

# **CAMPAIGN AGAINST MINING IN ANANTAGIRI BY SAMATA AND TRIBALS 1993-97**

## **INTRODUCTION:**

The founding fathers of the Indian Constitution had, with right insight, taken into serious consideration, the plight of certain deprived and backward sections of the Indian society and brought into the constitutional framework some special legislations in order to protect their interests.

In the tribal context, the protective legislations came into force in the Fifth Schedule of the Constitution with the objective of safeguarding the tribal people by the State from the onslaught of the non tribals as, otherwise, they would be mercilessly exploited of their resources, labour and habitat.

However, even a cursory examination reveals that these protective legislations have far from succeeded in protecting the interests of the tribals not only from the exploitation of non tribals but also from the State itself.

While land alienation by individual non tribals has considerably diminished in the recent years, there is an inverse increase in state initiated land alienation which is a more distressing phenomenon with respect to survival of tribal communities.

This phenomenon is increasingly on the rise in the resource rich tribal districts of Andhra Pradesh where state action of liberally distributing lands in the tribal areas to commercial and industrial groups is in direct opposition to the protective role of the state as laid down in the constitution.

This document presents the experiences of Samata and the tribal people of Vizag district in Andhra Pradesh in their struggle for protection of traditional and constitutional rights of tribals from state sponsored illegal mining operations.

## **A PROFILE OF SAMATA:**

Samata, a social action group, was formed in 1987 and formally registered in 1990 to take up development action on community problems in the tribal villages of East Godavari and Vizag districts of Andhra Pradesh, which are a part of the Eastern Ghats range of mountains in peninsular India.

For eleven years Samata was involved in grass-roots community mobilisation with the objectives of raising the consciousness of tribals about their legal rights, organising them for resisting exploitation from external societies, promoting locally accountable self-reliant institutions for confronting socio-economic problems and optimal utilisation of natural resources.

Micro level action for tribal rights was linked up to macro support and lobby for the issues in the region through activities like:

Building up micro credit network among poor tribal women;

Encouraging alternate development systems and local tribal institutions to counter deprivation and economic exploitation through marketing and cooperative societies, grain banks, land struggle groups, people's health centres;

Resolution of forest conflicts through forest protection committees, getting legitimisation of forest settlements, formation of Vana Samrakshana Samithis, etc;

Coordinating with and pressurising government machinery to implement development programmes and infrastructure facilities in the interior tribal villages;

Campaigning against illegal mining projects in the tribal area and displacement of tribals by organising the people affected and by advocacy through the media and the judiciary;

Fighting for the protection of the world famous Borra Limestone Caves which were being destroyed for mining purposes;

Fighting for the settlement of tribal villages and for non eviction of tribals by the forest department as per the guidelines of the central government;

Lobbying for alternate development programmes in ecologically fragile zones like the eastern ghats so as to maintain a healthy survival of the forest and the hill people.

From a community based organisation Samata has evolved into a centre for advocacy and support for establishing a regional network to lobby for the protection of the Eastern Ghats which relates both to protection of human rights and the environment. Samata is involved in working towards a people and environment friendly development of the eastern ghats by supporting local struggles and grass-roots movements in the region and in taking up macro level advocacy and legal action.

## **DEMOGRAPHIC PROFILE OF THE REGION:**

The Eastern Ghats are a long chain of broken hills and metamorphic rocks spread over three states of peninsular India-Tamilnadu (7 districts), Andhra Pradesh (13 districts) and Orissa (3 districts). This range of hills have abundant natural wealth with rare species of flora and fauna. Besides, they are also significant for the many tribal communities dwelling in the midst of thick forests and valleys. The hills of the Eastern Ghats are at an altitude of 1,000 - 5,000 ft covered by thick dry deciduous forests.

Andhra Pradesh is the seventh largest state in India with a population of 663.55 lakhs. Tribals in north coastal Andhra Pradesh which is a part of the Eastern Ghats are spread over four districts with a population of 9.55 lakhs consisting of thirtynine communities like Kondadoras, Kondareddies, Bagatas, Savaras, Jatapus, Khonds, Valmikis, etc.

The languages spoken by the tribals in these parts of the Eastern Ghats are adivasi odiya, kui, telugu, savara, jatapu, gadaba, etc. Although traditionally, the tribals practise

animistic form of worship, there is an influence of hinduism and a strong presence of christianity. Alekha sect of Buddhism is also practised in some parts of the region. The people belonging to this sect are strict vegetarians and lead a rigorous life.

According to the social stratification, the Bagatas, Kondaredies, Parjas and Jatapus are most superior castes while Valmikis are regarded as most inferior. Paradoxically, the Valmikis are far more advanced in literacy, economic and employment levels than the rest of the tribes. While total tribal literacy in the region is around 8%, the female literacy rate remains at an abysmal 4%.

