

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
LOK SABHA  
UNSTARRED QUESTION NO- †2984  
TO BE ANSWERED ON- 12/12/2024

**LAND RIGHTS TO TRIBAL COMMUNITIES**

†2984. SHRI DULU MAHATO:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of schemes of the Government to protect the land rights of tribal communities in Jharkhand;
- (b) the reforms being undertaken in cases of acquisition of land in the tribal areas;
- (c) the names of schemes being implementation by the Government to improve the condition of education in tribal regions; and
- (d) the strategies of the Government to ensure the reach of tribal communities to the quality health services?

**ANSWER**

MINISTER OF STATE FOR TRIBAL AFFAIRS  
(SHRI DURGA DAS UIKEY)

**(a) & (b):** The Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act 2006” (in short FRA), aims to recognize and vest the rights of **tribal communities** and other forest-dependent people over forest resources and land. As per FRA and rules made thereunder, respective State Governments/UT Administrations including Jharkhand are responsible for implementation of various provisions of the Act.

Ministry of Tribal Affairs, being the Nodal Ministry for Monitoring and administering the legislative matters of “Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act 2006” (in short FRA), has been issuing directions and guidelines from time to time on various aspects to ensure proper implementation of the Act. For effective implementation of FRA review meetings are regularly being held from time to time with State Tribal Welfare Department (including that of Jharkhand) and concerned authorities. As informed by Government of Jharkhand, "**Abua Veer Dishom Campaign'** has been launched in November 2023 for vesting and recognition of titles to individuals and communities under the Forests Rights Act.

Recently, Government of India has launched '**Dharti Aaba Janjatiya Gram Utkarsh Abhiyan'** (DA JGUA) which inter alia focuses on effective implementation of FRA and convergence of benefits of various Government Schemes (related to housing, PM Kisan Samman Nidhi, Schemes of Dept of animal husbandry, Dept of agriculture, Dept of fisheries) to FRA Patta holders to ensure their socio economic development. Under the Abhiyan, the Ministry with the help of Ministry of Panchayati Raj has initiated capacity building programs for elected representative of Gram Panchayats, Gram Sabha, Sub Division and district level officers about FRA, PESA, Constitutional provisions and various laws meant to provide safeguards to the STs and also in the event of land acquisition or implementation of development projects. The provisions are at **Annexure**.

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.

**(c) & (d):** Ministry of Tribal Affairs is implementing following schemes to improve the condition of Education and Health Services in tribal regions:

1. Eklavya Model Residential School (EMRS), where in 728 EMRSs are being set up in blocks fulfilling twin criteria of tribal population of 20,000 and 50% tribal persons . As on date, 715 schools have been sanctioned, out of which 476 EMRSs are functional benefiting 1,33,929 students covering 264 districts in 28 States/UTs. Further MoTA is also supporting States with central assistance for upgradation of infrastructure of Ashram schools being run by State Governments for Tribal children under DA-JGUA

2. Ministry of Tribal Affairs is implementing following Scholarship Schemes to promote and encourage basic and higher education amongst ST population all over the country including state of Jharkhand:

- i) Pre-Matric Scholarship for ST students (For Class IX and X)
- ii) Post Matric Scholarship for ST students (For Class XI and above)
- iii) National Scholarship Scheme: Scholarship is provided for pursuing Graduate/Post Graduate courses in the 265 top-class Institutes for studying higher studies
- iv) National Fellowship Scheme : For pursuing M.Phil or Ph.D in India
- v) National Overseas Scholarship for ST students: For pursuing higher education abroad.

3. Department of School Education and Literacy (DoSEL) under Ministry of Education is implementing the Samagra Shiksha scheme. Bridging gender and social category gaps at all levels of school education is one of the major objectives of the scheme. The Scheme focuses on the identified Special Focus Districts (SFDs) on the basis of performance on various indicators of enrolment, retention, and gender parity, as well as concentration of SC, ST and minority communities. Financial assistance is provided to States and UTs for the expansion of quality education by undertaking various activities such as setting up, up-gradation and running of

Kasturba Gandhi Balika Vidyalayas, setting up and running of Netaji Subhash Chandra Bose Avasiya Vidyalayas, establishing of 500 PVTG hostels under PM-JANMAN and 1000 Tribal hostels under Dharti Aaba Janjatiya Gram Utkarsh Abhiyan (DA JGUA) etc.

4. Govt also launched Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM JANMAN) for socio-economic development of 75 PVTG communities residing in 18 states and one UT. The mission aims to provide basic facilities such as safe housing, clean drinking water and improved access to education, health and nutrition, road and telecom connectivity, electrification of unelectrified households and sustainable livelihood opportunities in 3 years. These objectives are planned to be met through 11 interventions implemented by 9 line Ministries. The details of benefits related to Education and Health given under PM JANMAN (as of November 2024) are as follows:

<b>Ministry</b>	<b>Intervention</b>	<b>Sanctions</b>	<b>Financial sanctions (in Rs. cr)</b>
Health and Family Welfare	Mobile Medical Units (MMUs)	616 MMUs sanctioned and functional with more than 25 lakhs footfall.	208.7
Education	Construction and running of Hostels	194 Hostels	476.16

# As per information provided by concerned Ministries

5. Govt of India has also launched Dharti Aaba Janjatiya Gram Utkarsh Abhiyan on 2<sup>nd</sup> October, 2024. The Abhiyan comprises 25 interventions implemented by 17 line Ministries and aims to saturate infrastructural gaps in 63,843 villages, improve access to health, education, Anganwadi facilities and providing livelihood opportunities benefiting more than 5 crore tribals in 549 districts and 2,911 blocks in 30 States/UTs in 5 years. Each Ministry has been allocated budget and targets under Abhiyan and responsible for implementing the intervention assigned to it. The Abhiyan aims at Saturation through convergence and outreach. Under the abhiyan there is provision of setting up 1000 hostels and 1000 Mobile Medical Units to improve education and health facilities in tribal areas. Further all eligible Household residing in these 63,843 villages will be provided benefit of Ayushman Bharat through campaign mode.

Annexure referred to in reply to part (a) & b) of Lok Sabha Unstarred Question No. †2984 for answer on 12.12.2024

**Special provisions in the Constitution of India to protect the interest of Scheduled Tribe community, some of them 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(2)(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**, provide for element of rehabilitation and resettlement for all the effected 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 [subsection (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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