

TIMES

Tribal land lease flouts Supreme Court order

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Hyderabad: In violation of a Supreme Court judgement, the Andhra Pradesh Mineral Development Corporation Limited (APMDC) has -- in a memorandum of understanding -- permitted M/s Orient Cements Limited "to carry on mining operations for their self-consumption for production of cement."

The apex court in the famous Samata versus government of Andhra Pradesh case prohibited the "transfer of mining lease to non-tribals, company, corporation aggregate or partnership firm, etc. as unconstitutional, void and inoperative' in scheduled areas.

The 1997 Samata judgement had directed that "transfer of land in scheduled area by way of lease to non-tribals, corporation ag-

gregate, stands prohibited." Incidentally, the court had excluded the APMDC from the prohibition.

The government in an order (GO MS no 222), as per the request of the APMDC, permitted Orient Cement "to carry on the mining operations for limestone for their self consumption for production of cement," in 809.38 hectares in a reserve forest in Devapur village in Kasipet mandal of Adilabad district.

The government had also permitted the transfer of the lease in favour of APMDC from Orient Cement.

However, Samata director Rebbapragada Ravi told *The Times Of India*, "The judgement permits only undertakings owned by the government or a society registered under the AP Co-operative Societies Act, which is solely composed of members of Scheduled Tribes."

The government had also permitted the APMDC to form a joint venture M/s Damodara Minerals Private Limited with a resident of Hyderabad, P. Damodhar Rao, for limestone mining in 13.80 hectares in the reserve forest near Ada village in Asifabad of Adilabad district.

Quoting the judgement, Ravi said, "No prospecting licence or mining lease shall be granted in the scheduled areas to any person who is not a member of a ST.

A senior official of the APMDC cited GO ms 187 of 1996 for measures for exploitation of minerals in Andhra Pradesh inviting private parties as the basis for permitting mining operations in this case.

However, the order mentions only barytes, bauxite, gold, diamonds and beach sand and not limestone.