

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
**LOK SABHA**  
**UNSTARRED QUESTION No. 3121**  
To Be Answered On- 06/08/2026

**Tribal Land Rights and Consent in Projects**

3121. Shri Vijay Kumar Hansdak:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of tribal land diversion proposals approved since 2019 under the Forest Rights Act, 2006 and the Panchayats (Extension to Scheduled Areas) Act, 1996 indicating area diverted and the number of affected tribal households, State-wise;
- (b) whether compliance with Gram Sabha consent and recognition of Forest Rights prior to diversion of tribal land has been assessed since 2019 and if so, the year-wise details of assessments conducted, cases of non compliance identified and action taken thereon;
- (c) the details of disputes relating to land acquisition, rehabilitation and implementation of Gram Sabha consent provisions in mining and other diversion projects in Scheduled Areas since 2019 including number of cases and stage of resolution, State-wise and year-wise; and
- (d) the status since 2021 of rehabilitation measures and pending legal or administrative disputes in projects involving diversion of tribal land in Scheduled Areas, project-wise?

**ANSWER**

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

(a): Department of Land Resources (DoLR), Ministry of Rural Development is Nodal Ministry at the Centre for land related matters and 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, land acquisition and associated rehabilitation is undertaken by the Central and State Governments under various Central and State Acts.

Ministry of Environment, Forest & Climate Change (MoEF&CC) has informed that proposals for use of forest land for non-forestry purposes are processed online through PARIVESH portal (<https://parivesh.nic.in>). Information relating to forest land proposed for diversion, category of proposal, details of the User Agency, current status of proposals, project affected trees, etc. is available on the PARIVESH Portal.

Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for minimal diversion of forest land for specific development facilities managed by the Government, subject to the condition that the extent of such diversion shall not exceed one hectare in each case and shall require the recommendation of the concerned Gram Sabha. The details to diversion of tribal land are not centrally maintained by Ministry of Tribal Affairs (MoTA).

Further, Ministry of Panchayati Raj (MoPR), being administrative Ministry of implementation of Panchayats (Extension to Scheduled Areas) Act, 1996 has informed that all matters relating to Panchayats, including land related matters of rural areas, fall within the purview of concerned State Governments and neither the State Governments have furnished details of such cases to MoPR nor does the MoPR maintain such details.

(b): As informed by MoEF&CC, provisions of Rule No. 11 (7) of the Van (Sanrakshan evam Samvardhan) Rules, 2023 provides that the State Government or Union territory Administration can issue order for diversion, assignment of lease or de-reservation, as the case may be, only after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam, and after

fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007). Further, MoTA has been exhorting the State Governments and UT Administrations to ensure that no rightful beneficiary is deprived of their forest rights including compliance of Section 4 (5) of FRA which stipulates that the claimants cannot be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(c) & (d): Land Acquisition, Rehabilitation and Resettlement (R&R) of Project Affected Families, including its implementation and disbursement of compensation, is being dealt with by the respective State Government/Project Authority. Therefore, details of disputes relating to land acquisition, rehabilitation and implementation of Gram Sabha consent provisions in mining and other diversion projects is not centrally maintained by MoTA.

MoEF&CC has informed that the proposals for diversion of forest land received from the States/UTs are examined in accordance with the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and the Rules and Guidelines made thereunder.

Grievances/ representations when received in the Ministry regarding violation of provisions of FRA are forwarded to the States/UTs concerned, for redressal of grievances, as implementation of the Act lies with the State/UTs. Further, State Governments have been advised to ensure that the interests of the Scheduled Tribes are properly safeguarded in accordance with constitutional provisions and various laws designed to provide safeguards to the STs.

Further, there are six pending legal matters related to diversion of tribal land in Scheduled Areas. The details are as under:

- i. Three matters pertain to mining projects in the State of Orissa and are pending before the Hon'ble High Court of Orissa by way of Writ Petitions.
- ii. Two matters pertain to construction/widening of national highways through the State of Gujarat and are pending before the Hon'ble High Court of Gujarat at Ahmedabad by way of Writ Petitions.
- iii. One matter pertains to hydro-electric project in Chamba Division of the State of Himachal Pradesh and is pending by way of a Civil Suit before the Court of Hon'ble Senior Civil Judge, Chamba, Himachal Pradesh.

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