

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:280

ANSWERED ON:20.11.2009

TRIBAL RIGHTS

Meghe Shri Datta Raghobaji;Rajesh Shri M. B.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the total population of tribals living in the forests;
- (b) the salient features of the rights of tribals with regard to the forests;
- (c) the manner in which such rights are secured to the tribals, State-wise;
- (d) whether any difficulty has come in the way of implementation of such rights;
- (e) if so, the details thereof and the steps taken thereon, State-wise;
- (f) whether the tribals are alienated in their own backyard;
- g) if so, the details thereof and the response of the Government thereto, State-wise;
- h) if not, the State-wise details of special reference to ownership rights to land and other natural resources and encroachment from outside their community; and
- i) the time by which the tribals will enjoy social security and insurance?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS(DR. TUSHAR A. CHAUDHARY)

(a): Demographic details in respect of the people residing in the forest areas in the country are maintained by the respective State / Union Territory Governments.

(b): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, administered by the Ministry of Tribal Affairs, seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers that are to be recognized and vested are specified in Section 3 of the Act.

(c): The procedure for recognition and vesting of the forest rights under the Act is laid down in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 notified on 1.1.2008. As per these Rules, the claimants under the Act have to submit their claims to the Gram Sabha in the prescribed form. The Gram Sabha, assisted by a Forest Rights Committee, has to recommend claims to Sub-Divisional Level Committee after which the District Level Committee has to approve/award forest rights.

(d) & (e): As in all schemes, operational problems are sometimes being faced in the implementation of the Act but solutions are being found by the State Administration.

(f) & (g): 'Land and its management' is a State subject. Hence issues relating to land fall under the exclusive legislative and administrative jurisdiction of States. Tribal can be alienated of their land by

(i) acquisition of their land through the Land Acquisition Act by Government for implementation of development schemes or
(ii) non-tribals by transfer, etc. The Ministry of Rural Development, Department of Land Resources has notified the "National Rehabilitation & Resettlement Policy – 2007" (NRRP-2007) to take care of the Rehabilitation and Resettlement needs of the project-affected/displaced families, including Scheduled Tribes families. As regards alienation of tribal lands at the hands of non-tribals in Scheduled Areas, most of the States have enacted Laws/ Regulations to prevent such alienation of tribal lands and to restore such lands to the original tribal owners. The Ministry of Tribal Affairs has no information about the details of such alienated lands.

(h): Such data is not maintained in the Ministry of Tribal Affairs.

(i): The schemes implemented by the Ministry of Tribal Affairs for the welfare of the Scheduled Tribes aim at providing social security and insurance to all tribal people in the country. This is a continuing process and no time limit can be prescribed.

