

Centre/State Acts and Rules on Tribes/Indigenous People

<http://www.indiacode.nic.in>

Bonded Labour system (Abolition) Act 1976
(Act No 19 of 1976)

Child Labour (Prohibition and Regulation) Act 1986;

Child Labour (Prohibition and Regulation) Rules. 1988
<http://labour.nic.in/cwl/ChildLabourRules.pdf>

Constitutional Scheduled Tribes order (Amendment) Act 1991 -----
(Act No 36 Of 1991, 39 of 1991, 32 of 2002, 10 of 2002, 47 of 2003,
48 of 2006,
14 of 2008, 2 of 2009)

Forest Conservation Act 1980;
(Act No 69 of 1980)

Land Acquisition Act, 1894
(Act No 1 of 1894)

Mahatma Gandhi National Rural Employment Guarantee Act, 2005
(Act No 42 of 2005)

Minimum Wages Act 1948.
(Act No 11 of 1948)

Provision of the Panchayat (Extansion to the scheduled Areas) Act
1996
(Act no 40 of 1996)

Protection of Civil Rights Act, 1955
(Act No 22 of 1955)

Protection of Civil Rights Rule, 1977

Protection of human Rights Act, 1993
(Act 10 of 1994) (Amnd Act No 43 of 2006)

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989
(Act No 33 of 1989)

Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Rules, 1995

Scheduled Tribes and other traditional forest dwellers (Recognition of
forest rights)
Act, 2006

Policies and Schemes
Ministry of Tribal Affairs, India
<http://tribal.nic.in>

- Annual Reports 2004/05 -----

<http://tribal.nic.in>

- Centrally Sponsored Scheme of Hostels of ST Boys and ST Girl
- Citizen's Client Charter, 2010-11
- Eklavya Vidyalaya
- Establishment of Ashram Schools in Tribal Sub- Plan Areas
- Five Year plan 1 to 9th
- Grievance of Redressal Mechanism, 2010
- National Forest Policy, 1988
- National Policy on Rehabilitation and Resettlement, 2007
- Rajiv Gandhi National Fellowship for ST Students
- Scheme of Coaching for scheduled tribes
- Scheme of Development of Primitive Tribal Groups(PTGs)
- Scheme of Marketing Development of Tribal Products/ Produce
- Tribal Cooperative Marketing Development Federation of India Ltd (TRIFED)
- Village Grain bank
- Vocational Training Centers in Tribal Areas

Constitution of India

Article 14. Equality before law.-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. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.-

(1) _____

(2) _____

(3) _____

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 16. Equality of opportunity in matters of public employment. _

(1) _____

(2) _____

(3) _____

(4) _____

(4A) Nothing in this article shall prevent the State from making any provision for reservation [in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Article 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections

—The State shall promote with special care the educational and economic interests of the weaker sections of the people, and , in particular, of the Scheduled Castes and the Scheduled Tribes, and shall

protect them from social injustice and all forms of exploitation.

Article 243D. Reservation of seats.- Panchayats

(1) Seats shall be reserved for-

(a) the Scheduled Castes; and

(b) the scheduled Tribes,_____

Article 243T. Reservation of seats.-

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled

Tribes in every Municipality _____

Article 244. Administration of Scheduled Areas and Tribal Areas.-

(1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than [the States of Assam [Meghalaya, Tripura and Mizoram]]].

(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in [the State of Assam, [[Meghalaya, Tripura and Mizoram]]].

Article 244 A. Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefore.-

Article 275. Grants from the Union to certain States.- (1) Such sums

as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants- in- aid of the revenues of such States as Parliament may determine to be in need of

assistance, and different sums may be fixed for different States: Provided that there shall be paid out of the Consolidated Fund of India

as grants- in- aid of the revenues of a State such capital and recurring

sums as may be necessary to enable that State to meet the cost of such schemes of development as may be undertaken by the State with

the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State:

Provided further that there shall be paid out of the Consolidated Fund of India as grants- in- aid of the revenues of the State of Assam sums,

capital and recurring, equivalent to____

(a) the average excess of expenditure over the revenues during the two

years immediately preceding the commencement of this Constitution in

respect of the administration of the tribal areas specified in [part 1) of the table appended to paragraph 20 of the Sixth Schedule; and

(b) the costs of such schemes of development as may be undertaken by

that State with the approval of the Government of India for the purpose

of raising the level of administration of the said areas to that of the administration of the rest of the areas of that State.

(1A) On and from the formation of the autonomous State under article 244A

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises of all the tribal areas referred

to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid

of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam.]

(2) Until provision is made by Parliament under clause (1), the powers

conferred on Parliament under that clause shall be exercisable by the President by order and any order made by the President under this clause shall have effect subject to any provision so made by Parliament:

Provided that after a Finance Commission had been constituted no order shall be made under this clause by the President except after considering the recommendations of the Finance Commission.

Article 330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.-

(1) Seats shall be reserved in the House of the People for-

(a) the Scheduled Castes;

[(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and]

(c) the Scheduled Tribes in the autonomous districts of Assam.

(3) The number of seats reserved in any State [or Union territory] for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State [or Union territory] in the House of the People as the population of the Scheduled Castes in the State [or Union Territory] or of the Scheduled Tribes in the State [or Union territory] or part of the State [or Union territory] as the case may be, in

respect of which seats are so reserved, bears to the total population of the State [or Union territory]

(4) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.]

[Explanation. - In this article and in article 332, the expression "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published: Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year [2006] have been published, be construed as a reference to the [2001] census.]

Article 332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.-

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, [except the Scheduled Tribes in the autonomous districts of Assam], in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved bears to the total population of the State.

(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the years [2026], of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such state shall be,-

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in existing Assembly.']

(3B) Notwithstanding anything contained in clause (3), until the readjustment, under article 170, takes effect of the basis of the first census after the years [2026], of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserves for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy – second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.]

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the state of Assam shall bear of the total number of seats in that Assembly a proportion not less than the population of the district bears of the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of the district [Provided that for elections to the Legislative assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of the Bodoland Territorial Areas District, shall be maintained.]

Article 335. Claims of Scheduled Castes and Scheduled Tribes to services and posts. – The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State: Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

Article 338A National Commission for Scheduled Tribes.-

Article 339. Control of the Union over the administration of scheduled Areas and the welfare of Scheduled Tribes.-

(1) The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States.

The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President, may consider necessary or desirable.

(2) The executive power of the Union shall extend to the giving of directions to [a state] as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

Article 342. Scheduled Tribes.-

(1) The President [may with respect to any State [or Union territory], and where it is a State, after consultation with the Governor thereof], by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this constitution be deemed to be scheduled Tribes in relation to that State [or Union territory, as the case may be.]

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribes or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification

Article 366. Definitions.- In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say-

(1) _____

To

(24) _____

(25) "Scheduled Tribes" means such tribes or tribal communities or parts

of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution;

Fifth Schedule – Provisions as the administration and control of scheduled Areas and Scheduled Tribes.

Sixth schedule – Provisions as to the administration of Tribal Areas in [The States of Assam, Meghalaya, Tripura and Mizoram]

Seventy third (73rd) Amendment , 1992

Seventy forth (74rd) Amendment , 1992