

**GOVERNMENT OF INDIA  
TRIBAL AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:60  
ANSWERED ON:17.10.2008  
LAND RIGHTS OF TRIBALS  
Rao Shri Errabelli Dayakar

**Will the Minister of TRIBAL AFFAIRS be pleased to state:**

- (a) The steps taken by the Government to protect the land rights of the tribals in the country.
- (b) Whether the tribals are under target after they filed their claims for land rights; and
- (c) If so, the details thereof including Andhra Pradesh and Rajasthan during the last three years and the current year?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS(DR. RAMESHWAR ORAON)

(a) 'Land Rights' are of two kinds:

(i) The right to hold lands in Forest Areas and

(ii) The right to hold lands in non-Forest Areas.

As regards Forest Lands, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has conferred powers on forest dwelling Scheduled Tribes the right to hold and live in the forest lands for habitation or for self-cultivation for livelihood. It is the responsibility of the concerned State Government to take further action as per the provisions of this Act.

As regards non-Forest Lands, "Land" and its management fall under the exclusive legislative and administrative jurisdiction of States (Entry No. 18 of List-II (State List) of the Seventh Schedule to the Constitution of India). Hence State Governments are competent to make laws in this regard. Various Land Revenue Laws/Regulations of States recognise these rights. In the Scheduled Areas, however, in terms of the Fifth Schedule to the Constitution, the Governors of the States concerned can make Regulations restricting transfer of lands of tribal lands to non-tribals. Even in non-Scheduled Areas, State Governments have, in general, accepted the policy of prohibiting transfer of land from tribals to non-tribals and restoration of alienated land to tribals.

At the Central Government level, the Department of Land Resources (Ministry of Rural Development), are concerned with the matter to a limited extent; their role being of an advisory, monitoring and coordinatory nature. They monitor periodically the subject of land alienation from tribals in all States.

(b) and (c): The Ministry of Tribal Affairs has no information from any State, including Andhra Pradesh and Rajasthan, of tribals being under target after they filed their claims for land rights.