

FREQUENTLY ASKED QUESTIONS

ON

NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015

Q.1. What is the objective of this Scheme?

Ans: The Scheme is aimed at ensuring access to justice to the Tribal People in India. Access to justice would be facilitated in all its connotations, i.e., access to rights, benefits, legal aid, other legal services , etc., so that the assurance of the Constitution of justice, social, economic and political, is meaningfully experienced by the tribal population in the country.

Q.2 Who is a Scheduled Tribe ?

Ans: Scheduled Tribe means and includes a Tribal Community which is enlisted under Article 342 of the Indian Constitution.

Q.3 What are the challenges of Scheduled Tribes ?

Ans: In a nutshell the issues related to the tribal people across the country are:

- i) Educational Issues
- ii) Livelihood issues
- iii) Cultural Issues
- iv) Health Issues and
- v) Legal issues.

Q.4 What are the Tribal Educational Issues?

- Ans:
1. Poverty and poor livelihood
 2. Low enrollment.
 3. Inadequate number of schools and non-availability of quality teachers in maths, science and language.
 4. Language and cultural barriers.
 5. Unwillingness of teachers to be posted in tribal areas

6. High rate of dropouts of girls
7. Low involvement of parents and community in education of tribal
8. Low awareness about admission and enrollments.

Q.5 What are the common Livelihood issues of the Tribals?

- Ans: i) Lack of Skills and vocational Training opportunities
- ii) Low income from Traditional Occupations
 - iii) Unemployment in Tribal Youth
 - iv) Difficult Terrain (mostly living in deeper areas of forests etc.)
 - v) Inadequate transportation & Communication means
 - vi) Inadequate electrification
 - vii) Lack of backward & forward linkages of the agricultural activities.
 - Viii) Adherence to traditional practices

Q.6 Enlist the Tribal Health Issues?

- Ans: i) Low immunization
- ii) Malnutrition among tribal people
 - iii) Non availability of ANM / Doctors
 - iv) Non availability of safe drinking water
 - v) Inadequate coverage of pregnant mothers
 - vi) Inadequate health sub center's in Tribal area
 - vii) Unwillingness of doctors / medical staff in visiting the tribal regions for being located in remote areas and difficult terrain.

Q.7 Enlist the cultural issues of Tribals?

Ans: Tribal people have their own rich culture, method of education, language, preservation of soil, organic farming, cattle management. They have rich repository of folk tales and traditional skills. They have strong adherence to such culture.

- i) Tribal culture, traditions & Folk Knowledge are slowly eroding in the process of development.
- ii) Non documentation of cultural norms & practices

- iii) Culture of minor tribes is mostly neglected.
- iv) Tribal culture are non listed in the official list of government museums or tourist maps.
- v) No training of adequate sports to tribal children
- vi) No sport centers in Tribal areas.

Q.No.8 What are the legal issues generally faced by the Tribals?

- Ans: i) Land alienation
- ii) Displacement – impact of displacement
 - iii) Inadequate or no compensation
 - iv) Absence of Resettlement
 - v) Land Right in tribal-community right instead of individual rights.

Q.No.9. Who are particularly vulnerable Tribal groups and how they are identified?

Ans: Certain tribes have been characterized as Particularly Vulnerable Tribal Groups (PVTGs) (earlier known as Primitive Tribal Groups) on the basis of their great 'vulnerability' even among the tribal groups (although the precise contours of their vulnerability has not been clearly defined.) PVTGs, currently including 75 tribal groups, have been identified as such on the basis of the following criteria: 1) Forest- dependent livelihoods, 2) pre-agricultural level of existence, 3) stagnant or declining population, 4) low literacy rates and 5) a subsistence-based economy.

Q.No.10 What are the functions of legal services institutions in the country?

The legal services institutions right from State Legal Services Authority to Mandal Legal Services Committee have been asked to discharge the following main functions -

- (i) to provide free and competent legal services to the eligible persons
- (ii) to organize Lok Adalats for amicable settlement of disputes
- (iii) to organize Legal Awareness Camps; and
- (iv) to implement the Schemes and policy directed by NALSA through strategic and preventive Legal Service Programmes.

Q.11. What is free Legal Aid?

Ans: Legal advice by a legal practitioner

Representation on behalf of entitled person in any legal proceedings.

Payment to the entitled person or on his behalf;

- a) Of court fee;
- b) Of process fee and expenses of witnesses;
- c) Of charges for preparation of paper book, including charges for printing and translation of documents;
- d) Of charges for the supply of certified copies of judgments and other documents
- e) Of any amount on any other account in any legal proceedings.

