

1	2	3	4	5	6	7	8
9.	West Bengal			-	-	6.57	-
10.	Karnataka			-	-	1.25	-
11.	Assam			-	-	1.55	-

(n) Funds released/utilised by States under the Scheme "Support to National/ State Scheduled Tribes Finance and Development Corporations" during the last three years

(₹ in lakhs)

Sl. No.	State	2016-17		2017-18		2018-19	
		Fund released	Utilised	Fund released	Utilised	Fund released	Utilised
1.	Arunachal Pradesh		-	5.00	5.00	0.00	0.00
2.	Goa			465.00	465.00	0.00	0.00
3.	Kerala			50.00	0.00	0.00	0.00
4.	Tripura			0.00	0.00	300.00	0.00
5.	West Bengal			0.00	0.00	500.00	0.00

Displacement of tribal people

2191. DR. VIKAS MAHATME: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether Government is aware that a large number of tribal people are being displaced as a result of various construction/ development projects;

(b) if so, whether Government maintains any data in this regard;

(c) if so, the details thereof; and

(d) the remedial steps taken or being taken by Government in this regard?

THE MINISTER OF TRIBAL AFFAIRS (SHRI ARJUN MUNDA): (a) to (c) In so far as land related issues are concerned, the Ministry of Rural Development, Department of Land Resources (DoLR), is the nodal Ministry at the Centre, which plays a monitoring 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, this data is not maintained centrally.

(d) The Scheduled Tribes (STs) have been the most marginalised, isolated and deprived population. To protect and safeguarding the land rights of STs and to address the issue of Land Acquisition and displacement of tribals, following Constitutional and legal provisions have been put in place:

- (i) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA in short), in section 4 (5) states that save as otherwise provided, no member of a forest dwelling Scheduled Tribes 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.
- (ii) Under Section 5 of FRA, Gram Sabha is, *inter-alia*, empowered to ensure that the decisions taken in Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.
- (iii) Government has enacted the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (RFCTLARR Act, 2013 in short). The purpose of the said 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.
- (iv) Under Section 48 of RFCTLARR Act, 2013, a National Level Monitoring Committee for Rehabilitation and Resettlement has been constituted in the DoLR *vide* DoLR's Order No. 26011/04/2007-LRD dated 2nd March, 2015 for the purpose of reviewing and monitoring the implementation of rehabilitation and resettlement schemes and plans related to land acquisition under the RFCTLARR, 2013 and National Rehabilitation and Resettlement Policy, 2007.
- (v) By way of safeguards against displacement 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. As per Section 41 (1), As far as possible, no acquisition of land shall be made in the Scheduled Areas. As per Section 41 (2) Where such acquisition does take place it shall be done only as a demonstrable last resort. As per Section 41 (3) in case of acquisition or alienation of any land in Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in 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, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force. The RFCTLARR Act, 2013 also lays down procedure and manner of rehabilitation and resettlement.

- (vi) 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.
- (vii) Constitutional provisions under Schedule - V also provide for safeguards against displacement of tribal population because of land acquisitions etc. the Governor of the State which has 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.
- (viii) "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 offence of atrocities and are subject to punishment under the said Act.

Apart from the above, a 3 judges bench of Supreme Court in *Odisha Mining Corporation Vs. Ministry of Environment and Forest & Ors.* vide W.P.(C) 180 of 2011, held that forest approval cannot be granted for a developmental project without the informed consent of the Gram Sabhas, given after proper consideration in a duly convened Gram Sabha and passed by resolution. The Court stated that the Gram Sabha is also free to consider all the community, individual as well as cultural and religious claim.

The Ministry of Mines, vide their letter dated 5th January, 2017 sent a letter to all State Governments regarding imposing of conditions in the lease deed in regard to FRA compliance in the cases covered under Section 10(A)(2)(c) of the Mines and Minerals (Development and Regulation, Act, 1957. In the said letter it has been *inter-alia* mentioned that execution of lease deed shall not be construed to dilute any provision of FRA.

Further, the Ministry of Environment, Forest and Climate Change has informed that during diversion of any forest land under Forest (Conservation) Act, 1980, for non-forestry purpose, compliance under FRA, 2006 is ensured to safeguard the rights of Tribals. There are well laid down procedure in Forest (Conservation) Act, 1980 and FRA, 2006 to process the settlement/disposal claims of rights of Tribals.

Notified STs in Delhi

†2192. SHRI RAM VICHAR NETAM: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether it is a fact that there is no notified list of Scheduled Tribes (STs) in Delhi and they are being deprived of special benefits they are entitled to and if so, the details thereof;

(b) the steps taken by Government to resolve this issue; and

(c) whether the migrant population in Delhi is facing extreme difficulties in registering themselves as Scheduled Tribes and if so, the steps taken by Government in this regard?

†Original notice of the question was received in Hindi.