

# Legal Remedies Adopted By Tribal Prisoners of Udaipur District of Rajasthan

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'Tribal' and 'justice' have become the core of any genuine development concern of the national and the international level. In terms of sheer acknowledgement of this fact, there are no two views, no matter what the arguments are.

## **Tribal: Characteristics and Prevalence**

A tribe is a collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogenous; through originally it might have been so. There is no universally accepted definition for the term 'tribe' and was defined in several ways by different individuals. It is nowhere defined in the Indian Constitution except by declaring that the schedule tribes are "the tribes or the tribal communities or parts of or groups within tribes and tribal communities" which the President of the country may specify with a public notification (Constitution of India, Article 342).

The most acceptable definition in the Indian Context is propounded by Majumdar, D.N. (1958) as "A tribe is a collection of families bearing a common name, members of which occupy the same territory, speak the same language and observe certain taboos regarding marriage, profession or occupation and have developed a well assessed system of reciprocity and mutuality of obligation."

The Population of Rajasthan is 6,86,21,012 as per the 2011 Census. The Schedule Castes (SC) and Schedule Tribes (ST) form about seventy percent and twelve percent of the state population respectively.

The tribes are hunters, forestland cultivators and minor forest product collectors, living in isolation with near to nature and hence called son of soil. The impoverished economy effects population growth, literacy, sex ratio, pregnancy procedure and health care (Nagada 2004). The growth rate of tribal population was higher than the growth rate of total population of the state. Around 54.75 lacs or say about 12.44 per cent of total population of the state belonged to scheduled tribes. Five districts viz. Udaipur, Banswara, Dungepur, Jaipur and Sawaimathapur together contributed two third of the state's population (Census, 2001).

The highest concentration of tribal population is noticed in Banswara and Dungepur districts where their proportion to the total population of the districts comes to 73.47 per cent and 65.84 per cent respectively. Other districts with higher proportion are Udaipur (46.34 per cent), Sawai Madhopur (22.47 per cent), Bundi (20.25 per cent), Chittorgarh (20.28 per cent) and Baran (21.13 per cent) (Nagada, 2004; 2-4). Other districts with higher proportion are Udaipur (46.34 per cent) and Sirohi (23.39 per cent).

The population of the tribes in Rajasthan is quite high as compared to the national average (8.6), with original inhabitants Bhils and the Meenas forming the largest group. Lesser known tribes like Sahariyas, Damariyas, Garasias, Lohars still form an important groups. The Bhils are largely concentrated in the area around Chittorgarh, Udaipur and Dungepur in the south corner of the state constituting a formidable 39 percent of the state's tribal population.

Regarded as warriors with fine inherent guerilla tactics, their archery skills find mention in the Hindu epics of Mahabharata and the Ramayana. With improved communication and rapid growth in the economy, the living of Bhils is slowly changing from their original hunting and gathering existence to one near the mainstream.

After the Bhils, the Meenas are the second largest tribal group and the most widely spread throughout eastern Rajasthan. Most Meenas are cultivators and worship Lord Shiva.



### **Literacy among STs in Rajasthan**

As per the 2011 Census of India, the literacy rate of state at 66.11 is less as compared to overall literacy rate of India which stands at 74.04 per cent. Government has played a major role in bringing the Literacy rate of state up as it was pretty low in the last two decades. The literacy rate among the STs, as per the Report number 543 of NSS 66<sup>th</sup> round, 2009-2010, is 63 per cent.

Rajasthan has the lowest literacy rate except the state of Arunachal Pradesh in the country. According to the 1991 census, over all literacy rate of the country was 64 per cent whereas, this figure for Rajasthan was 55 per cent. The position of literacy among tribals of Rajasthan is extremely poor, and more so in the case of female literacy. It is very painful and even disturbing to note that the literacy among tribals in Rajasthan increased by about 10 per cent during the period 1961-91 and during the same period, female literacy grew just about two per cent. Almost all female population of the tribes in Rajasthan continues to be illiterate. In this context, it becomes a herculean task to effect any social and economic change among the tribals. Most of the tribals use their children for ancillary services; child labour is common in the tribes.

### **Sex Ratio of Rajasthan**

The sex ratio in Rajasthan is not a great indicator of its overall growth and development. Present sex ratio of 926 females for 1000 males is less as compared to other states in India like Kerala and Karnataka. According to latest figures, there are only 10 districts in Rajasthan where sex ratio exceeds 900. In fact Rajasthan's sex ratio has declined in the last two decades which causes a serious concern for Government and Agencies.