Q.12. What is the role of legal services institutions in the implementation of various Government and NALSA scheme ?

Ans: The State Legal Services Authorities have an important role to play in assisting tribal people in access to justice. The State Legal Services Authorities (SLSAs) will have to bridge between the tribal communities and the Government Departments. The State Legal Services Authorities will have to ensure that Rule of law prevails. Restoring faith in the legal system, efficacy of rule of law is of prime importance among the tribal people. The Legal Services Institutions should explore activities in these areas by sensitizing NGOs, CBOs and other stake holders in realizing their duties and responsibilities for upliftment of Tribes.

Q.13. What is the action plan to achieve the objective of the Scheme?

Ans: The DLSA will reach out the Government Departments, NGOs and community based organizations (CBO) working in the field with the help of PLVS, Panel Lawyers, etc., and will act as Nodal Agency for inter Department convergence at the District Level so that an inclusive and comprehensive response from the concerned Department and stake holders emerges to work in coordination to achieve the objective of the scheme to bring the Scheduled Tribes into the main stream.

Q14. Who is a Panel Lawyer?

Ans: "Panel Lawyer" means a lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010 to render free and competent legal services to the deserving and needy persons under the Scheme.

Q.15. What is the role of Panel Lawyer?

Ans: Panel Lawyers and PLVs will help the tribals to apply to the DLSA for release of Victim Compensation under the Telangana Victim compensation Scheme and also to have access with other welfare schemes of the Government meant for the welfare of the Tribal people and also in spreading awareness about the Scheme to the needy people.

Q16. Who is a Para Legal Volunteer?

Ans: A person with basic knowledge of law and other available welfare measures and legislations with an inclination to assist their immediate neighbourhood is selected as Para Legal Volunteer by the concerned Legal Services Institution and trained to improve the legal services network.

Q.17. Who should be the Para Legal Volunteer?

Ans:

- . Advocates, Teachers and lecturers of Government and Private Schools and Colleges of all levels.
- . Anganwadi workers.
- . Private or Government doctors and other Government employees.
- . Field level officers of different departments and agencies of the State and Union Governments.
- . Students of graduation and post graduation in Law, Education, social services of humanities.
- . Members of apolitical service oriented Non Governmental Organizations and Clubs
- . Members of Women Neighbourhood Groups, Maithri Sanghams Educated prisoners serving long terms sentences in Central Prison and District Prison.
- . Social Workers and volunteers, volunteers of Panchayat Raj and Municipal institutions.
- . Members of Cooperative Societies. Members of Trade Unions.

- . Any other persons the District Legal Services Authority or Taluk Services Committee deems fit to be identified as Para Legal Volunteers

Q.18. What is the role of Para Legal Volunteer in implementation of this Scheme?

Ans: Para Legal volunteers (PLVs) are crusaders of Legal Services Institutions (LSI) and they work as:-

1. Each District Legal Services Authority, with the help of statistical and other Government department should identify the areas of the districts where there are tribal population and reach out to them through their Para Legal Volunteers.
2. In order to gain, trust of the Tribal Community, to know the problems of each such community and also to communicate with them effectively, during awareness programmes, it is necessary that Para Legal Volunteers must be selected from amongst such tribal people.
3. The SLSAs should prepare exclusive panel of Para Legal Volunteers from these communities under the direct mentorship and control of the full time Secretary of DLSAs.
4. The PLVs must be the voice of the Tribal People to communicate to Authorities concerned.

Q.19 What are the duties of trained Para Legal Volunteers and their Honorarium?

Ans: PLVs shall

1. educate people, specially those belonging to Weaker sections of the society,
2. spread awareness among the people about their basic human rights, fundamental rights to enjoy all the constitutionally and statutorily guaranteed rights
3. PLVs shall also constantly keep watch on violators of law or acts of injustice in their operation.
4. They will also assist in conducting legal literacy camps
5. They will work by sitting in front offices

6. They are eligible for a Honorarium of Rs250/- per day when engaged for rendering services in Legal Aid Clinics and Front Offices

Q.20. Whether the work of the Para Legal Volunteers is monitored regularly?

Ans: Yes. The Secretary of DLSA., shall monitor the work done by the PLVs every month and the PLVs shall maintain the prescribed Registers.

Q.21. Whether the Para Legal Volunteers can be disqualified and removed?

