

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5398
ANSWERED ON:27.04.2015
REHABILITATION OF TRIBALS
Giluwa Shri Laxman;Laguri Smt. Sakuntala

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the court has to intervene in the separation, replacement and rehabilitation work of the displaced tribals;
- (b) if so, the details thereof and the reasons therefor;
- (c) Whether the court has to make decisions in favour of tribals in over 2.09 lakh cases out of the total 3.78 lakh cases;
- (d) If so, the reaction of the Government thereto in view of the fact that these assignments have been carried out by the court instead of the Government; and
- (e) the corrective steps taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRI MANSUKHBHAI DHANJIBHAI VASAVA)

(a) to (d): Seeking remedy through Court of Law has been enshrined in the Constitution of this country. Hence any person aggrieved by the act of the State or non State agency can seek remedy through Court of Law. However lands being the State subject, these matters are dealt by State Governments or by agencies involved in Resettlement and Rehabilitation of people including tribals. Ministry of Tribal Affairs does not maintain data centrally.

(e): In order to recognize and vest the preexisting rights, landmark legislation in the form of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been enacted with regard to forest land. In addition, Right to Fair Compensation and Transparency in Land Acquisition and Resettlement and Rehabilitation Act, 2013 (LARR Act, 2013) also provides special safeguards for the tribals.

Accordingly the Ministry of Tribal Affairs while examining various proposals from the State Governments /Central Ministries for clearance of Resettlement and Rehabilitation (R&R) Plan in respect of various projects, normally responds, keeping in view of various aspects, as under:-

- (i) The affected Scheduled Tribe people should be rehabilitated in consonance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement and Rehabilitation Act, 2013 (LARR Act, 2013).
- (ii) Forest Rights Act process should be completed and if any person is divested of his forest rights, he/she should be compensated as per the LARR Act, 2013 before displacement.
- (iii) Payment and compensation should be as per LARR Act for private land, forest land and community forest land.
- (iv) Land losers should be given land in the command area of the project.