

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2601
ANSWERED ON:12.03.2010
PROTECTION OF TRIBALS
Mahant Dr. Charan Das

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of provisions made in the constitution for protection of the identify and culture of Scheduled Tribes and the areas where they settle;
- (b) the names of the Scheduled Tribe areas mentioned in 5th Schedule and 6th Schedule of the Constitution alongwith the basis on which they had been determined as such;
- (c) whether the formulation of rules required for effective implementation of the Provisions of the Panchayats (Extention to Scheduled Areas) Act is still pending; and
- (d) if so, the reasons therefor and reaction of the Government thereto?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF TRIBAL AFFAIRS (DR. TUSHAR A. CHAUDHARY)

(a) The Constitution of India provides social, economical and political guarantees to the Scheduled Tribes through various Articles. The details of these Articles is given in Chapter - 6 of the Annual Report of Ministry of Tribal Affairs for the year 2008-09.

(b) The Scheduled Areas mentioned in the Fifth Schedule to the Constitution under Article 244 (1) are such areas as the President may by order declare to be Scheduled Area after consultation with the Governor of that State. The Scheduled Areas have been declared in the States of Andhra Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Rajasthan and Orissa. The Sixth Schedule under Article 244 (2) of the Constitution relates to those areas in the States of Assam, Meghalaya, Mizoram and Tripura which are declared as Tribal Areas and provides for District and Regional Autonomous Council.

The details of Scheduled Areas under Fifth Schedule and Tribal Areas under Sixth Schedule have also been given in the Chapter - 6 of the Annual Report of the Ministry of Tribal Affairs for the year 2008-09.

(c) & (d) As informed by the Ministry of Panchayati Raj "it is for the concerned State Government to frame necessary rules for effective implementation of the provisions of lthe Panchayat (Extension to the Scheduled Areas) Act. So far, only the Government of Andhra Pradesh has drafted rules for implementation of PESA. However, the rules have not been notified by the State Government. In view of the fact, Ministry of Panchyati Raj have formulated the draft Model PESA Rules, which have been forwarded to the States on 14.12.2009 for their views/comments".