The principal occupations of the tribals are settled agriculture, podu (shifting) cultivation and collection of non-timber forest produce (NTFP). The tribals follow consumption economy as most of their needs are met from the forest and the land. However, like in all other tribal areas of the country, the tribals here have a traditional conflict with the forest, revenue, police and excise departments being highly exploited by them.

Historically, north coastal Andhra was a part of the Madras Presidency under the British Raj and the tribal areas were called Agency tracts as the agent to the governor was in charge of administration. The British government had constituted special laws even at that time for protection of the area from money lending and land alienation by non tribals.

After Independence, these areas were brought under the Fifth Schedule of the Indian constitution and the special laws of protection were carried forward with some variations by different states. In Andhra Pradesh, the law in the scheduled area has been well defined with a clear mechanism of implementation in the government despite which gross violations have taken place.

Politically, this is a very disturbed region due to the presence of various factions of CPI(ML) for over three decades, the largest faction being the People's War Group. They are highly militant and adopt guirella tactics for overthrowing the state.

#### **CONSTITUTIONAL SAFEGUARDS:**

To prevent tribal land alienation, it should be noted that, the state of Andhra Pradesh had passed two laws for the scheduled area. The Scheduled Area Land Transfer Regulation Act of 1959 was enacted by which transfer of land or immovable property from tribal to non tribal in scheduled area was null and void. The second Act, the A.P Scheduled Area Land Transfer Regulation (Amendment) Act, Section 1 of 1970 prohibited transfer of land from non tribal to non tribal in the scheduled area. By this no non tribal or private company can hold land in the scheduled area.

#### **HISTORICAL OVERVIEW OF DEVELOPMENT BY GOVERNMENT IN THE REGION:**

Between the 1950's and 90's the region underwent a rapid shift in state interference from one decade to the other. Beginning from the 1950's the state initiated its policy of development through construction of multipurpose projects in the region like Sileru, Machkund, Balimela, Duduma, reservoirs and hydro-electric projects, displacing vast tribal populations in Andhra Pradesh and neighbouring Orissa state, whose interests were considered miniscule compared to the larger interests of the country.

The 60's saw the laying of the Dandakaranya-Bolangir-Kirbur railwayline in anticipation of the government's plan of taking up commercial exploitation of the rich mineral deposits in this belt.

The 70's emerged as the decade of irrigation and hydro-electric projects where relocatead tribals were once again displaced for the sake of national prosperity.

A paradigmatic shift in government intervention can be perceived in the 80's when public sector industrial projects were initiated which were mainly mineral based. Large tracts of tribal and forest lands were acquired for these projects like NALCO, HAL, etc. The other industries set up were paper, pulp and wood based industries.

In the 90's the multi national companies had arrived with the ushering in of the liberalisation model of economy. Thus the handing over of the natural resources of the Eastern Ghats spelt a prophetic doom on the lives of adivasi people in this region. The state had made an overt change towards industrialisation through the private sector and particularly the multinational companies ranging from power to mining.

## **CAMPAIGN AGAINST ILLEGAL MINING IN VIZAG DISTRICT SCHEDULED AREA:**

### **EXPERIENCES OF SAMATA AND THE TRIBALS:**

Samata was a small social action group fighting against tribal land alienation by non tribal landlords until the issue of mining was taken up. The problem of illegal mining was brought to Samata during a tribal youth training programme, as a problem of non settlement of tribal lands in one panchayat - Borra - of Anantagiri mandal where most of the mining operations have been confined. The Samata team visited Anantagiri mandal in 1993 and gathered the following information.

Anantagiri mandal, a part of the scheduled agency of Vizag district, Andhra Pradesh, is endowed with rich mineral wealth like bauxite, calcite, quartz and mica. It is the catchment for rivers Sarada and Gosthani and many perennial streams feed into these two rivers.

Minerals have been tapped unscientifically and erratically in this area since the 1960's by non tribals by obtaining leases from the state government. There were 17 leases holders who were all non tribals or non tribal companies in 2,000 acres (approx) of tribal patta lands, banjar lands and forest lands.

The first major campaign against mining taken up by Samata was in Borra panchayat.

## **MINING IN BORRA PANCHAYAT:**

The Borra group of villages in Anantagiri mandal have been victims of historical injustice. The fourteen tribal villages of the panchayat are situated in a Reserve Forest enclosure thereby leading to ambiguity whether they were revenue lands or forest lands.

The state government denied the tribals title deeds for their lands on the pretext of being a reserve forest although the tribals have been living here much prior to the forest notification. On the other hand, private mining companies were granted mining leases in the same lands without any objection.

