

**SHARING
SUMMARY OF
EXPERIENCES IN
MINING
REGIONS OF
INDIA WITH
LEGISLATORS,
DECISION
MAKERS AND
CIVIL SOCIETY**

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MM&P

ABOUT THIS DOCUMENT

This summary document has six parts covering a national summary and summary from 5 broad regions in the country. Although it has been attempted to cover all the mining regions but nothing has been left intentionally and is only a matter of limitation. The constituent assemblies in the states are taken from the website of Election Commission of India and any changes in the current context, if any, has not been factored in at this stage. The effective purpose is to highlight the legislative assemblies alongwith the Constitutionally protected Schedule V areas and base the summary on these aspects.

The summary coincides with several changes that are taking place in the Indian Mining sector like the overall amendment to the Mining Bill, the increasing environmental and forest violations as well as issues of human rights defenders in mining regions, non-implementation of

PESA and FRA, large illegal mining and hosts of scams.

The purpose of this document is to share the learnings and situations prevailing in the regional and national context and make it reach to the decision makers, legislators, civil society and other institutions to keep the situations in mind while making a decision, working with communities and framing laws.

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Summary & Overview

Indian mining scenario is disturbing, has been civil society's primary concern and it needs no more evidence than those brought in public domain like the mining scams (coal and iron ore mining), illegality, corruption and a relook by judiciary on regulatory and environmental aspects. When we compare mining in geographical context, it is the value of mineral, dependency of communities on natural resources and governance in such regions which marks significant departure from traditional thinking of secure livelihoods and throws open a challenge to redistribute wealth where exploitation has penetrated wherever there is profit to earn. Where there is a mineral resource, impacts are obvious. From environmentally fragile environments to culturally rich and large rights based communities, mining has positioned itself as a footloose, organised-unorganised and third party driven industry thereby shielding it from any obligatory duties and responsibilities.

At one hand where the Doon Valley Judgment imposed stoppage of limestone mining as the valley was booming with mining business but subjected to environmental damages in the upper and lower reaches of Doon valley; on the other hand it was Samata Judgment of 1997 which portrayed the importance of safeguarding tribals while suggesting government's role as a custodian and not merely an agent to award concession rights to non-tribal or private parties in Scheduled areas. Both are historical landmarks but there is no trend-setting in terms of administrative procedures to respect and allow the judgments to outline actions.

In terms of mineral resources, disadvantaged communities and increasing poverty; the central, southern and some western regions stand high on the intensity of mining and ofcourse disturbance, both in terms of physical, social and environmental disturbances^{1,2}. Mining and mineral based industry operates in an economy of scale that is best suited for profits and abuse of fundamental rights is intrinsically linked globally to such an industry.

The Land of Iron & Steel - Iron Ore Mining	
Chhattisgarh	PSUs in Iron ore mining (NMDC, SAIL)
Maharashtra & Goa	Largely private iron ore mining, except SPSU Maharashtra State Mining Corporation Limited
Karnataka	Largely private iron ore mining and some with PSUs
Odisha and Jharkhand	CPSUs, SPSUs and Private companies

Mineral Resources, Mining and Cross Sectoral Linkages

These are large scale mining operations where iron ore and associated minerals are mined for domestic consumption, export and trading, uplink them to finished products, the impacts expand. In all the above states, the M.B.Shah Commission is investigating the illegalities³ in iron ore and manganese mining which led to unprecedented exploitation of natural resources. As of March 2011, there were 11,003 mining leases (except fuel and atomic minerals) over 5.47 lakh hectares. Among these, the leases of minerals under Part C of First Schedule⁴ of MMDR Act were approximately 1592 over an area of 1.86 lakh hectares (iron ore and manganese ore accounted for 71.60% of the total

¹ Water in Mining Areas, Environics Trust (2008)

² <http://samataindia.org.in/documents/childrenandminingstudyindia.pdf> (India's Childhood in the Pits)

³ In a statement by Chief Minister of Karnataka (09.07.2010) highlights the plunder of iron ore – around 304.91 lakh metric tonnes of iron ore was exported without valid permits and the conservative value of loss was estimated to be about Rs. 15,245 Crores?

⁴ Prior permission of Central Government required as it is for minerals under Part A & Part B

leases under this classification and 65.21% of the area under them followed by bauxite with 340 leases and 30,000 hectares of lease area). Limestone, one of the principle mineral for cement industry was removed from this classification (Part C) and now totally administered at the state level accounted for 1.53 lakh hectares lease area as the single largest non-metallic mineral.

