

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
RAJYA SABHA
UNSTARRED QUESTION NO. 1358
TO BE ANSWERED ON 11.02.2019

RIGHT TO LAND OF TRIBES

1358. ADV. JOICE GEORGE:
SHRI R. PARTHIPAN:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether on all three narratives of development, representation and rights to land, the Scheduled Tribes are pitted against the dominant mainstream of Indian society;
- (b) if so, the details thereof;
- (c) whether the Government has noted that the power imbalance between the tribals and the mainstream society requires both protective laws and a powerful state disposed towards the protection of the Scheduled Tribes; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI SUDARSHAN BHAGAT)

(a) to (d) The Scheduled Tribes (STs) have been the most marginalised, isolated and deprived population. To protect and safeguarding the land rights and other rights of Scheduled Tribes, following constitutional and legislative measure have been put in place: -

(i) “The Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act, 2006” to recognize and vest the forest rights and occupation in forest land to forest dwelling Scheduled Tribes.

(ii) “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” (RFCTLARR Act, 2013 in short) safeguards against displacement of Scheduled Tribes. Special provisions have been made for Scheduled Castes and Scheduled Tribes under Sections 41 and 42 of the RFCTLARR Act, 2013 which protect their interests. The RFCTLARR Act, 2013 also lays down procedure and manner of rehabilitation and resettlement.

(iii) “The Panchayats (Extension to Scheduled Areas) Act, 1996”, also provides that the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas or development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level;

(iv) Constitutional provisions under Schedule – V also provide for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State, having scheduled Areas, is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases. Land being a State subject, various provisions of rehabilitation and resettlement as per the RFCTLARR Act, 2013 are implemented by the concerned State Governments.

(v) “The Legal Services Authorities Act, 1987” provides for legal services to members of Scheduled Tribes.

(vi) “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989” has been introduced to prevent the commission of offences of atrocities against members of the Scheduled Castes and the Scheduled Tribes, to provide for the trial of such offences and for the relief of rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. Wrongfully dispossessing members of Scheduled Castes or Scheduled Tribes from their land or premises or interfering with the enjoyment of their rights, including forest rights, over any land or premises or water or irrigation facilities or destroying the crops or taking away the produce therefrom amount to atrocities and are subject to punishment under the said Act.

Apart from the above, this Ministry being the nodal Ministry for the welfare of Scheduled Tribes, implements several schemes and programmes for upliftment and development of Scheduled Tribes in the country.