The denial of legal status to their lands gave advantage to the mining companies over the tribals. The tribals were evicted from their lands by the companies and mining operations were underway in agricultural fields and forest lands. Tribals were forced to work as wage labourers in their own lands under highly hazardous conditions.

Borra also has one of the world's largest limestone caves called the Borra Caves with formations of stalactites and stalagmites. It is an important religious centre for tribals in the region and a site of tourist importance in the state. However, mining leases were granted above the caves giving no respect to their monumental significance leading to blasting operations on the cap rock of the caves.

Since two decades, the tribals of Borra have been petitioning to the government for granting them title deeds but to no avail. Vexed with the mining work, they approached Samata for help in getting their lands settled.

While in the pursuit of obtaining title deeds for the tribals, Samata realised the intensity of the problem. As there was very poor response from the officials concerned Samata realised that it was not merely a problem of lack of title deeds but a deliberate process of liberalisation wherein the state government was consciously leasing out scheduled area lands to private industries against the law.

The lackluster response from the authorities provoked Samata to go in for a Public Interest Litigation in the high court on behalf of the tribals of Borra. A stay order was obtained and the tribals drove out the mining companies from their lands. For the first time, they could cultivate their lands and reap a harvest successfully.

Angered by the uprising of the tribals, the mining companies instigated the local police to arrest the activists of Samata and keep them in illegal custody on the pretext of having captured the extremist outfit of the naxalites operating in the area. The police were forced to release the activists after a week as a result of media outcry and appeal to the district authorities.

The tribals gained courage to organise themselves and take up protest rallies and public meetings to demand for their land rights. When the high court lifted the stay order too, the tribals did not permit the mining companies to enter the area or even ply their vehicles. The news of the Borra tribals' resistance spread in the region and tribals from other parts of the mandal started approaching Samata for assistance.

## KARAIGUDA:

This village forms a part of Konapuram panchayat in Anantagiri mandal and consists of about fifty households belonging to Bagata and the primitive tribal group, Parangiporja. The tribals here follow the legacy of emperor Asoka in their religion of Alekha sect of Buddhism. They are strict vegetarians and maintain rigorous discipline. They possess very fertile lands with rich sources of water for irrigation.

A mining lease was given to a non tribal in the 80's from whom a company called Indian Rayon and Industries took over and started threatening tribals to evict them from 111 acres of land whereas the lease extent was only for 50 acres. The village square has two Buddhist temples which were also threatened to be demolished.

Prospecting activity was started in 1995 in the middle of people's fields where there were standing crops. The local revenue officials threatened the tribals with dire consequences if they did not cooperate, the company pitched tents in the tribals' patta lands, the primary school building was occupied as a storage room by the company and a road was laid across irrigation canals blocking the fields.

## NIMMALAPADU: THE BIRLA PERICLASE MINING PROJECT:

The tribals of Volasi panchayat where a major mining project was under survey, came to Samata for help. Birla Periclase is a division of an Indian multinational company, Indian Rayon and Industries Ltd, which has been given a lease of 120 acres in a small tribal village in Anantagiri mandal of Vizag district.

The project deals with extraction of calcite ore from the tribal area to manufacture magnesia using sea-water, fresh-water and calcite. The mining part of the project consists of two main activities - construction of a 90 ft wide road (which has been reduced to 45 ft after people's protest) over 22 kms spreading across fourteen tribal hamlets and thick forest, and the extraction of calcite mineral from Nimmalapadu village to transport it by 150 truck loads each day to the plant site near Vizag which is 110 kms away.

The lease was obtained by the company in 1993 from a non tribal which is in clear violation of the land transfer regulations of the scheduled area and against the 1991 amendment to the Mines and Minerals Regulation Act of 1957 which prohibits mining leases to non tribals.

Despite the above regulations, the state government granted mining leases to Birla Periclase. It has also granted economic sanctions like sharing 50% of the cost of road construction for the company. The land acquisition was taken up under the guise of "public purpose" when it is very evident that the road is intended for the company alone. The task of laying the road was entrusted to the Border Roads Organisation which is usually engaged to lay roads in the borders of the country for defence purposes.

There was no project information vouchsafed to the local tribal communities or to the public except to create misguided anticipation of employment opportunities to tribal youth.

The tribals were against the mining project as it would displace them and harm their livelihood. They were interested in the construction of a smaller road for better transport facilities but were opposed to the construction of a 90 ft wide road for which their lands were being acquired.

The tribals of Volasi panchayat and particularly the people of Nimmalapadu village which has the mine-site, were strongly opposed to the Birla mining and were eager to put up a strong resistance.