The broad segregation of mineral administration can be categorised as;

Minerals	Responsibility Domain	Remarks
Fuel minerals (hydro carbons energy minerals) i.e. Coal and Lignite	Ministry of Coal	Listed in Part A (first schedule to the Act) Mines and Minerals (Development & Regulation) Act 1957
Atomic Minerals – 11 such atomic and associated minerals	Department of Atomic Energy	Listed in Part B
Metallic and Non Metallic Minerals – 10⁵ minerals	Prior permission from Ministry of Mines, Mineral Concession Rules and Mineral Conservation and Development Rules	Listed in Part C
Minor Minerals⁶ -	Minor Mineral Concession Rules (State Level)	Section 15 of MMDR 1957 gives power to States to formulate rules for minor minerals

Note: Apart from the nodal Ministries like Coal, Mines, Steel at Central level and State Directorates of Mining and Geology at State level, Ministry of Environment and Forests and its Appraisal committees at both central and state level look into environmental and forestry clearances.

Interests in mining have not positioned mining as a responsible occupation or operation but it has become a trader's paradise to gain from spot increase in prices due to national or international demands and requirement, the regulatory or administrative mechanisms remained at their business as usual level. Conversely, it is also true that political patronage is one of the underlining aspects of making mining as an exploitative sector⁷. The decade starting from year 2000 reflects key legislations and the domain of each of these is directly linked with mining and associated activities.

Year	Development	Objective
2005	Right to Information Act	An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.
2006	Forest Rights Act	An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recoding the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. And Whereas the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the

⁵ Limestone was removed from Part C in 1999. Limestone is a non-metallic mineral used as raw material majorly in cement plants and as flux material in industrial processes to remove impurities.

⁶ "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral;

⁷ Reply of State of Karnataka to a question asked by Commission [pg. 52 of Interim report, Q.No.5(d)] & Q.No. d at page 58 asked to State of Orissa

		colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem
2008	National Mineral Policy ⁸⁹	The Ministry has identified six key priorities, including enhancing resource and reserve base through exploration and international acquisition; reducing permit delays; putting in place core enablers (infrastructure, human capital, technology); ensuring sustainable mining and sustainable development around mining; creating an information, education and communication strategy; and undertaking measures to ensure implementation of National Mineral Policy.
2009	Draft Amendment of MMDR ¹⁰ moved by Ministry of Mines	Based on the NMP, the amendment for the first time introduces new terminologies, profit sharing, instruments and institutions like District Mineral Foundation, National and State Mining Tribunals and Regulatory bodies.
2011	MMDR	Cabinet approved MMDR Bill
2011	Land Acquisition and Resettlement & Rehabilitation Bill	A Cumulative Bill to amend the 1894 Act and bring Resettlement and Rehabilitation within the framework. But the Standing Committee did not look into mining as it interpreted that 'lease' is not part of the LARR bill and has therefore not looked into issues relating to land for mining on lease

From 2009 to 2012, 610 questions were asked in both houses of the Parliament on various issues of mining. Almost 55% of the questions pertained to Ministry of Mines and about 37% pertained to Ministry of Environment and Forest and Ministry of Coal on the issues of mining. The questions to Ministry of Tribal Affairs, Ministry of Health and Family Welfare, Ministry of Labour and Employment remained abysmally low.

Mining Analogous to Violations, Degradation and Deplete Resources & Communities

Over the last 2-3 years, it has been relatively out in the open that there are direct consequences to life and liberty to practice freedom of speech and fundamental rights by victims and defenders in particular. The impacts on defenders cut across the mineral portfolios, be it fuel minerals like coal or precious to other major and minor minerals, there is a definite eroding of human rights and many of those performing their duty towards safeguarding disadvantaged communities, taking action against erroneous activities like illegal mining, advocating informed decision making and better environmental governance have met with severe consequences¹¹. The protection and promotion of human rights has not been in sync with the rapid expansion of mining and allied sectors, the Whistleblowers Bill is still stagnant in the Parliament and a detailed debate is required urgently before it becomes an Act of Parliament as it would need to include sensitivity as well as review of practical problems faced by such whistleblowers.

⁸ http://mines.nic.in/writereaddata/filelinks/88753b05_NMP2008.pdf

⁹ Read more on Approach Paper to 12th 5 Yr. Plan "Wise Thoughts Indeed" at <http://www.samataindia.org.in/mici/documents/newsletter/64-newsletter-issue-4>

¹⁰ Read "Mining Matters" for detailed analysis and Recommendations by mines, minerals and People (mm&P)

¹¹ Shehla Masood (Killed in 2011 in front of her house, Was using RTI as means to bring information on mining in public domain); Sister Valsa (Killed in the Coal area of Puchwara in Jharkhand in 2011, Was working for the rights of adivasis in Scheduled areas); Narendra Singh, IPS (ran over by a tractor which he was chasing when found carrying illegally mined sand in 2012); R Agrawal (Shot twice in his leg by two assailants in 2012, Used RTI as a tool to make government accountable to environmental decision making, he is still recovering)

There is lack of scientific approach to enable sound mineral extraction which includes assessment, carrying capacity and monitoring to ensure restoration does not become an unachievable task¹². This is as true and essential for a Himalayan ecosystem as it is for any other region as the state enters into market based auctioning mechanisms thereby encouraging greater extraction within the weaker regulatory regime.

