

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
LOK SABHA  
STARRED QUESTION NO. 350  
TO BE ANSWERED ON 19/12/2024

**LAND ACQUISITION IN ODISHA**

**\*350. SHRI SAPTAGIRI SANKAR ULAKA:**

**Will the Minister of TRIBAL AFFAIRS be pleased to state:**

- (a) the total extent of tribal land acquired for the Government and non-Government purposes in Odisha during the last five years;
- (b) whether the Government provided any compensation packages to the affected tribal communities and if so, the details thereof along with the number of beneficiaries in this regard;
- (c) the number of individuals/families displaced due to these acquisitions along with the status of their resettlement and rehabilitation and the support and facilities provided in this regard; and
- (d) the measures taken by the Government to ensure that land acquisitions comply with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Forest Rights Act, 2006?

**ANSWER**

MINISTER OF TRIBAL AFFAIRS  
(SHRI JUAL ORAM)

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

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**Statement referred in reply to Lok Sabha Starred Question No. 350 for answer on 19.12.2024 regarding “Land Acquisition in Odisha” by Shri Saptagiri Sankar Ulaka**

**(a) to (d):** Ministry of Rural Development, Department of Land Resources (DoLR) which is Nodal Ministry at the Centre for land related matters has informed that 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).

Further the 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, 2013, being administered by DoLR. The data of displaced /affected families is not maintained centrally. However, the government has been advising the state governments regarding safeguards available for the tribal communities under various laws. The Special provisions under various laws to protect the interest of Scheduled Tribe community, are at **Annexure**.

Further, the Ministry of Tribal Affairs, being the Nodal Ministry for Monitoring the legislative matters of FRA, has been issuing guidelines from time to time on various aspects to ensure proper implementation of the Act. As per FRA and rules made thereunder, respective State Governments/UT Administrations including Odisha are responsible for implementation of various provisions of the FR Act. Additionally under other ministry, the National Monitoring Committee, a statutory body established under the RFCTLARR 2013 regarding land acquisition, conducts regular review meetings to assess the progress of relief and rehabilitation efforts, as well as grievances related to national projects, and provide recommendations to the implementing agencies.

The Ministry of tribal Affairs does not Centrally maintain data related to tribal land acquired for the Government and non-Government purposes in the country including Odisha.

**Annexure referred to in reply to part (a) to (d) of Lok Sabha Starred Question No. 350 for answer on 19.12.2024**

**Special provisions under various laws to protect the interest of Scheduled Tribe communities are as follows:**

**(1) Constitutional provisions under Schedule -V** 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. Para 5.2 of the V Schedule of the Constitution has a predominant object of imposing total prohibition on transferring immovable property in a scheduled area to any person other than a tribal.

**(2) The Panchayats (Extension to the Scheduled Areas) Act, 1996** (in short PESA) 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 for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas".

**(3) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act" (in short, FRA)** enacted in 2006 provides adequate safeguards to avoid any displacement of tribal population but also seeks to involve democratic institutions in the process of recognition and vesting of forest rights at the grassroots level.

a) **Section 4 (4) of FRA** stipulates that the right shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

b) **Section 4 (5) of FRA** states that "Save as otherwise provided, no member of a Forest Dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete".

**(4) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989** provides wrongfully dispossessing members of the 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 there from amount to offence of atrocities and are subject to punishment under the said Act.

**(5) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (RFCTLARR Act, 2013)** has special provisions for STs, which have been spelled out under Sections 41 and 42.

(i) The First Schedule of the RFCTLARR Act provides for compensation for land owners. As per Section 3(r)(ii) of the RFCTLARR, 2013, 'land owner' includes any person who is granted forest rights under FRA, 2006(2 of 2007) or under any other law for the time being in force.

(ii) The Second Schedule of the RFCTLARR, provides for 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.

(iii) The Third Schedule of the RFCTLARR, provide for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and RFCTLARR Act, 2013 further spells out the procedure for identification of the affected persons/ families [sub-section (c) of Section 3], determining and calculating the compensation amount (Section 26 to 29), as well as mechanisms for developing rehabilitation and resettlement processes (Chapters V and VI).

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