

1	2	3
9.	Kerala	4
10.	Madhya Pradesh	1
11.	Puducherry	1
12.	Rajasthan	1
13.	Sikkim	11
14.	Tamil Nadu	6
15.	Tripura	1
16.	Uttarakhand	2
17.	Uttar Pradesh	5
18.	West Bengal	7
TOTAL:		83

### Forest Rights Act

3389. SHRIMATI VASANTHI STANLEY: Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Ministry has any plan for amending the Forest Rights Act;
- (b) whether the Ministry tends to dilute the rights of the tribals by their notification dated 5th February; and
- (c) whether any one has challenged this notification?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RANEE NARAH): (a) No, Sir.

(b) As per Ministry of Environment and Forests letter No. 11-9/98-FC(Pt.) dated 5th February, 2013, the proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for projects like construction of roads, canals, laying of pipelines/optical fibers and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognized

rights of Primitive Tribal Groups and Pre-Agricultural Communities are being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) as stipulated in clause (c) read with clause (b), (e) and (f) in second para of Ministry of Environment and Forests letter of the same number dated 03.08.2009.

(c) Ministry of Environment and Forests have informed they do not have any information regarding any one having challenged their letter dated 5.2.2013.

**Recommendation of National Commission for  
Scheduled Tribes**

3390. SHRI LALHMING LIANA: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the documented investigation and recommendations of National Commission for Scheduled Tribes has any legal tenability in the honourable court of law;

(b) if so, whether non-compliance of the recommendations of the above commission are challengeable in the court of law;

(c) if not, what is the purpose of such quasi-judicial courts and Commissions;

(d) whether legal assistance, against noncompliance, to the favourably recommended Scheduled Tribes be possible; and

(e) whether misinformation by PSU authority, in case of the aggrieved Scheduled Tribe's petition in the National Commission for Scheduled Tribe and Parliamentary Committee for SC/ST can be prosecuted under Section 3 (1) (ix) of POA, 1989?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RANEE NARAH): (a) The National Commission for the Scheduled Tribes (NCST) has been set up under Article 338A of the Constitution. The NCST is a Constitutional body. In terms of Article 338A (8) of the Constitution, the powers of the Commission are all the procedural powers of a civil court for the purpose of investigating and inquiring into all the matters and that too for limited purpose only.

(b) to (e) Where the enquiry/investigation conducted by the Commission discloses any violation of safeguards by any Government/Authority, the concerned Government