### **Socio-Cultural Issues among Tribal**

Every culture, irrespective of its simplicity and complexity has its own beliefs and practices. The tribal communities vary among themselves in terms of socio-cultural tradition; economy and interaction with outside world, the concept and nature of social institutions like marriage are different. Practices like nata are common among tribal.

### **National Concern to the Issues of Tribal**

Our constitution contains number of provisions for ensuring a better quality of life for the weaker sections of society, and STs in particular, based on a policy of positive discrimination and affirmative action on the developmental and regulatory fronts. The architects of the Constitution being conscious of the separate identity of the tribal communities and their habitat provided certain articles exclusively devoted to the cause of the STs. These include Articles 244, 244A, 275(1), 342, 338(A) and 339. To convert these aspirations into reality, the Government has since independence actively planned for the focused development of areas inhabited by tribal and for their upliftment taking them as distinct groups living in compact areas/aspects of tribal life has since been in operation. Over the last 60 years or so, many of the Scheduled Tribes appear to have evolved into two, more or less distinct, groups: those who have been able to take advantage of the protection and benefits guaranteed to them under the Constitution and under various Acts and schemes and have been able to decrease the gap in development between them and the others; and those Scheduled Tribes whom such programmes and protection have failed to reach and who, therefore, still exist at subsistence level with poor health, education and income levels.

By and large, however, improvements in the socio- economic conditions of Scheduled Tribes measured in increased literacy rates, reduction in poverty, etc. have not been proportionate to the investments made. As compared to other sections of the Indian society, the tribal population has the lowest Human Development Index (HDI). In addition, they suffer from geographical and cultural exclusion, which are not captured in the HDI. Similarly, lack of empowerment to make choices for themselves is also not accounted for. A large segment of the tribal population lives below the Poverty line and suffers from a high infant mortality rate, severe malnutrition, various communicable diseases, lower literacy rates and an extremely slow pace of development. Under-development coupled with lack of access to proper judicial machinery in the tribal areas further increases their deprivation. The entire way of life of the tribal communities is woven around harmony with and preservation of nature.

There is a very strong symbiotic relationship between the STs and the forests and they have been at the fore front of the conservation regime. Due to faulty processes of declaring forests in the colonial era, the rights of the tribal over their traditional land holdings in the forests have gradually been extinguished. Insecurity of tenure and fear of eviction from these lands has led the tribal communities to feel emotionally as well as physically alienated from forests and forest lands. This was cured by a historical act named as the Forest Right Act, which gave tribal control over forest. For the Scheduled areas, the Government has passed an Act called "the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996" (popularly known as PESA Act). The Act is meant to enable tribal society to assume control over their own destiny to preserve and conserve their traditional rights over natural resources. PESA requires the State Governments to change



their existing laws, wherever these are inconsistent with the central legislation. Our state government had made Rules in 2011 to bring this act into a reality. At this point of time, when the country is moving towards an accelerated GDP growth rate of 8 per cent to 9 per cent, if the fabric of Indian society is to be kept intact, and not riven into several parts, it is necessary to ensure that all segments of society participate in, and benefit from, the growth. This has been our policy since independence. The issue of tribal empowerment needs, therefore, to be addressed with utmost importance. Though the Constitution of India contains several provisions for the protection and development of Scheduled Tribes, and to ensure a level playing field for Scheduled Tribes and other vulnerable groups, and though several other Central and State Acts, instruments and pronouncements which have similar objectives are in existence, there was no single policy which looks at the issue of protection and development of Scheduled Tribes in an integrated and holistic manner. In order to address the issues concerning lower HDI, poor infrastructure, diminishing control over the natural resource base, persistent threats of eviction from their habitat, exclusion from mainstream society and economy in distribution of wealth and opportunities, and to place STs on a progressive and constructive path and make them active partners in nation building, a National Policy for the Scheduled Tribes is considered necessary by the central govt. The policy will facilitate translation of the Constitutional safeguards into reality, with simultaneous socio-economic development. The earlier Government has also in its National Common Minimum Programme committed itself to the protection of rights of tribal communities side by side with socio-economic development. The guiding principles of the Policy are:

i) Principles enshrined in the Constitution of India for social, economic and political empowerment of STs (Articles 14, 15(4), 16(4), 16(4A), 46, 243(d), 244(1), 244(2), 275(1), 330, 332, 335, 338A, 339(1), 340, 342, extension of 73rd and 74th Amendments of the Constitution to the Scheduled Areas through the PESA Act, etc.) ;

ii) Nehruvian Panchsheel

As per the planners, the National Tribal Policy shall have the following objectives:

