

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
**LOK SABHA**  
**UNSTARRED QUESTION NO-2435**  
TO BE ANSWERED ON- 13/03/2025

**TRIBAL WELFARE PROGRAMMES**

**2435.** Smt. Pratima Mondal:

Will the Minister of Tribal Affairs be pleased to state:

(a) the manner in which the Government is planning to ensure that tribal welfare programmes are not undermined by development projects displacing communities, particularly in areas where tribes are dependent on their land and forest rights; and

(b) the specific steps being taken to address the challenges faced by Particularly Vulnerable Tribal Groups (PVTGs), especially in securing their habitat rights under the Forest Rights Act, amidst growing industrialization and development in tribal regions?

**ANSWER**

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

**(a) & (b):** There are special provisions in the Constitution of India that protect the interest of the Scheduled Tribe community and also ensure that welfare programmes are not undermined even during displacement and these are detailed at **Annexure**.

Ministry of Tribal Affairs, being the Nodal Ministry for 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 (including vesting of habitat rights for PVTGS )to ensure proper implementation of the Act. Further regular review meetings are held with the State Tribal Welfare Department and District Collectors and these meetings focus on emphasizing the importance of adhering to the provisions of the Act in both letter and spirit.

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 Department of Animal Husbandry, Department of Agriculture, Department of Fisheries) to FRA Patta holders to ensure their socio economic development. Under the Abhiyan, the Ministry of Panchayati Raj has launched capacity-building programs focused on the Forest Rights Act (FRA), PESA, constitutional provisions, and various laws designed to protect the rights of Scheduled Tribes (STs) during land acquisition or the implementation of development projects. These programs are intended for all stakeholders, including community members and committees under the FRA..

To ensure that legitimate claimants are not denied their forest rights and to facilitate the comprehensive implementation of the Forest Rights Act (FRA), the Ministry has asked states to map potential forest areas and create an FRA Atlas to serve as a tool for monitoring and assessing the effective vesting of forest rights. To support this initiative and also for digitizing records and the claims process Ministry is providing financial support to states.

For empowering PVTG Communities, the Ministry of Tribal Affairs has launched PM-JANMAN( in Nov 2023), 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, road connectivity, electricity, and enhanced livelihood opportunities.

Further, FRA inter alia under Section 3(1)(e) has the provision for recognition and vesting of rights including community tenures of habitat and habitation for Primitive tribal groups /PVTGs which ensure that PVTGs are entitled to the protection of their traditional habitats. As reported by state governments habitat right has been vested for the following PVTGs:-

S. No.	State	District	Name of PVTG community
1	Odisha	Deogarh	Paudi Bhuiya
2	Odisha	Angul	Paudi Bhuiya
3	Odisha	Keonjhar	Juang
4	Odisha	Jajpur	Juang
5	Odisha	Mayurbhanj	Hill Kharia
6	Odisha	Mayurbhanj	Mankirdia
7	Odisha	Kandhamal	Lanjia Saura
8	Odisha	Nuapada	ChuktiaBhunjia
9	Odisha	Gajapati	Saura
10	Chhattisgarh	GMP	Baiga
11	Chhattisgarh	Dhamtari	Kamar
12	Madhya Pradesh	Mandala	Baiga
13	Madhya Pradesh	Dindori	Baiga
14	Madhya Pradesh	Chhindwara	Bharia

**Annexure referred to in reply to part (a) & b) of Lok Sabha Unstarred Question No. 2435 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 not only provides 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 Scheduled Tribes (Prevention of Atrocities) Act, 1989** prescribes penalties for various offences, including the wrongful dispossession of land or property belonging to members of the Scheduled Tribes by individuals who do not belong to the ST community. **It also covers interference with the enjoyment of their rights, such as forest rights, over land, premises, water, or irrigation facilities**, as well as the destruction of crops or theft of produce. Such actions are considered atrocities and are punishable under the 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, including land for land, higher compensation and resettlement package and have been spelled out under Sections 41 and 42. Further safeguards and provisions are detailed below:-

(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 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. 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).