

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO-2367
TO BE ANSWERED ON- 13/03/2025

PROTECTION OF TRIBAL RIGHTS

2367. Shri S Supongmeren Jamir:

Will the Minister of Tribal Affairs be pleased to state:

- (a) the steps taken by the Government to address the key issues faced by tribal communities, including land displacement, lack of access to basic services and marginalization;
- (b) whether the Government has specific measures in place to protect tribal rights and prevent exploitation of natural resources in tribal areas and if so, the details thereof;
- (c) the measures taken by the Government to ensure that development projects do not lead to displacement and loss of livelihoods for tribal communities; and
- (d) the details of mechanism in place to provide rehabilitation to tribal communities?

ANSWER

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

(a), (c) & (d): 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). However, there are special provisions in the Constitution of India and several legislations to protect the interest of the Scheduled Tribe community and ensure fair rehabilitation; some of them are at **Annexure-I**.

The Ministry of Tribal Affairs (MoTA) being the nodal Ministry for overall policy, planning and coordination of programs for development of STs is implementing various schemes for the welfare and development of STs. In order to provide Scheduled Tribes Access to basic services, Ministry of Tribal Affairs has taken various initiatives through multiple schemes like Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM-JANMAN) and Dharti Abha Janjatiya Gram Utkarsh Abhiyan (DA-JGUA).

PM-JANMAN is a transformative Policy level initiative which aims at fostering the holistic development of 75 Particularly Vulnerable Tribal Groups (PVTGs) across 18 States and 1 Union Territory. With a budgetary outlay of ₹24,104 Crore (Central Share: ₹15,336 Crore and State Share: ₹8,768 Crore), PM-JANMAN, approved for 3 years, is designed to provide equitable access to essential services for PVTG communities, improving their living conditions and facilitating their socio-economic progress. The core objectives include providing safe housing, clean drinking water, access to education, healthcare, nutrition, road connectivity, electricity, and enhanced livelihood opportunities.

DA-JGUA is a multi-sectoral initiative, to ensure the holistic and sustainable development of tribal populations in villages. This ambitious program integrates schemes from 17 ministries, including MoTA, through 25 targeted interventions, focusing on saturating more than 63000 tribal majority villages with essential service infrastructure. The initiative aims to address key gaps in tribal villages with a focus on: Safe housing and clean drinking water, Improved sanitation and healthcare facilities, Enhanced access to quality education and nutrition, electricity supply and

promotion of renewable energy sources, better road and telecom connectivity and sustainable livelihoods through convergence of relevant schemes of participating Ministries.

Apart from above, the details of few other schemes implemented by Ministry of Tribal Affairs for welfare and development of ST communities is at **Annexure-II**.

Additionally, the Government of India is implementing various schemes through sectoral Ministries wherein dedicated funds are earmarked as Scheduled Tribe Component (STC) [Development Action Plan for Scheduled Tribes (DAPST)] for tribal welfare and development across the country. This includes support for education, health, sanitation, water supply, livelihood etc. Besides the Ministry of Tribal Affairs (MoTA), 41 Ministries / Departments are allocating a certain percentage of their total scheme budget for tribal development under STC for various tribal development projects.

(b): The Forest Rights Act, recognizes 13 different rights including the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood, right of ownership, access to collect, use, and dispose of minor forest produce, entitlement on usage of water bodies and its products, pastures for grazing (both settled or transhumant) and traditional seasonal resource access and also provides authority and responsibility to the Gram Sabha of the forest dependent community to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting sustainable use.

Section 3(1) (c) under FRA recognises the *right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries* by the Forest Dwelling communities. Also, PESA, 1996 empowers Gram Sabha by providing MFP ownership rights.

Further, Section 3(1) (i) empowers Gram Sabhas to manage and protect biodiversity. And section (5) stipulates that, Gram Sabha and village level institutions are *empowered to (a) protect the wild life, forest and biodiversity; (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected; (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage; (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.*

Annexure I referred to in reply to part (a), (c) & (d) of Lok Sabha Unstarred Question No. 2367 for answer on 13.03.2025

Constitutional and legal provisions to protect and safeguarding the land rights of STs and to address the issue of Land Acquisition and displacement of tribals

(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 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 [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).

Annexure II referred to in reply to part (a), (c) & (d) of Lok Sabha Unstarred Question No. 2367 for answer on 13.03.2025

Ministry is also implementing following schemes for welfare and development of tribal communities:

- (i) **‘Pradhan Mantri Janjatiya Vikas Mission (PMJVM)’:** PMJVM envisions to strengthen tribal entrepreneurship initiatives and to facilitate livelihood opportunities by promoting more efficient, equitable, self- managed, optimum use of natural resources, Agri / NTFP / Non-farm enterprises. With a total financial outlay of Rs. 1612.27 crore for 5 years (2021-22 to 2025-26), there are 3 major components. The first component comprises “Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP), where in MSP is fixed for 87 MFPs. The 2nd component, Development of Value Chain for MFP”, wherein Vandhan Kendras are set up. The 3rd component is “Institutional Support for Development and Marketing of Tribal Products / Produce”, where grants are given to Tribal Cooperative Marketing Development Federation of India (TRIFED), which is the nodal agency for implementation of the Scheme.
- (ii) **Pre-Matric Scholarship:** It is a Centrally Sponsored Scheme implemented through respective State/UT administrations. This is an open-ended Scheme covering all ST students studying in Std. IXth & Xth, whose parental annual income is up to Rs. 2.50 lakhs. The contribution from Government of India is 75% and the state contribution is 25%. In respect of North East states and hilly states, the contribution from Government of India is 90% and the state contribution is 10%. In case of UTs like Andaman & Nicobar without Legislative Assembly and own grants, Govt. of India’s contribution is 100%.
- (iii) **Post Matric Scholarship:** It is a Centrally Sponsored Scheme implemented through respective Ste/UT administrations. This is an open-ended Scheme covering all ST students studying in in class XI and above, whose parental annual income is up to Rs. 2.50 lakhs. The contribution from Government of India is 75% and the state contribution is 25%. In respect of North East states and hilly states, the contribution from Government of India is 90% and the state contribution is 10%. In case of UTs like Andaman & Nicobar without Legislative Assembly and own grants, Govt. of India’s contribution is 100%.
- (iv) **Support to Tribal Research Institute (TRI):** Under the schemes Support to TRIs funds are provided to the State governments / UTs research, documentation etc. based on their proposal.
- (v) **Eklavya Model Residential Schools (EMRS):** Introduced in the year 1997-98 to provide quality education to Scheduled Tribes (ST) students (Class 6th to 12th) in remote areas in 2018-19, Government revamped it as a central sector scheme by which EMRS is to be established in every block with 50% or more ST population and at least 20,000 tribal persons, have an EMRS. Accordingly, the target of establishing 728 EMRSs across the country has been set up which is likely to benefit more than 3.5 lakh ST children. National Education Society for Tribal (NESTS) an autonomous society has been established to administer the scheme. As on date, all schools have been sanctioned by the Ministry, out of which 477 are reported to be functional benefiting more than 1,30,000 ST children.
- (vi) **Grants under Proviso to Article 275(1) of the Constitution:** Ministry of Tribal Affairs also provides funds to the State Governments under Grants under Proviso to Article 275(1) of the Constitution. It is a 100% grant from Government of India. Funding under this programme is to enable the State to meet the cost of such schemes of development as may be undertaken by the State for the purpose of promoting the welfare of Scheduled Tribes in that State.
- (vii) **Grants-in-Aid to Voluntary Organizations working for the welfare of STs:** Financial assistance is provided to the Voluntary Organizations working for the welfare of STs.