

Study Regarding Impact of Implementation of Constitutional Provision over Schedule Tribal Community Concerning their Protection

The constitution of India seeks to secure for all the citizens, among other things social and economic justice, equality of status and opportunity and assures the dignity of the individual. The constitution further provides social economic and political guarantees to the disadvantaged section of people. Some provision are specific to both scheduled castes and scheduled Tribes and some are specific to only scheduled Tribes. There special provisions aim at safeguarding and promoting the rights of scheduled Tribes along with development of Tribal area. The constitutional provisions have also authorized the government of India to issue guidelines and direction on these matters to the states and also release grant in aid in various form and for various purposes depending upon the nature of scheme and measures to be taken up by the state governments. The present study has been undertaken to study the impact of such constitutional provisions over protection of STs. The important objectives of the study are: -

- Ascertaining the extent of providing legal aid and facility and other forms of relief to the persons who were subjected to various atrocities.
- Efforts made for socio – economic rehabilitation of persons undergone any kind of atrocity.
- Suggest better initiatives for proper implementation of the provisions of constitutional enactments.
- Identify various difficulties / hurdle that come in the way of availing benefits of relief.
- To ascertain the status of sale of agricultural land of tribal to persons of other community.
- To ascertain the implementation of PESA Act.

Highlights of suggestions for future strategy. Briefs of the same are given below: -

- Land related disputes must be given top priority for solution as these lead to serious repercussion.
- There should be wide publicity of provisions of PoA Acts and Rules so that these reach at grass – root levels particularly in rural areas where STs are ignorant about such legal provisions.
- The NGOs may be involved in training and publicity of the provisions of Acts and Rules overall implementation of the provisions of Acts and Rules.
- Sub divisional officers (Revenue) should be given training for implementation of the provisions of Acts and Rules.
- The various committees formed at state / district and sub divisional levels may be activated to perform the monitoring functions.
- The payments to senior advocates who are supposed to take – up cases of STs must be properly paid so that they take interest in the work.
- To arrest the tendency of settlement outside the court or changing the statement, the provisions of the acts / Rules must be so revised that the victim has to refund the relief amount paid in advance.
- The office of the Assistant Commissioner located in districts may be given additional staff to look after the work of implementation of the provision of Acts and Rules.
- After proper scrutiny challan must be forwarded to courts without loss of much time. The police officials of AJK police stations must be properly trained to handle the cases of ST community.
- At state level Additional Director Scheduled caste is coordinating the implementation of Atrocity Act and Rules whereas senior officers like ADG in police, Director in prosecution are working. Additional Director post should be upgraded to Additional Commissioner or Director Post to facilitate in working better.