Regulatory Protection:

- Providing an environment conducive to the preservation of traditional and customary systems and regime of rights and concessions enjoyed by different ST communities, and reconciliation of modes of socio-economic development with these;
- Preventing alienation of land owned by STs and restoring possession of wrongfully alienated lands;
- Protection and vesting of rights of STs on forest lands and other forest rights including ownership over minor forest produce (MFP), minerals and water bodies through appropriate legislations and conversion of all forest villages into revenue villages; Providing a legislative frame for rehabilitation and resettlement in order to minimize displacement, ensure that affected persons are partners in the growth in the zone of influence, provide for compensation of social and opportunity cost in addition to market value of the land and rights over common property resources - the concept of net present value (NPV).

INSTITUTIONS OF SOCIAL JUSTICE: PRISON AND COURT

**Let us analyze prison and court as the institutions of social justice in our state.**

**PRISON: As per the official website of the Rajasthan Prison Department:**

1. Rajasthan Prison Department stands for applying a corrective sentence to the prison inmates. It not only keeps the inmates in safe custody but also endeavours to correct their deviated behaviour by building their capacity through various programmes of academic & vocational education and recreation. The department attempts to inculcate a feeling of respect for law among the inmates and tries to mould them into a useful citizen. The department respects various national and international laws while fulfilling its objectives. Infrastructure and conditions have been created in the prisons of Rajasthan to facilitate social readjustment and rehabilitation of prison inmates in the society.

The Department safeguards the society by confining in safe custody the persons committed by the courts and treating them with humanity and helping them to lead a useful life in society as law abiding citizens after their release from the Prison. The theory of Reformation and Rehabilitation is followed in the Prisons of the State. The department was established with aim of providing more progressive and humane care for inmates, to professionalize the prison service and to ensure consistent and centralized administration of state prisons.



Rajasthan Prison Department is one of the largest Prison Departments in the country. The department runs 119 prison institutions in which more than 15,000 inmates remain lodged at a given time. Moreover, the floating population of prison inmates in the state is about 1, 50,000 in a year.

The department ensures that that the offenders serve their sentences of imprisonment in prisons that are safe, humane, cost-efficient and appropriately secure. It also helps in reducing the potential for future criminal activity by encouraging inmates to participate in a variety of programmes meant for their skill development.

There are the two regional DIG offices and seven administrative circles viz. Jaipur, Ajmer, Kota, Udaipur, Jodhpur, Bikaner and Bharatpur below them. Jails in the state are classified as Central Jails, District Jail 'A' class, District Jail 'B' class and Sub-Jails on basis of the category of convicted inmates kept in them. Central and District Jails are headed by Superintendent and Deputy Superintendent respectively. Besides, there are specialized classes of jails viz. Women Reformatory, Young Offenders' Reformatory and Open Air Camps. Each Central/District Prison exercises control over Sub-Jail situated in Districts under its jurisdiction. The Sub-Jail is administered by an Assistant Jailor who is the executive in-charge of a Sub-Jail.

## 2. Courts

### Who moves a Court?

Only the disadvantaged peoples move the Courts. When a person is disadvantaged by some other person(s) or system, he or she moves an appropriate Court for justice. A severely disadvantaged person, whose life and liberty fall into jeopardy, needs the High Court. But seeking justice from the High Court of Rajasthan is often more disadvantageous than the disadvantage a litigant wants to remove, if he or she does not live in or around the City of Jodhpur where the High Court of Rajasthan is situated.

The founders of our constitution were able to envisage the unique charter of scheduled tribes viza viz their specific needs. Keeping this point in mind, in the past 63 years efforts related to good governance and empowerment in tribal area have been planned and executed. Our efforts for the well being of tribes have been noteworthy. Simultaneously we need to look in judicial administration area also. At present only two-tier-system is in operation in the region. The third tier that is High Court is too far the tribal people to approach. Due to this, the tribal people of this area fail to gain equal excess to justice as compared to main stream population.

### Courts in India

The Indian Judicial System has the Supreme Court of India at its helm, which at present is located only in the capital city of Delhi, without any benches in any part of the nation, and is presided by the Chief Justice of India.

