजिक – आर्थिक सुविधा उपलब्ध कराना, राष्ट्रीय औसत और अल्पसंख्यक समुदायों के बीच के गैप को कम करना एवं अल्प संख्यक समुदाय वाले शहरों तथा गाँवों के क्लस्टरों को अलग करने के मानक को अल्पसंख्यक समुदायों के जनसंख्या प्रतिशत मानक घटाकर विवेक संगत बनाना है।

मुख्यमंत्री युवा कौशल योजना

राजस्थान राज्य सरकार के द्वारा राज्य के युवाओं को निःशुल्क कौशल प्रशिक्षण प्रदान करने हेतु मुख्यमंत्री युवा कौशल प्रशिक्षण योजना की शुरुआत राजकीय महाविद्यालयों में की जा रही है। मुख्यमंत्री युवा कौशल योजना 2022 के अंतर्गत अब तक 3000 विद्यार्थियों को 16 तरह के कौशल प्रशिक्षण से जुड़े शॉर्ट टर्म कोर्स का कौशल प्रशिक्षण प्रदान किए जाएगा। अब महाविद्यालयों में युवाओं को कौशल प्रशिक्षण प्रदान करने के लिए मुख्यमंत्री युवा कौशल योजना के अंतर्गत 2 घंटे की क्लास में कौशल प्रशिक्षण दिया जाएगा।

मुख्यमंत्री युवा कौशल योजना के अंतर्गत विद्यार्थियों को रोजगार के लिए सरकार के द्वारा निःशुल्क कौशल प्रशिक्षण प्रदान किया जाएगा। विद्यार्थियों को डिग्री लेने के पश्चात् रोजगार प्राप्त करने के लिए यहाँ-यहाँ भटकना नहीं पड़ेगा। मुख्यमंत्री युवा कौशल योजना का मुख्य उद्देश्य युवाओं को कौशल प्रशिक्षण प्रदान कर रोजगार के अवसर उपलब्ध करवाना है तथा देश में बढ़ते हुए बेरोजगारी की दर को कम करना है। इस योजना के अंतर्गत युवाओं की रुचि के अनुसार महाविद्यालयों में 2 घंटे के लिए निःशुल्क कौशल प्रशिक्षण प्रदान की जाएगी।

सम्बल ग्राम विकास योजना 1997—

यह योजना वर्ष 1997 में लागू शत-प्रतिशत राज्य योजना है। अगस्त 2009 से ऐसे गांव जिनकी अनुसूचित जाति की जनसंख्या जनगणना वर्ष 2001 के अनुसार 40% या उससे अधिक है, को संबल ग्राम माना गया है, ऐसे गांव की संख्या 4110 हैं। एक सम्बल ग्राम में एक वित्तीय वर्ष में अधिकतम रु. 500000 की राशि स्वीकृत की जा सकती है। इस स्वीकृत राशि से पक्की सड़क, पानी की जीएलआर पाइप लाइन, बिजली के खंभे, विद्यालय भवन का निर्माण करवाया जा सकता है। उक्त के अतिरिक्त कार्य हेतु निदेशालय से पूर्वानुमति ली जानी होती है।

अंबेडकर पुरस्कार योजना 2005—

बाबा साहब भीमराव अंबेडकर की वर्ष 2005 में 114 वी जयंती समारोह में विभाग की ओर से प्रतिवर्ष 14 अप्रैल को अंबेडकर जयंती पर विभिन्न क्षेत्रों में अंबेडकर पुरस्कार दिए जाने की घोषणा की गई। इसके अंतर्गत अनुसूचित जाति एवं जनजाति वर्ग के छात्र छात्राओं को, जिन्होंने कक्षा 10वीं व 12वीं में राजस्थान माध्यमिक शिक्षा बोर्ड द्वारा आयोजित परीक्षा में सर्वोच्च अंक प्राप्त किए हैं, को अंबेडकर शिक्षा पुरस्कार स्वरूप 51000 रुपये दिए जाते हैं।

छुआछूत उन्मूलन को प्रोत्साहित करने के उद्देश्य से राज्य सरकार द्वारा अनुसूचित जाति के युवक/युवतियों द्वारा सवर्ण हिन्दू जातियों के युवक/युवतियों से विवाह करने पर दंपति को अंतरजातीय विवाह योजना अंतर्गत दिनांक 31 मार्च 2013 तक वितरण हेतु प्रोत्साहन राशि रु. 50 हजार प्रति युगल एवं दिनांक 1 अप्रैल 2013 से विवाहित प्रकरणों हेतु प्रोत्साहन राशि रु. 500000 देने का प्रावधान किया गया है।

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND
ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

ARRANGEMENT OF SECTIONS

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5. Public hearing for Social Impact Assessment.
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B.—APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

7. Appraisal of Social Impact Assessment report by an Expert Group.
8. Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government.
9. Exemption from Social Impact Assessment.

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11. Publication of preliminary notification and power of officers thereupon.
12. Preliminary survey of land and power of officers to carry out survey.
13. Payment for damage.
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17. Review of the Rehabilitation and Resettlement Scheme.
18. Approved Rehabilitation and Resettlement Scheme to be made public.
19. Publication of declaration and summary of Rehabilitation and Resettlement.
20. Land to be marked out, measured and planned including marking of specific areas.
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22. Power to require and enforce the making of statements as to names and interests.
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24. Land acquisition process under Act No. 1 of 1984 shall be deemed to have lapsed in certain cases.
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27. Determination of amount of compensation.
28. Parameters to be considered by Collector in determination of award.
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- 104. Option of appropriate Government to lease.
- 105. Provisions of this Act not to apply in certain cases or to apply with certain modifications.
- 106. Power to amend Schedule.
- 107. Power of State Legislatures to enact any law more beneficial to affected families.
- 108. Option to affected families to avail better compensation and rehabilitation and resettlement.
- 109. Power of appropriate Government to make rules.
- 110. Rules made by Central Government to be laid before Parliament.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND
ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

ACT No. 30 OF 2013

[26th September, 2013.]

An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto:

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. —(1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the Central Government shall appoint such date within three months from the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 receives the assent of the President.

2. Application of Act. —(1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:—

(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or

(b) for infrastructure projects, which includes the following, namely:—

(i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;

(ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute;

(iii) project for industrial corridors or mining activities, national investment and

1. 1st January 2014, vide notification No. 3729 (E), dated 19th December, 2013, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

manufacturing zones, as designated in the National Manufacturing Policy;

(iv) project for water harvesting and water conservation structures, sanitation;

(v) project for Government administered, Government aided educational and research schemes or institutions;

(vi) project for sports, health care, tourism, transportation or space programme;

(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;

(c) project for project affected families;

(d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.

(2) The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—

(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);

(b) for private companies for public purpose, as defined in sub-section (1);

Provided that in the case of acquisition for—

(i) private companies, the prior consent of at least eighty per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and

(ii) public private partnership projects, the prior consent of at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3,

shall be obtained through a process as may be prescribed by the appropriate Government:

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.

(3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,—

(a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government, through private negotiations with the owner of the land in accordance with the provisions of section 46;

(b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:

Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole.

3. Definition.—In this Act, unless the context otherwise requires,—

(a) "Administrator" means an officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section (1) of section 43;

(b) "affected area" means such area as may be notified by the appropriate Government for the purposes of land acquisition;

(c) "affected family" includes—

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land;

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;

(d) "agricultural land" means land used for the purpose of—

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs;

(iii) raising of crops, trees, grass or garden produce; and

(iv) land used for the grazing of cattle;

(e) "appropriate Government" means,—

(i) in relation to acquisition of land situated within the territory of, a State, the State Government;

(ii) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government;

(iii) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union territory of Puducherry;

(iv) in relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; and

(v) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government;

Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government;

(f) "Authority" means the Land Acquisition and Rehabilitation and Resettlement Authority established under section 51;

(g) "Collector" means the Collector of a revenue district, and includes a Deputy Commissioner and any officer specially designated by the appropriate Government to perform the functions of a Collector under this Act;

(h) "Commissioner" means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44;

(i) "cost of acquisition" includes—

(i) amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;

(ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;

(iii) cost of acquisition of land and building for settlement of displaced or adversely affected families;

(iv) cost of development of infrastructure and amenities at the resettlement areas;

(v) cost of rehabilitation and resettlement as determined in accordance with the provisions of this Act;

(vi) administrative cost,—

(A) for acquisition of land, including both in the project site and out of project area lands, not exceeding such percentage of the cost of compensation as may be specified by the appropriate Government;

(B) for rehabilitation and resettlement of the owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;

(vii) cost of undertaking 'Social impact Assessment study';

(j) "company" means—

(i) a company as defined in section 3 of the Companies Act, 1956 (1 of 1956) other than a Government company;

(ii) a society registered under the Societies Registration Act, 1860 (21 of 1860) or under any corresponding law for the time being in force in a State;

(k) "displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;

(l) "entitled to act", in relation to a person, shall be deemed to include the following persons, namely:—

(i) trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability;

(ii) the guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted;

Provided that the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceedings under this Act;

(m) "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him;

Provided that widows, divorcees and women deserted by families shall be considered separate families.

Explanation.—An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act;

(n) "holding of land" means the total land held by a person as an owner, occupant or tenant or otherwise;

(o) "infrastructure project" shall include any one or more of the items specified in clause (b) of sub-section (1) of section 2;

(p) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(q) "landless" means such persons or class of persons who may be,—

(i) considered or specified as such under any State law for the time being in force; or

(ii) in a case of landless not being specified under sub-clause (i), as may be specified by the appropriate Government;

(r) "land owner" includes any person,—

(i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or

(ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) or under any other law for the time being in force; or

(iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or

(iv) any person who has been declared as such by an order of the court or Authority;

(s) "local authority" includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P, of the Constitution;

(t) "marginal farmer" means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;

(u) "market value" means the value of land determined in accordance with section 26;

(v) "notification" means a notification published in the Gazette of India or, as the case may be, the Gazette of a State and the expression "notify" shall be construed accordingly;

(w) "patta" shall have the same meaning as assigned to it in the relevant Central or State Acts or rules or regulations made thereunder;

(x) "person interested" means—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(iii) a person interested in an easement affecting the land;

(iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and

(v) any person whose primary source of livelihood is likely to be adversely affected;

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

(z) "project" means a project for which land is being acquired, irrespective of the number of persons affected;

(zu) "public purpose" means the activities specified under sub-section (1) of section 2;

(zh) "Requiring Body" means a company, a body corporate, an institution, or any other organisation or person for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land is for public purpose to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land;

(zc) "Resettlement Area" means an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government;

(zd) "Scheduled Areas" means the Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996);

(ze) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

CHAPTER II

DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

A—PRELIMINARY INVESTIGATION FOR DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

4. Preparation of Social Impact Assessment study. —(1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.

(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government;

Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study;

Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.

(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.

(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—

(a) assessment as to whether the proposed acquisition serves public purpose;

(b) estimation of affected families and the number of families among them likely to be displaced;

(c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;

(d) whether the extent of land proposed for acquisition is the absolute bare- minimum extent needed for the project;

(e) whether land acquisition at an alternate place has been considered and found not feasible;

(f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project *vis-a-vis* the benefits of the project;

Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

(6) The appropriate Government shall require the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area.

5. Public hearing for Social Impact Assessment. —Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.

6. Publication of Social Impact Assessment study. —(1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorised by the Central Government to carry out environmental impact assessment:

Provided that, in respect of irrigation projects where the process of Environment Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply.

B.—APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

7. Appraisal of Social Impact Assessment report by an Expert Group. —(1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.

(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

(a) two non-official social scientists;

(b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;

(c) two experts on rehabilitation; and

(d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project does not serve any public purpose; or

(b) the social costs and adverse social impacts of the project outweigh the potential benefits,

it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision:

Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.

(5) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project will serve any public purpose; and

(b) the potential benefits outweigh the social costs and adverse social impacts,

it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision:

(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.

8. Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government. —(1) The appropriate Government shall ensure that—

(a) there is a legitimate and *bona fide* public purpose for the proposed acquisition which necessitates the acquisition of the land identified;

(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out;

(c) only the minimum area of land required for the project is proposed to be acquired;

(d) there is no unutilised land which has been previously acquired in the area;

(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.

(2) The appropriate Government shall examine the report of the Collector, if any, and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

(3) The decision of the appropriate Government shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that where land is sought to be acquired for the purposes as specified in sub-section (2) of section 2, the appropriate Government shall also ascertain as to whether the prior consent of the affected families as required under the proviso to sub-section (2) of section 2, has been obtained in the manner as may be prescribed.

9. Exemption from Social Impact Assessment. —Where land is proposed to be acquired invoking the urgency provisions under section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment study.

CHAPTER III

SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY

10. Special provision to safeguard food security. —(1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act.

(2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in sub-section (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.

(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.

(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:

Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.

CHAPTER IV

NOTIFICATION AND ACQUISITION

11. Publication of preliminary notification and power of officers. —(1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.

(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement under section 43.

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such

notification till such time as the proceedings under this Chapter are completed:

Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(5) After issuance of notice under sub-section (1), the Collector shall, before the issue of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within a period of two months.

12. Preliminary survey of land and power of officers to carry out survey. —For the purposes of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

- (a) to enter upon and survey and take levels of any land in such locality;
- (b) to dig or bore into the sub-soil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;
- (d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no act under clauses (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner.

Provided further that the acts specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey:

Provided also that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

13. Payment for damage. —The officer so authorised under section 12 shall at the time of entry under section 12 pay or tender payment for any damage caused, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

14. Lapse of Social Impact Assessment report. —Where a preliminary notification under section 11 is not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group under section 7, then, such report shall be deemed to have lapsed and a fresh Social Impact Assessment shall be required to be undertaken prior to acquisition proceedings under section 11:

Provided that the appropriate Government, shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

15. Hearing of objections. —(1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—

- (a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.

