

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION No- 3565
TO BE ANSWERED ON- 20/12/2021

DISPLACEMENT OF TRIBAL POPULATION

3565. SHRI ABDUL KHALEQUE:
SHRI JAYADEV GALLA:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Government has data of displaced tribal population over the last five years;
- (b) if so, the reasons for displacement and number of displaced persons, State-wise;
- (c) the details of assistance provided to such tribals by the Government; and
- (d) whether the Government provides any compensation as Intellectual Property Right to the Tribals for the traditional knowledge of tribal medicines and if so, the details thereof?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS
(SHRI BISHWESWAR TUDU)

(a) to (c): In so far as safeguarding the rights of persons who get displaced because of land acquisition, land related issues are concerned; Government of India has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013). 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.

Ministry of Rural Development, Department of Land Resources (DoLR) is the nodal Ministry at the Centre who plays a monitoring role in the field of land reforms. The 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)]. Land acquisition, rehabilitation and resettlement are done by the State Governments. The relevant provisions of the Act are discussed below:

- (i). Under Section 48 of the 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.
- (ii). 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. The RFCTLARR Act, 2013 also lays down procedure and manner of rehabilitation and resettlement.

(iii). The First Schedule of the RFCTLARR Act provide for compensation for land owners. The Second Schedule provide for element of rehabilitation and resettlement for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the first Schedule. Similarly, the Third Schedule provide for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area. Further to address the issue of displacement of tribals, other Constitutional and legal provisions for safeguarding the rights of tribals to land, which are already in place, are as under:-

- i. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in section 4 (5) states that save as other wise 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. 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.
- iii. 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.
- iv. “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.

(d): Traditional knowledge associated with biological resources is an intangible component of the resource itself. Traditional Knowledge has the potential of being translated into commercial benefits by providing leads for development of useful products and processes. The Biodiversity Act 2002 provides that no person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application.
