

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
**LOK SABHA**  
**STARRED QUESTION No. \*373**  
TO BE ANSWERED ON 07.01.2019

**ABORIGINAL TRIBES**

\*373. SHRI KALIKESH N. SINGH DEO:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of the security provided to aboriginal tribes in the Indian territory, State/UT-wise;
- (b) whether there exists a special security to look after the security needs of aboriginal tribes in India;
- (c) if so, the details thereof and if not, the reasons therefor;
- (d) whether the Government holds any awareness programmes to educate Indian masses regarding the livelihood and ways of tribal people in India and if so, the details thereof; and
- (e) the details of the initiative(s) taken by the Government to educate Indian citizens on restricted tribal areas in the country?

**ANSWER**

MINISTER OF TRIBAL AFFAIRS  
(SHRI JUAL ORAM)

(a) to (e) A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. \*373 FOR 07.01.2019 REGARDING 'ABORIGINAL TRIBES' ASKED BY SHRI KALIKESH N. SINGH DEO**

(a) to (c) : Article 366(25) of the Constitution of India refers to Scheduled Tribes (STs) as those communities who are scheduled in accordance with Article 342 of the Constitution. The Census of India notifies the population as STs and not aboriginals. While, the rights of free movement and residence throughout the territory of India and of acquisition and disposition of property are guaranteed to every citizen, special restrictions may be imposed by the State for the protection of the interests of any Scheduled Tribe. Article 14 of the Constitution provides for equality before Law. Article 15 Prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Accordingly, the security framework provided to the population of the country is also available to the communities notified as Scheduled Tribes. Further, there are some specific regulations providing for engaging with such communities in some parts of the country governed by local legislations / regulations etc. Article 338 A provides for a National Commission for Scheduled Tribes to investigate, monitor and evaluate all matters relating to the Constitutional safeguards provided for the STs. The implications of violating rights of citizens are saddled with penal consequences as provided in relevant Acts / Regulations, as notified from time to time. These Acts / Regulations are in public domain and public, in general, ought to be in know of such restrictions vis-a-vis tribals as ignorance thereof cannot an excuse in indulging in any security violations / illegal actions in respect of Scheduled Tribe population. The Police Authorities are empowered to take cognizance of offences against ST also

(d) & (e) :The implications of violating rights of citizens are saddled with penal consequences as provided in relevant Acts / Regulations, as notified from time to time by Central / States Government / UT Administrations. These Acts / Regulations are in public domain. Ministry of Tribal Affairs is not implementing any specific awareness program to educate masses regarding the livelihood and ways of tribal people in India. However, for creating awareness on basic rights among tribals on various Acts like the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006 , provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, various steps have been taken which inter-alia includes translation of Act, Rules and guidelines into local languages through the State Tribal Research Institutes (TRIs), conducting training & awareness camps through TRIs, Regional Consultations / Workshops, training of officials of the State Governments who are responsible for implementing the Acts at the ground level etc. Also Ministry of Tribal Affairs supports establishment of Tribal Research Institutes, Museums, Organizing of tribal festivals and fairs showcasing ways of tribal people, tradition, culture and means of livelihood to public at large.

There are several Acts notified by the Government which provides for specific rights to Scheduled Tribes in Tribal Areas of the country such as:

- i. "The Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act, 2006" safeguards the rights and livelihood of forest dwelling STs and OTFDs on all forest land.
- ii. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;
- iii. The Protection of Civil Rights Act, 1955;
- iv. Panchayats (Extension to the Scheduled Areas) Act, 1996 which, inter alia, provides that every Gram Sabha shall be competent to safeguard and preserve the community resources.
- v. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) 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 (RFCTLARR) also provides for entitlements of STs to various benefits in case of acquisition or alienation of any land. Section 42 of the Act (RFCTLARR) provides for reservation and other benefits to the Scheduled Tribes and Scheduled Castes in the affected areas.