

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
LOK SABHA
STARRED QUESTION NO. †*168
TO BE ANSWERED ON 30.07.2018

ECONOMIC AND DEMOCRATIC RIGHTS OF TRIBALS

†*168. SHRI ARJUN LAL MEENA:
SHRI LAKHAN LAL SAHU

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether various tribal organisations have alleged that the 'economic and democratic rights' of tribals/adivasis are being harmed to favor the private companies;
- (b) if so, the details thereof along with the action taken by the Government on the representations received till date; and
- (c) the remedial measures taken by the Government in this regard?

ANSWER

MINISTER OF TRIBAL AFFAIRS
(SHRI JUAL ORAM)

(a) to (c) : A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOKSABHA STARRED QUESTION NO. 168

FOR 30.7.2018 REGARDING ECONOMIC AND DEMOCRATIC RIGHTS OF TRIBALS

(a) to (c): The National Human Rights Commission (NHRC), constituted under the Protection of Human Rights Act, 1993, and the National Commission for Scheduled Tribes (NCST) remain vigilant against any such possibility in violation of existing safeguards as per constitutional and legal framework in the country. The NHRC has received complaints connected with cases such as establishment of Vedanta Alumina Refinery Plant and Bauxite Mining at Niyamgiri hills in Kalahandi District of Odisha and displacement of people due to Steel Plant by POSCO in Jagatsinghpur District of Odisha. The NCST has received representations regarding tribal land being sold to private companies in the State of Chhattisgarh. Both, NHRC and NCST have initiated action as per their mandate and powers entrusted to them. The Ministry of Tribal Affairs has received some representations from individuals/entities which need to be substantiated and have been sent to concerned State Governments.

Several safeguards as per Constitutional and legal framework are in place for tribals/ADIVASIS in the country, inter-alia, are given as under:

- (i) Article 46 of the Constitution, inter-alia, provides that the State shall promote the economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.
- (ii) The Panchayats (extension to the Scheduled Areas) Act, 1996 provides for the extension of part IX of the Constitution relating to Panchayat to the Scheduled areas. The Act, inter-alia, provides that the Gram Sabha or Panchayats at the appropriate shall be consulted before making the acquisition of land in the scheduled areas for development projects and before resettling or rehabilitating persons affected by such projects in scheduled areas.
- (iii) Part X of the Constitution contains special provisions relating to administration of Scheduled Areas and tribal areas.
- (iv) In order to ensure fair compensation and timely and proper rehabilitation of displaced tribal people across the country, adequate provisions in the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013” have been made. As per section 41 of the Act, as far as possible, no land is to be acquired in the Scheduled Area. In case acquisition or alienation of any land in the Scheduled Areas, prior consent of Gram Sabha or the Panchayats or the Autonomous District Councils, as the case may be, is required to be obtained. The Act also lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. Chapter-V and VI of the said Act contain detailed provisions of R&R awards and their implementation. As per the provisions of Section 48 of the RFCTLARR Act, 2013, a national Monitoring Committee is to be set up for reviewing and monitoring the implementation of Rehabilitation and Resettlement Schemes, looking into issues related to displacement of people, payment of compensation, rehabilitation and resettlement, and the status of land acquisition.
- (v) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling STs and OTFDs who have been residing in forests for generations. The responsibility for implementation of the Act lies with the States/UTs. Sections 4(5) of FRA, 2006 ensure that 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.
- (vi) A separate National Commission for Scheduled Tribes (NCST) has been set up with effect from 19th February, 2004 by amending Article 338 and inserting a new Article 338A in the Constitution, through Constitution (89th Amendment) Act, 2003. The main duties of the NCST are to investigate and monitor all matters relating to safeguards provided for STs and to evaluate working of such safeguards; and to inquire into specific complaints with respect to deprivation of rights and safeguards of STs. The Commission is vested with all the powers of a civil court trying a suit while investigating any matter or inquiring into any complaint relating to deprivation of rights and safeguards of STs.