16. Preparation of Rehabilitation and Resettlement Scheme by the Administrator. —(1) Upon the publication of the preliminary notification under sub-section (1) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include—

(a) particulars of lands and immovable properties being acquired of each affected family;

(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;

(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;

(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and

(e) details of any common property resources being acquired.

(2) The Administrator shall, based on the survey and census under sub-section (1), prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved—

(i) a list of Government buildings to be provided in the Resettlement Area;

(ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include time limit for implementing Rehabilitation and Resettlement Scheme.

(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.

(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:

Provided that in case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:

Provided further that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996):

(6) The Administrator shall, on completion of public hearing submit the draft Scheme for

Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.

17. Review of the Rehabilitation and Resettlement Scheme. —(1) The Collector shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator with the Rehabilitation and Resettlement Committee at the project level constituted under section 45.

(2) The Collector shall submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.

18. Approved Rehabilitation and Resettlement Scheme to be made public. —The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

19. Publication of declaration and summary of Rehabilitation and Resettlement. —(1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1);

Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration;

Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land;

Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.

(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to in sub-section (1) shall indicate,—

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

20. Land to be marked out, measured and planned including marking of specific areas. —The Collector shall thereupon cause the land, unless it has been already marked out under section 12, to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

21. Notice to persons interested. —(1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.

(2) The public notice referred to in sub-section (1) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made under section 20.

(3) The Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or his agent.

(4) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situated.

(5) In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two national daily newspapers and also on his website.

22. Power to require and enforce the making of statements as to names and interests. —(1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being less than thirty days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code (45 of 1860).

23. Enquiry and land acquisition award by Collector. —On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his hand of:—

(a) the true area of the land;

(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and

(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases. —(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

25. Period within which an award shall be made. —The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

26. Determination of market value of land by Collector. —(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,

whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1.—The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in *Explanation 1*, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority,

the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas.

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent, of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

27. Determination of amount of compensation. —The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

28. Parameters to be considered by Collector in determination of award. — In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—

firstly, the market value as determined under section 26 and the award amount in accordance with the First and Second Schedules;

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land; and

seventhly, any other ground which may be in the interest of equity, justice and beneficial to the affected families.

29. Determination of value of things attached to land or building. —(1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

30. Award of solatium. —(1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent. of the compensation amount.

Explanation.—For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

CHAPTER V

REHABILITATION AND RESETTLEMENT AWARDS

31. Rehabilitation and Resettlement Award for affected families by Collector.—(1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.

(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:—

- (a) rehabilitation and resettlement amount payable to the family;
- (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (c) particulars of house site and house to be allotted, in case of displaced families;
- (d) particulars of land allotted to the displaced families;
- (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (f) particulars of payment for cattle shed and petty shops;
- (g) particulars of one-time amount to artisans and small traders;
- (h) details of mandatory employment to be provided to the members of the affected families;
- (i) particulars of any fishing rights that may be involved;
- (j) particulars of annuity and other entitlements to be provided;
- (k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided;

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable":

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

32. Provision of infrastructural amenities in resettlement area. —In every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule.

33. Corrections to awards by Collector. —(1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.

34. Adjournment of enquiry. —The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

35. Power to summon and enforce attendance of witnesses and production of documents. –For the purpose of enquiries under this Act, the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested of any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908).

36. Power to call for records, etc. –The appropriate Government may at any time before the award is made by the Collector under section 30 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

37. Awards of Collector when to be final. –(1) The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.

38. Power to take possession of land to be acquired. –(1) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30:

Provided that the components of the Rehabilitation and Resettlement Package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award:

Provided further that in case of acquisition of land for irrigation or hydel project, being a public purpose, the rehabilitation and resettlement shall be completed six months prior to submergence of the lands acquired.

(2) The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.

39. Additional compensation in case of multiple displacements. –The Collector shall, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

40. Special powers in case of urgency to acquire land in certain cases. –(1) In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) The powers of the appropriate Government under sub-section (1) shall be restricted to the minimum area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall tender payment of eighty per cent. of the compensation for such land as estimated by him to the person interested entitled thereto.

(4) In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1), sub-section (2) or sub-section (3) are applicable, the appropriate Government may direct that any or all of the provisions of Chapter II to Chapter VI shall not apply, and, if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under sub-section (1) of section 11.

(5) An additional compensation of seventy-five per cent. of the total compensation as determined under section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:

Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.

41. Special provisions for Scheduled Castes and Scheduled Tribes. —(1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.

(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.

(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

42. Reservation and other benefits. –(1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

CHAPTER VI

PROCEDURE AND MANNER OF REHABILITATION AND RESETTLEMENT

43. Appointment of Administrator. –(1) Where the appropriate Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then, the State Government shall, by notification, appoint in respect of that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement.

(2) The Administrator shall, with a view to enable him to function efficiently and to meet the special time-frame, be provided with such powers, duties and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the appropriate Government may decide.

(3) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

44. Commissioner for rehabilitation and resettlement. –(1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas.

45. Rehabilitation and resettlement committee at project level. –(1) Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.

(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the

appropriate Government, the following members, namely:—

- (a) a representative of women residing in the affected area;
- (b) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- (c) a representative of a voluntary organisation working in the area;
- (d) a representative of a nationalised bank;
- (e) the Land Acquisition Officer of the project;
- (f) the Chairpersons of the panchayats or municipalities located in the affected area or their nominees;
- (g) the Chairperson of the District Planning Committee or his nominee;
- (h) the Member of Parliament and Member of the Legislative Assembly of the concerned area or their nominees;
- (i) a representative of the Requiring Body; and
- (j) Administrator for Rehabilitation and Resettlement as the Member-Convener.

(3) The procedure regulating the discharge of the process given in this section and other matters connected thereto of the Rehabilitation and Resettlement Committee shall be such as may be prescribed by the appropriate Government.

46. Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons. —(1) Where any person other than a specified person is purchasing land through private negotiations for an area equal to or more than such limits, as may be notified by the appropriate Government, considering the relevant State specific factors and circumstances, for which the payment of Rehabilitation and Resettlement Costs under this Act is required, he shall file an application with the District Collector notifying him of—

- (a) intent to purchase;
- (b) purpose for which such purchase is being made;
- (c) particulars of lands to be purchased.

(2) It shall be the duty of the Collector to refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlement.

(3) Based upon the Rehabilitation and Resettlement Scheme approved by the Commissioner as per the provisions of this Act, the Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements as per the provisions of this Act.

(4) No land use change shall be permitted if rehabilitation and resettlement is not complied with in full.

(5) Any purchase of land by a person other than specified persons without complying with the provisions of Rehabilitation and Resettlement Scheme shall be void *ab initio*.

Provided that the appropriate Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its State and shall also fix the limits or ceiling for the said purpose.

(6) If any land has been purchased through private negotiations by a person on or after the 5th day of September, 2011, which is more than such limits referred to in sub-section (1) and, if the same land is acquired within three years from the date of commencement of this Act, then, forty per cent. of the compensation paid for such land acquired shall be shared with the original land owners.

Explanation.—For the purpose of this section, the expression—

- (a) "original land owner" refers to the owner of the land as on the 5th day of September, 2011;

(b) "specified persons" includes any person other than—

(i) appropriate Government;

(ii) Government company;

(iii) association of persons or trust or society as registered under the Societies Registration Act, 1860 (21 of 1860), wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

47. Quantification and deposit of rehabilitation and resettlement amount. —Where the Collector is of the view that the obligations of the Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an account in complete satisfaction of such obligations, which shall be administered by the Administrator appointed under section 43, under the supervision of the Collector.

CHAPTER VII

NATIONAL MONITORING COMMITTEE FOR REHABILITATION AND RESETTLEMENT

48. Establishment of National Monitoring Committee for rehabilitation and resettlement. —(1) The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

(2) The Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed.

(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

49. Reporting requirements. —The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner, and also as and when required.

50. Establishment of State Monitoring Committee for rehabilitation and resettlement. —(1) The State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

(2) The Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed by the State.

(4) The State Government shall provide such officers and other employees to the Committee as may be necessary for its efficient functioning.

CHAPTER VIII

ESTABLISHMENT OF LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY

51. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority. —(1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act.

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second proviso to

sub-section (1) of section 64.

52. Composition of Authority. —(1) The Authority shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification, by the appropriate Government.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may authorise the Presiding Officer of one Authority to discharge also the functions of the Presiding Officer of another Authority.

53. Qualifications for appointment as Presiding Officer. —(1) A person shall not be qualified for appointment as the Presiding Officer of an Authority unless,—

(a) he is or has been a District Judge; or

(b) he is a qualified legal practitioner for not less than seven years.

(2) A Presiding Officer shall be appointed by the appropriate Government in consultation with the Chief Justice of a High Court in whose jurisdiction the Authority is proposed to be established.

54. Terms of office of Presiding Officer. —The Presiding Officer of an Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

55. Staff of Authority. —(1) The appropriate Government shall provide the Authority with a Registrar and such other officers and employees as that Government may think fit.

(2) The Registrar and other officers and employees of an Authority shall discharge their functions under the general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority shall be such as may be prescribed.

56. Salary and allowances and other terms and conditions of service of Presiding Officers. —The salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Presiding Officer of an Authority, shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the said Presiding Officers shall be varied to their disadvantage after appointment.

57. Filling up of vacancies. —If, for any reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of an Authority then the appropriate Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Authority from the stage at which the vacancy is filled.

58. Resignation and removal. —(1) The Presiding Officer of an Authority may, by notice in writing under his hand addressed to the appropriate Government, resign his office:

Provided that the Presiding Officer shall, unless he is permitted by the appropriate Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Presiding Officer of an Authority shall not be removed from his office except by an order made by the appropriate Government on the ground of proven misbehaviour or incapacity after inquiry in the case of the Presiding Officer of an Authority made by a Judge of a High Court in which the Presiding Officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges.

(3) The appropriate Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Presiding Officer.

59. Orders constituting Authority to be final and not to invalidate its proceedings. —No order of the appropriate Government appointing any person as the Presiding Officer of an Authority shall be called in question in any manner, and no act or proceeding before an Authority shall be called in

question in any manner on the ground merely of any defect in the constitution of an Authority.

60. Powers of Authority and procedure before it. —(1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

61. Proceedings before Authority to be judicial proceedings. —All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

62. Members and officers of Authority to be public servants. —The Member and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

63. Jurisdiction of civil courts barred. —No civil court (other than High Court under article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

64. Reference to Authority. —(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire;

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

65. Collector's statement to Authority.—(1) In making the reference, the Collector shall state for the information of the Authority, in writing under his hand—

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under section 13, and the amount of compensation awarded under the provisions of this Act;

(d) the amount paid or deposited under any other provisions of this Act; and

(e) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) The statement under sub-section (1) shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the persons interested respectively.

66. Service of notice by Authority.—The Authority shall thereupon cause a notice specifying the day on which the Authority will proceed to determine the objection, and directing their appearance before the Authority on that day, to be served on the following persons, namely:—

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

67. Restriction on scope of proceedings.—The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

68. Proceeding to be in public.—Every such proceeding shall take place in public, and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

69. Determination of award by authority.—(1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 30 and the provisions under Chapter V of this Act.

(2) In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve per-cent. per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.—In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(3) In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one hundred per cent. over the total compensation amount.

70. Form of award. —(1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908 (5 of 1908).

71. Costs. —(1) Every such award shall also state the amount of costs incurred in the proceeding under this Chapter, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Authority concerned is of the opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

72. Collector may be directed to pay interest on excess compensation. —If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent. per annum from the date on which he took possession of the land to the date of payment of such excess into Authority:

Provided that the award of the Authority concerned may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.

73. Re-determination of amount of compensation on the basis of the award of the Authority. —(1) Where in an award under this Chapter, the Authority concerned allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 23, the persons interested in all the other land covered by the same preliminary notification under section 11, and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority concerned require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority concerned.

74. Appeal to High Court. —(1) The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(2) Every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.

Explanation.—For the purposes of this section, “High Court” means the High Court within the jurisdiction of which the land acquired or proposed to be acquired is situated.

CHAPTER IX

APPORTIONMENT OF COMPENSATION

75. Particulars of apportionment to be specified. —When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

76. Dispute as to apportionment. —When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.

CHAPTER X

PAYMENT

77. Payment of compensation or deposit of same in Authority. —(1) On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in sub-section (2).

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto:

78. Investment of money deposited in respect of lands belonging to person incompetent to alienate. —(1) If any money is deposited in the Authority concerned under sub-section (2) of section 77 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority concerned shall—

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held; or

(b) if such purchase cannot be effected forthwith, then in such Government of other approved securities as the Authority concerned shall think fit,

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Authority concerned shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the Collector, namely:—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of the Authority concerned of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants:

79. Investment of money deposited in other cases. —When any money shall have been deposited in the Authority concerned under this Act for any cause other than the causes mentioned in section 78, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit from it as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

80. Payment of interest. —When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent. per annum from the time of so taking possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

CHAPTER XI

TEMPORARY OCCUPATION OF LAND

81. Temporary occupation of waste or arable land, procedure when difference as to compensation exists. —(1) Whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, the appropriate Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Authority.

82. Power to enter and take possession and compensation on restoration. —(1) On payment of such compensation, or on executing such agreement, or on making a reference under section 64, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

83. Difference as to condition of land. —In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Authority concerned.

CHAPTER XII

OFFENCES AND PENALTIES

84. Punishment for false information, *mala fide* action, etc. —(1) If a person, in connection with a requirement or direction under this Act, provides any information that is false or misleading, or produces any false document, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.

