

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4628
ANSWERED ON:21.02.2014
RIGHTS OF TRIBAL COMMUNITIES
Natarajan Shri P.R.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Government has recognized the Rights of Tribal Communities on land surface and Surface Resources as adopted by the United Nations convention and International Labour Organisation;
- (b) if so, the details thereof along with the steps taken to recognize the Tribals Mineral Wealth Right so far; and
- (c) the number of tribals benefited along with the details of surface involved?

Answer

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

(a): It has been informed by the Ministry of Labour & Employment that India has ratified ILO Convention no-107 concerning "Indigenous and Tribal Populations Convention" which inter-alia relates to land rights. Article 11 of the Convention provides that the right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised. The Ministry of Tribal Affairs has enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 with effect from 31.12.2007 and the Forest Rights Rules, 2008 for implementing the provisions of the Act were notified on 01.01.2008. The Act seeks to recognize and vest the forest rights and occupation in forest land dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. These forest rights include the right to self-cultivation for livelihood and ownership of minor forest produce including right of ownership, access to, use or dispose of minor forest produce.

(b): The Central Government has enunciated the National Mineral Policy (NMP), 2008 which seeks to develop a sustainable framework for optimum utilization of the country's natural mineral resources for the industrial growth in the country and at the same time improving the life of people living in the mining areas, which are generally located in the backward and tribal regions of the country. The NMP, 2008 also enunciates that special care will be taken to protect the interest of host land indigenous (tribal) populations through developing models of stakeholder interest based on international best practice. Project affected persons will be protected through comprehensive relief and rehabilitation packages in line with the National Rehabilitation and Resettlement Policy.

Rule 27(1) (p) of the Mineral Concession Rules, 1960 framed under Section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 has a provision for giving preference in matters of employment to tribals and persons displaced due to mining operations.

The Government has introduced the Mines and Minerals (Development and Regulation) Bill, 2011 (MMDR Bill) in the Lok Sabha on 12.12.2011 which has the provisions with regard to welfare of tribals and local persons affected due to mining operations.

The recommendations of the Standing Committee on Coal and Steel on the Mines and Minerals (Development and Regulation) Bill 2011(MMDR Bill) have been received and the Government is in process of obtaining the approval of the Cabinet for making Official Amendments to MMDR Bill 2011 based on the recommendations of the Standing Committee and the comments of the stakeholders received thereon.

(c): Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, till 31st January, 2014, 36,54,420 claims have been filed and 14,18,078 titles have been distributed. A total of 31,06,690 claims have been disposed of (85.01%).