

## Mining prod to governors

BASANT KUMAR MOHANTY

New Delhi, April 8: The Centre has ticked off nine states for allowing mining in tribal areas in violation of norms and asked governors to revoke such agreements.

Union tribal affairs minister V. Kishore Chandra Deo last week wrote to governors of states having Scheduled-V areas, urging them to use their constitutional power to cancel mining pacts signed by states and companies in tribal areas in violation of law.

The Constitution confers Scheduled-V status on tribal-dominated areas and provides safeguards to protect their interests. These areas get special assistance from the Centre for development projects.

Mining is allowed by following procedure under two laws. Under the Panchayati Raj Extension to Scheduled Areas Act and the Forest Rights Act, tribals have to be given title deeds for land they have held for three generations and consent of gram sabhas (village committees) has to be obtained before any project is started on such land.

Deo has highlighted the problems of forest denudation, indiscriminate mining activity and irrigation projects in tribal areas, which leave many homeless. Many projects are begun without the consent of gram sabhas.

Some states have facilitated signing of mining MoUs in scheduled areas. Tushar Das, a researcher at NGO Vasundhara in Bhubaneswar, said Odisha, Chhattisgarh, Jharkhand and Andhra had signed several MoUs in the last 10 years with various companies to explore mineral resources.

“Most of the leases pertain to land in tribal-dominated areas,” Das said.

In his letter, Deo has asked governors to cancel such MoUs. “I would like to emphasise the fact that the leases and MoUs are mere arrangements/agreements between two parties.... For revoking these agreements and MoUs, the governor would simply have to invoke their executive powers.”

Researcher Das said governors had hardly used their executive and legislative powers to cancel mining leases. “Governors always prefer to act on the advice of tribal advisory committees, which hardly make any critical assessment of problems in tribal areas. If governors can cancel MoUs, it would set an example for state governments. At least, they will be more careful,” Das said.

T. Haque, the director of Delhi-based NGO Council of Social Development, said land alienation was the most severe problem in tribal areas.

“An estimated 75,000 cases of tribal land disputes are pending in different courts in Andhra alone. Similarly, thousands may be pending in Odisha, Bengal, Jharkhand, Bihar, Chhattisgarh, Madhya Pradesh and Maharashtra,” he said.