

and Pradhan Mantri Matru Vandana Yojana of Ministry of Women and Child Development, National Health Mission and Mission Indradhanush of Ministry of Health and Family Welfare, Mid-Day Meals Scheme and Samagra Shiksha of Ministry of Human Resource Development, Drinking Water and Total Sanitation Campaign of Department of Drinking Water and Sanitation, Targeted Public Distribution System of Department of Food and Public Distribution etc. Apart from giving grants for gap filling in respect of sectors like education, health etc., Ministry of Tribal Affairs provides untied funds for demand driven interventions for Particularly Vulnerable Tribal Groups (PVTGs).

Land right issues of tribals

2980. SHRI AHAMED HASSAN: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether it is a fact that Government has not paid enough attention on the land right issues of tribals:

(b) if so, the details thereof and if not, the reasons therefor;

(c) the details of steps taken by Government to protect the land rights of tribals;

(d) whether the tribals are targeted after they file their claims for land rights; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RENUKA SINGH SARUTA): (a) and (b) Government has enacted the '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. The provisions of the RFCTLARR Act, 2013 are implemented by appropriate Government as defined under Section 3 (e) of the said Act.

Further, Government has enacted The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006 in short). The objective of the Act is to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers

who have been residing in such forests for generations but whose rights could not be recorded. As per FRA, 2006 and Rules thereunder, responsibility for implementation of the Act lies with the States/UTs.

This Ministry, being the Nodal Agency for implementation of FRA, has been issuing various instructions/advisories to the State Governments from time to time for effective implementation of the Act emphasizing that prescribed procedure, as contained in the Act and Rules thereunder for vesting forest rights in forest dwelling communities, should be followed to ensure that claims of eligible persons are not rejected. States have been requested by this Ministry from time to time to review all rejected claims to preclude the wrongful rejection of eligible claims.

As per information received from State Governments, till 31.03.2019, a total of 42,37,853, (individual and community) claims were filed out of which 19,64,048 titles (individual and community) have been distributed and 17,53,504 claims (individual and community) have been rejected implying that a total of 5,20,301 claims are pending and at different stage of recognition/verification.

(c) Several constitutional and legislative measures have been put to place to protect the land rights of tribals in the country. Details of the same is given in the Statement (*See below*).

(d) and (e) No such report has been received in this Ministry.

Statement

Constitutional and Legislative measures to protect the land rights of tribals

- (i) Part X of the Constitution contains special provision relating to administration of Scheduled Areas and tribal area. Sub-paragraph of Paragraph 5 of Part B of Schedule-V, under Article 244 (1) of the Constitution provide that the Governor may make regulations for the peace and good government of any area in a State which is for the time-being a Scheduled Area. In particular, and without prejudice to the generality of the foregoing power, such regulations may:—
- (a) Prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area.
 - (b) Regulate the allotment of land to members of the Scheduled Tribes in such area.
 - (c) Regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time-being applicable to the area in question.

- (ii) The Panchayats (extension to the Scheduled Areas) Act, 1996 provides for the extension of part IX of the Constitution relating to Panchayat to the Scheduled areas. The Act, *inter alia*, provides that the Gram Sabha or Panchayats at the appropriate shall be consulted before making the acquisition of land in the scheduled areas for development projects and before resettling or rehabilitating persons affected by such projects in scheduled areas.
- (iii) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling STs and OTFDs who have been residing in forests for generations. Implementation of the Act lies with the States/UTs, Section 4(5) of FRA, 2006 provides that same otherwise provided, no member of forest dwelling Scheduled Tribe and under his occupation till the recognition and verification procedure is complete.
- (iv) In order to ensure the compensation and timely and proper rehabilitation of displaced tribal people across the country, adequate provision in the “Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013’ have been made. As per section 41 of the Act, as far as possible, no land is to be acquired in the Scheduled Area. In case acquisition or alienation of any land in the Scheduled Areas, prior consent of Gram Sabha, or the Panchayats or the Autonomous District Councils, as the case may be, is required to be obtained. The Act also lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. Chapter-V and VI of the said Act contain detailed provision of R&R awards and their implementation. As per the provisions of Section 48 of the RFCTLARR ACT, 2013, a national Monitoring Committee is to be set up for reviewing and monitoring the implementation of Rehabilitation and Resettlement Schemes, looking into issues related to displacement of people, payment of compensation, rehabilitation and resettlement, and the status of land acquisition.

Pending proposal of Rajasthan and Delhi

2981. SHRI VIJAY GOEL: Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of schemes being implemented by the Ministry in Rajasthan and Delhi;