(2) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be liable to be recovered by the appropriate Government in the manner as may be prescribed.

(3) Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a fine as the disciplinary authority may decide.

85. Penalty for contravention of provisions of Act. —If any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, every such person shall be liable to a punishment of six months which may extend to three years or with fine or with both.

86. Offences by companies. —(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals and a Requiring Body; and

(b) “director”, in relation to a firm, means a partner in the firm.

87. Offences by Government departments. —(1) Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

88. Cognizance of offences by court. —No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall be competent to try any offence punishable under this Act.

89. Offences to be non-cognizable. —Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence under this Act shall be deemed to be non-cognizable.

90. Offences to be cognizable only on complaint filed by certain persons. —No court shall take cognizance of any offence under this Act which is alleged to have been committed by a Requiring Body except on a complaint in writing made by the Collector or any other officer authorised by the appropriate Government or any member of the affected family.

CHAPTER XIII

MISCELLANEOUS

91. Magistrate to enforce surrender. —If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the surrender of the land to the Collector.

92. Service of notice. —(1) Save as otherwise provided in section 66, the service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice, by the officer therein mentioned, and, in the case of any other notice, by order of the Collector.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult member of his family residing with him; and, if no such adult member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and also publish the same in at least two national daily newspapers and also on his website.

93. Completion of acquisition not compulsory, but compensation to be awarded when not completed. —(1) The appropriate Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the appropriate Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

94. Acquisition of part of house or building. —(1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority concerned and shall not be taken possession of such land until after the question has been determined.

(2) In deciding on such a reference made under the proviso to sub-section (1), the Authority concerned shall have regard to the question whether the land proposed to be taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

(3) If, in the case of any claim under this Act, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is

unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(4) In the case of any acquisition of land so required no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 23.

95. Acquisition of land at cost of a local authority or Requiring Body. —(1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Requiring Body, the charges of land incidental to such acquisition shall be defrayed from or by such fund or Requiring Body.

(2) In any proceeding held before a Collector or Authority concerned in such cases the local authority or Requiring Body concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64.

96. Exemption from income -tax, stamp duty and fees. —No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

97. Acceptance of certified copy as evidence. —In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 (16 of 1908) including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

98. Notice in case of suits for anything done in pursuance of Act. —No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amendments.

99. No change of purpose to be allowed. —No change from the purpose or related purposes for which the land is originally sought to be acquired shall be allowed:

Provided that if the land acquired is rendered unusable for the purpose for which it was acquired due to a fundamental change because of any unforeseen circumstances, then the appropriate Government may use such land for any other public purpose.

100. No change of ownership without permission to be allowed. —No change of ownership without specific permission from the appropriate Government shall be allowed.

101. Return of unutilised land. —When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Explanation.—For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.

102. Difference in price of land when transferred for higher consideration to be shared. —Whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken place on such land, forty per cent. of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition:

Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.

103. Provisions to be in addition to existing laws. —The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

104. Option of appropriate Government to lease. —Notwithstanding anything contained in this Act, the appropriate Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in sub-section (1) of section 2.

105. Provisions of this Act not to apply in certain cases or to apply with certain modifications. —(1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft 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 disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

106. Power to amend Schedule. —(1) The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft 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 disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

107. Power of State Legislatures to enact any law more beneficial to affected families. — Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

108. Option to affected families to avail better compensation and rehabilitation and resettlement. —(1) Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

(2) Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.

109. Power of appropriate Government to make rules. —(1) Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions

of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may provide for all or any of the following matters, namely:—

- (a) the process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;
- (b) the limits of land in rural areas or urban areas under clause (a) of sub-section (3) of section 2;
- (c) the manner and the time limit for carrying out social impact assessment study under sub-section (f) of section 4;
- (d) the manner of preparing and publishing social impact assessment study reports under sub-section (f) of section 6;
- (e) the manner and time for conducting survey and undertaking census under sub-section (2) of section 16;
- (f) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (5) of section 16;
- (g) the manner of conducting public hearing under sub-section (5) of section 16;
- (h) the manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;
- (i) the manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;
- (j) the form in which the Development Plan shall be prepared under sub-section (2) of section 41;
- (k) the powers, duties and responsibilities of Administrator under sub-section (2) of section 43;
- (l) the procedure of Rehabilitation and Resettlement Committee under sub-section (3) of section 45;
- (m) the procedure to be followed by the Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;
- (n) the procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 50;
- (o) the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;
- (p) the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;
- (q) any other matter under clause (g) of sub-section (f) of section 60;
- (r) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;
- (s) the manner of returning the unutilised land by reversion under section 101;
- (t) manner of publication wherever the provisions of this Act provide for;
- (u) any other matter which is required to be or may be specified under this Act.

110. Rules made by Central Government to be laid before Parliament. —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 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.

111. Rules made by State Government to be laid before State Legislature. —Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

112. Previous publication of rules made by Central and State Government. —The power to make rules by the Central or State Government under this Act shall be subject to the condition of the rules being made after previous publication.

113. Power to remove difficulties. —(1) If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

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

114. Repeal and saving. —(1) The Land Acquisition Act, 1894 (1 of 1894) is hereby repealed.

(2) Save as otherwise provided in this Act the repeal under sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.

THE FIRST SCHEDULE

[See section 30(2)]

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatium	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8.	Other component, if any, to be included		

NOTE.—The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

THE SECOND SCHEDULE

[See sections 31(I), 38(I) and 105(J)]

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
(1)	(2)	(3)	(4)
1.	Provision of housing units in case of displacement	<p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p> <p><i>Explanation.</i>—The houses in urban area may, if necessary, be provided in multi-storied building complexes.</p>	
2.	Land for Land	<p>In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.</p>	

(1)	(2)	(3)	(4)
3.	Offer for Developed Land	<p>In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development.</p> <p>Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p>	
4.	Choice of Annuity or Employment	<p>The appropriate Government shall ensure that the affected families are provided with the following options:</p> <p>(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) one time payment of five lakhs rupees per affected family; or</p> <p>(c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>	
5.	Subsistence grant for displaced families for a period of one year	<p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.</p> <p>In case of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>	
6.	Transportation cost for displaced families	<p>Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.</p>	
7.	Cattle shed/Petty shops cost	<p>Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.</p>	

(1)	(2)	(3)	(4)
8.	One-time grant to artisan, small traders and certain others:	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.	
9.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.	
10.	One-time Resettlement Allowance	Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.	
11.	Stamp duty and registration fee	<p>(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body.</p> <p>(2) The land for house allotted to the affected families shall be free from all encumbrances.</p> <p>(3) The land or house allotted may be in the joint names of wife and husband of the affected family.</p>	

THE THIRD SCHEDULE

[See sections 32, 38(1) and 105(3)]

PROVISION OF INFRASTRUCTURAL AMENITIES

For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the acquirer of land	Details of infrastructure amenities provided by the acquirer of land
(1)	(2)	(3)
1.	Roads within the resettled villages and an all-weather road link to the nearest pucca road; passages and easement rights for all the resettled families be adequately arranged.	
2.	Proper drainage as well as sanitation plans executed before physical resettlement.	
3.	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.	
4.	Provision of drinking water for cattle.	
5.	Grazing land as per proportion acceptable in the State.	
6.	A reasonable number of Fair Price Shops.	
7.	Panchayat Ghars, as appropriate.	
8.	Village level Post Offices, as appropriate, with facilities for opening saving accounts.	
9.	Appropriate seed-cum-fertilizer storage facility if needed.	
10.	Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.	
11.	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.	
12.	Burial or cremation ground, depending on the caste- communities at the site and their practices.	
13.	Facilities for sanitation, including individual toilet points.	
14.	Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.	
15.	Anganwadi's providing child and mother supplemental nutritional services.	
16.	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);	

(1)	(2)	(3)
17.	Sub-health centre within two kilometres range.	
18.	Primary Health Centre as prescribed by the Government of India.	
19.	Playground for children.	
20.	One community centre for every hundred families.	
21.	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.	
22.	Separate land must be earmarked for traditional tribal institutions.	
23.	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.	
24.	Appropriate security arrangements must be provided for the settlement, if needed.	
25.	Veterinary service centre as per norms.	

NOTE— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the acquirer of land under column (3).

THE FOURTH SCHEDULE

(See section 105)

LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND REHABILITATION AND RESETTLEMENT

1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).
 2. The Atomic Energy Act, 1962 (33 of 1962).
 3. The Damodar Valley Corporation Act, 1948 (14 of 1948).
 4. The Indian Tramways Act, 1886 (11 of 1886)
 5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).
 6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
 7. The National Highways Act, 1956 (48 of 1956).
 8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
 9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).
 10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).
 11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
 12. The Electricity Act, 2003 (36 of 2003).
 13. The Railways Act, 1989 (24 of 1989).
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PESA,1996

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996 No.40 OF 1996

(24th December, 1996)

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:-

Short title

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996

Definition

2. In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution.

Extension of part IX of The Constitution

3. The provision of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4.

Exceptions and modifications to part IX of The Constitution

4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:-

(a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;

(b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;

(c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;

(d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;

(e) every Gram Sabha shall-

i. approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;

ii. be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;

(f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause(e);

(g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution;

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats;

Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;

(h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level;

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;

(i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;

(j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;

(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;

(l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;

(m) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with-

(i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;

(ii) the ownership of minor forest produce;

(iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;

(iv) the power to manage village markets by whatever name called;

(v) the power to exercise control over money lending to the Scheduled Tribes;

(vi) the power to exercise control over institutions and functionaries in all social sectors;

(vii) the power to control over local plans and resources for such plans including tribal sub-plans;

(n) the State Legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;

(o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

Continuance of existing laws on panchayats:

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas, immediately before the date on which this Act receives the assent of the President, which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President;

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

K.L. MOHANPURIA,

Secy. To the Govt. of India

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989

ACT NO. 33 OF 1989

[11th September, 1989.]

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for ¹[Special Courts and the Exclusive 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.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "atrocities" means an offence punishable under section 3;

(b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

³[(bb) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(bc) "economic boycott" means—

(i) a refusal to deal with, work for hire or do business with other person; or

(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(iv) to abstain from the professional or business relations that one would maintain with other person;

(bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Act;

(be) "forest rights" shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013);

(bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code (45 of 1860), as well as any other person deemed to be a public servant under any other law for the

1. Subs. by Act 1 of 2016, s. 7, for "Special Courts" (w.e.f. 26-1-2016).

2. 30th January, 1990, vide notification No. S.O. 106(E), dated 29th January, 1990. See Gazette of India, Extraordinary, Part II, sec. 3(ii).

3. Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;]

(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;

(d) "Special Court" means a Court of Session specified as a Special Court in section 14;

(e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;

¹[(ea) "Schedule" means the Schedule appended to this Act;

(eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(ec) "victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;

(ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;]

²[(f) the words and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860), the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.]

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

OFFENCES OF ATROCITIES

3. Punishments for offences atrocities.—³[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;

(d) gariands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

1. Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

2. Subs. by s. 3, *ibid.*, for clause (f) (w.e.f. 26-1-2016).

3. Subs. by s. 4, *ibid.*, for sub-section (1) (w.e.f. 26-1-2016).

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

(A) against the person’s will;

(B) without the person’s consent;

(C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D) fabricating records of such land;

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “*begar*” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;

(l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—

(A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(B) not to file a nomination as a candidate or to withdraw such nomination; or

(C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(m) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

Explanation.—For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient’s consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression “consent” means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman’s sexual history, including with the offender shall not imply consent or mitigate the offence;

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(aa) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.]

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine;

²((va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such

1. Subs. by Act 1 of 2016, s. 4, for "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" (w.e.f. 26-1-2016).

2. Ins. by s. 4, *ibid.* (w.e.f. 26-1-2016).

member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;]

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vi) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

[4. Punishment for neglect of duties.—(1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(2) The duties of public servant referred to in sub-section (1) shall include—

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Act or the rules made thereunder;

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.]

5. Enhanced punishment subsequent conviction.—Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

6. Application of certain provisions of the Indian Penal Code.—Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

7. Forfeiture of property of certain persons.—(1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both,

belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

8. Presumption as to offences.—In a prosecution for an offence under this Chapter, if it is proved that—

(a) the accused rendered ¹[any financial assistance in relation to the offences committed by a person accused of], or reasonably suspected of, committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object;

²[(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.]

9. Conferment of powers.—(1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do,—

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act,

in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III

EXTERMENT

10. Removal of person likely to commit offence.—(1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, ³[or any area identified under the provisions of clause (vii) of sub-section (2) of section 21], it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding ⁴[three years], as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

1. Subs. by Act 1 of 2016, s. 6, for "any financial assistance to a person accused of" (w.e.f. 26-1-2016)

2. Ins. by s. 6, *ibid.* (w.e.f. 26-1-2016)

3. Ins. by s. 7, *ibid.* (w.e.f. 26-1-2016)

4. Subs. by s. 7, *ibid.*, for "two years" (w.e.f. 26-1-2016)

11. Procedure on failure of person to remove himself from area and enter thereon after removal.—(1) If a person to whom a direction has been issued under section 10 to remove himself from any area—

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

(5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

12. Taking measurements and photographs, etc., of persons against whom order under section 10 is made.—(1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken, resists or refuses to allow the taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code (45 of 1860).

(4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

13. Penalty for non compliance of order under section 10.—Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER IV

SPECIAL COURTS

[14. Special Court and Exclusive Special Court.—(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

1. Subs. by Act 1 of 2016, s. 3, for section 14 (w.e.f. 26-3-2016).

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.]

¹[14A. Appeals.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.]

