

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.

THE MINISTER OF TRIBAL AFFAIRS (SHRI ARJUN MUNDA): (a) to (c) There is no notified list of Scheduled Tribes in Delhi. The Government of India on 15.6.1999 (further amended on 25.6.2002) has laid down the modalities for deciding the claims for inclusion in, exclusion from and other modifications in Orders specifying Scheduled Castes and Scheduled Tribes lists. As per the modalities, only those proposals which have been recommended and justified by the concerned State Government / UT Administration and concurred with by Registrar General of India (RGI) and National Commission for Scheduled Tribes (NCST) are to be considered and legislation amended.

The list of Scheduled Tribes is State/UT specific and a community declared as a Scheduled Tribes in a State need not be so in another State/UT. Where a person migrates from the portion of the State in respect of which his / her community is scheduled to another part of the same State in respect of which his / her community is not scheduled, the person will continue to be deemed to be a member of the Scheduled Tribe, in relation to that State; and where a person migrates from one State to another, he can claim to belong to a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

Annual budget for Eklavya Model Residential Schools

†2193. SHRI RAM NATH THAKUR: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) the annual budget allocated for the Eklavya Model Residential Schools (EMRSs) during the current year, State-wise;

(b) whether Government has undertaken any survey to ascertain the extent of fund utilisation;

(c) whether it is a fact that the quantum of funds required for the development and promotion of education in tribal dominated areas could not be allocated under this scheme; and

(d) if so, whether Government would provide the required funds for implementation of this scheme?

THE MINISTER OF TRIBAL AFFAIRS (SHRI ARJUN MUNDA): (a) The component of Eklavya Model Residential School (EMRS) was part of the activities funded through

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