

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO- 4545
To Be Answered On- 27/03/2025

HABITAT RIGHTS UNDER FOREST RIGHTS ACT

4545. Shri Sasikanth Senthil:

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

- (a) whether the Government is aware of the misinterpretation and mistranslation of the word Habitat under section 3(1)(e) of the Forest Rights Act and if so, the details thereof along with the steps being taken to correct this misinterpretation;
- (b) the number of Particularly Vulnerable Tribal Groups (PVTGs), out of the nearly 75 PVTGs, granted Habitat Rights till 31.12.2024; and
- (c) whether the members belonging to PVTGs have been displaced from their habitats to make way for starting/expansion of mining operations and for any developmental activity during the last ten years and if so, the details thereof?

ANSWER

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

(a): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, FRA) under Section 3(1)(e) has the provision for recognition and vesting of rights including community tenures of habitat and habitation for PVTGs, which ensure that PVTGs are entitled to the protection of their traditional habitats. Section-2 (h) defines 'habitat' for the PVTG community.

Ambiguity in the word 'habitat' under Section 3(1)(e) was noted by the Ministry since it was translated as 'Awass'. As a result, some States had equated the term "habitat" to mean providing housing facilities as under Indira Awas Yojana and other such housing schemes. In this regard, the Ministry of Tribal Affairs has issued clarification to all Chief Secretaries on 23.04.2015 stating that FRA clearly lays down the definition of habitat under Section 2(h), and further describes that forest right to such habitat under Section 3(1)(e). Ministry in the same letter has also clarified areas over which customary tenures may be recognized.

(b): FRA, recognizes the rights of all eligible forest dwelling tribes and traditional forest dwellers who have been dependent upon such forests. The Act and Rules made there under provides framework for vesting of these Rights including the Habitat Rights for

PVTGs. As reported by State Governments, so far, Odisha, Madhya Pradesh and Chhattisgarh have vested Habitat Rights for **10 PVTGs** in 14 districts.

(c): 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. Thus, the Ministry of Tribal Affairs does not have information regarding the displacement of members belonging to PVTGs from their habitats to make way for starting/expansion of mining operations and for any developmental activity. However, Ministry of Tribal Affairs regularly impresses upon State Governments to ensure compliance with provisions in the Constitution of India and other legislations so as to protect the interest of the Scheduled Tribe community (including PVTGs) and ensure fair rehabilitation.