²[15. Special Public Prosecutor and Exclusive Public Prosecutor.—(1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.]

³[CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

15A. Rights of victims and witnesses.—(1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

1. Ins. by Act 1 of 2016, s. 9 (w.e.f. 26-1-2016).

2. Subs. by s. 10, *ibid.*, for section 15 (w.e.f. 26-1-2016).

3. Ins. by s. 11, *ibid.* (w.e.f. 26-1-2016).

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—

- (a) the complete protection to secure the ends of justice;
- (b) the travelling and maintenance expenses during investigation, inquiry and trial;
- (c) the social-economic rehabilitation during investigation, inquiry and trial; and
- (d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

- (a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;
- (b) issuing directions for non-disclosure of the identity and addresses of the witnesses;
- (c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Act shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—

- (a) to provide a copy of the recorded First Information Report at free of cost;
- (b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

- (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
 - (d) to provide relief in respect of death or injury or damage to property;
 - (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
 - (f) to provide the maintenance expenses to the atrocity victims and their dependents;
 - (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
 - (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
 - (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
 - (j) to take necessary precautions at the time of medical examination;
 - (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
 - (l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
 - (m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
 - (n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.
- (12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.]

CHAPTER V

MISCELLANEOUS

16. Power of State Government to impose collective fine.—The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

17. Preventive action to be taken by the law and order machinery.—(1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquillity and may take preventive action.

(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

18. Section 438 of the Code not to apply to persons committing an offence under the Act.—Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

19. Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act.—The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 (20 of 1958) shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

20. Act to override other laws.—Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

21. Duty of Government to ensure effective implementation of the Act.—(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,—

(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;

(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;

(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

22. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.

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

(2) Every rule made 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.

[THE SCHEDULE

[See section 3(2)(v)]

Section under the Indian Penal Code	Name of offence and punishment
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.

1. Ins. by Act 1 of 2016, s. 12 (w.e.f. 26-1-2016)

Section under the Indian Penal Code	Name of offence and punishment
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.]

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THE SCHEDULE.

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

ACT NO. 35 OF 2009

[26th August, 2009.]

An Act to provide for free and compulsory education to all children of the age of six to fourteen years.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. —(1) This Act may be called the Right of Children to Free and Compulsory Education Act, 2009.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

²[(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.]

(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathshalas and educational institutions primarily imparting religious instruction.]

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

(a) "appropriate Government" means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

(c) "child" means a male or female child of the age of six to fourteen years;

(d) "child belonging to disadvantaged group" means ³[a child with disability or] a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

(e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

³[(ee) "child with disability" includes,—

(A) a child with "disability" as defined in clause (j) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);

1. 1st April, 2010, *vide* notification No. S.O. 428(E), dated 16th February, 2010, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

2. Ins. by Act 30 of 2012, s. 2 (w.e.f. 1-8-2012).

3. Ins. by s. 3, *ibid.* (w.e.f. 1-8-2012).

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);

(C) a child with "severe disability" as defined in clause (n) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999).]

(f) "elementary education" means the education from first class to eighth class;

(g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

(i) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006);

(j) "notification" means a notification published in the Official Gazette;

(k) "parent" means either the natural or step or adoptive father or mother of a child;

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

(m) "Schedule" means the Schedule annexed to this Act;

(n) "school" means any recognised school imparting elementary education and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method;

(p) "specified category", in relation to a school, means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification, by the appropriate Government;

(q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

CHAPTER II

RIGHT TO FREE AND COMPULSORY EDUCATION

3. Right of child to free and compulsory education —¹[(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.]

(2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.

1. Subst. by Act 30 of 2012, s. 4, for sub-section (1) (w.e.f. 1-8-2012).

²[(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) may also have the right to opt for home-based education.]

4. Special provisions for children not admitted to, or who have not completed, elementary education.—Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

5. Right of transfer to other school. —(1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

(3) For seeking admission in such other school, the Head-teacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the Head-teacher or in-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

CHAPTER III

DUTIES OF APPROPRIATE GOVERNMENT, LOCAL AUTHORITY AND PARENTS

6. Duty of appropriate Government and local authority to establish school. —For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act.

7. Sharing of financial and other responsibilities. —(1) The Central Government and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

(2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

1. Proviso omitted by Act 30 of 2012, s. 4 (w.e.f. 1-8-2012).

2. Ins. by s. 4, *ibid.* (w.e.f. 1-8-2012).

(3) The Central Government shall provide to the State Governments, as grants-in-aid of revenues, such percentage of expenditure referred to in sub-section (2) as it may determine, from time to time, in consultation with the State Governments.

(4) The Central Government may make a request to the President to make a reference to the Finance Commission under sub-clause (d) of clause (3) of article 280 to examine the need for additional resources to be provided to any State Government so that the said State Government may provide its share of funds for carrying out the provisions of the Act.

(5) Notwithstanding anything contained in sub-section (4), the State Government shall, taking into consideration the sums provided by the Central Government to a State Government under sub-section (3), and its other resources, be responsible to provide funds for implementation of the provisions of the Act.

(6) The Central Government shall—

(a) develop a framework of national curriculum with the help of academic authority specified under section 29;

(b) develop and enforce standards for training of teachers;

(c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

8. Duties of appropriate Government —The appropriate Government shall—

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

Explanation.—The term “compulsory education” means obligation of the appropriate Government to—

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

9. Duties of local authority —Every local authority shall—

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided

directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;

(e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;

(f) provide infrastructure including school building, teaching staff and learning material;

(g) provide special training facility specified in section 4;

(h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(i) ensure timely prescribing of curriculum and courses of study for elementary education;

(j) provide training facility for teachers;

(k) ensure admission of children of migrant families;

(l) monitor functioning of schools within its jurisdiction; and

(m) decide the academic calendar.

10. Duty of parents and guardian —It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.

11. Appropriate Government to provide for pre-school education —With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

CHAPTER IV

RESPONSIBILITIES OF SCHOOLS AND TEACHERS

12. Extent of school's responsibility for free and compulsory education. —(1) For the purposes of this Act, a school,—

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.;

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion;

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

13. No capitation fee and screening procedure for admission —(1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provisions of sub-section (1),—

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.

14. Proof of age for admission —(1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886) or on the basis of such other document, as may be prescribed.

(2) No child shall be denied admission in a school for lack of age proof.

15. No denial of admission —A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

16. Prohibition of holding back and expulsion —No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

17. Prohibition of physical punishment and mental harassment to child —(1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

18. No School to be established without obtaining certificate of recognition —(1) No school, other than a school established, owned or controlled by the appropriate Government or the local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.

(2) The authority prescribed under sub-section (1) shall issue the certificate of recognition in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such recognition shall be granted to a school unless it fulfils norms and standards specified under section 19.

(3) On the contravention of the conditions of recognition, the prescribed authority shall, by an order in writing, withdraw recognition:

Provided that such order shall contain a direction as to which of the neighbourhood school, the children studying in the derecognised school, shall be admitted:

Provided further that no recognition shall be so withdrawn without giving an opportunity of being heard to such school, in such manner, as may be prescribed.

(4) With effect from the date of withdrawal of the recognition under sub-section (3), no such school shall continue to function.

(5) Any person who establishes or runs a school without obtaining certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

19. Norms and standards for school. —(1) No school shall be established, or recognised, under section 18, unless it fulfils the norms and standards specified in the Schedule.

(2) Where a school established before the commencement of this Act does not fulfil the norms and standards specified in the Schedule, it shall take steps to fulfil such norms and standards at its own expenses, within a period of three years from the date of such commencement.

(3) Where a school fails to fulfil the norms and standards within the period specified under sub-section (2), the authority prescribed under sub-section (1) of section 18 shall withdraw recognition granted to such school in the manner specified under sub-section (3) thereof.

(4) With effect from the date of withdrawal of recognition under sub-section (3), no school shall continue to function.

(5) Any person who continues to run a school after the recognition is withdrawn, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

20. Power to amend Schedule. —The Central Government may, by notification, amend the Schedule by adding to, or omitting therefrom, any norms and standards.

21. School Management Committee. —(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that at least three-fourth of members of such Committee shall be parents or guardians:

Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

Provided also that fifty per cent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely:—

(a) monitor the working of the school;

(b) prepare and recommend school development plan;

(c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and

(d) perform such other functions as may be prescribed.

¹[Provided that the School Management Committee constituted under sub-section (1) in respect of,—

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,

shall perform advisory function only.]

22. School Development Plan. —(1) Every ²[School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted] under sub-section (1) of section 21, shall prepare a School Development Plan, in such manner as may be prescribed.

(2) The School Development Plan so prepared under sub-section (1) shall be the basis for the plans and grants to be made by the appropriate Government or local authority, as the case may be.

23. Qualifications for appointment and terms and conditions of service of teachers. —(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification.

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.

24. Duties of teachers and redressal of grievances. —(1) A teacher appointed under sub-section (1) of section 23 shall perform the following duties, namely:—

(a) maintain regularity and punctuality in attending school;

(b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;

(c) complete entire curriculum within the specified time;

(d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;

(e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child; and

(f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her.

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

1. Ins. by Act 30 of 2012, s. 5 (w.e.f. 1-8-2012).

2. Subs. by s. 6, *ibid.*, for "School Management Committee, constituted" (w.e.f. 1-8-2012).

25. Pupil-Teacher Ratio. —(1) [Within three years] from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

26. Filling up vacancies of teachers. —The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in a school under its control shall not exceed ten per cent of the total sanctioned strength.

27. Prohibition of deployment of teachers for non-educational purposes. —No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

28. Prohibition of private tuition by teacher. —No teacher shall engage himself or herself in private tuition or private teaching activity.

CHAPTER V

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

29. Curriculum and evaluation procedure. —(1) The curriculum and the evaluation procedure for elementary education shall be laid down by an academic authority to be specified by the appropriate Government, by notification.

(2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:—

- (a) conformity with the values enshrined in the Constitution;
- (b) all round development of the child;
- (c) building up child's knowledge, potentiality and talent;
- (d) development of physical and mental abilities to the fullest extent;
- (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (f) medium of instructions shall, as far as practicable, be in child's mother tongue;
- (g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
- (h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

30. Examination and completion certificate. —(1) No child shall be required to pass any Board examination till completion of elementary education.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

CHAPTER VI

PROTECTION OF RIGHT OF CHILDREN

31. Monitoring of child's right to education. —(1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005

1. Subs. by Act 30 of 2012, s. 7, for "Within six months" (w.e.f. 1-8-2012).

(4 of 2006), shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:—

(a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;

(b) inquire into complaints relating to child's right to free and compulsory education; and

(c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses (a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

32. Redressal of grievances.—(1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction:

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

33. Constitution of National Advisory Council .—(1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the National Advisory Council shall be to advise the Central Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of the appointment of Members of the National Advisory Council shall be such as may be prescribed.

34. Constitution of State Advisory Council .—(1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

(2) The functions of the State Advisory council shall be to advise the State Government on implementation of the provisions of the Act in an effective manner.

(3) The allowances and other terms and conditions of appointment of Members of the State Advisory Council shall be such as may be prescribed.

CHAPTER VII

MISCELLANEOUS

35. Power to issue directions. —(1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this Act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the School Management Committee regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the School Management Committee regarding implementation of the provisions of this Act.

36. Previous sanction for prosecution. —No prosecution for offences punishable under sub-section (2) of section 13, sub-section (5) of section 18 and sub-section (5) of section 19 shall be instituted except with the previous sanction of an officer authorised in this behalf, by the appropriate Government, by notification.

37. Protection of action taken in good faith. —No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Commission for Protection of Child Rights, the State Commission for Protection of Child Rights, the local authority, the School Management Committee or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

38. Power of appropriate Government to make rules. —(1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of giving special training and the time-limit thereof, under first proviso to section 4;

(b) the area or limits for establishment of a neighbourhood school, under section 6;

(c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;

(d) the manner and extent of reimbursement of expenditure, under sub-section (2) of section 12;

(e) any other document for determining the age of child under sub-section (1) of section 14;

(f) the extended period for admission and the manner of completing study if admitted after the extended period, under section 15;

(g) the authority, the form and manner of making application for certificate of recognition, under sub-section (1) of section 18;

(h) the form, the period, the manner and the conditions for issuing certificate of recognition, under sub-section (2) of section 18;

(i) the manner of giving opportunity of hearing under second proviso to sub-section (3) of section 18;

(j) the Other functions to be performed by School Management Committee under clause (d) of sub-section (2) of section 21;

(k) the manner of preparing School Development Plan under sub-section (1) of section 22;

(l) the salary and allowances payable to, and the terms and conditions of service of, teacher, under sub-section (3) of section 23;

(m) the duties to be performed by the teacher under clause (f) of sub-section (1) of section 24;

(n) the manner of redressing grievances of teachers under sub-section (3) of section 24;

(o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

(p) the authority, the manner of its constitution and the terms and conditions therefor, under sub-section (3) of section 31;

(q) the allowances and other terms and conditions of appointment of Members of the National Advisory Council under sub-section (3) of section 33;

(r) the allowances and other terms and conditions of appointment of Members of the State Advisory Council under sub-section (3) of section 34.

(3) Every rule made under this Act and every notification issued under sections 20 and 23 by the Central Government 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 notification or both Houses agree that the rule or notification should not be made, the rule or notification 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 notification.

(4) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made; before the State Legislatures.