Ans: Yes. Para Legal Volunteer is disqualified if he/she

1. Fails to evince interest in the scheme
2. Has been adjudged as insolvent
3. Has been accused of an offence
4. Has become physically and mentally incapable
5. Has abused his or her position or misconduct in any manner so as to render his / her continuance prejudicial to the public interest.
6. Affiliated to political parties

Such para legal volunteer can be removed by the Chairman DLSA and has to intimate the same to the State Legal Services Authority

Q. 22. Who will take the responsibility of spreading awareness about the welfare schemes ?

Ans: As per the NALSA scheme, a team of panel lawyers, PLVs and social workers would be constituted for spreading awareness on welfare schemes of NALSA and also various Government Schemes to the needy people.

Q. 23. Whether sensitization of Judicial Officers with regard to Legal Services Schemes including NALSA Schemes and Programmes is essential?

Ans: Yes. Once all the Judicial Officers in the Country are properly sensitized with regard to the relevance and importance of legal aid schemes and also NALSA Schemes, 2015 they shall themselves start caring for the poor, backward and weaker sections of the society who are not in a position to engage their own counsel and look after their legal causes.

Q.24. Who is the Competent Authority for payment of victim compensation as per the Telangana Victim Compensation Scheme, 2015?

Ans: The Member Secretary of the State Legal Services Authority is competent for payment of Victim Compensation as determined by the Court or as determined by the Legal Services Institutions on an enquiry.

Q.25. What is the role of Nodal Officer in implementing the NALSA Scheme?

Ans: The Nodal Officer nominated in the District would be responsible for ensuring the convergence of NALSA Schemes with the policies, Schemes and Guidelines of the Government on the subject matter.

Q.26 Enlist some of the Enactments relating to Rights of Tribal People?

Ans: Several Legal rights are guaranteed to the Tribal People under

- The Scheduled Tribes and other Traditional Forest Dwellers (Reorganization of Forest Rights) the Act, 2006 – (FRA)
- The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Right of the Children to free and Compulsory Education Act, 2009
- The Right to pay Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013
- Panchayats (Extension to Scheduled Areas) Act, 1996 – (PESA) and
- 5th and 6th Schedules of the Constitution of India

These provisions are not implemented stringently, leading to violation of their legal rights. Such violations are one of the prime reasons for the marginalization of the Tribal People.

This scheme is intended that these legal rights are not violated.

Q.27. What are the important centrally assisted schemes for the Scheduled Tribes?

Ans: The following are some of the important centrally assisted schemes / plans for the welfare of the Scheduled Tribes:

1. National Food Security Mission. (NFSM)
2. Rashtriya Krishi Vikas Yojana (RKVY)
3. National Mission on Sustainable Agriculture (NMSA)
4. Pradhan Mantri Krishi Sinchai Yojana (PMKSY)
5. Rashtriya Pashudhan Vikas Yojana (RPVY)
6. Mahatma Gandhi National Rural Employment Guarantee Act (MNREG)
7. National Rural Livelihood Mission (NRLM)
8. Pradhan Mantri Gram Sadak Yojana (PMGSY)
9. Rashtriya Madyamika Siksha Abhiyan (RMSA)
10. Nutritious Meal Programme (NMP)
11. Sarva Siksha Abhiyan (SSA)
12. Rashtriya Uchchar Siksha Abhiyan (RUSA)
13. National Health Mission (NHM)
14. National Rural Drinking Water Programme (NRDWP)
15. Pradhan Mantri Awas Yojana (PMAY)

16. National Urban Livelihood Mission (NULM)
17. Vanabandhu Kalyan Yojana (VKY)
18. Umbrella Scheme of ST Students (USSS)
19. Integrated Child Protection Scheme (ICPS)
20. Integrated Child Development Services Scheme (ICDS)

Q. 28. What are the important State Government Schemes for upliftment of Scheduled Tribes?

Ans:

1. Interest free loans to DWCRA Women. (Vaddileni Runalu)
2. Pavala Vaddi - This Scheme is aimed to mitigate the financial burden of the farmers.
3. Interest Free Loans to Farmers
4. Strengthening of Seed Chain and supply of Seeds.
5. Construction of Poly Houses
6. Asara Pensions to disabled persons, old aged persons & widows.
7. Assistance to society for elimination of rural poverty. (SERP)
8. Incentives for industrial promotion and extension of Pavala Vaddi Scheme to all Small Scale Industries and Food Processing Units to ST Entrepreneurs
9. Power Cost reimbursement to ST entrepreneurs
10. DEEPAM Scheme to BPL Women
11. Mission Kakatiya
12. Nutritious Meal Programme for 9th & 10th Class Students
13. Assistance to Telangana Residential Educational Institutions.
14. Sukhibhava - This scheme is aimed to promote institutional deliveries of ST Women in Tribal areas by incentivizing deliveries
15. Fixed Day Health Services