Samata helped them in filing writ petitions in the division and high courts and supported the people's struggle by representing the issue to the government, media and other sections. The government offered very meagre compensation to the farmers on the pretext that these were useless lands and served them pre-dated notices for land acquisition.

The tribals who were part of the struggle committee refused to give up their lands and did not allow the company to lay the road across their lands. As a result the company could lay the road only in patches in government and forest lands. In the process the company also resorted to petty methods of force like kidnapping some tribal leaders, getting false cases booked on them, forcefully taking thumb impressions of tribals under duress and using tribals' lands for dumping and sand casting.

On the other hand, the local tribals boycotted road construction and the company was forced to hire outside labour. They laid road blockades and did not allow them to enter the mine-site even for surveying or for collecting samples. The company, to this day, has not been able to enter the mine-site.

However, even before the actual mining activity could commence, the company and the Border Roads Organisation have committed gross violations of human rights which were deliberately ignored by the authorities concerned. Tribals' lands were encroached beyond the lease extent, standing crops were destroyed or used as dumping grounds, thousands of trees have been cut down from the forest and smuggled out (tribals on the other hand are booked under criminal cases by the forest department even if a single tree is cut!), people were crushed to death by bull-dozers and young tribal girls have been raped - but all these deeds were ruthlessly hushed up with the district authorities turning a blind eye.

### **THE INCONGRUANT POLICIES OF THE STATE WITH REGARD TO TRIBALS AND MINING COMPANIES:**

A) The mining leases are in clear violation of the land transfer regulations of the tribal area. However, the state government has ignored them and is blatantly alienating tribal lands to mining companies.

B) The state government cannot lease forest lands for any non forest purpose unless clearances are obtained from the central government, Ministry of Environment and Forests. The mining leases are against the Environment Protection Act of 1986 and the Forest Conservation Act of 1980. These laws are violated for the sake of large mining companies whereas leases are denied to tribals based on these laws and regulations.

C) Tribals have been living in these hills for generations, yet the forest department reserves the area as Reserve Forest and prohibits the tribals from entering it, whereas, a company is even allowed to lay roads without prior approval and no cases are booked on them. Most often, it would be the tribals working as wage labourers for these companies who get booked.

D) Decades of dogged and frustrating perseverance by the tribals to obtain title deeds yields no results. Yet it takes not more than a week to survey and acquire tribal lands on behalf of the non-tribal lease holders.

E) The companies are allowed to go ahead with their projects without fulfilling the legal requirements of submitting EIA and EMP documents. There are no relief or rehabilitation plans, disaster management plans, employment or other provisions to local communities, etc. There is no transparency followed by the state while sanctioning these projects or no information is provided to the public or the affected communities which clearly implies aberrations in sanctioning projects. Public hearings are either not conducted or superficially conducted where affected communities are not even informed.

F) There have been various guidelines issued by different ministries which laid emphasis on the necessity of not displacing and disturbing tribals and their habitat for any projects and the need to take precautions on safeguarding the interests of the tribals. All these guidelines exist on paper alone and are most often circumvented by the authorities concerned.

G) When tribals protest or demand for information, they are ruthlessly suppressed, arrested or illegally held, and forcefully evicted by the state which amounts to gross violation of human rights.

### **IMPACT OF MINING IN THE TRIBAL REGION:**

In India most of the mineral deposits are found in tribal and forest regions and therefore, the impact of mining is felt most severely by adivasi communities. Since the beginning of the industrial policy, they have been the refugees of the mining industry having been displaced and their habitats destroyed.

For instance, 89.42% of coal mining alone in India is in the tribal area. It is estimated that 19,00,000 persons displaced by all the mines in the country are in the tribal area. 70% of this 19 lakhs population is tribal and the rest belong to dalit (backward) communities.

The impact of mining which cannot be merely counted in numbers of the families directly displaced but to whole communities residing in the project areas, has been felt and is expected to affect the communities in the following spheres:

#### **1. Land Alienation and Increasing Pressure on Land for local communities:**

The region has experienced many projects like reservoirs, hydro-electric, mining, power, railway lines, etc due to which tribals have been displaced from their lands and villages, even twice and thrice. This has led to large-scale migration with particular reference to the Khond tribe (a primitive tribal group). Need for survival has led these tribals to occupy hill-slopes for podu (shifting) cultivation and forest lands thereby leading to soil

degradation and depletion of forest cover. Further mining would lead to greater displacement and a severe pressure on land as tribals being illiterate, cannot shift to any other form of survival other than land-based activity.

