

## Tribals must have equity in mining – it isn't meant to enrich a few: Kishore Chandra Deo

Srijana Mitra Das Mar 18, 2013, 12.00AM IST

*Veteran Congressman [Kishore Chandra Deo](#) is Union minister for tribal affairs and panchayati raj. Speaking with Srijana Mitra Das, Deo discussed challenges facing tribal communities, mining, Maoism – and re-defining inclusive growth:*

### **Why are tribals on the margins of discourse about development or citizenship?**

That is most unfortunate. The main cause of unrest in the Fifth and Sixth Schedule Areas is the neglect of people there, the lack of basic facilities and exploitation by outsiders. The Fifth Schedule Area has a left-wing extremist problem. Often, these people are the only ones making noises about the exploitation of tribals – you can't control this just by sending uniformed men with arms. Maoists gain sympathy because of threats like mining, throwing tribals off their lands, depriving them of livelihoods, even sending them outside the Schedule Areas where it's hard to get their constitutional guarantees.

The Constitution's provisions give tribals guarantees – unfortunately, many are observed more in the breach. For example, the Fifth Schedule says no non-tribal can buy or lease land in a tribal area. But today, through devious means, all kinds of activities go on there.

### **What are the most problematic?**

Well, the biggest threat to tribals is from mining. These are mineral-rich areas – and also where tribals have lived for centuries. The Forest Rights Act was enacted in 2006 by UPA-I. Until this, no government did anything to record pre-existing rights. In 1927, these areas were declared forests. The forest departments then encroached upon tribal habitats.

In 2008, the Forest Rights Act began being implemented amidst hostility from forest departments of every state. They resisted giving pattas to tribals. These were a heritable right, these didn't give timber-felling rights or to mortgage or sell lands, only to collect minor forest produce and do some cultivation – but till today, the implementation hasn't been satisfactory.

In 1996, there was another Act called the Panchayat (Extension to Scheduled Areas) Act (PESA). Now, 15 years have passed – only three states from nine have made the rules for this. PESA has an important clause saying gram sabhas must be convened. I'd said these should be video-recorded and held on fixed days. Such local-level decisions increase transparency and reduce corruption. It's the only way every person feels part of the process of development and governance. But each state is responsible for implementation – and it's not as it should have been.

### **How will these Acts correct mining?**

Until you've settled rights, what basis will you compensate tribals on? Once you catch them by the neck and throw them out, they're totally orphaned. The first step is to know exact rights. The second is PESA where gram sabhas consent to terms. Mining must be within the constitutional framework. When as an individual non-tribal, you can't buy land there, as a private company, you're getting land on lease! These are flagrant violations of constitutional provisions.

Secondly, our prime minister says our policy is inclusive growth. I don't think that means neglecting the most deprived. Development is not rendering hundreds of thousands homeless for the sake of one dozen. It's been suggested portions of mining companies' profit be spent on tribal community development " but why should we be dependent on a company's declared profits? Equity for tribals should be fixed. I'm not against mining " but it isn't meant to fill the pockets of a few.

Business corporations can look after themselves. If the government doesn't do anything for the poorest of the poor, what is the role of a government?