

the entire Godavari valley in States of Andhra Pradesh, Telangana, Odisha and Chhattisgarh;

(b) whether Government has invited the Forum on Social and Human Rights for a meeting to sort out various serious and wrongs committed by Government against tribals and their displacement in Godavari valley; and

(c) the steps proposed to meet tribals and their representatives?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRI JASWANTSINH SUMANBHAI BHABHOR): (a) Yes, Sir.

(b) and (c) The Ministry of Tribal Affairs has not invited the Forum on Social and Human Rights for a meeting to sort out the issues of displacement of tribals in Godavari valley. However, based on the representations received, the National Commission for Scheduled Tribes (NCST) had constituted a team to visit the Polavaram Project. The then Member of NCST had visited the Polavaram project from 07.01.2014 to 11.01.2014 and submitted a report dated 22.01.2014. The NCST has advised to concerned State Governments to take immediate action for providing pattas under Forest Right Act, 2006 to displaced tribal families.

Provisions to safeguard rights and livelihood of tribals

1756. SHRI OSCAR FERNANDES: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) what provisions have been made in the present Forest Rights Act to save the rights and livelihood of the tribal people residing in different areas;

(b) whether it is a fact that industries can chop down traditional forests without the consent of Gram Sabha that result into the violating of constitutional provisions made under Article 243 (A) of the Constitution; and

(c) what policy framework has been made to secure the rights and livelihood of tribal people in case the forest land is given to industries for infrastructural projects?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRI JASWANTSINH SUMANBHAI BHABHOR): (a) Provisions made in "The Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act, 2006 (FRA in short) to save the rights and livelihood of forest dwelling STs and OTFDs on all forest land are given in Statement (*See* below).

(b) No, Sir. Under Section 5 of FRA, the holders of forest right and Gram Sabha are empowered to ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage and the decisions to regulate access to Community Forest Resources and stop any activity which adversely affects forest and bio-diversity.

Further, Section 4(d) of "the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (in short PESA) provides that every Gram Sabha shall be competent to safeguard and preserve the community resources.

(c) Section 4 (5) FRA, provides that no member of a forest dwelling Scheduled Tribes or other traditional forest dweller shall be evicted or removed from forest land under his occupation till recognition and verification procedure is complete.

Section 3 (m) of FRA provides *in situ* rehabilitation including alternative land in case where the STs and OTFDs have been illegally evicted or displaced from forest land or any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

The Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013 (Section 41) provides that as far as possible, no acquisition of land shall be made in the Scheduled areas and where such acquisition does take place, it shall be done as a last resort.

Section 41 of said act (LARR) also provides for entitlements of STs to various benefits in case of acquisition or alienation of any land.

Section 42 of the Act (LARR) provides for reservation and other benefits to the Scheduled Tribes and Scheduled Castes in the affected areas.

Further, under Section 48 (LARR) of the Act, the Government has set up a National Monitoring Committee for Rehabilitation and Resettlement for reviewing and monitoring the implementation of rehabilitation and resettlement scheme or plans under the Act.

Statement

Provisions made in FRA to save the rights and livelihood of forest dwelling STs and OTFDs

3 (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:—

- (a) right to hold and live in the forest land under the individual or common occupation for habitation or for, self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest-dwellers;

- (b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
- (c) right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (d) other community rights of uses or entitlement such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
- (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
- (g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
- (i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
- (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
- (k) right of access to bio-diversity and community right to intellectual property and traditional knowledge related to bio-diversity and cultural diversity;
- (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
- (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.