¹[39. Power of Central Government to remove difficulties —(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012 (30 of 2012);

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

THE SCHEDULE

(See sections 19 and 25)

NORMS AND STANDARDS FOR A SCHOOL

Sl. No.	Item	Norms and Standards	
1.	Numbers of teachers:		
	(a) For first class to fifth class	Admitted children	Number of teachers
		Up to Sixty	Two
		Between sixty-one to ninety	Three
		Between Ninety-one to one hundred and twenty	Four
		Between One hundred and twenty-one to two hundred	Five
		Above One hundred and fifty children	Five plus one Head-teacher
		Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty.
	(b) For sixth class to eighth class	<p>(1) At least one teacher per class so that there shall be at least one teacher each for—</p> <p>(i) Science and Mathematics;</p> <p>(ii) Social Studies;</p> <p>(iii) Languages.</p> <p>(2) At least one teacher for every thirty-five children.</p> <p>(3) Where admission of children is above one hundred—</p> <p>(i) a full time head-teacher;</p> <p>(ii) part time instructors for—</p> <p>(A) Art Education;</p> <p>(B) Health and Physical Education;</p> <p>(C) Work Education.</p>	
2.	Building	<p>All-weather building consisting of—</p> <p>(i) at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room;</p> <p>(ii) barrier-free access;</p> <p>(iii) separate toilets for boys and girls;</p> <p>(iv) safe and adequate drinking water facility to all children;</p>	

Sl. No.	Item	Norms and Standards
		(v) a kitchen where mid-day meal is cooked in the school;
		(vi) Playground;
		(vii) arrangements for securing the school building by boundary wall or fencing.
3.	Minimum number of working days/instructional hours in an academic year	<p>(i) two hundred working days for first class to fifth class;</p> <p>(ii) two hundred and twenty working days for sixth class to eighth class;</p> <p>(iii) eight hundred instructional hours per academic year for first class to fifth class;</p> <p>(iv) one thousand instructional hours per academic year for sixth class to eighth class.</p>
4.	Minimum number of working hours per week for the teacher	forty-five teaching including preparation hours.
5.	Teaching learning equipment	Shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7.	Play material, games and sports equipment	Shall be provided to each class as required.

V & VI Schedule of Constitution

1. Introduction

Majority of communities classified as Scheduled Tribes have been living in the hilly and forest regions of the country. They have been living in isolation for generations and evolved culture of their own. They never liked interference of outsiders. Even after the kingdoms of the plains conquered their lands, their de facto rule was continued by the Hindu kings as long as their de jure rule is accepted by the tribal chiefs in the form of ceremonial submission of the bow and arrow. When the British took over, their administration percolated to these areas. Disturbances occurred in tribal areas and the British introduced a policy of separately administering by notifying them as Scheduled Districts. After independence, these areas were notified as Scheduled areas as per provisions of the constitution by with various provisions for administration.

2. Objectives

The objectives are:

- To explain special provisions of Fifth Schedule
- To explain special provisions of Sixth Schedule
- To explain the violations of provisions of these Schedules and orders of Courts there on

3. The polity in the hill tracts of India

In Indian sub-continent, the hill tracts, between North East Frontier Agencies (NEFA), Eastern Ghats, Western Ghats are habitats of tribal people. In these hill tracts the while the tribes used to practice barter system, resolve the disputes in village councils with consensus, transmitting their knowledge through oral tradition, whereas the kingdoms in the plains abutting the hill tracts used to rule their territory through force (Police and military) and treasury (coins and gold) and inscriptions. Some of the defeated kings used to take shelter in the hill tracts. Some of the chieftains of tribes in the hills recognized as sub-ordinate rulers, entered in to marital alliances with the kings also. There are many occasions where the kings and chieftains joined hands in opposing the onslaught of aspiring emperors. Some of the marginalized communities in the plains migrated in to the hill tracts but their social status remained the same as in the plains (*Nirmal Kumar Bose, 1996*).

4. Evolution of Governance in the present day Fifth Scheduled areas:

While the Hindu Rajahs performed the tribal rites and rituals, they also participated in social functions and festivals of tribals, even though the tribals resented the exploitation of Oriya elite. For example, in 1836, a military campaign was waged against the refractory Rajah of Gumsur, who was one of the oldest hill Zamindars of Ganjam (present day Odisha), belonging to Bhanja Family. The British Government came into conflict with his tribal subjects (the Khonds) also because of this relationship. The British Government's hunt for the Rajah, sheltered by the tribals escalated into a full scale war against the tribesmen. The Gumsur war that broke out in 1836 has expedited the action on the part of the Government as can be seen from Mr. Russel's further report in 1836, in which he suggested the need for removing the existing causes of irritation on the part of hill Zamindars by exempting the areas from ordinary laws. He suggested for placing the areas exclusively under the Collectors of the district who

should be vested the entire civil administration of government and also criminal justice. His reports and the observations of Governor have resulted in enactment of Ganjam and Vishakapatnam Act, 1839. In this Act the District collectors were designated as Agents to the government (Dr. V.N.V.K Shastri, K.V.Subba Reddy, 1991).

The British introduced individual property rights and registration of the transfers and judicial Courts to adjudicate both civil and criminal disputes. The decrees of Courts used attach the property of indebted tribes. Such actions unknown before provoked them to rebel.

Mr. Sullivan the first member of Revenue Board in Madras presidency enquiring in to the causes of tribal revolt in Rampa country in the present East Godavari of Andhra Pradesh, observed that 'the tribal dares to enter in to a den of tiger but not in to the judicial court of Rajahmundry. To transport the military troops to suppress the rebellions in the disturbed areas, British laid roads deep in to the hill tracts and this infrastructure accelerated the integration of tribal economy in to market economy (David Arnold, 2005).

Confronted with struggles, fituries and revolts, the British introduced several protective measures for the tribal areas in the hill tracts and started the process of identifying the tribal communities. In 1874, the Scheduled Districts Act XIV (Central Act) was Passed, under which, Scheduled Districts were defined to mean the territory mentioned in the First Schedule and Parts thereof and would include any other territory to which the Secretary of State for India by resolution in Council may declare. The provincial Government issued rules prescribing the procedure to be followed by the officers appointed there under to administer Agency Tracts. Likewise the British identified such Scheduled Districts in almost all parts of the country.

Bihar, for instance had a substantial tribal population largely located in its plateau region (now Jharkhand state). The colonial administration brought in the Wilkinson Rules 1839, the Chotanagpur Tenures Act, 1869 and the Santal Parganas Act, 1855, creating a legal frame work for the protection of the land belonging to tribals following recurrent rebellions in the tribal area. The Regulation I of 1796 laid down the foundations of the preset Santhal Policy, which continues to this date without much alteration. Such protectionary legislation existed in other states as well such as the States of Assam including what was then called the North East, Central India and tribal areas of the Bombay and Madras Presidencies. Though spatially covering different regions, all these Acts and rules exhibited certain common features. The areas covered by these Acts and rules were removed from the general administration and were placed in a special category, in the recognition of the facts that the tribal people constituted a special category and that they could not be administered along with the general populace. The Deputy Commissioners are entrusted with the administration of tribal people and areas inhabited by them.

The Montague-Chelmsford Reforms (1918) considered the tribal question and excluded them from the Provincial Governments. The Government of India Act, 1919 categorized to the excluded territories into two parts the wholly and the partially excluded. The wholly excluded areas were small while the latter were more extensive and were entrusted to the joint responsibility of the Governor and the Governor-General-in-Council. The Montague-Chelmsford Reforms had suggested that the areas inhabited by the Primitive Tribe Groups should be excluded from the proposed political reforms and

should be administered by the Governor of the Province. The tribal issue also attracted the attention of the Indian Statutory Commission (Simon Commission), which considered the inhabitants of their areas being politically not "advanced". They required security of land tenure, protection from subjugation and freedom to pursue their traditional livelihood and customs. The Simon Commission felt that the duty of educating these people could not be left to the missionaries or the individual officials. The Government should earmark funds for such educational and welfare activities. The Commission suggested the whole or partial exclusion of these areas from the ambit of generally administered areas in the recognition of these Principles. The Government of India Act, 1935, treated the Scheduled Districts as wholly or partially excluded. A notification to this effect was issued Under Sections 91 of the Government of India Act, 1935. Under Sections 92(1) & (2) of this Act, the administration of these areas was exclusively vested into the Governor of the Province [S.92 (1), (2) & (3)].

5. Features of The V Schedule in The Constitution Of India

Administratively and legally the habitat of the tribes is divided into three groups. The first group comprises the areas declared as the Scheduled Area under Clause 6(1) of Schedule V of the Constitution. Under Section 6(2) of Schedule V, the President of India may, at any time, order either deleting an area from the Scheduled Areas in consultation with the Governor of the State. Thus the specification of Scheduled area in relation to a particular State/ Union Territory is notified by an Order of the President, after consultation with the State Governments concerned. Same procedures would apply while altering, increasing or rescinding any order(s) relating to Scheduled Areas.

No criteria seemed to have been followed in declaring the V& VI Scheduled areas and most of the areas notified as Partially Excluded Areas under 1935 Act were declared as V Scheduled Areas and the Wholly Excluded Areas mostly became VI Scheduled Areas. Dhebar Commission pointing out this fact commented that the law and order approach followed by British to exclude the tribal areas from normal administration continued after independence. However the Government evolved a criteria to be followed followed for declaring an area as Scheduled Area which includes 1.Preponderance of tribal population 2. Compactness and reasonable size of the areas. 3. Under – developed nature of the area and 4.marked disparity in economic standard of the people. These criteria have become well established over the course of the time. They embody principles followed in declaring 'Excluded' and 'Partially – Excluded areas' under the Government of India Act 1935, Schedule 'B' of recommendations of the Excluded and partially Excluded Areas, the Sub Committee of Constituent Assembly and the Scheduled Area and Scheduled (Dhebar) Commission, 1961. The orders in operation relating to the scheduled Areas are provided at the end of the Unit.

6. Important Provisions of Fifth Schedule:

The Governor of a state has been entrusted with special responsibilities in the administration of the Scheduled Areas in the state. The governor has been vested with legislative powers.

- i. He/she is required to prepare a special report annually, or whenever required and submit to the President regarding the administration of the Scheduled Areas.[Section 3 of Schedule V].
- ii. The Union Government can issue appropriate directives to the State Governments as to the administration of the Scheduled Areas.

- iii. This Schedule also provides for constitution of the Tribes Advisory Council with 20 members of whom $\frac{1}{4}$ should be the scheduled tribe members of the state legislature to advice on such matter pertaining to the welfare and advancement of the Schedule Tribes as may be referred to them by the Governor [S 4(2)].
- iv. The Governor may make rules regarding the number of members of the Tribes Advisory Council, its conduct, meeting and other incidental matters [S4 (2)].
- v. The Governor may further direct, by public notification, that a particular Act of the Parliament or of the State Legislature shall not apply to a Scheduled Areas or to its parts with such exceptions as may be directed [S 5(1)].
- vi. The Governor may make Regulations for peace and good governance in the Scheduled Areas by which she/he may, among other things, prohibit or restrict the transfer of land by the members of the Schedule Tribes amongst themselves; regulate the allotment of land to members of the Scheduled Tribes in such areas; and regulate the business as money-lender by persons who lend money to members of the Schedule Tribes, etc., [S 5(2)]. While making such regulations the Governor may, in consultation with the Tribes Advisory Council, repeal or amend any Act of parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question [S 5(3)]. The Governor shall submit all regulation, which applies to such Scheduled Areas forthwith to the President, and these shall be effective only with the assent of the president [S 5 (4)].

7. Historical background of Administration of tribal areas in the North East

The administration of the tribal areas in this region which were earlier known as "backward tracts" has a history of its own. The grant of Dewany of Bengal to Robert Clive in 1765 secured for the East India Company "superintendence of all laws and the collection of all revenues" in the Presidency of Bengal. As a result of this, the estates bordering North-East region rich in timber, ivory, wax, eri, muga etc. allured the East India Company to develop trade relations and interests in the North-East Frontiers. Though the company had appointed its own officers for the collection of public revenue, the actual collection continued to be made by the Zamindars and their officers. The internal quarrels among the Zamindars soon led the authorities at Calcutta (Kolkata) to make inquiries into the happenings of unrest in these areas. For this purpose, reference may be made about the work after extensive tour of the areas submitted an elaborate report in August, 1816 by David Scot, the Magistrate of Rangapur. The recommendations of Scot received the approval of the Governor General in council and some areas were separated from the District of Rangpur and placed under the special charge of an officer to be called as Civil Commissioner of North-East Rangapur.

Soon thereafter Regulation X of 1882 was passed which laid the foundation for the pattern of administration of the tribal areas of North-East India to be followed by the British. A beginning was made of a new form of administration popularly known as the Non-regulated System. The powers of Collectors, Magistrates and judges were centred in the same hands, and an intensely centralized and all powerful executive was constituted for the bringing the administration within the reach of the people through simple and personal procedure.

8. Features of The VI Schedule in Constitution Of India

According to Dr. Ambedkar, the tribal people of Assam differed from the tribals of other areas. As for the latter, they were more or less Hinduised, more or less assimilated with the civilization and culture of the majority of the people in whose midst they lived. As for the former, their roots were still in their own civilization and their own culture. They had not adopted either the modes or the manners of the Hindus who surrounded them. Their laws of inheritance, their laws of marriage, Custom, etc. were quite different from that of Hindus. He felt that the position of the tribals of Assam was somewhat analogous to that of the Red Indians (Now referred to as American Indians) in the United States, who are a Republic by themselves in that country, and were regarded as a separate and independent people. He agreed that Regional and District Councils have been created to some extent on the lines which was adopted by the United States for the purpose of the Red Indians.

This schedule provides for two kinds of governing units in the Tribal Areas: the Autonomous District Councils and the Autonomous Regions.