Illegal mining in the states is a commonality where several states are yet to frame rules under section 23 C of MMDR Act. The irony is if an accident occurs in such illegal mining activities, none of the departments concerned with mining & geology, safety take responsibility as it is not on record. On the other hand the national regulatory body, IBM inspects only a handful of mines. It is scary to realise that from 2008-09 to 2010-11, only about 2500 mines were inspected which has remained static whereas the number of working mines have increased (an increase of 515 mines from April 2010 to March 2011 alone) over a year's time. Taking a closer look at the statistics¹³, each mine has more than one violation as pointed out during inspections. From 2008-09 to 2010-11, the violations per mine have hovered around 1.90, 2.37 and 1.81 respectively whereas the rectification rate has been as low as 28%.

Vast illegality occurs in Indian Mining where more than 82,000 cases of illegal mining were detected in 2010 [78,189 in 2011] which is almost 8 times the existing leases sanctioned by the Government. With the expansion of metallic, non-metallic and fuel minerals (coal & lignite) and large scale illegality, poor monitoring - the decades to come portray a picture of deteriorating environment, deceiving communities of their rights and cornering human rights and its victims and defenders. The bureaucracy on the other hand, given the larger political environment, has left mining as a painful activity for disadvantaged communities. Usual responses received from various departments reflect the attitude;

1. Mine Closure rules are not applicable as these came into effect from 2003, so mines closed before 2003 are not covered
2. Forest Rights Act are not applicable as these came into effect from 2006 whereas the project existence is much before 2006
3. Information regarding accident in an illegal mine is not in domain of DGMS and matter pertains to State
4. Form D which pertains to abandonment of mine has not been received in the office concerned

In a federal system, the crucial issue of governance and power sharing has only advocated eminent domain of the state rather than making processes like PESA more participatory and enabling at the gram sabha tier. Had there been participatory governance regime as advocated in the model rules of PESA which demanded amendments in the Land Revenue Codes and other specific laws, the transformation, understanding and undoing injustice to communities would have been technically much more feasible and systematic.

As the mining expands over land and other resources, the following issues will be paramount to responsible mining;

- transparent procedures and instances of information disclosures and more usage of RTI and hence protection of whistleblowers

¹² <http://www.samataindia.org.in/mici/documents/reports-and-documents/110-river-bed-mining-a-large-scale-concession-and-multiple-problems>

¹³ Unstarred question no. 2206 dated 12-08-2011

- conflicting situations in overlapping resource rights and mineral concessions regions (FRA, MMDR, non-mineralised zones),
- constitutional safeguards enabling procedures while 100% FDI in mining has been enabled (Fifth Schedule and NMP 2008) – Implementation of PESA while devolving powers at gram sabha and facilitate rights recognition
- ensuring respect for human rights and human rights defenders by making supportive procedures and sensitise planners, operators, traders and administration
- enabling pending yet important laws pertaining to mines safety and labour, Whistleblowers bill and ensuring sync of concessions with environmental decision making.

Summary from the Northern Region

Himachal Pradesh	District	Assembly Constituencies	Schedule V Areas
3 Assembly Constituencies	Chamba	Bharmour	Pangi Tahsil & Bharmour Sub-Tahsil
	Lahaul & Spiti	Lahaul & Spiti	Lahaul & Spiti District
	Kinnaur	District Kinnaur	Kinnaur District
Uttarakhand	District	Assembly Constituencies	Schedule V Areas
2 Assembly Constituencies	Dehradun	Chakrata	Nil
	Udhamsingh Nagar	Nanak Matta	Nil

Himalayan regions are best known for their peace, tranquillity, composed people and healthy environment. Poverty is not prevalent as witnessed in geographically and economically distressed regions like Bundelkhand (MP&UP). Mining was a limited sector in the past in Himachal Pradesh, Uttarakhand and Jammu & Kashmir, however, in a hoard to create regional market capacity of cement production, limestone mining is one of the specific activities being promoted in Himachal Pradesh. With the construction of several hydro electric dams in all the hilly states, there is increasing rush to obtain quarry leases to mine sand and aggregate materials (locally called as khuds), the situation is similar in the adjoining region of Punjab and Haryana¹⁴.

Soapstone, Magnesite, Limestone and multi metal deposits (not common across the state) alongwith river bed sand and aggregates are the main minerals. Considering the pristine environmental units in terms of protected areas, glacial fed rivers, regional level grazing and livelihoods, 3421¹⁵ hectares of lease area (entirely forestland within the river system) with proposed extraction of 218.32 lakh Tonnes per annum has been under minor mineral mining concession by the Uttarakhand Forest Development Corporation having spread across the three major river systems of Yamuna-Ganga, Ganga-Ramganga and

Ramganga-Sarda¹⁶. Similar numbers (9) of projects are awaiting clearances. 39 Reserve Forest and 18 Protected Forests in respective ranges are within the buffer zone of the mining concessions.