The Supreme Court of India has many Benches for the litigation, and this apex court is not only the final court of permissible Appeal, but also deals with interstate matters, and matters comprising of more than one state, and the matters between the Union Government and any one or more states, as the matters on its original side. The President of India can always seek consultation and guidance including the opinion of the apex court and its judges. This court also has powers to punish anybody for its own contempt.

The largest bench of the Supreme Court of India is called the Constitution Bench and comprises of 5 or 7 judges, depending on the importance attached of the matters before it, as well as the work load of the court.

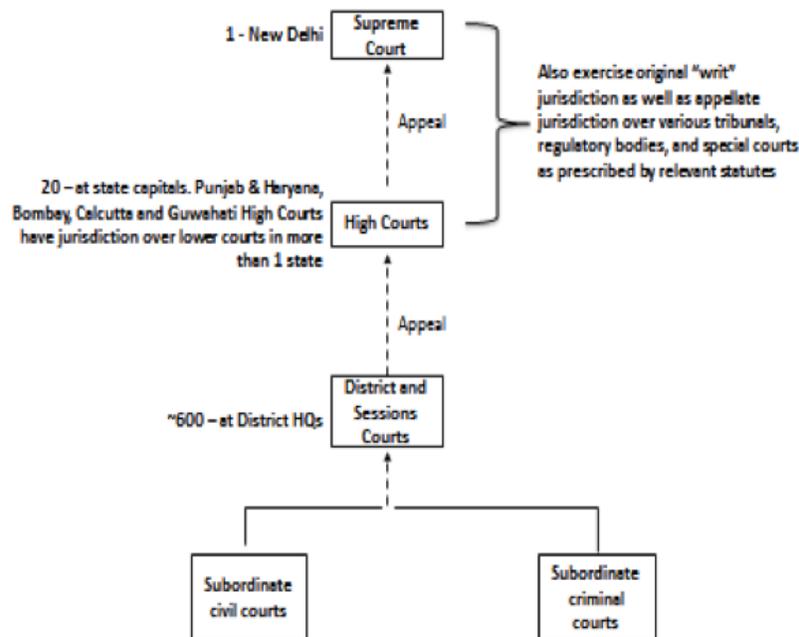
The Appeals to this court are allowed from the High Court, only after the matter is deemed to be important enough on the point of law or on the subject of the constitution of the nation, and is certified as such by the relevant High Court.

In the absence of any certificate from the High Court, a person may, with the leave of the apex court, appeal to this court, by filing a Special Leave Petition before the court.

A person or body may also file a Writ against the violation of Fundamental Rights granted under the Constitution of India, with the permission of the apex court.

Certain writs are allowed to be instituted in the apex court directly, against the orders of the Courts of the Court Martial, and the Central Administrative Tribunals.





"The Constitution of India secures justice to all its citizens apart from securing liberty, equality, and promoting fraternity. Indian democracy the Supreme Court plays important role of safeguarding the fundamental rights of citizens which includes providing fair justice also. Justice which is the soul of a democratic society must be administered without fear or favor. Integrity, Impartiality and Intelligence are some of the important characteristics of the independent judiciary in a democratic setup. "

It is a matter of academic discussion as to who really controls the process of Justice, whether the courts or the governments. So far as the criminal cases are concerned, all the investigations are done by the police or other governmental agency which report to the government. Prosecutors are appointed by the government also. Courts are concerned with the trial. Thus two important aspects which constitute justice -- investigation and prosecution are totally in the hands of Government.

The Government also provides funds for the smooth functioning of the courts. By regulating the flow of funds, the Government controls the capacities of courts directly. Better equipped courts with better and sufficient staff can deliver justice faster and more efficiently. Justice being a concurrent subject, both the Central and State governments are responsible for providing funds. The government indirectly controls even the process of trial through its control on funding. The Central allocation of the tenth five year plan (2002-2007) for justice is merely Rs.700 Crore, comparing with the government's recent decision of spending Rs.727 crore on the purchase of five aircrafts for the use of VIPs, can well reveal the paradox. Setting up of fast track courts, family courts, consumer courts, special courts for ST/ST cases, has speeded up the procedure of justice. As such it has been decision of the government, which can speed up delivering justices.