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- A. The Governor has the Power to include, exclude or diminish any of these areas or define their boundaries [S 1].
 - B. There shall be a District Council for Each Autonomous District comprising not more than 30 members and a Regional council for the Autonomous Regions.
 - C. The powers of administration shall be vested in these Districts and Autonomous Council [S 2(4)]. The Governor shall be entitled to make rules for the constitution of the Councils, its Composition, and terms of office, appointment of officers and staff and procedure and conduct of business.
-
- a. The Elected members of the council shall have normal term of five years [S 2(6&7)].
 - b. The District and the Regional Council have the power to make rules in respect of lands other than the Reserved Forest, management of forest, other than reserved forest, use of canal or water courses for agriculture, Regulation of jhum other forms of shifting cultivation, establishment of village or town committees, appointment or succession of chief or headmen, inheritance of property, marriage and divorce and social customs with the prior approval of the government [S 3].
 - c. The District and the Regional Council are also empowered to constitute village councils for trial or suits and cases between the except those, which has been excluded otherwise. They may similarly prescribe and lay down their procedures for trial and enforcement of their decisions [S 4].
 - d. The Governor may delegate the additional powers under the code of civil procedures and code of criminal procedures.
 - e. The District Councils may establish and manage primary schools, agriculture, animal husbandry and other community projects [S 6].
 - f. They have their own district and their regional funds and may assess and collect land revenue and impose taxes, grant licenses and leases for minerals [S 9], make regulations for control of money lending and trading by non-tribals [S 10], Regulate publications [S 11], etc.
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- g. The Governor has the powers to direct the exclusion or modification of any act of the State Legislature of the Arunachal Pradesh, Assam, Manipur, Mizoram, Meghalaya, Nagaland, Tripura relating to the consumption of non-distilled alcoholic liquor [S 12, 12A to 12B]. The Council shall prepare their Annual financial Statement and the same shall be placed before the Commissions to enquire State Legislature [S 13].
- h. The Governor has powers to appoint Commissions to enquire into the affairs of any Council [S 15] annul or suspend any office acts or resolutions and dissolve the Council and direct general elections subject to the prior approval of the State Legislature [S 16].

9. Some Case Studies where the VI schedule provisions were not implemented

There were some instances in which the VI schedule provisions were not implemented. Some of them are

The suspension or dissolution of Councils.

Due to the extraordinary situations arising from time to time in these states of North-East, the Councils as well as the Governors in many occasions dissolved the Councils. Such dissolutions were contested in Courts of Law. Here are the extracts from the Court orders.

- i "The Governor while assuming to himself the powers and functions of District Council on completion of its term is not required to consult the Council of Ministers and acts in his individual discretion. The requirement of consultation with the Council of Ministers is relevant only in case of premature dissolution of the District Council and not when action is taken at the end of the term of the District Council".
- ii "The Governor cannot take over judicial power of the District Council by issuing notification under paragraph 16(2) in as much as once Courts are established under paragraph 4 of the Sixth Schedule, those Courts alone perform the judicial functions under the supervision of the High Court and Supreme Court" *D. Uphing Maslai v. State of Assam, 2001 (2) GLT 299; (3) GLR 510; AIR 2002 Gau old 64.*
- iii Governor of Assam issued Notification under paragraph 16(2) dissolving the Karbi Anglong District Council and assuming to himself the administration and all the function of District Council which was assailed by writ petition before the High Court. The writ petitioner contended that the District Council can be dissolved only under sub paragraph (1) after fulfilling the conditions set out therein. The High Court on the analysis of the notification came to the conclusion that the impugned notification was in fact and substance notification under subparagraph (2) and as such it was not void on account of absence of pre conditions contemplated in subparagraph (1). The Court further held that the satisfaction of the Governor is subjective and a narrow judicial scrutiny is permissible to the extent of judicial review in regard to action taken under Article 356 of the Constitution since language of Para 16(2) is identical to the language used in Article 356 of the Constitution. On merits, it was found that none of the grounds referred in the notification had no nexus to the object under paragraph 16(2) and there was clear non application of minds by the State to the relevant aspects. Accordingly the notification struck down. As regard scope and ambit of sub paragraphs (1) and (2), the High Court held as under.

- iv. "A close study of the provisions of paragraph 16 reveals that action to be taken under Sub-paragraph (1) and (2) are of different nature and amplitude and the procedure to be followed and the consequences following are also different. Sub-paragraph (1) contemplates dissolution be followed by fresh general election either immediately or within twelve months. In either case, alternative arrangement may be made in regard the administration of the area pending fresh election, but the period cannot exceed twelve months. For dissolution of the Council, the precondition for assumption of administration of the area is previous approval of the Legislature and an opportunity to the District Council of Commission and satisfaction of the Governor must be based on relevant grounds having nexus with the matters in regard to which the Commission was appointed. The action to be taken under sub paragraph (2) is not dissolution; it is what may be regarded as 'suspension' of the District Council for a period, the initial period being not exceeding six months, but with an option to extend the period by six months at a time.
- v. Scope of judicial review against proclamation issued under Article 356 has been explained in *S.R. Bommai v. Union of India*, 1994 (3) SCC1: AIR 1994 SC 1918. The subjective satisfaction contemplated under sub paragraph (2) is that the administration cannot be carried on in accordance with the provisions of the Sixth Schedule. Under sub Paragraph (2) there is no dissolution and no assumption of the administration of the area. There is only assumption of the functions and powers and functions by a person or authority." *Dr. Jayantha Rongpi v. State of Assam*, 1994(1) GLJ 229. SLP(C) 10388 of 1993 filed by the state of Assam before the Supreme Court against the aforesaid order of the High Court was dismissed as withdrawn on 28-7-1993
- vi. "The Constitutional provisions quoted above clearly shows that the Governor is empowered to extend the term of the Council for a period not exceeding one year when circumstances exists in which holding of election Governor is to act in his discretion to form an opinion as to whether holding of election of a District Council is impracticable before the Governor decides to extend the term of office. The word "may" incorporated in sub-paragraph (6A) (of paragraph 2) quoted above clearly shows that the extension of term is discretionary even when the Governor is of the opinion that holding of election is not practicable ... Consequently, it emerges that powers of extension of the term of an Executive Committee of a District Council as embodied in sub-paragraph (6A) of Paragraph 2 is discretionary even when the Governor is of the opinion that circumstances, exist which render the holding of election impracticable. The Petitioners, therefore, have no enforceable right for continuance in office after expiration of the term on the ground that the election could not be held within time." *Prakanta Warisa v. State of Assam*, 2001(3) GLT500.
- vii. The frequent suspensions or dissolutions of Councils is resented by tribal communities. They demand a tribal advisory council be formed on the similar lines in V schedule making the consultation with TAC mandatory.

10. Omissions and Commissions in invoking V Schedule

- i. The Andhra Pradesh Scheduled Area Land Transfer Regulation (LTR) as amended in 1970: The State Govt. argued that LTR has retrospective effect, the Courts ruled that they are prospective; The Andhra Pradesh government did not pursue the resolutions of Tribal Advisory Council to amend LTR accordingly.
- ii. The LTR presumes that the entire land in scheduled area is a tribal land when it says that "Transfer of immovable property by a members of a Schedule Tribes, until the contrary is

proved, any immovable property situated in the Agency tracts and in the possession of a person who is not a member of Scheduled Tribe, shall be presumed to have been acquired by person or his predecessor in possession through a transfer made to him by a member of Scheduled Tribes?'). In 1991, Andhra Pradesh government issued an order invoking V schedule allowing APMDC (Andhra Pradesh Mineral Development Corporation) to acquire lands for mining purpose "Provided that this sub-section shall not apply to an undertaking owned or controlled by the states or central government or to a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies act, 1964 which is composed solely of members of scheduled tribes" (G.O.Ms.No.264, Ind. & Com., dt.7.8.1991, (w.e.f.14.8.91). This means that the land can be transferred to a cooperative with 100% tribal membership. The LTR did not differentiate between government land and private land in scheduled areas. Therefore, even government land cannot be transferred by government to non tribal(s).

iii. The Supreme Court in Samata case allowed the Government order as APMDC is a state instrument (wholly owned by government), (Civil Appeals Nos.4601-02 of 1997) AIR 1997 SC 3297, (1997(8) Supreme Court cases 191 Samata Vs State of A.P, Para "116. It is seen in this case that, the transfer was claimed to have been made in favor of the State instrumentalities, i.e., A.P.M.D.C Ltd.. It has already been held that transfer of the government but one of entrustment of its property is for public purpose. Since, admittedly, a public corporation acts in public interest and not for private gain, such transfer stands excluded from the prohibition under Para 5(2)(b) of the Fifth Schedule and Section 3(1)(a) of the Regulation or lease, therefore, stands upheld. But a transfer of mining leases to non-tribal natural persons or company, corporation aggregate or partnership firm etc. is unconstitutional, void and inoperative"). But this G.O. No.222 was challenged in the High Court of A.P as it was not issued consulting Tribal advisory council and National commission of Scheduled castes and Scheduled Tribes, and also any amendment requires the assent of the President of India, (W.P.No. 1571/2006)

iv. The High Court, quashed the Andhra Pradesh government orders ("G.O.129 Section 3(1) (a)- G.O.M.s.No.129, Social Welfare Department, dated 13-08-1979) exempting the small non tribal farmers from the per view of LTR, as the order was not issued invoking V Schedule. But similar order by Andhra Pradesh government (G.O.Ms.No.41, Revenue, dated 12-1-1971 Orders were issued to the effect that such of those landless poor non-tribals in Scheduled areas who are in possession of Government lands to the extent 2 ½ acres of wet or 5 acres of dry land for a period of not less than 10 years should not be evicted.") Is still in force even though it is against the LTR.

v. The recent example is on providing seats in the Schools of Excellency according to the status of tribes in development. Prompted by the TAC resolution (1-7-2005) the Govt. issued a memo of instructions. This memo was challenged in the High Court of AP. The Govt. argued that under V schedule it can issue such instructions. The Court pointing out that the memo was not issued invoking V schedule, quashed the memo. There was no follow up to revise the instructions in the above memo in tune with the resolution of TAC. (1-7-2005 "14/05 Classification of tribals. Resolution. A lengthy discussion took place on the proposal to classify STs in the state into different categories as the statistical evidence reveals that most of the

education and job opportunities are being availed by new tribes only. The majority of members suggested that backward areas and backward tribes may be identified and special package/special weight ages may be provided to them under different schemes like training programmes, coaching, Best Available Schools and Institutions etc.. To reduce imbalance by giving them adequate preferential weight age and representation. Hence, resolved accordingly". Extract from the minutes of the 96th Meeting of A.P Tribes Advisory Council, 1-7-2005)
Annexure No:4

vi. In the scheduled areas of the state of Andhra Pradesh, the old Cr.P.C. introduced in the British period was in operation. When this was brought to the notice of the Supreme Court (Writ Petition (Civil) No.324 of 2003 *A.Sadguru Prasad Vs. State of A.P and others*), the Government of Andhra Pradesh, without consulting TAC issued orders (G.O.Ms.No.33, Law (LA&J Home Courts-B, Department dated 25-03-2004) for the extension of new Cr.P.C (Criminal Procedure Code),1973 to scheduled areas by repealing the government order issued earlier in 1974 (G.O.Ms.No.485, Home (Court-B) Department, dated 29-3-1974). The Court accepted the G.O and directed the government to introduce New Cr.P.C. Later on the Tribal Advisory Council in its meeting on 1-7-2005 resolved advising the Government on brining out a law suitable to the tribals taking into consideration of their Customary Law also. Now there is proposal to extend the jurisdiction of Civil Courts to scheduled areas. Various tribal associations and NGOs working in scheduled areas have raised objections to this extension without consultation with affected tribals. A committee constituted by Tribal Welfare Department have gone into the details and finalized the report. Only the beneficial provisions of old and new Cr.P.C and C.P.C. are proposed to be extended and the justice is proposed to be taken to door steps of tribals. It is proposed to discuss all the issues relating in to CrPC and CPC and extension of Civil Courts jurisdiction so that TAC will advise government on a law suitable to the tribals taking into consideration their own customary Law also. Now the Supreme Court is seized with a case for introduction of CPC. The Civil society groups requested the Govt. to follow up the commitment given to the High Court of AP and to work out the modalities in this regard in consultation with TAC ("It is clearly evident from the averments made in the counter-affidavit filed by the Commissioner of Tribal Welfare that the Government is seized of the matter and the issue is under active consideration, for which purpose, the Government has rightly appointed a committee of experts. We are not inclined to issue any directions at this stage even before the TAC under the Constitution. It is needless to direct that the Government shall take an appropriate decision in the matter in the light of the recommendations of the committee and the views of the TAC For the present, we are not inclined to issue any directions in the regard," (Extract from the order of the W.P.No:14275 of 2004 of High Court of Andhra Pradesh). This is a case where government can examine the implications of the extension of C.P.C and civil courts to scheduled especially in the context of customary law and also the statutory law applicable to scheduled areas (PESA, LTR etc), and bring it to the notice of Honorable Court after discussing it in TAC.

vii. The Notified tribal area rules of erstwhile Hyderabad state Dated 18-11-1949 empower Panchayats to decide certain category of Criminal Cases where both parties are tribals. Rule no 17. "The Panchayat shall have power to compel attendance of the parties and witness and to

impose a fine up to Rs 50/- if they fail to attend. Rule No 23. (a). Verbal orders or notice only shall be requisite in any case except when the police are employed or when the persons concerned is not a resident of the Notified Tribal Areas at the time. The order shall be made known to the person affected or time. The order shall be made known to the person affected or to some adult member of his family or proclaimed at the place he was last known to beat, in sufficient time to allow him, to appear". Such provision was not incorporated while framing the rules for PESA (Panchyat Extended to Scheduled Areas). Due to these omissions and Commissions of Government and other statutory institutions, the tribes in V scheduled areas are demanding to form Councils on the lines in the VI schedule of the Constitution.