## **2. Illegitimisation:**

Encroachment on to forest lands after displacement makes the tribals criminals in the eyes of the law. Displaced tribals are not given any alternate land or are given land unfit for cultivation, forcing them to cut down fresh patches of forests. They face constant harassment from the forest department either in the form of extortion of money or by arrest and criminal proceedings. The poor tribal is accused of destroying the forest through podu cultivation while government sanctions cutting down of large tracts of forest lands in the tribal areas to mining companies.

## **3. Loss of Control over Resources and Common Properties:**

When mining companies take over not only patta lands but also forest and government lands, village commons, etc, the local people lose all control over the resources. Houses and places of worship are demolished, forests are cleared, grazing lands, burial grounds, etc are occupied, thus leaving the communities no scope for following their earlier livelihood patterns.

Migration to other areas makes the host communities hostile to the newcomers who would not be willing to share their common properties. People, especially women, have to walk longer distances and spend more hours of work for grazing cattle, gathering food and fuelwood, etc when these common properties are destroyed.

## **4. No Economic Gain to local communities:**

The state is encouraging mining companies in the tribal areas in the name of economic development. However, the tribals are snatched of the few resources of land and trees without any rehabilitation or even a minimum assured means of income. Employment opportunities exist in so far as the construction activity is required where tribals are engaged as wage labourers. The few jobs available relate to supervisory and skilled work which are given to non tribals as literacy rate among the tribals is very low.

The economic gains projected by the companies and the government are often misleading because:

a) either mining is totally in the unorganised sector violating all laws and working conditions by using cheap migrant labour, long hours of work under hazardous conditions, occupying land beyond lease area and period, using agricultural and nearby lands for dumping wastes, following no pollution control mechanisms, providing no compensation, rehabilitation, employment or reforestation for the people and areas affected, bribing local officials for cheap facilities, etc;

b) using highly sophisticated and modern technologies with foreign investments and with minimum human resources, providing employment only to highly competitive and professional white collar employees, occupying the most fertile and resource rich lands and obtaining raw materials, infrastructure and other facilities at subsidised prices and flaunting all environment laws.

### **5. Loss of Food Security and Domestic Fulfillment:**

By losing their lands, trees and forest, the tribals are deprived of food security leading to starvation as is the case with tribals in the neighbouring Orissa state. Forest produce which fulfills the tribals' food, domestic and consumption requirements like fodder, fuelwood, housing, medicinal needs and is the main source of income through collection of NTFP gets destroyed as a result of mining activity. Water for drinking, domestic purposes and irrigation is diverted to serve the needs of the industry

### **6. Destruction to Social System:**

There is a severe strain on the social system as tribal communities follow very distinct social practices which get eroded due to the intrusion of non tribal communities. Social evils like dowry, alcoholism, wife battering, beggary, destitution, etc which do not exist in tribal society get introduced by the non tribals. An increase in human rights violations is most certain as can be seen in the Birla Periclase project even prior to commencement of mining activity. Customary laws and leadership loses its stature as the cohesiveness of the community is lost. The social customs of barter, wage labour and community ownership would all be lost.

### **7. Loss of Religious and Cultural Identity:**

The religious and cultural practices will be affected badly due to the oncoming of the projects. The deities of the tribals, sacred groves, hills and caves and the traditional forms of tribal folklore and wisdom will be greatly affected. The aesthetic cultural practices of tribal community would be completely under threat.

### **8. Status of Tribal Women and Health:**

Women hold a respectable position in tribal societies and there is no evidence of harassment of women in the traditional practices. However, women would be severely affected socially, economically and in health. Atrocities on tribal women in the Birla mining project have been silenced and this trend would only increase once full fledged mining is underway. Women would have to walk longer distances for gathering food and fuelwood as the forest would be cut down for mining. Women are the first victims of food insufficiency leading to serious health problems.

Women will be thrown out of their economic role when land is alienated for mining. Any employment provided by companies would rarely be given to women. They will be forced to give up their life of dignity for performing menial tasks in the industrial townships. Any compensations or skills training are given to the men in the displaced villages and not to the women. With the shift from traditional to modern lifestyle the women find it extremely difficult to adapt themselves and face severe social and cultural exploitation.

The government is unable to address the primary health needs of the tribals in the present situation and is unable to fulfill its target of immunisation, in controlling malnutrition and tropical diseases among the tribals. Once non tribals enter these remote regions, especially with 150 trucks plying each day for the Birla project alone, deadly diseases like

AIDS would spread and reach serious proportions before the state can identify or control in these interior areas.

### **9. Political Unrest:**

Politically the tribal area in the Eastern Ghats is already disturbed due to the presence of extremist forces. Exploitation and displacement of tribals by the state would only lead to tribals joining the militant groups and taking up arms. The mining regions in the country like Jharkhand, Chattisgarh, the north east and Orissa are already facing serious problems of unrest as a result of mining.

