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loss of land are increasingly being seen to be negotiators on behalf of project authorities. This must be stopped. There have been recorded cases of Gram Sabha consent being fraudulently obtained or forged; such conduct must face penalties, and projects that proceed on the basis of consent so obtained cannot be allowed to proceed. Article 243-ZC of Constitution; provide provision for the creation of new Nagar Palikas in Fifth Schedule areas and tribal areas. Implementation must be preceded by a law made by Parliament, which sets out the exceptions and modifications to suit local conditions of tribal area. The amendments proposed to PESA with prior informed consent, is necessary for the effective implementation of PESA. With proliferation of MoUs between states and companies that imposes responsibility on the state to facilitate environmental and forest clearances, it takes away the neutrality of the state. Such MoUs must be to be reviewed. Public policy and practice must be drafted base on the experience of Niyamgiri, and the adverse lessons from the Salwa Judum. The criminal law is being used as a tool of the state to suppress dissent. Judicial Commission needs to be appointed to investigate cases filed against tribals and their supporters. Only, this will satisfy the concerns that have risen about the misuse of criminal law by the state. De-notified Tribes have been asking that steps be taken to remove stigma and prejudice from their lives. Criminal Tribes Act of 1871 was repealed in 1952 and the Habitual Offenders Act was enacted in its place. Tribes continue to be stigmatised under the Habitual Offenders. Habitual Offenders Act must be repealed and rehabilitate the de-notified and nomadic tribes. Anti-beggary laws render the talents that they possess, such as juggling and acrobatics, into punishable conduct. Whole communities of women find themselves in prostitution without a choice. Such laws must be repealed. The persistence of bonded labour, and the trafficking, in large measure, of women from tribal areas needs a concerted effort to end it. 8. Delivery of Public Goods and Services The Planning process in India has, since its inception, emphasized inclusion of marginalized communities, including the Scheduled Tribes. Initially, it focused on directing sufficient resources for the development of Scheduled Tribes, along with establishing institutions and mechanisms for delivery of goods and services. However, these could not fully serve the interests of the tribal people, as there were several schemes that were broad in nature. During the Fifth Five Year Plan (1974-79), the strategy of the Tribal Sub Plan (TSP) was adopted. As per guidelines issued by the Planning Commission, the Tribal Sub Plan funds were to be non-divertible and non-lapsable. But, most of the funds meant for TSP had been diverted to other sectors and purposes, and some of them had also been lapsed due to their improper utilization or failure of administrative machinery. As per the Sub-Plan approach, the Central Government is required to ensure that out of its total Plan budget, at least 8.6 percent (as per 2011 Census) is earmarked for the development of Scheduled Tribes in the Union Budget. But, the decline in the budget allocations for Tribal Sub-Plan (TSP) in proportion to the Scheduled Tribe population is a cause for serious concern. Schedule Tribes who migrate from rural areas to urban areas suffer loss of identity, community solidarity, land, entitlements such as ration cards, and common resources. Recommendations There is dispersed population of tribes and displaced population (due to infrastructure projects, conflicts) in some States, including the North-eastern region, there is no agency dedicated to deliver the programs. New micro-agencies need to be created in such pockets to cater to specific tribal groups. Absence of supporting staff for implementing the MGNREGA and FRA has resulted in low absorption of funds available for supervision of these works. Many tribes have migrated to urban areas and are wage-earners. It is imperative that States work towards the creation of micro projects in urban areas which have substantial ST population. Most Tribal Research Institutions (TRIs) are facing financial and manpower constraints and are finding it difficult to perform their functions effectively. There is an urgent need for strengthening and broadening research and training activities by these institutions. The Anthropological Survey of India (AnSI) is one of the many organizations under the Ministry of Culture. However, the primary focus of AnSI is study of tribes. AnSI can become a stronger organization if it comes under Ministry of Tribal Affairs. Funds available to the Ministry of Tribal Affairs for giving grants to States under Article 275 (1) of the Constitution should be substantially enhanced so as to enable the Ministry to provide larger support to the States for strengthening of institutions and up-gradation of administration in tribal areas. To summarize, tribal communities face disregard for their values and culture, breach of protective legislations, serious material and social deprivation, and aggressive resource alienation. Hence, the solution to these issues should enable the tribes to protect their own interests. An empowered citizenry and a functioning, participatory (including participation of women) self-governance is the best guarantee for a democratic nation; Due share in socio-economic progress for tribal people and their habitations, including facilities like health, education, livelihood, drinking water, sanitation, roads, electricity and sustainable income, in situ; Protecting the land and forest rights of tribal communities is equivalent to protecting their livelihoods, life and liberty. The right to natural resources in tribal lands has to be protected. They should only be accessed with the consent of the Gram Sabhas of the villages While tribal lands hold much of the natural and mineral wealth of the nation, these resources cannot be alienated against their will. Moreover, communities who part with their lands have the right to share in the wealth and income so generated from its resources. Hence, a reasonable share of the wealth generated by the resources in their homelands must accrue to them by law The right to preservation of their language, culture and traditions, and to protect themselves against the loss of identity, must be recognized, protected, documented and allowed to thrive as a dynamic living culture.

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