16. Rural Emergency Health Transport System.
17. Rural Water Supply for Tribal people
18. Two bedroom houses.
19. Integrated Hostels, Asram Schools, Post Metric Hostels, etc.,
20. Financial Assistance for ST students of Telangana
21. Pre Metric and Post Metric Scholarships to ST Students
22. Hyderabad Public School – The Tribal Welfare Department is sponsoring ST children for admission to HPS Begumpet and Ramanthapur.
23. Ambedkar Overseas Vidyanidhi.
24. Coaching to students for eligibility test for admission in Foreign Universities
25. Ekalavya Model Residential Schools for Tribals.
26. Rajiv Yuva Kiranalu for skill upgradation.
27. Komaram Bheem Memorial
28. Amrutha Hastham
29. Arogya Lakshmi – One full meal programme for pregnant and lactating women and many other schemes.
30. Kalyana Laxmi : With a view to alleviate financial distress in the families of Scheduled Tribes, this scheme is introduced granting one time financial assistance of Rs. 51,000/- to every ST girl of Telangana who attains 18 years of age at the time of marriage provided the combined income of her parents shall not exceed Rs. 2.00 lakhs per annum.

Q.29 What is Girijana Cooperative Corporation (GCC) and its Role?

Ans: Girirjan co-operative corporation under takes procurement of minor forest produce and agricultural produce from tribals at remunerative prices, undertakes public distribution in remote tribal areas, provides seasonal agricultural credit to ST farmers.

Q.30 What are the functions of TRICOR ?

Ans: The Telangana State Scheduled Tribes Cooperative Finance Corporation Ltd., Hyderabad (TRICOR) with headquarters at Hyderabad, extends area of

operation over the entire State of Telangana. It is monitoring all the economic support schemes implemented for the STs including development of PVTGs under CCDP with the support from Government under State Plan and CASPS and also coordinating with other departments like Rural Development, Agriculture, Horticulture, Animal Husbandry, Industries, etc., for economic development of ST families below poverty line.

Q.31 What are the rights recognized under the Forest Rights Act?

Ans: The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes about 12 types of rights on the forest including right to cultivate forest land, right on the house site, right to collect minor forest produce, community rights of uses or entitlements such as fish and other products of water bodies and grazing, right to protect, regenerate or conserve or manage any community forest resource.

Q.32 What are the proofs required to claim the rights for forest land?

Ans: A person applying for recognition of forest rights should submit any of the two proofs mentioned in the forest rights Act, 2006 including any government records, land records, forest enquiry reports and statement of village elders.

Q.33 What is the procedure to get title for the forest land?

Ans: The claimant of forest rights should submit the application to Gram Sabha. Forest Rights Committee will enquire in to the claim, survey the land and submit the report to Gram Sabha. Based on the report of the Forest Rights Committee, Gram Sabha will send its recommendation to Sub-Divisional Committee (SDLC). After verifying the recommendations of Gram Sabha, SDLC will submit the report to the District Level Committee (DLC). DLC will take the final decision on the claim and issue forest rights title.

Q.34 What is the remedy if the claim for the forest land is rejected?

Ans: If the claim is rejected, then the claimant can file appeal at the next level. Appeal can be preferred to SDLC on the decision of Gram Sabha; on the decision of SDLC to DLC and on the decision of DLC to State Level Monitoring Committee.

Q.35 Can the forest land to which the title is granted be sold to others?

Ans: Forest land to which the title is granted can only be inherited but cannot be sold to anyone.

Q.36 Can the forest land title holder obtain loans from the banks?

Ans: Yes. Holder of the forest title can obtain the loan from Banks.

Q.37 How can tribal get back the land transferred to non-tribal?

Ans: Any tribal who lost the land to a non-tribal can file an application to the Special Deputy Collector (Tribal Welfare). After the enquiry, if it is found that the transfer of land is in violation of LTR, land will be restored back to the tribal.

Q.38 What is LTR?

Ans: The Andhra Pradesh Land Transfer Regulation, 1959 is also known as Land Transfer Regulation (LTR) of Regulation 1/59 or 1/70. LTR prohibits transfer of land or any other immovable property from tribal to non-tribal.

Q.39 Who can file complaint in case of transfer of tribal land in violation of Land Transfer Regulation?

Ans: The tribal who lost the land or any public servant or any interested person can file an application before the LTR authorities. LTR authorities also can take action on their own initiation.