### **ENVIRONMENTAL IMPACTS:**

In spite of the existence of strict environment laws and regulations like the Forest Conservation Act and the Environment Protection Act there are serious violations of these legislations.

1. Forest land is either denotified by the government or claimed and encroached by the revenue department for mining activity under the pressure of strong mining lobbies. Even rivers are leased out and diverted to the mining companies. Compensatory afforestation is taken up in far away non forest areas where monitoring is poor and not suitable for regeneration of forest species. Most often a sprinkling of monoculture plantations like eucalyptus is the only reforestation taken up by the companies.

2. The storage of overburden and topsoil will contaminate the surface stream. Calcite mineral is a comparatively soluble mineral and under normal condition would increase the alkalinity of water thereby rendering them unfit for aquatic life, irrigation and human use.

3. The tribal areas are the catchment for major rivers like Sarada, Varaha, Sileru, Machkund, etc and are the main feeders to the reservoirs built across the tribal area. Open cast mining would lead to siltation and salinity of the water making the reservoirs unable to fulfill their promised capacities of water supply and electricity. The farmers in the plains paying cess to these reservoirs have already started making agitations as they are not receiving the promised facilities.

4. The leasing out of river Gosthani to the mining company to dig 400 borewells is very shocking as it deprives drinking water supply to one lakh population each day. This would also lead to intrusion of salt water and deplete the ground water table in an already fragile zone.

5. The Eastern Ghats are a significant ecological monument of the country having rare species of flora and fauna. There is already concern that the eastern ghats have become fragile with many species under threat of extinction. Mining would lead to large scale destruction of forest with scant respect to the protection of the invaluable species.

6. The tribal areas being remote and inaccessible and tribals being illiterate and ignorant, the mining companies can easily violate all environmental rules and regulations. The mining companies normally go ahead with mining operations without any environment impact assessment studies or environment management plans submitted

prior to the commencement of mining activity. Prospecting and removal of small quantities of minerals are begun even in forest areas, much before the lease is granted.

The government is most vulnerable to political and industrial lobbies and is incapable of any sincere environment monitoring whereas local communities are mystified with technical jargon. Air, water and noise pollution, mine safety devices, etc are never cared for by the companies.

7. It is a paradoxical situation where the government is on the one hand trying to promote the tourism industry in the thickly forested tribal areas and on the other, granting mining leases over large areas. Mining activity destroys all aesthetic value to the area leaving behind huge pits and craters, dust pollution and strips the area of all forest cover. Tourism cannot be sustained in such a degraded scenario.

8. Ironically, tribals follow the most sustainable form of agriculture using simple indigenous methods of farming and irrigation. It is planned with minimum risk from nature and to fulfill all the domestic and food requirements of the tribals and is nutritionally rich in diet.

However, the attitude of the officials and authorities is one of contempt for this form of livelihood as the tribals do not use chemicals and high yielding varieties, do not borrow loans from the government for cash crops and persist in a consumption economy. The government policy is bent towards corporatisation of agriculture, mining and liberalisation of the tribal areas as the panacea to economic development.

## **STRATEGIES ADOPTED BY SAMATA FOR THE CAMPAIGN:**

### **SOCIAL ACTION FOR COMMUNITY MOBILISATION:**

Organising people's movements through struggle committees at the village level, apolitical tribal representative committees and taking up direct action through these committees like padayatras, rallies, dharnas, cultural action, dissemination of project related and legal literature, demanding for public hearings, preparing the affected communities to confront the government and company officials, non cooperation with government in struggle areas, organising women's groups and helping in representation of other local problems of the people related to health, education, revenue, forest conflicts, etc.

### **LEGAL ACTION AND ADVOCACY:**

Legal action and advocacy by approaching various courts right from the executive magistrate's court at the division level to the supreme court after studying the law related to scheduled areas by taking a stand that government is not above the laws under the Fifth Scheduled and therefore, that it cannot alienate lands in scheduled areas to non tribals or to industries. Samata also challenged violation of other laws and regulations like the land acquisition notification as it was colourable exercise of power, the Forest Conservation Act as the requisite procedure was not followed in acquiring forest lands, amendment to the Mines and Minerals Act and various other guidelines.

As a deliberate strategy, the details of Environmental violations (under the Environment Protection Act) were not touched so that if legal action on the tribal rights failed, the issue could be tackled from the environment angle. The EIA documents of the company could be obtained only through the high court after adopting some shrewd tactics. Legal action as an important strategy was adopted as it was perceived that direct action against the state and multinationals especially in the background of naxalism would lead to severe repression as has happened with many other movements in the country.

