

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4012
ANSWERED ON:23.08.2005
LAND TRANSFER TO NON-TRIBAL IN VTH SCHEDULE AREAS
Gamang Shri Giridhar

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the provisions stipulated in the Article 244(i) for areas falling under fifth schedule with regard to the prohibition of land transfer to non-tribals and among members of Scheduled Tribes is being violated;
- (b) if so, the details with regard to States where aforesaid provisions are being violated; and
- (c) steps taken by the Government to stop violations of such provisions?

Answer

MINISTER OF TRIBAL AFFAIRS (SHRI P.R. KYNDIAH)

(a) to (c) 'Land' and its managements falls under the exclusive legislative and administrative jurisdiction of the States as provided in Entry No. 18 of the List II (State List) of the Seventh Schedule to the Constitution. The Ministry of Rural Development, Government of India has been playing an advisory and coordinatory role in the field of land reforms. As per the reports received from various States, 3.75 lakh cases of tribal land alienation have been registered so far, covering 8.55 lakh acres of land, of which 1.62 lakh cases have been disposed in favour of tribals covering a total area of 4.47 lakh acres. 1.54 lakh cases covering an area of 3.63 lakh acres have been rejected by the Courts on various grounds. The details are given at Annexure-I.

The State Governments have in general accepted the policy of prohibiting of transfer of land from tribals to non-tribals and the States like Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karanataka, Kerala, Madhya Pradesh, Manipur, Maharashtra, Orissa, Rajasthan, Sikkim, Tamilnadu, Tripura, Uttar Pradesh and West Bengal have enacted laws for prevention of alienation of tribal land.

Annexure - I

Statement in respect of parts (a) to (c) of Lok Sabha Unstarred Question No. 4012 for 15.3.2005 regarding Land Transfer to Non-Tribal in Vth Schedule Areas

STATE-WISE INFORMATION ON ALIENATION AND RESTORATION OF TRIBAL LANDS

(As on March, 2004)

(Area in acres)

Sl.No.	State	No. of cases filed in the Court	Area disp- osed the	Reje- cted of Tribals	Decided in favour of Tribals	Area in land was restored	Cases in which Pending	Area Cases restored	Area Cases	Area Cases	Area Cases
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1	Andhra Pr.	65875	287776	58212	256452	31737	150227	26475	106225	23383	94312	7663	31324	
2	Assam	2042	4211	50	19	-	50	19	50	19	1992	4192		
3	Bihar##	86291	104893	76518	95151	31884	49730	44634	45421	44634	45421	9773	9742	
4	Gujarat	47926	140324	40400	120691	119	497	40281	120194	39503	118259	7526	19633	
5	Himachal Pr.	-	NEGLIGIBLE	-										
6	Karnataka	42582	130373	38521	115021	16687	47159	21834	67862	21834	67862	4061	15352	
7	Madhya Pr.	#	53806	158398	29596	97123	29596	97123	NR	NR	NR	NR	24210	61275
8	Maharashtra	45634	NR	44624	99486	24681	NR	19943	99486	19943	99486	1010	NR	
9	Orissa	1431	1712	594	816	152	204	442	612	212	455	837	896	
10	Rajasthan	651	2300	240	774	53	187	187	587	187	587	411	1526	
11	Tripura	28926	25295	28888	25274	20084	18366	8804	6908	8551	6732	38	21	

Total 375164 855282 317643 810807 154993 363493 162650 447314 158297 433133 57521 143961 @

@ = figures inclusive
= Including Jharkand
= Including Chhattisgarh