No doubt the courts are duty bound to provide, fair and expeditious justice. The points of efficiency are many times in conflict. The increasing workload of the courts raises the matter of writing and publishing of judicial proceedings, decision and orders. The existing practice of writing and reporting judicial proceedings, decisions and orders needs to be reviewed carefully in order to enhance the efficiency of the courts. A very alarming situation the Indian judiciary faces today is the burgeoning arrear of pending cases, not only with the lower courts, but also with the High Court and the Supreme Court. Delay in disposal of cases frustrates the very purpose of justice. Delayed justice is denied justice. Delay creates frustration and results in loss of confidence among the general mass. A sense of despair and frustration is inevitable in any individual, who unfortunately entangles in litigation. There is no certainty of provid of getting the final justice. In civil cases, the minimum time is supposed to be ten to fifteen years. In many cases, after the death of the original plaintiff. Even If a judgment is passed by a lower court, an appeal can be filed in high court as well as in Supreme Court.



Lots of improvements are required in the functioning of the courts, in order to minimize the time in disposing off the cases. Practically seen, there is no time limit fixed for arguing cases. Cases are being argued for months altogether in Indian Courts, while in USA, counsels are given exact time to argue the case.

Needless to emphasize that judiciary is a vital organ of any democratic setup, responsible to provide, fair and expeditious justice to all. Lot many structural reforms are required to improve the working standard of the judiciary so that the importance of this vital organ is not vitiated and the confidence of people is not shattered further.

The lower courts consist of trial courts, the district courts and session courts and session courts. These courts represent the first tier of the judicial setup. Most of the population, the illiterate poor agriculturists, tribal and the ignorant common man, come in the contact and look upon these courts as last resort for justice. The functioning of these courts is so dismal and working condition so pathetic. There is no system or procedure for fixing the next date any party can get a date of their choice by spending a little amount of money.

The pendency in Higher Courts and lower courts is to be considered. More than 100 million cases are pending in lower courts which affect adversely the common man. Unless the facilities and working atmosphere of the lower courts is improved it is difficult to imagine reducing the sufferings of the general litigants. Accelerating the pace of disposal of cases pending at the Higher Courts will not remove the bottlenecks and faults lying at the lowest levels.

It is the need of hour that legal and judicial setup be streamlined right from lower level so that the gradually deteriorating confidence of common man in the judiciary could be restored.

### **RATIONAL OF THE STUDY**

The tribal society is different from the normal society- socially, economically and culturally. The fifth and sixth schedule of the constitution clarifies this status. The Law of Inheritance is not applicable to them. They have the system of common assets and individualized. The general Marriage Law is also inapplicable to them. They have different customs and systems of marriage.

### **General Crime Reportedly Done By the Tribal**

Disputes among tribal reportedly occur on pity issues like that on the honourship of the boundary etc. Mautana, an evil practice amongst tribal of deciding the death prize in case of any accidental death is also very popular. They sit on dharna and do not let the death cremation performed unless and until they get the death price of the deceased. The practice is illegal but on various occasions even the police does mediation to get the matter decided and the death price negotiated.

Tribal, on various festivals, get together to celebrate. During such occasions, they extensively take liquor. Quarrel takes place on minor issues and out of anger, they many times, commit grave crime like doing violence, to the extent, even the murder also. As per the senior advocate, Mr. Ramesh Nandwana, most of the time, the crime committed by them is spontaneous and unplanned.

As far as marriage is concerned, they have their own systems quite different from the normal Hindu Marriages. The practice amongst many tribes is that the boy and the girl come together along with their families and the basic belongings to the festival place. In case

The Udaipur, Dungerpur, Banswara, Pratapgarh and Chittorgarh districts of Tajaasthan are covered under the fifth schedule of the Constitution. And the Tribal Sub Plan is applicable here.

The Government has special power regarding administration of this plan. And the administration includes justice system also.

The judiciary is responsible to provide fair and expeditious justice. It is also responsible to safeguard the legal and fundamental rights of the citizen immediate attention is required to be paid to make the judiciary most competent suitable to the need of the society in our democratic setup.

### **Courts Vis-a-viz. STs in Rajasthan**

The founders of our constitution were able to envisage the unique charter of S.Ts. viza viz their specific needs. Keeping this point in mind, in the past 63 years efforts related to good governance and empowerment in tribal area have been



planned and executed. Our efforts for the well being of tribes have been noteworthy. Simultaneously we need to look in judicial administration area also. At present only two tier system is in operation in the region. The third tier that is High Court is too far the tribal people to approach. Due to this the tribal people of this area fail to gain equal excess to justice as compared to main stream population.

