



Press Release, 14th March 2005

The constitution of India has provided for special protection to the scheduled tribal people in the V and VI schedule areas. The V schedule is relevant to the present context of Orissa as it has a large tribal area and has the responsibility to deliver justice to the tribal people.

Samata which is member of mm&P national alliance had approached the supreme court of India in 1995 and won the historical judgment popularly called the samata judgment (AIR 1997, SC, 3297) in 1997 July.

The Relevant portions of the Samata judgment in the present context are:- 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.¹³⁰.

Before granting leases, it would be obligatory for the State Government to obtain concurrence of the Central Government, which would, for this purpose, constitute a sub- Committee consisting of the Prime Minister of India. Union Minister for Welfare, Union Minister for Environment so that the State's policy would be consistent with the policy of the nation as a whole.

It would also be open to the appropriate legislature, preferably after a thorough debate/conference of all the Chief Ministers, Ministers holding the concerned Ministry and the Prime Minister and the Central Ministers concerned, to take a policy decision so as to bring about a suitable enactment in the light of the guidelines laid down above so that there would emerge a consistent scheme throughout the country, in respect of the tribal lands under which national wealth in the form of minerals, is located.

We would like to point out that recent reported decision of the cabinet sub committee of the Orissa Government that the Samata judgment is not applicable to Orissa is in contravention of the supreme court orders and therefore unconstitutional. Apart from the above point the Orissa Government is consistently flouting its own laws and regulation such as the Orissa schedule area transfer of immovable property (by scheduled tribes amendment regulation 2000) September 2002. Wherein it has been categorically stated that no tribal shall be left with less then 2 acres of irrigated land and 5 acres of unirrigated land.

The government of Orissa has conveniently avoided the aspects favorable to the tribal people in the Samata judgment and has tried to circumvent & subvert the direction and spirit of the judgment by above strategy. Though the Chief Minister proclaims that the Government is pro



tribal & dalit, if one observes all the recent developments in Orissa state on the mining front and industrialisation it can be clearly said that the state of Orissa is anti tribal and anti dalit and therefore anti poor.

The above point can be confirmed by the popular protests of the Dalits and Adivasis of Orissa against rampant land acquisition for mining and other industrialisation even at the cost of innocent lives, disregarding all the laws of the land.

For example the popular movements are : Against Bauxite mines in Langhigarah, Sponge Iron Factories in Sundargarah, Iron ore in Keonjhar, Chromite in Sukinda, Coal mines in Anugul Talcher, Jarsuguda and many other major industries in the pipe line which include the world largest and dirtiest mining multinational like BHP-Billiton, Rio Tinto Zinc, ALCAN, Vedanta/Sterlite.

The point in question is how much of this so called development benefits the people of Orissa and the state exchequer?

We demand that the Government of Orissa come out with a white paper detailing the projects and the benefits accrued to the state exchequer & also the various violations of the laws of the land. We also demand that the state should not use force in such contexts of conflict over natural resource's and withdraw all the false cases foisted on the innocent tribal people. We see a well planned conspiracy in all the above moves of the Orissa government to justify its misdeeds by subverting the Samata judgment and the related V scheduled laws and to usurp all the resources of the scheduled areas of Orissa.

In all this proposed development the people who suffer are the Dalits, Adivasis and the large Farming Community of Orissa Gross human rights abuses- violation of right to life, livelihood with dignity.

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