

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO- 5216
TO BE ANSWERED ON- 04/04/2022

TRIBAL REMOVED IN ODISHA

5216. MS. CHANDRANI MURMU:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the number of tribal settlement that have been removed to pave way for mining;
- (b) whether the Government made any assessment of the area of tribal land acquired for mining in the last twenty years in the country and particularly in Odisha and the people displaced;
- (c) the details of the percentage of tribal land taken away for mining in Odisha;
- (d) whether the Government has been able to resettle the displaced population adequately; and
- (e) the details of resettlement policy of tribal population and the monitoring mechanism thereof?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS
(SHRI BISHWESWAR TUDU)

(a) to (d): As per the information provided by Ministry of Mines, the State Governments are the owners of the minerals located within their respective boundaries and mineral concessions are granted by the State Governments as per the provisions of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957. Therefore, information regarding tribal settlement that have been removed to pave way for mining is not maintained by the Central Government. Department of Land Resources (DoLR) has also informed that it does not centrally maintain the statistics relating to land acquisition and resettlement by various State Governments and Central Ministries including due to mining in tribal areas.

As per the information provided by the Government of Odisha, the details of tribal families displaced for mining in the last 10 years is **given as under.**

Sl. No.	Name of the District	Name of the Project	No. of ST family displaced in last 10 years
1	Jharsuguda	Mahanadi Coalfields Limited, IB Valley Area	123
		Mahanadi Coalfields Limited, Lakhanpur Area	406
2.	Angul	Balaram	93
		Kaniha	35

		Ananta	4
		Bharatpur	10
		Bhubaneswari	37
3.	Sundergarh	Dulunga Coal Mining project of NTPC	173
		Manoharpur Coal Mining Project of OPCL	183

Government of Odisha has also informed that they have resettled the displaced population as per Orissa R & R Policy, 2006. The details of assistance provided to displaced families as per Orissa R & R Policy, 2006 is as at **Annexure-I**.

(e): Regarding resettlement policy of tribal population and the monitoring mechanism, following inputs have been received from DoLR and Ministry of Mines.

(i). DoLR: Land acquisition is undertaken by the Central and State Governments under various Central and State Acts, including the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act. The provisions of the RFCTLARR Act, 2013 are implemented by 'appropriate Government' as defined under Section 3 C of the said Act. The purpose of the RFCTLARR Act, 2013 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 relevant provisions of the RFCTLARR Act, 2013 which provide for monitoring mechanism are enumerated below:

A). Under Section 48 of the RFCTLARR Act, 2013, a National Level Monitoring Committee for Rehabilitation and Resettlement has been constituted in the DoLR for reviewing and monitoring the implementation of rehabilitation and resettlement schemes`

B). Section 50 of the RFCTLARR Act, 2013 provides for establishment of State Monitoring Committee for rehabilitation and resettlement for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

C). 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.

(ii). Ministry of Mines: As per clause (1) of Rule 12(1) Minerals (Other than Atomic and Hydro Carbons Energy Minerals) (MOAHCEM) Concession Rules, 2016, one of the conditions subject to which a mining lease is granted is that the lessee shall, in the matter of employment, give preference to the tribals and to the persons who become displaced because of the taking up of mining operations.

B). Rule 52 of MOAHCEM Concession Rules, 2016 requires payment of an annual compensation to owner of surface rights for undertaking mining operations and Rule 53 of MOAHCEM Concession Rules, 2016 requires assessment of damage, if any, done to the land by the reconnaissance or prospecting or mining operations and shall determine the amount of compensation payable by the permit holder or licensee or the lessee as the case may be, to the occupier of the surface land. The provisions of MOAHCEM Concession Rules, 2016, including the provisions relating to compensation and rehabilitation, Ministry of Mines have informed, are monitored for compliance by the State Governments who grant the mining lease and therefore, details of the percentage of tribal land taken away for mining is maintained by respective State Governments.

C) The para 6.12(c) (Welfare of Tribal Communities) of National Mineral Policy, 2019 states that grant of mineral concessions in Scheduled Areas shall be guided by the provisions contained in article 244 read with Fifth and Sixth Schedules to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or any other relevant statutory acts protecting the interests of tribals. All relevant Acts/Rules related to rehabilitation and resettlement like the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, subsequent amendments or any other relevant acts/rules shall be strictly implemented.

Annexure I to reply to Lok Sabha Unstarred Question No. 5216 for answer on 04.04.2022 asked by Ms. Chandrani Murmu, MP regarding “**Tribal Removed in Odisha**”.

Each displaced family or affected family have been provided with the following R & R benefits as per Orissa R & R Policy, 2006:-

- i. **Employment:-**Displaced Families or affected families (losing all agriculture land) are eligible; or One Time Cash Assistance in lieu of Employment up to Rs. 9,10,000/-.
- ii. **Provision for Homestead Land:-** Each displaced family has been given at least 1/10th of an acre of land free of cost in a settlement habitat or One Time Cash Grant of Rs. 91,000/- in lieu of homestead land other than resettlement habitat.
- iii. **House Building Assistance:-**A constructed house for each of the displaced families in the resettlement habitat or One time Assistance of Rs. 2,73,000/- to each of the displaced families.
- iv. **Maintenance Allowance:-** An allowance of Rs. 3,640/ per Month per displaced family is being provided on vacation as determined by the Collector concerned.
- v. **Assistance for Temporary Shed:-** An assistance of Rs. 18,200/- has been provided to each displaced family.
- vi. **Transportation Allowance:-** Transportation Allowance of Rs.3,640/- or free transportation to the resettlement habitat or their new place of inhabitancy has been provided to each displaced family.