#### **NETWORKING WITH OTHER CAMPAIGNS AND MOVEMENTS IN THE COUNTRY:**

Networking with other campaigns and movements in the country and organising visits of activists from these movements like Dr.B.D.Sharma, Medha Patkar, and others to the area affected helped in understanding the experiences of other movements and gave wider publicity to the campaign against mining.

The tribal people who would be affected by mining were taken to other mine sites and project affected areas in other states to interact with communities already displaced. This gave the people a stronger conviction to struggle against mining and displacement.

#### **LINKAGES WITH SCIENTIFIC COMMUNITY:**

Taking the help of technical experts and institutions for preparing impact assessment studies gave scientific support to the campaign rather than a mere emotional outburst. These studies were of great use to prepare the legal case against mining.

#### **MEDIA ADVOCACY:**

Advocacy with the media by organising media visits to the project affected areas, holding press meets at the local, district and state levels with the tribal leaders presenting their situation to the media, feeding regular information to the press on the happenings in the project areas and lobbying with them for applying pressure on the government and raising public awareness by publishing the anomalies in the projects sanctioned has been another conscious strategy of Samata for the campaign.

#### **DIALOGUE WITH GOVERNMENT:**

All through the process of the campaign, Samata was open to discussions with the government and made constant appeals to all the authorities concerned to ensure that justice is done to the tribals. Officials of the departments of tribal welfare and industry were consulted to press for implementation of the protective legislation's of the tribal area and cancel mining leases as it was illegal. Tribals who had already lost lands for the road were helped to negotiate with the government and the company for a fair compensation.

#### **OUTCOMES OF THE STRUGGLE:**

After a protracted legal battle of two and a half years at the high court and two years at the supreme court, a full bench of the supreme court in Special Leave Petition No.

17080-81 of 95 came out with an exhaustive historic judgement. The important aspects of the order are:

a) The issue which started as non settlement of lands in reserve forest enclosures in Borra Panchayat was addressed by the bench by directing the state government to immediately issue title deeds to tribals in occupation of these lands and ruled that government has no right to grant mining leases in these enclosure lands belonging to tribal people.

b) Government lands, forest lands and tribal lands in the scheduled area cannot be leased out to non tribals or private industries;

c) Government cannot lease out lands in scheduled areas for mining operations to non tribals as it is in contravention of the Fifth Schedule of the constitution;

d) Mining activity in scheduled area can be taken up only by Andhra Pradesh State Mineral Development Corporation or a cooperative of tribals and that too if they are in compliance with the Forest Conservation Act and the Environment Protection Act.

e) The court recognised the 73rd Constitution Amendment Act and the Andhra Pradesh Panchayat Raj (Extension to Scheduled Areas) Act by stating that the Gram Sabhas shall be competent to safeguard and preserve community resources and thereby reiterated the need to give the right of self governance to tribals.

f) If necessary, the court felt that the Chief Secretary of Andhra Pradesh state should constitute a committee consisting of himself, Secretary (Industry), Secretary (Forest), Secretary (Social Welfare) to have the factual information collected and consider whether it is feasible to permit the industry to carry on mining operations. If the committee so opines, the matter may be placed before a Cabinet Sub committee consisting of Minister for Industries, Forest and Tribal Welfare to examine the issue whether licenses could be allowed to continue or whether expedient to prohibit further mining operations.

g) In cases where the similar Acts in other states do not totally prohibit grant of mining leases of the lands in the scheduled area, similar committee of Secretaries and State Cabinet Sub committees should be constituted and decision taken thereafter. Before granting leases, it would be obligatory for the state government to obtain concurrence of the central government by constituting a sub-committee headed by the Prime Minister and other union ministers.

h) The court also felt that it would be appropriate to constitute a conference of chief minister and concerned union ministers to take a policy decision so as to bring about a suitable enactment for a consistent scheme throughout the country in respect of the tribal lands and exploitation of mineral wealth.

i) The State Government was therefore, directed to stop all industries from mining operations.

J) The court opined that since the Executive is enjoined to protect social, economic and educational interests of the tribals, when the State leases out the lands in the scheduled areas to the non tribals or industries for exploitation of mineral resources, it transmits the correlative above constitutional duties and obligation to those who court

directed that atleast 20% of the net profits should be set apart as a permanent fund as part of industrial/business activity for establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities by laying roads, etc. This 20% allocation would not include the expenditure for reforestation and maintenance of ecology.

This court order is historic in the present context as it emphasises the empowerment of tribal people in the scheduled area. The policy of liberalisation is in perfect antithesis to these laws.

