

APMDC should hold gram sabha, says Human Rights Forum

VISAKHAPATNAM, APRIL 1:

The Human Rights Forum (HRF) here has taken exception to the reported view of the AP Mineral Development Corporation (APMDC) that it does not have to hold gram sabhas in the area where it is leasing land for bauxite mining because the Panchayats (Extension to Scheduled Areas Act) 1996 (PESA) is not applicable to major minerals.

MISLEADING INTERPRETATION

Objecting to the reported move of the corporation to undertake bauxite mining in the agency area of Visakhapatnam district without holding gram sabhas and ascertaining the views of local Girijans, HRF State General Secretary V.S Krishna said it was an erroneous and misleading interpretation of the Act. “The HRF seeks to draw the attention of the APMDC officials to Section 4 (k) and 4 (l) which refer to prior recommendation of the gram sabha or the panchayats for grant of prospecting or mining lease is confined to minor minerals, but those are not the only provisions of PESA.

“Under Section 4 (d), the power to safeguard and preserve the community resources, which is another name for common property resources, should be with the gram sabha.”

Therefore, he argued, for mining major minerals such as bauxite “the assent of the gram sabha is essential, taking into account the letter and spirit of the Act.”

Though the land being leased to the corporation for mining bauxite in the Visakhapatnam agency was forest land, “undertaking mining in that land will affect water resources of the neighbouring hamlets since the water retained in the bauxite hills is the source of the rivulets and sub-soil water that the people depend upon. It is a well-established fact that the hills containing bauxite deposits have a good capacity for retention of water, which will be lost forever if the hills are opened up for mining.”

FOREST PRODUCE

He said the land proposed to be mined was also a source of minor forest produce such as thatching and dry twigs. “It is a source of grazing for animals. The ownership of such minor forest produce is conferred on the gram sabha by Section 4 (m) (ii) of PESA and that right cannot be unilaterally taken away.”

He said the Act was a piece of progressive legislation, vesting Scheduled Areas with the power of self-government and therefore any attempt to dilute it would be resisted.