

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
**LOK SABHA**  
**UNSTARRED QUESTION NO- 2504**  
TO BE ANSWERED ON- 18/12/2023

**DISPLACEMENT OF TRIBALS**

2504. SHRI E.T. MOHAMMED BASHEER

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Tribal community have been displaced from the dwelling places, due to developmental projects and mining activities; and

(b) the steps taken/being taken by the Government to rehabilitate them?

**ANSWER**

MINISTER OF STATE FOR TRIBAL AFFAIRS  
(SHRI BISHWESWAR TUDU)

**(a) to (b):** Land and its management fall under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India [Seventh Schedule – List ii (State List) – Entry No. (18)]. Land acquisition, rehabilitation and resettlement are done by the State Governments.

Constitutional provisions under Schedule – V also provide for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State which has scheduled Areas is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases.

The Panchayats (Extension to Scheduled Areas) Act, 1996, also provides that the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas or development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level.

“The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989” has been introduced to prevent the commission of offences of atrocities against members of the Scheduled Castes and the Scheduled Tribes, to provide for the trial of such offences and for the relief of rehabilitation of the

victims of such offences and for matters connected therewith or incidental thereto. Wrongfully dispossessing members of Scheduled Castes or Scheduled Tribes from their land or premises or interfering with the enjoyment of their rights, including forest rights, over any land or premises or water or irrigation facilities or destroying the crops or taking away the produce therefrom amount to offence of atrocities and are subject to punishment under the said Act.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in section 4 (5) states that save as otherwise provided, no member of a forest dwelling Scheduled Tribes or Other Traditional Forest Dweller shall be evicted or removed from the Forest Land under his occupation till the recognition and verification procedure is complete.

Ministry of Rural Development, Department of Land Resources (DoLR) is the nodal Ministry at the Centre who plays a monitoring role in the field of land reforms. DoLR administers Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013), which stipulates the provisions for Compensation, Rehabilitation and Resettlement in the matter of land acquired for public purposes.. The purpose of the said Act is to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution; a humane, participative, informed and transparent process for land acquisition with the least disturbance to the owners of the land and the other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired. The relevant provisions of the RFCTLARR Act, 2013 are as below:

(i). Under Section 48 of the RFCTLARR Act, 2013, a National Level Monitoring Committee for Rehabilitation and Resettlement has been constituted in the DoLR vide DoLR's Order No. 26011/04/2007-LRD dated 2nd March, 2015 for the purpose of reviewing and monitoring the implementation of rehabilitation and resettlement schemes and plans related to land acquisition under the RFCTLARR, 2013 and National Rehabilitation and Resettlement Policy, 2007.

(ii). By way of safeguards against displacement special provisions have been made for Scheduled Castes and Scheduled Tribes under Sections 41 and 42 of the RFCTLARR Act, 2013 which protect their interests. The RFCTLARR Act, 2013 also lays down procedure and manner of rehabilitation and resettlement.

(iii). The First Schedule of the RFCTLARR Act provide for compensation for land owners. The Second Schedule provide for element of rehabilitation and resettlement for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those

provided in the first Schedule. Similarly, the Third Schedule provide for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area.

Government is seized of the matter and instances are there where tribal community have been displaced from their dwelling places, due to developmental projects such as Polavaram Irrigation Project.

As informed by the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, the Rehabilitation and Resettlement (R&R) Policy implemented for the Polavaram Irrigation Project (PIP) follows "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013" as follows:

Choice of annuity or employment per family (One-time payment)	Subsistence grant for a period of 12 months @ Rs 3000 pm		Transportation cost for each family (One-time payment)	Artisan/Small traders and others grant, if any (One-time payment)	Additional support to cattle shed/petty shops	One time Resettlement allowance for each family	Total in Rs.
	For all families	Additional for SC & ST					
5,00,000	36,000	50,000	50,000	25,000	25,000	50,000	For SC/ST Project Displaced Families Rs 6,86,000 For other Project Displaced Families Rs 6,36,000

Under the project, it is envisaged to provide land equivalent to land acquired or 2.5 acres, whichever is lower and housing units to the tribal household who lost their lands as well as an amount of Rs. 6.86 lakhs to each tribal project displaced families (PDF).

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