

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1601
ANSWERED ON:13.12.2013
RIGHTS OF TRIBALS
Das Shri Khagen

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Government has taken note of displacement of adivasis under the guise of development in violation of Constitutional guarantee under Fifth Schedule and PESA Act;
- (b) if so, the violation noticed in this regard during the last three years and the current year. State/UT wise; and
- (c) the efforts made by the Government to protect the adivasis as well as their legal rights ?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SMT. RANEE NARAH)

(a) to (c): As per provisions of Para 5(2) of the Fifth Schedule to the Constitution of India, the Governor of the Scheduled Areas States are empowered to make regulations to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes and regulate the allotment of land to members of the Scheduled Tribes in the Scheduled Areas. The Scheduled Areas has been declared in the States of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. There is restriction for alienation of tribal land to the non-tribal people in the Scheduled Areas.

The provisions of the 'Panchayats (Extension to the Scheduled Areas) Act, 1996'-(PESA) provides for protection from acquisition of land in the Scheduled Areas, besides the respective State laws on land alienation. Appropriate provisions have also been made in 'The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006'- (FRA), to ensure rights of tribal people related to their land on natural resources. As per the provisions of the Act, no member of forest dwelling Scheduled Tribes and other traditional forest dwellers shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

As per entry no 18 of the List II – State List of the Seventh Schedule to the Constitution of India, land is a State subject, so whenever any complaint is received in this Ministry, it is sent to the concerned State Government for appropriate action.