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राज्य सरकार तथा अन्य राज्य-प्रशासकियों, द्वारा जारी किये गये (समाप्त्य आदेशों, नियम-विधियों अथवा अन्य विनियमित किये हुए) सामान्य कानूनी विनियम।

TRIBAL AREA DEVELOPMENT DEPARTMENT

NOTIFICATION

Jaipur, September 24, 1981.

G. S. R. 64.—In pursuance of paragraph 4 of Part B of the Fifth Schedule to the Constitution of India, the Governor of Rajasthan hereby makes the following rules, namely:—

1. *Short title and commencement.*—(i) These rules may be called the Rajasthan Tribes Advisory Council Rules, 1980.

(ii) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Interpretation.*—(1) In these rules, unless the context otherwise requires:—

(a) "Assembly" means the Rajasthan State Legislative Assembly formed in accordance with the Constitution;

(b) "Constitution" means the Constitution of India;

(c) "Council" means the Tribes Advisory Council for Rajasthan established in pursuance of paragraph 4, of Part B of the Fifth Schedule to the Constitution;

6

(d) "Scheduled Areas" means such areas within Rajasthan as are declared by the President of India to be Scheduled Areas under sub-paragraph (1) of paragraph 6 of Part C of the Fifth Schedule to the Constitution;

(e) "Scheduled Tribes" means the tribes or tribal communities specified as Scheduled Tribes in relation to Rajasthan in the Constitution (Scheduled Tribes) Order, made by the President of India under clause (1) of Article 342 of the Constitution.

(2) Unless the context otherwise requires, the provisions of the General Clauses Act, 1897 (Central Act of 1897) shall apply for the purpose of interpretation of these rules to the extent they apply to the interpretation of a Central Act.

3. Composition of the Tribes Advisory Council.—

(1) The Council established for the administration and control of Scheduled Areas in Rajasthan and Scheduled Tribes shall consist of a Chairman, Vice-Chairman and eighteen other members.

(2) The Minister of the Tribal Development Department of Government of Rajasthan shall be the Ex-officio Chairman and member of the Council. The State Minister/Deputy Minister, Tribal Area Development Department shall be the Ex-officio Vice-Chairman and member of the Council. In the absence of the Chairman, the Vice-Chairman shall preside over the meetings.

(3) Out of the eighteen other members of the Council, fourteen shall be the representatives of the Scheduled Tribes in the Assembly to be nominated by the State Government.

(4) Out of the remaining four members of the Council one non-official member shall be a person, who is not a member of the Scheduled Tribes and who has been taking keen interest in the welfare of the Scheduled Tribes in Rajasthan. The remaining three members shall be officials, out of whom one shall be appointed as the Ex-officio Secretary of the Council.

4. **Appointment of members of Council.**—The members of the Council shall be appointed by the State Government.

5. **Term of Office of Members.**—(1) Every representative of the Scheduled Tribe in the Assembly, appointed as a member of the Council shall hold office as such member so long as he is a member of the Assembly.

(2) The non-official members of the Council as referred to in sub-rule (1) of rule 3 shall hold office for a period of two years from the date of their appointment.

Term of non-official member 2

6. **Vacation of seats and filling of vacancies.**—

(1) A member shall vacate his seat in the Council on the expiry of his term of office or earlier on death, physical or mental incapacity, resignation or removal for some cause sufficient in the opinion of the State Government to justify such removal.

(2) Any vacancy occurring in the Council under sub-rule (1) shall be filled in as soon as may be by the State Government in accordance with rule 3 and the member who has vacated his seat by reason of the expiry of his term of office shall be eligible for re-appointment if he is otherwise competent under these rules.

Vacancy occurring

7. **Remuneration to Members.**—(1) No member of the Council shall be entitled to get any remuneration for or in respect of any work done by him as such member.

(2) The members of the Council shall be entitled to receive TA & DA as follows:—

(A) **Non Official Members.**—(i) Members, who are also members of the Assembly shall be entitled to receive TA and DA at the rates prescribed by the Government of Rajasthan for MLAs;

(ii) Other members shall be given TA & DA as per rules applicable to Class I officer of the State Government and;

(B) Official Members shall be governed by the rules of rates applicable to them.

8. *Functions of the Council.*—In addition to the duties imposed on it by the provisions contained in Part B of the Fifth Schedule to the Constitution, the Council shall:—

- (i) give constructive suggestions to the State Government for the social, educational and economic advancement of the Scheduled Tribes;
- (ii) aid in the removal of harmful social customs prevailing among Scheduled Tribes;
- (iii) carry on educational propaganda, as far as possible; and
- (iv) bring the needs and grievances of the Scheduled Tribes to the notice of the State Government and local officers of the Government.

9. *Meeting and transaction of business thereat.*—(1) The Council shall ordinarily meet once in every quarter on such date and at such time and place as the Chairman may fix; extra-ordinary meetings of the Council may be convened by the Chairman whenever circumstances so demand.

(2) A notice of ten days for every meeting shall be given to the members of the Council. It shall specify the date, the time and place fixed for such meeting and the agenda of business to be transacted thereat.

(3) The Council or its Chairman may require any officer of the Government to be present at any of its meetings to advise the Council on technical matters relating to the Scheduled Tribes, which may be on the agenda for that meeting.

(4) The presence of seven members including the Chairman of the Council shall form the quorum requisite for the transaction of its business:

Provided that at an adjourned meeting all business postponed for want of a quorum at the original meeting may be transacted if at least three members including the Chairman attend such a meeting.

(5) Every meeting of the Council shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman by a member elected by the members present at such a meeting.

(6) All matters coming up for determination before a meeting of the Council shall be decided in accordance with the majority of votes of the members including the Chairman present at such a meeting and voting. In case of equality of votes the Chairman, Vice-Chairman or the member presiding over such a meeting as the case may be, shall have a second or casting vote.

(7) The Council may with the approval of the State Government frame bye-laws, not inconsistent with these rules, regulating the transaction of its business.

10. *Repeal and saving.*—The Rajasthan Tribes Advisory Council Rules, 1952 are hereby repealed :

Provided that anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the provisions of these rules.

[No. F. 1 (27) (14) TAD/79-80.]

By Order of the Governor,

राज मंत्र,

Secretary of the Government.

10