11. Discussions on the Role of Governor

There are two views on the issue: whether the Governor can act independent of council of ministers in respect to the V Scheduled areas. One view was that the Governor's powers are intended to be exercised in his discretion while the other view was that the Governor should exercise such powers only on the advice of the Council of Ministers. The following report of Governors Committee makes it clear that the Governor can act only on the advice of the cabinet of ministers duly consulting the TAC.

i. The fifth Schedule of the Constitution dealing with the administration and control of Scheduled Areas and Scheduled Tribes envisages a specific role for the Governors of States in the administration of these areas. It empowers the Governor to direct by public notification that any particular Act of Parliament or State Legislature or any part thereof shall apply with modifications or shall not apply to any Scheduled Area. It also empowers the Governor to make regulations for peace and good governance in the Scheduled Areas. The general feedback on the role of the Governor is that despite the existence of these provisions in the Constitution, the role of the Governor in this context has remained very marginal in the last half century of the Indian Republic. The present experience in all States is that the Governors have not exercised any significant role under the fifth Schedule and wherever this has been so exercised it has been on the advice of the Council of Ministers. Prominent persons who have considerable experience with regard to Scheduled Tribes had suggested that in view of the special provisions in the fifth Schedule the Governor should play a pro - active role. They have strongly urged a more positive role of the Governor who should act in his own discretion and not on the advice of the Council of ministers for the welfare of the Scheduled Tribes and the administrators of the Scheduled Area.

In support of the second view some persons cited the Andhra Pradesh High Court Judgment in A.V. Rao and others v/s Government of Andhra Pradesh (AIR 1955, AP 275). In this case the court had discussed the extent of powers of the Governor under the Fifth Schedule and had referred to the discussion in the Constituent Assembly when the provisions relating to the administration and control of Schedule Areas and Schedule Tribes were taken up for consideration. In that debate Dr. K. M. Munshi had said that in the exercise of his powers under the Fifth Schedule the Governor is bound by the advice of the Council of Ministers and the debate was closed by Dr.B. R. Ambedkar, Chairman of the Drafting Committee endorsing the views of Dr. K.M.Munshi.

The relevant extracts from Shri Sorabjee's Attorney General of India vides his letter dated 21 March 2001 are as follows:

"Under our Constitutional scheme, as a general rule the Governor acts on the aid and advice of the Council of Ministers and not independently of it. The general rule is departed from in respect of certain functions to be performed by the Governor may act in his. There are certain functions which from their very nature necessitate departure from the general rule, e.g. report of the Governor to the president under Article 356 of the Constitution.

"There is no provision in the V Schedule or the Constitution which expressly empowers a Governor to act in his discretion independently of or contrary to ministerial advice. The Sixth Schedule of the Constitution contained such a provision in para 18 (3) – which has been subsequently deleted – and para 9(2) of the Sixth Schedule provides that the matters mentioned therein will be determined by the Governor "in his discretion". The omission of any such provision in the Fifth Schedule empowering the Governor to act in his discretion or in his individual judgment is significant.

"The supreme court had occasion to consider the provision of the Sixth Schedule with respect to the exercise of the powers conferred on him by para 1(3) of the Sixth Schedule. The Supreme Court rejected the submission of Shri Setalvad that a Governor in exercising his powers conferred on him by para 1(3) of Sixth Schedule: function in his own individual character as a Governor and observed that the power has to be exercised on the advice of Council of Ministers. [Edwingson Barch V. State of Assam & Ors 1966(2) SCR 770 at page 788]. "In my view, The Governor in discharging of his functions under the Fifth Schedule is rejected to act under ministerial advice and not independently of it."

The objectives of the Fifth Schedule and the Notification and Regulations made there under are to protect the tribals against exploitation by others and for peace and good governance in the Scheduled Areas. For this purpose the Governor has been empowered to issue Notifications directing any Act of Parliament or State Legislature not to apply or to apply with suitable modifications in Scheduled Areas. He has also been vested with powers to make Regulations, subject to assent by the president, to repeat or amend any Act of Parliament or State Legislature, Inter alia, to protect the interests of tribals in their lands and prevent exploitation by money lenders. Such sweeping powers vested in the Governor in the Constitution have given rise to expectations from many tribal leaders and groups that the Governors will be able to act independently and decisively to protect tribals interests, without being bound by the advice of the Council of Ministers.

In the light of the Attorney General's view and in the absence of a provision similar to paras 20 BB and 20BA in the Sixth Schedule (inserted by amendments in 1988 and 1955), conferring powers in the governor to act as considered "necessary in his discretion", the general principle of acting on the advice of the Council of Ministers seems to be binding on the actions the Governor under the Fifth Schedule.

12. Summing up

Tribals living in isolation in hilly and forest regions of the country in the central India and North Eastern India evolved their own systems of self governance. The Fifth Schedule of the constitution contains two important provisions for governance by the governor. They are governor can amend any law

passed by parliament or by state legislature to define its applicability to schedule areas. The Sixth schedule provides for self governance through autonomous councils. In course of time there were attempts by the state itself and when these actions were challenged, the courts have passed several orders explaining the scope of the Fifth and Sixth Schedules.

13. Keywords

Partially Excluded Areas; Wholly Excluded Areas; Fifth Scheduled areas, Sixth scheduled areas, Autonomous councils

14. Further Reading/ References

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3. Bose, N. K. 1996. *The Structure of Hindu Society*, Orient Longman Limited, New Delhi.
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5. Government of India, Office of the commissioner for Scheduled Tribes. *Annual Reports of the Commissioner for Scheduled Tribes*; New Delhi.
6. Shastri, V.N.V.K. et al. 1991. *Evolution of Scheduled areas and changes in Muttadar System in Andhra area(1724-1970)*. Tribal Welfare Department, Hyderabad.

Annexure No: 1

Law Applicable to V Scheduled Areas:

1. "Notwithstanding anything in this Constitution the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Schedule Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exception and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.
2. The Governor may make regulations for the peace and good government of any area in a State, which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may-
 - I. Prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area.
 - II. Regulate the allotment of land to members of the Scheduled Tribes in such area;
 - III. Regulate the carrying on of business as money - lender by persons who lend money to members of the Scheduled Tribes in such area.
3. In making such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the legislature of the State or any existing law which is for the time being applicable to the area in question.

4. All regulation made under this paragraph shall be submitted forthwith to the president and, until assented to by him, shall have no effect.

5. No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council." (Extracts of the fifth schedule of the constitution)

Annexure No: 2

The Regional and District Councils in VI scheduled areas:

(6) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing tribal Councils or other representative tribal organizations within the autonomous districts or regions concerned, and such rules shall provide for-

(a) The composition of the District Councils and Regional Councils and the allocation of seats therein;

(b) The delimitation of territorial constituencies for the purpose of elections to those Councils;

(c) The qualifications for voting at such elections and the preparation of electoral rolls therefore;

(d) The qualifications for being elected at such elections as members of such Councils;

(e) The term of office of members of 5 [Regional Councils];

(f) Any other matter relating to or connected with elections or nominations to such Councils;

(g) The procedure and the conduct of business 6 [including the power to act notwithstanding any vacancy] in the District and Regional Councils;

(h) The appointment of officers and staff of the District and Regional Councils.

7[(6A) The elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor.

Provided that the said period of five years may, while a Proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of elections impracticable, be extended by the Governor for a period not exceeding one year at a time and in any case where a proclamation of Emergency is in operation not extending beyond a period of six months after the proclamation has ceased to operate:

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of the member whom he replaces.

(7) The District or the Regional Council may after its first constitution make rules [with the approval of the Governor] with regard to the matters specified in

(a) The formation of subordinate local Councils or Boards and their procedure and the conduct of their business; and

(b) Generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be; provided that until rules are made by the district or the Regional Council under this sub-paragraph the rules made by the Governor under sub-paragraph (6) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council.

(10) Power of assuming administration of an autonomous District or Region was conferred on the Governor on his being satisfied that a situation had arisen in which the administration could not be carried on in accordance with the provisions of Schedule. Every such action?

Annexure -3

The following orders are in operation in their original or amended form

Sl. No	Name of Order	Date of Notification	Name of State / UTs) for which applicable
1	2	3	4
1	The Constitution (Scheduled Tribes) order 1950(C.O.22)	6.9.1950	Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Gujarat, Goa, Himachal Pradesh, p) Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Orissa, Rajasthan, Tamil Nadu, Tripura and West Bengal
2	The Constitution (Scheduled Tribes) Union Territories) order, 1951(C.O.33)	20.9.1951	Daman & Diu, Lakshadweep
3	The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959 (C.O.58)	31.3.1959	Andaman and Nicobar Islands
4	The Constitution (Dadra & Nagar Haveli) Scheduled Tribes order, 1962(C.O.65)	30.6.1962	Dadra & Nagar Haveli
5	The Constitution (Uttarpradesh) Scheduled Tribes Order, 1967(C.O.78)	24.6.1967	Uttar Pradesh
6	The Constitution (Nagaland) Scheduled Tribes Order, 1970 (C.O.88)	23.7.1970	Nagaland
7	The Constitution (Sikkim) Scheduled Tribes Order,	22.6.1978	Sikkim

	19789C.O.111)		
8.	The Constitution (Jammu & Kashmir) Scheduled Tribes order, 1989(C.O.142)	7.10.1989	Jammu & Kashmir

Annexure – 4

TRIBAL AREAS

1. The North Cachar hills District

PART – I

2. ¹[The Karbi – Anglong District]

1. ¹[Khasi hills District]

PART – II

2. Jaintia Hills District

3. The Garo Hills District

Tripura Tribal Area District

²[Part IIA]

1. ⁵[The Charma District]

2. ⁶[The Mara District]

3. The Lai District]

Annexure – 5

Following orders are in operation at present in their original or amended form:

Sl.No	Name of Order	Date of Notification	Name of State for which applicable
1	2	3	4
1	The Scheduled Areas (Part A States) Order, 1950(C.O.9)	26.1.1950	Andhra Pradesh
2	The Scheduled Areas (Part B States) Order, 1950(C.O.26)	7.12.1950	Andhra Pradesh
3	The Scheduled Area(Himachal Pradesh) Order, 1975(C.O. 102)	21.11.1975	Himachal Pradesh
4	The Scheduled Area (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977(C.O.109)	31.12.1977	Bihar, Gujarat, Madhya Pradesh and Orissa
5	The Schedules Areas (Rajasthan) Order, 1981 (C.O. 114)	12.2.1981	Rajasthan
6	The Scheduled Areas (Maharashtra) Order, 1985 (C.O. 123)	2.12.1985	Maharashtra

Annexure – 6

1. Entrance Notification for Scheduled tribe Girls and Boys in Pratibha Schools (School of Excellence - English Medium) Rc.No.97/Acad-3/2006 Dt.28.02.2006.
2. Extract from the order in W.P. No: 9994 and 9996 of 2006, Dated: 21-9-2006 of High Court of A.P.

1. ANDHRA PRADESH TRIBAL WELFARE DEPARTMENT, HYDERABAD

GURUKULAM (Andhra Pradesh Tribal Welfare Residential Institutions Society (Regd.)
(HMD floor, Damodharam Sanjeevaiah Welfare bhawan, Masabtank, Hyderabad, Phone-2339318.
Rc.No.97/Acad-3/2006 Dt.28.02.2006.

Entrance Notification for Scheduled tribe Girls and Boys in Pratibha Schools (School of Excellence - English Medium)

Applications are invited for admission into three Pratibha Schools (School of Excellence) functioning under the control of Tribal Welfare Department since 2005-2006. The Selection of bright ST Girls and Boys from 8th Class through conducting entrance test on merit basis in English medium for foundation

IIT, HIT, NIT and Medicine. The selected students will be given free education, boarding and other facilities.

Name of the School, allotted districts and the information of seats allotted of academic year 2006-2007.

S.No.	Pratibha School Address	Districts allotted	Seats allotted
1	Principal, A. P. Tribal welfare Residential Pratibha School, ChakaBelgam, Parvathipuram, Vijayanagaram district. Cell: 9440357550	Vijayanagaram, Visakhapatnam, East Godavari District. West Godavari, Krishna Dist. ST Students.	for P.T.G Students 30 seats, for other Tribal students 60 seats. for P.T.G Students 3 seats, for other Tribal students 3 seats. for P.T.G Students 5 seats, for other Tribal students 5 seats.
2	Principal A.P. Tribal Welfare Residential Pratibha School, V.T.C Campus, Bhadrachalam, Khammam Dist. 9885832258	Khammam, Warangal, Adilabad, Nizamabad, Nalgonda, Karimnagar. Mahabubnagar, Rangareddy Dist. ST	for PTG Students 2 seats, Koya 15, Erukala 5, Gond/ Nayakpodu 15, Lambada/Sugali 20, other Sub-Tribes 15 seats. for PTG Students 2seats, Erukala 1, Gond/Nayakpodu 2, other Sub-Tribes 3 seats.
3	Principal, A.P. Tribal Welfare, Residential Pratibha School, P.M.R.C Building, Srisailem, Kurnool Dist. Ph: 9949359236 9440675679	Guntur, Prakasam, Nellore, Chittoor, Kurnool, Kadapa. Annanthapuram District	for PTG Chenchu 20 seats, Yanadi 10, other Sub-Tribes 30 seats. Chenchu Students 111, Yanadi 30, other Sub-Tribes 3 seats. Chenchu Students 7, Yanadi 29, other Sub-Tribes 3 seats.