All mining operations in the region came to a standstill in the face of the legal battle against mining in Anantagiri mandal. In the present situation, if the state government goes ahead with the B.P. project by circumventing the supreme court orders which in all likelihood is the intention, all other companies not just those of mining, are geared up to swoop down in the scheduled area. Once the floodgates of the scheduled area are thrown open entirely, Andhra Pradesh would most certainly reach a similar level of degradation as Orissa.

People's resistance to part with their lands for the road construction led the company to finally offer a compensation, after four years of struggle, of Rs.1.5 lakhs an acre of wetland where as the original compensation given was Rs.1,500 an acre. This has been the greatest victory for the tribals against the mining companies who will now have to review their capital costs of the projects if a fair compensation for the lands has to be paid.

### **FUTURE SCENARIO IN GOVERNMENT POLICY AND STRATEGY FOR ACTION:**

Inspite of the supreme court orders for cancellation of all mining leases, the state government is making all efforts at circumventing the orders and going ahead with mining. The political situation is not conducive to the interests of the marginalised communities like tribals. Although the local tribal villages are courageously holding out from the mining companies, Samata and tribals have had to face severe pressure from the companies, the government, the police and also the extremists who have been shifting their stand on the issue as per their trade off with the companies.

We have realised that a small social action group cannot alone succeed in protecting the interests of the tribals and the environment as they are connected to the macro political policies of the government. We feel that the fight against mining now re-quires:

Building linkages and networks with larger movements in the country and outside for a stronger lobby support to the campaign as tribals do not have a political voice; and,

Gaining more rights to the tribals in the wake of liberalisation and mining operations in the area by fighting for not merely compensation, but a share in the industry, least environment hazardous methods of mining and strict environment monitoring.

Control over resources and ownership in the tribal region should vest with tribals alone and they should have the right to decision making (and not a mandatory 'consultation') with regard to mining or any other activity in their respective areas.

In this situation, the enactment of the New Panchayat Raj (Extension to Scheduled Areas) Act under the 73rd Amendment of the constitution comes as the strongest weapon overriding all other laws in the scheduled area since the Gram Sabha has the supreme power of decision making as per this Act. Efforts of organisations working with tribal communities should concentrate on pressurising for implementation of this Act and for assertion of rights based on this Act.

The supreme court judgement in the PIL of Samata (All India Reporter, 1997, supreme court, 3297 Samata vs State of A.P) which clearly upholds the rights of the tribals against mining industries would be another important aid in building the campaign against mining through lobby with tribal groups and movements in all other states where the supreme court order is applicable

#### Abbreviations and Local Terminologies

1. Adivasi : Tribal people.
2. Mandal : Unit of Administration above panchayat.
3. Panchayat : Group of villages as basic unit of administration (originally group of five villages)
4. Padayatra : Protest march.
5. Patta : Title deed for land.
6. Scheduled area : Tribal areas which are demarcated under the Fifth scheduled of the Indian Constitution.
7. Vana Samrakshana Samithi: Village Forest Protection Committee.

### Distribution of Tribal Population in India, 1991

	Population (in thousands)		Tribals as % of Total popula. Tribals	
	Total	Tribal	of State/UT	in India
Andhra Pradesh	66508	4199	6.31	6.19
Arunachal Pradesh	865	550	63.66	0.81
Assam	22414	2831	12.82	4.24
Bihar	86375	8617	7.66	3.76
Goa	1170	0.378	0.03	0.01
Gujarat	41310	8162	14.92	9.09
Himachal Pradesh	5171	218	4.22	0.32
Karnataka	44977	1916	4.26	2.82
Kerala	29099	321	1.10	0.47
MP	66181	15399	23.27	22.72
Maharashtra	78937	7318	9.27	10.80
Manipur	1837	632	34.41	0.95
Meghalaya	1775	1518	85.53	2.24
Mizoram	690	654	94.75	0.96
Nagaland	1210	1061	87.70	1.58
Orissa	31660	7032	22.21	10.38
Rajasthan	44006	5475	12.44	8.08
Sikkim	406	91	22.36	0.13
Tamil Nadu	55859	574	22.36	0.13
Tripura	2757	853	30.95	1.29
Uttar Pradesh	139112	288	0.21	0.42
West Bengal	58078	3809	5.60	5.62
<b>UNION TERRITORIES</b>				
A & N Islands	281	27	9.54	0.04
Dadra & Naveli	138	109	78.99	0.16
Daman & Diu	102	12	11.76	0.01
Lakshadweep	52	48	92.31	0.07
<b>INDIA</b>	<b>838584</b>	<b>67758</b>	<b>8.08</b>	<b>100.00</b>

Source: Registrar General and Census Commissioner 1991: 16-19.

\* Excludes J&K where no census operations were held in 1991.