

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3749 of 2022**

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Bihar Adiwasi Adhikar Forum

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate  
Mr. Pratiyush Kumar, Advocate

For the Union of India : Dr. K.N.Singh, A.S.G.  
Mr. Tuhin Shankar, CGC  
Mr. Adarsh Kumar Bhardwaj, JC to ASG

For the State : Mr. Prashant Pratap, GP-2

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3 05-04-2022

On 25.03.2022, we had passed the following order:-

“The short issue which arises for consideration is whether the Tribal Research Institute stands established within the State of Bihar or not? Also, the place where it is housed.

Needless to add, such an exercise has to be undertaken in terms of communication dated 14<sup>th</sup> of December, 2017 (Annexure-1, Page-11), that of Government of India, Ministry of Tribal Affairs.

List this case on 31<sup>st</sup> of March, 2022, in the category of “Order Matters”.”

Today, Shri Prashant Pratap, learned counsel for the State, under instructions from the Secretary of Scheduled Caste



and Scheduled Tribe Welfare Department, states that the State has not established any Tribal Research Institute (hereinafter referred to as the 'Institute').

We notice that such an establishment was to be set up in terms of communication dated 14<sup>th</sup> December, 2017 that of the Government of India, Ministry of Tribal Affairs.

We also notice that for the establishment and running of the Institute, perhaps, the State Government is not to spend any money, for the funding for the schemes to be undertaken by the Institute is by way of 100% grant-in-aid of the Central Government (Ministry of Tribal Affairs).

We also notice that an apex body already stands constituted by the Central Government. The object and the purpose of establishment of the Institute is to interact; identify issues; find solution of the problems issued by the people hailing from the Scheduled Tribes within the State of Bihar. The challenges in the field of socio-economic development of Tribal, undoubtedly, are critical and absolutely imperative for achieving the constitutional goals, as envisaged under Part-4 and Part 16 of the Constitution of India. Emphasingly, we extract Clause 3 and Clause 6 of the aforesaid communication.



**3. Institutional Mechanism:**

The Ministry of Tribal Affairs (MoTA), Government of India shall be the nodal Ministry for operationalizing the scheme. The scheme shall be a Central Sector Scheme with 100% funding by the Central Government to the TRIs directly or through State Government. A National Level Institute under MoTA could probably be set up to coordinate the activities of TRIs across the country, and to undertake National Level Activities.

**6. Funding:**

6.1 There is no uniformity of requirements among TRIs. Some of the TRIs have their own building, some others are running in rented building. Similarly, some TRIs have libraries, museums etc. on the other hand some others do not have. It is thus not feasible to lay down a strict criteria for allocation of funds to States. Funding under this Scheme would, however, be 100% grant-in-aid by the Ministry of Tribal Affairs to the TRIs on need basis with the approval of APEX Committee. TRIs would be responsible to prepare proposal and detailed action plan for the year alongwith budgetary requirement and submit it to the Ministry through State Tribal Welfare Department.

6.2 The proposals shall be accompanied by utilization certificates as per provisions of GFR.

6.3 Item-wise proposed budgetary expenditure shall be clearly spelt out.

Now, if any project undertaken by the State Government is to be fully funded and financed by the Central Government, we fail to understand as to why for more than four years, the Government has slept over the matter. More so, when it stood pointed out in the very same communication that at least 19 States of the Union of India have already set up such establishment.

In this view of the matter, we direct the Chief Secretary, Government of Bihar (Respondent No. 4) to positively take a decision in terms of and on the basis of communication dated 14<sup>th</sup> December, 2017 (Annexure-1, Page



11).

We also notice that one individual had already requested the Chief Secretary, Government of Bihar for taking appropriate action vide communication dated 24<sup>th</sup> May, 2021 (Annexure-2, Page 16).

As prayed for, list on 26.04.2022.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sujit/Ashwini

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