That Rajasthan State is the 1<sup>st</sup> biggest State of the Union of India consisting of 3,42,239 Sq. Km area i.e. 11% of the total area in the 28 states and 7 UT having a population of 5,65,07,188 having 15<sup>th</sup> position consisting of ST 70,97,706 and Scheduled Caste 96,94,462 which works out 12.56% and 17.16% respectively and 56.02 of the total tribes of the Rajasthan resides in this Southern Rajasthan which is popularly known as Mewar-Vagad Region. Existing Udaipur Division consists of 6 Districts viz. Udaipur, Rajsamand, Chittorgarh, and Dungarpur, Banswara and Pratapgarh (earlier part of Udaipur, Chittorgarh, Dungarpur & Banswara) known as Mewar- Vagad Region. Bhilwara District which has been separated from Udaipur Division which was part of Mewar Region is now in the Ajmer Division but from the cultural and linguistic view the Bhilwara is still considered as part and parcel of the Mewar Udaipur Division save and except for administrative reasons. Sirohi consisting of Abu Road and Pindwara is neighbouring tribal belt of the erstwhile mewar princely state. Sirohi is neighbouring district of Udaipur though this district is within Jodhpur Division. Mina, Bhil, Garasia, Damor, Naikda are the main Scheduled Tribe and Megh, etc., Salvi, Chamar etc. Salvi, Rawal Balai, Khatik, Bairwa etc. Koli, Sargara are the main Scheduled Caste population of Mewar Vagad Region. The Tribal belt of Mewar Vagad Region including part of Abu Road and Pindwara of Sirohi District and Sahabad of Baran District excluding Rajsamand district are covered under the Tribal Advisory Council of Scheduled area under the **Vth Schedule** of the Constitution of India. TAC is headquartered at Udaipur. In Udaipur Division rest of the area are included under Marginal Area Development Agency (MADA). The area, Population including ST & SC population and the percentage of the ST SC with that of State as a whole and district wise statistically data of Udaipur Mewar Vagad Region based on 2011 censuses are as under:

#### Percentage of Scheduled Tribes to total population: -2011

Districts	Area Sq.Km	Population 2001 Cen.	ST	SC	ST %	SC%
<b>Whole of the State of Rajasthan</b>	<b>3,42,239</b>	<b>5,65,07,188</b>	<b>70,97,706</b>	<b>96,94,462</b>	<b>12.56</b>	<b>17.16</b>
Udaipur	13,419	26,33,312	12,60,432	1,58,336	47.86	06.01
Banswara	5,037	15,01,589	10,85,272	64,336	72.27	04.28
Dungarpur	3,370	11,07,643	7,21,487	45,986	65.14	04.15
Chittorgarh	10,856	18,03,524	3,88,311	2,50,762	21.53	13.90
Rajsamand	3,860	9,87,024	1,29,198	1,22,502	13.09	12.41
Total of UDR Dn. Six Districts	<b>36,942</b>	<b>79,33,092</b>	<b>35,84,700</b>	<b>6,41,843</b>	<b>45.19</b>	<b>8.09</b>
ST/SC%Dn.basis	<b>10.79%</b>	<b>15.81%</b>	<b>50.50%</b>	<b>6.62%</b>	<b>50.50</b>	<b>6.62</b>
Bhilwara	10,455	20,13,789	1,80,556	1,62,984	8.97	8.09
Sirohi	5,136	8,51,107	2,10,763	3,16,536	24.76	37.19
Total of 2 Bhil+Sirohi	15,581	28,64,896	3,91,319	4,79,520	13.66	16.74
G.Total UD + Bhl.+Sirohi	<b>52,563</b>	<b>1,07,97,988</b>	<b>39,76,089</b>	<b>11,21,363</b>	<b>36.82</b>	<b>10.38</b>
ST/SC%Dn.+ Bhl+Sirohi basis	<b>15.36%</b>	<b>19.11%</b>	<b>56.02</b>	<b>11.57%</b>	<b>56.02</b>	<b>11.57</b>

**Note:** Pratapgarh District was created in 2008.



Geographically the Mewar Vagard Region which is southern part of the state of Rajasthan is a typical Region which is surrounded by the Arawali Range/Hills with Madhya Pradesh on the eastern side and the Gujrat states on the southern side Borders/ Area. The majority of SC & ST population leaving in this revision is mainly dependent on agriculture and NREGS working labour. The agriculture being gamble on rain and the region being hilly tract as also almost entire rain water of the rivers flowing out Gujrat and Madhya Pradesh States, and the fragmented and small holdings in the hills uneconomic for the Adavasis of this region has hardly to depend on the mercy of Famine relief work or MNREGA.

