

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2489

ANSWERED ON:25.07.2014

ACQUISITION OF TRIBAL LAND

Rathwa Shri Ramsinh Patalyabhai;Reddy Shri Ponguleti Srinivasa

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a): whether the tribal land has been acquired for mining, industrialization and non-agricultural purpose;

(b): if so, the details thereof, State-wise;

(c): whether the Government has assessed the impact on tribal communities due to such acquisition of tribal lands for the said purpose; and

(d): if so, the details thereof and corrective measures taken by the Government to prevent/check indiscriminate acquisition/diversion of tribal land for industrialisation and other developmental projects?

Answer

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

(a): Yes, Madam.

(b): In so far as land related issues are concerned, the Ministry of Rural Development, Department of Land Resources is the nodal Ministry at the Centre who play only a monitoring and coordinating role in the field of land reforms. Land and its management fall under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India {Seventh Schedule List-II (State List) Entry No.18}. Therefore, State-wise details are not maintained centrally.

(c) & (d): The Government is aware of the impact on tribal communities due to such acquisition of tribal lands. To address the issue of Land Acquisition and displacement of tribals, the Government has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which came into force w.e.f. 01.01.2014. The purpose of the Act is to ensure, in consultation with institutions of local self government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition with the least disturbance to the owners of the land and the other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired. The Act has special provisions for Scheduled Castes and Scheduled Tribes. In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in the Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency. The Act also lays down procedure and manner of rehabilitation and resettlement. The National Rehabilitation and Resettlement Policy, 2007 under chapter 7.21 also lays down the benefits for project affected families belonging to Scheduled Tribes and Scheduled Castes. It also provides for amenities and infrastructural facilities to be provided at resettlement areas.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in section 4 (5) states that save as other wise provided, no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from the Forest Land under his occupation till the recognition and verification procedure is complete.