Q.40 Whom to approach for restoration of tribal land?

Ans: Application should be filed before the special Deputy Collector (Tribal Welfare) or the Revenue Divisional Officer for restoration of land which is transferred in violation of LTR. Appeal can be filed before the Project Officer ITDA on the decision of Special Deputy Collector (Tribal Welfare) or the Revenue Divisional Officer. Revision petition can be filed before the State Government.

Q.41 How to get Pattadar Pass Book (PPB) and title Deed (TD)?

Ans: Any person who gets rights over land through purchase, inheritance, gift or any other mode should submit application to Tahsildar in form 6A. Tahsildar after making enquiry will issue Pattadar Pass Book (PPB) and Title Deed (TD).

Q.42 Whether Pattadar Pass Book (PPB) and Title Deed (TD) can be given to persons who purchased land through unregistered sale deed?

Ans: Yes, small and marginal farmers who have purchased land under unregistered sale deed on or before 02.06.2014 (As on the date of formation of Telangana State) may approach Revenue Officials within the time prescribed by State Government (22.06.2014 is the time prescribed) for regularization of sale deed. No non-tribal can get Pattadar Pass book (PPB) and Title Deed (TD) in schedule area for the land purchased through unregistered sale deeds in violation of LTR.

Q.43 What are the land records which every landowner should have?

Ans: Pattadar Pass book (PB), Title Deed (TD), details entered in Adangal and TB register.

Q.44 What is PESA? What are the powers of Gram Sabha?

Ans: PESA is the Panchayats (Extension to Scheduled Areas) Act, 1996. Gram Sabha in tribal area is empowered with special powers to govern the village administration.

Q.45 Whom to approach for legal help to get the land problems resolved?

Ans: Any office of the Legal Services Authority i.e. Mandal Legal Services Committee, District Legal Services Authority, High Court Legal Services Committee or State Legal Services Authority. One may also approach nearest Village Legal Care and Support Centre, Para Legal Volunteer or Panel Lawyer for advice.

ORGANIZATIONAL SET UP OF TRIBAL WELFARE DEPARTMENT

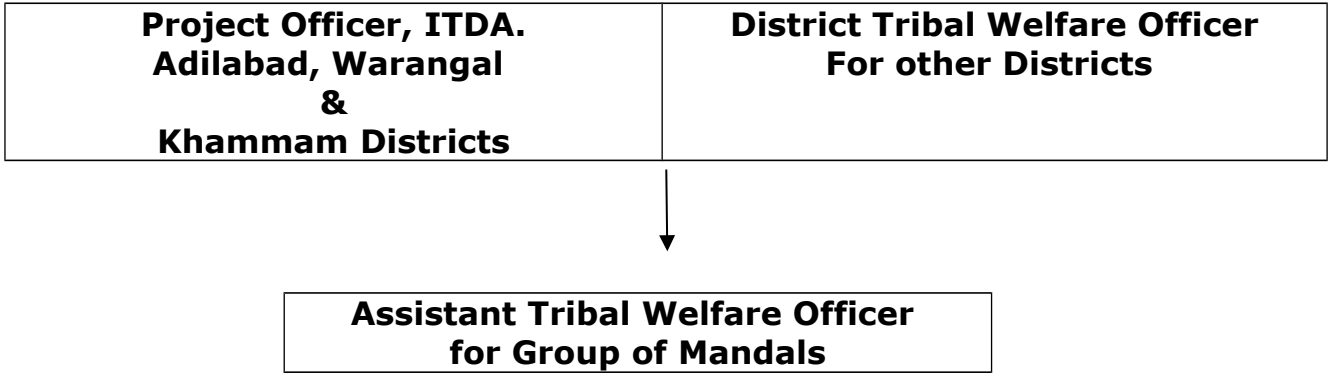
STATE OF TELANGANA

Pri. Secretary to Government, Tribal Welfare department



Commissioner / Director, Tribal Welfare Department





For Legal Aid and further details of this schemes may contact the following:

**Secretaries of District Legal Services Authorities and
the Secretary of High Court Legal Services Committees**

Adilabad	-	9440901043
Nizamabad	-	9440901057
Karimnagar	-	9440901049
Khammam	-	9440901050
Warangal	-	9440901063
City Civil Court Legal Services Authority, Hyd-		9440901065
Nalgonda	-	9440901055
Ranga Reddy	-	9440901059
Mahaboobnagar	-	9440901053
Medak	-	9440901054
Metropolitan Legal Services Authority, Hyd	-	040-23442488
High Court Legal Services Committee, Hyd	-	9492358157

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