To and from traveling from the litigants place to abode to Jodhpur for securing Bail or other legal and civil relief, the people of Mewar and Wagad Region of this Southern Rajasthan area is a night mare for vindicating of their constitutional rights for seeking justice irrespective of the fact that they may have a strong prima facie and good arguable case.

Jodhpur the Principal Seat of the High Court for the southern Rajasthan Mewad Wagad Reion is at least a distance of more than 550 Kms from Danpur, Anandpuri, Pipalkhunt, Kushalgarh, Pratapgarh and Aronod Tehsil's residents of Banswara , Chittorgarh and Pratapgarh districts of Udaipur Division. A person has to change buses at three place first to connecting nearest Town, than to nearest place of the District of Bus Stoppage Bus Stand and than for Jodhpur. The one way travel to or from takes more than 24 hours hard ship journey. This why in the last 10 years span there has been about 800 jail appeals and about 18,000 under trials were released from jail only after their acquittal. An inhabitant of Banswara and Dungarpur and Kotda Bhomat area of Udaipur district who has not seen a train even after 63 years of the Independence find himself hope less and helpless in the So called Jodhpur when he finds no body to understand his Vagari and Bhomat dialect (Spoken Language). Train journey also takes more than 14 for distant Tehsil head quarters of this region. For a resident of Pratapgarh one has to reach Mandsaur or Jawad, Neemuch in Madhya Pradesh and than board a train for Ratlam or Chittorgarh and than again changing the train to reach Jodhpur and the same happens for the return journey to his home destination. There is no direct train connection from Udaipur or Rajsamand District's residence for Jodhpur as on date. Sirohi part of which is within the Tribal Sub Plan of Udaipur is situated at distance of 135 kilometer from Udaipur as against 160 kilometer to Jodhpur.

The Mewar – Vagad region is rich in minerals viz. Lead, Zinc, Copper, Silver, Gold , Iron, Rock Phosphate, Mica, Fluoride, Asbestos Soap Stone, Lime Stone, etc. In agriculture the region has small holdings and based on Kharif crops mainly Maize. Major tribal belt is yet to see Train i.e. Banswara, Pratapgarh and Dungarpur districts. Tribes are mainly agricultural labours and generally migrating to Gujrat for agriculture job. Drought is misfortune of the this Tribal belt and Famine works used to keep them half fed. The Nature is both bountiful and cruel for the Mewar Vagad Region. The farmer could not pay much dividend as the mineral wealth sill lay deep in the bowls of the earth. However the frequent droughts have dried up the average earnings of the people of this region to the extent that it has become the lowest. Since generation the people of this area have been victim of backwardness, oppression, suppression and ignorance and so much so of poverty that they cannot afford square meal a day and their living below poverty line is made further miserable by illiteracy. It is only the almighty God who looks after their homes and old family members during the droughts when they are constrained to migrate for Gujrat or ill afford themselves in illegal deforestation or other illegal acts for their survival.

The people of this region cannot afford to avail remedy under article 226 or 227 of the COI for vindication of their legitimate demands because of distance and poor economic condition.

The NHW No. 8 partly covers Bichiwara (Dungarpur) Kherwara, Salumber-Sarada, Mavli (Udaipur) Rajsamand NHW No.76 Mavali-(Udaipur) NHW No.79 Kapsain, Begun, Chittorgarh (Part of Chittorgarh) and Bhilwara Districts. There is No Train functioning from Udaipur to Marwad Junction in the Jodhpur Region. Udaipur to Dungarpur- Ahemdabad via Ratanpur is connected by metre gauge. Mavli to Bari Sadri is connected by Metre gauge. Udaipur to Mavli- Kapsain-Chittorgarh- and Chittorgarh to Ajmer via Bhilwara- Hurda –Nasirabad is connected by Broad gauge Rail route. No rail in the entire District area of Banswara and Rajsamand District for metre gauge rail Mavli to Marwar Junction is non functional.

This article is an humble effort to analyse whether non-availability of the High court in the Mewar-Vagar Region of the Southern Rajasthan restricts the fundamental right to justice of the tribal prisoners of the region?

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