2. High Court quashed the above memo

Order in W.P. No: 9994 and 9996 of 2006, Dated: 21-9-2006

"The present case is not one where any such regulation is made by the Governor in terms of the provisions of the Fifth Schedule based on the recommendations of the Tribes Advisory Council pertaining to Scheduled Area. The impugned notifications are mere executive actions pertaining to all the members of scheduled tribes whether residing in Scheduled Area or outside. The reference to the provisions of the Fifth Schedule has, therefore, no relevance to the fact situation obtaining in the present case. Any affirmative action initiated by the State for advancement of the Scheduled Tribes, a salutary effort, no doubt, shall, however, be in conformity with the provisions of the Constitution and not in violation thereof. The contention of the respondents 1 and 2 with reference to the provisions of the Fifth Schedule of the Constitution is therefore wholly misconceived. The present case is not one where any such regulation is

made by the Governor in terms of the provisions of the Fifth Schedule based on the recommendations of the Tribes Advisory Council pertaining to Scheduled Area. The impugned notifications are mere executive actions pertaining to all the members of scheduled tribes whether residing in Scheduled Area or outside. The reference to the provisions of the Fifth Schedule has, therefore, no relevance to the fact situation obtaining in the present case. Any affirmative action initiated by the State for advancement of the Scheduled Tribes, a salutary effort, no doubt, shall, however, be in conformity with the provisions of the Constitution and not in violation thereof. The contention of the respondents 1 and 2 with reference to the provisions of the Fifth Schedule of the Constitution is therefore wholly misconceived.

In the result, the writ petitions are allowed and the impugned notifications are quashed. The respondents shall now make admissions ignoring the sub-classification of the Scheduled Tribes. In the result, the writ petitions are allowed and the impugned notifications are quashed. The respondents shall now make admissions ignoring the sub-classification of the Scheduled."

राजस्थान सरकार
जनजाति क्षेत्रीय विकास विभाग

एफ 33(सीटीएडी)/प्लान/जेजेबीवाई/2021-22/

दिनांक : 23.07.2021

जनजाति भागीदारी योजना

राजस्थान में रहने वाले जनजाति समुदाय के उन्नयन हेतु सरकार द्वारा विभिन्न योजनाएं चलाई जा रही हैं। इन प्रयासों में भागीदारी बढ़ाने के लिए जनजाति भागीदारी योजना वर्ष 2021-22 से प्रारंभ की जा रही है।

इस योजना के तहत विभिन्न प्रकार के कार्य जनजाति समुदाय की आवश्यकता के अनुरूप करवाए जा सकेंगे। योजना के तहत आवश्यक सामुदायिक संपत्तियों के निर्माण एवं मरम्मत, संवर्द्धन, संरक्षण के साथ रोजगार सृजन, कौशल प्रशिक्षण, डेयरी, पशुपालन इत्यादि के क्षेत्र में भी कार्य करवाए जा सकेंगे। उदाहरण के तौर पर विद्यालयों, छात्रावासों, चिकित्सा केन्द्रों, आंगनवाड़ी केन्द्रों, मा-बाड़ी केन्द्रों, सड़क, पुलिया, जल संग्रहण ढांचों/एनीकटों, पेयजल योजनाओं, सामुदायिक शौचालयों, बस स्टैंड इत्यादि के निर्माण एवं मरम्मत, बल्क कूलर की स्थापना, हैचरी प्लांट, विभिन्न प्रकार की कोचिंग एवं प्रशिक्षण इत्यादि कार्य योजना के तहत करवाये जा सकेंगे। योजना के तहत वे कार्य ही अनुमत होंगे जिनके माध्यम से लामान्वित होने वाली जनसंख्या कम से कम 50% भाग जनजाति समुदाय का हो।

योजना के तहत निजी भूमि पर निर्माण अनुमत नहीं होंगे एवं साथ ही भूमि/अधिग्रहण के पेटे मुआवजा भुगतान, धार्मिक स्थलों का निर्माण, जातिगत या धार्मिक आधार पर सामुदायिक भवनों का निर्माण अनुमत नहीं होगा। योजना के तहत आवृत्ति व्यय पर कोई राशि स्वीकृत नहीं की जा सकेगी।

इस योजना के तहत मुख्यतः नवीन कार्य/गतिविधियां संपादित की जाएगी तथा विशेष परिस्थितियों में अन्य योजनांतर्गत कराए जा रहे अपूर्ण कार्यों को योजना के तहत वित्त पोषित किया जा सकेगा।

इस योजना के तहत कार्य एवं गतिविधियों हेतु आवश्यक राशि का कम से कम 30 प्रतिशत की राशि जन सहयोग, स्वयं सेवी संस्थाओं, दानदाताओं या अन्य किसी सरकारी योजना/कार्यक्रम/फंड के तहत उपलब्ध कराए जाने पर शेष राशि इस योजना के माध्यम से उपलब्ध कराई जाएगी।

योजना के अंतर्गत 10 लाख रु. तक के कार्यों की स्वीकृति जिला कलक्टर, रु. 10 लाख से अधिक तथा रु. 25 लाख तक के कार्यों की स्वीकृति आयुक्त, जनजाति क्षेत्रीय विकास विभाग के स्तर और रु. 25 लाख से अधिक राशि की स्वीकृतियां जनजाति क्षेत्रीय विकास विभाग के स्तर से जारी की जाएगी।

योजना के तहत कराए जाने वाले कार्यों का क्रियान्वयन राजकीय विभाग या राज्य सरकार के उपक्रम/निगम/बोर्ड इत्यादि से कराया जाएगा तथा योजना के तहत सृजित होने वाली परिसंपत्तियों का स्वामित्व राज्य सरकार का होगा।

योजनांतर्गत होने वाली व्यय की मासिक सूचना संबंधित एजेंसी द्वारा एवं जनजाति क्षेत्रीय विकास विभाग को उपलब्ध कराई जाएगी तथा साथ ही उपयोगिता एवं पूर्णता प्रमाण पत्र भी प्रचलित व्यवस्था के अनुरूप निर्धारित परिपत्र में दिए जाएंगे।

यह योजना वित्त विभाग की आई डी संख्या 102103295 दिनांक 22.07.2021 द्वारा किये गये अनुमोदन के अनुसरण में जारी की जाती है।

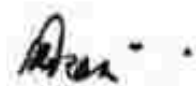
राज्य स्तर पर जनजाति क्षेत्रीय विकास विभाग इस योजना का प्रशासनिक विभाग होगा। राज्य में यह योजना विश्व आदिवासी दिवस (9 अगस्त) 2021 से लागू होगी।


(शिखर अग्रवाल)
प्रमुख शासन सचिव

प्रतिलिपि:- एफ 33(सीटीएडी/प्लान/जेजेबीवाई/2021-22/

दिनांक : 23.07.2021

1. प्रमुख सचिव, मुख्यमंत्री कार्यालय।
2. विशिष्ट सहायक, माननीय राज्य मंत्री (स्वतंत्र प्रभार) जनजाति क्षेत्रीय विकास विभाग।
3. वरिष्ठ उप शासन सचिव, मुख्य सचिव कार्यालय।
4. समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव.....
5. समस्त जिला कलक्टर.....
6. आयुक्त, जनजाति क्षेत्रीय विकास विभाग, उदयपुर।
7. समस्त मुख्य कार्यकारी अधिकारी, जिला परिषद.....
8. सभी उपायुक्त, जनजाति क्षेत्रीय विकास विभाग.....


प्रमुख शासन सचिव

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS) ACT, 2006

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5. Duties of holders of forest rights.

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**THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS
(RECOGNITION OF FOREST RIGHTS) ACT, 2006**

ACT NO. 2 OF 2007

[29th December, 2006.]

An Act to recognise 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; to provide 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.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenural and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) “community forest resource” means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) “critical wildlife habitat” means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) “forest dwelling Scheduled Tribes” means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

¹ 31st December, 2007, vide notification No. S. O. 2224(E), dated 31st December, 2007, see Gazette of India Extraordinary, Part II, sec 3(i)

(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) "forest rights" means the forest rights referred to in section 3;

(f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(j) "nodal agency" means the nodal agency specified in section 11;

(k) "notification" means a notification published in the Official Gazette;

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

(m) "Scheduled Areas" means the Scheduled Areas referred to in clause (1) of article 244 of the Constitution;

(n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002 (18 of 2003);

(o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation—For the purpose of this clause, "generation" means a period comprising of twenty-five years;

(p) "village" means—

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996); or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

(q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 (53 of 1972) and found wild in nature.

CHAPTER II FOREST RIGHTS

3. Forest rights of Forest dwelling Scheduled Tribes and other traditional forest dwellers.—(1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:—

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:—

(a) schools;

(b) dispensary or hospital;

(c) *anganwadis*;

- (d) fair price shops;
- (e) electric and telecommunication lines;
- (f) tanks and other minor water bodies;
- (g) drinking water supply and water pipelines;
- (h) water or rain water harvesting structures;
- (i) minor irrigation canals;
- (j) non-conventional source of energy;
- (k) skill upgradation or vocational training centres;
- (l) roads; and
- (m) community centres;

Provided that such diversion of forest land shall be allowed only if,—

- (i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.—(1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in—

- (a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;
- (b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:—

- (a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;
- (b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 (53 of 1972) that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;
- (c) the State Government has concluded that other reasonable options, such as, co-existence are not available;
- (d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
- (e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package:

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980 (69 of 1980), requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

5. Duties of holders of forest rights.—The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to—

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV

AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

6. Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.—(1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such

rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

7. Offences by members or officers of authorities and Committees under this Act.—Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. Cognizance of offences.—No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI

MISCELLANEOUS

9. Members of authorities, etc., to be public servants.—Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

10. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

11. Nodal agency.—The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

12. Power of Central Government to issue directions.—In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

13. Act not in derogation of any other law.—Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996), the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

14. Power to make rules.—(1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) 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.

Way Forward

The visit of villages has given new possibilities and understanding to go further with the welfare programme with required suggestive modification and amendments.

The objective of this scheme is to empower Schedule Tribes population by means of creation of awareness and to provide all sort of support to needy tribals living in identified villages of respective districts in the state and to address the issue of Schedule Tribes.

The second phase of the scheme is decided according to area specific tastes and preferences of the tribes. Special priority should be given to women and girls as the year are dedicated to women. For making the tribal hamlets self-sufficient and to address all other requirements of the tribal population, it is proposed to ensure participation of local administration and mobilization of population at large to come forward and assert their rights.

As far as tribal development is concerned, this is a need-based scheme, which will be operated on a project mode. While executing the programme priority will be given to self-employment and skill development, water supply, sanitation, electrification, roads, bridges, pathways, vocational training and facilitation centers, microenterprises and income generating programmes, admission of Schedule Tribe students in educational institutions etc.

In order to channelize and to extend the benefits of tribal development schemes to the Schedule Tribes, link between the scheduled tribe beneficiaries and the local bodies / line departments will be developed.

Proposed Interventions

1. **Education and knowledge:** Education also helps the villagers to participate in the development process. Dept. of Education and NGOs working in the field of education may connect with the program.

Proposed Interventions:

- a. Opening of Education Centres
- b. Availability of Qualitative Educations.
- c. Opening of School in case of Non Availability
- d. Ensure Quality Education
- e. Admission/Readmission of Dropouts Children

2. **Economic Upliftment:** Agriculture is the primary source which in turn mostly depends on the weather. Therefore, development of village will come with an introduction of sustainable employment for all villagers which can be achieved through skill development and financial independence. Services of Rajivika, RSLDC, Agriculture dept. and NGOs may be availed in this regard.

Proposed Intervention

- a. Entrepreneurship Development
- b. Generation of Source of Income
- c. Skill Development Programme
- d. Integrated Farming

3. **Access to various Central/State Welfare Schemes:** There are various welfare schemes formulated and being executed by the Central and Stat Govt. for the welfare of the tribal people. The team constituted by RSLSA would assist the residents of identified village to access the benefits under the welfare schemes.

Proposed Interventions:

- a. Access to welfare schemes
- b. Ensuring release of benefits under the scheme
- c. Loan Benefits
- d. Banking Assistance

4. **Health Programme:** Health or well-being is one of the main indicators which one needs to give most

priority. The Dept. of Medical & Health may be mobilized to intervene to provide various benefits under the health and family care schemes.

Proposed Interventions:

- a. Availability of Primary Health Centres & Medical Officers
- b. Periodic Health Check Up Camps
- c. Awareness Programmes on Health, Nutrition & Sanitation

5. Development of Social Infrastructure:

More and more social infrastructure ensures a healthy development of the village. Therefore, focus must be on developing following social infrastructure.

Proposed Interventions:

- a. Schools
- b. Hospitals
- c. Community Centres
- d. Playground
- e. Parks
- f. Libraries etc.

6. Women Empowerment:

The programme may be carried out in consonance with the Women Empowerment programme as proposed in Action Plan of the Year 2021-22.

7. Area Development:

- a. Watershed development along with water literacy
- b. Road connectivity
- c. Electric Connections
- d. Housing development by promoting cost-effective appropriate technologies.

8. Natural Resources System:

The team constituted by RSLSA with the assistance of experts would promote various schemes run by Govt. for preservation of natural resources for the welfare and development of local tribal people of identified village:

- a. Water Harvesting
- b. Solar Energy
- c. Environment Protection
- d. Forestation

9. Litigation free village:

Special Lok Adalats, camps and other programmes may be organised to make the village free from disputes and litigation.

10. Legal Awareness:

In order to maintain balance between legal rights and duties, legal awareness is very important. Therefore, legal awareness programmes may be devised and implemented to make each and every citizen of the village a responsible citizen.

Besides, interventions mentioned above, all initiatives shall be taken for integrated development of the of identified villages.