Shivaliks are the young mountain systems and run across the Himalayan outer range and are one of the significant resort for wildlife habitat as the density and availability and nature of land changes drastically afterwards as one moves from bhabbar and terai – the landscape which is called the Terai Arc Landscape which is home to mega fauna in the region. All the concessions fall under the Shivalik Elephant Reserve which is more than 5,000¹⁷ sq. kms with 1340 sq. kms of Protected Area within it makes it significantly pressuring the critical links for wildlife within the landscape. It is no doubt that the existing protected areas like the Jim Corbett NP, Rajaji NP and important landscapes around these river systems would be influenced by such projects.

As per Doon Valley notification (1989) during the erstwhile Uttar Pradesh State, mining activities are banned in Doon Valley but with the prior approval of Central government, river bed mining is on the rise. The point of concern is to look holistically into environmental impacts, conservation, replenishment and monitoring of such activities which are not

¹⁴ <http://www.samataindia.org.in/mici/2012-06-22-10-53-53/minerals/states/62-haryana>

¹⁵ Assessed from MoEF's Environment Clearance Letters

¹⁶ As of 2011, 9 major River mining concessions have been awarded to Uttarakhand Forest Development Corporation (River Sharda, Gola, Kosi, Jakhan, Song, Dabka) & Uttarakhand State of Environment Report (2005) by Environics Trust (<http://environicsindia.in/index.php/activities/pr?id=60>)

¹⁷ <http://moef.nic.in/pe/ELEPHANTRESERVEPOPULATION%20.pdf>

regulated due to lack of on-site mechanisms to comply with conditions. Doon valley is an integrated landscape and without conferring a comprehensive impact assessment (not equating singular impact assessment as mere quantum total of impacts), the operations may set in an intensified natural resource exploitation regime in the region. In a recent Supreme Court Judgment, which emanated from the Shivaliks (District Panchkula, Haryana) on the pretext that fragmentation of lease areas is used as a ploy to avoid environment clearance process, thereby bypassing the scrutiny? The Court passed an order in February 2012 that every mining lease, irrespective of the size of lease should go through the environment clearance process.

Mine closure rules were framed in year 2003 but many mines which were closed or temporary discontinued or orphaned¹⁸ have still not complied with final mine closure plan (PPCL's Maldeota and Durmula Rock Phosphate and ACC Malla Limestone mine). Rima soapstone mine in Bageshwar has issues of damages to adjoining lands and land-locked situation for those who are still unwilling to lease land for mining of soapstone (*soft rock with majority composition of talc*). What could more be said about Askot, where a multi-metal deposit (gold, silver, lead) has been given environment clearance adjoining the Askot Musk Deer Sanctuary, the mining operation would be under the Askot Town ridge, environmental consequences of mining in such fragile regions go much beyond impact predictions as risks in such regions cannot be overruled, environmental management of facility and liability¹⁹ emerging out of it thus has to be fixed.

Apprehensions are raised and recent illegalities pointed out by CAG, MB Shah Commission reaffirm this apprehension that

violations are taking place in the existing mines in the region. The sub-districts of Solan, Mandi, Chamba, Bilaspur and Sirmour are seeing limestone mining and manufacturing facilities which have not only given rise to environmental challenges as well as public nuisance in terms of pollution and heavy traffic movement.

Minor minerals are administered entirely at the state level i.e. the state can formulate rules for regulation and administration of minor minerals. The states have formulated these rules but learning from the practical problems and implementation of lease conditions has remained static, conditions to restrict mining to a particular distance from bridges, roads is not implemented in any instance. As many people mention there is no proper demarcation of lease which facilitates illegality, on the other hand, expansion of crushers along the rivers has increased as it does not require much structuring to set up operations, so a supply chain has developed inorganically

Moving towards Bundelkhand region of Uttar Pradesh and Madhya Pradesh brings in another mineral-industry linkage i.e. of building stones, granite, silica sand and almost all the mining operations are unorganised. The issues of employment in this region gain prominence over environment as the region is prone to drought and small holder agriculture which runs a greater risk. Each small processing unit like stone crusher or glass manufacturing unit employs about 6-8 persons on an average²⁰ but with consequences of occupational diseases.

Few Examples: Mining in River Ladhiya (tributary of River Saryu), Dadhiya ghati (River Kosi), Illegal Mining in River Nihal near Haldwani (UP-Uttarakhand border), Damages due to Soapstone mining in Rima (Bageshwar) and Doonagiri (Dwarahat, District Almora),

¹⁸ Chandak Magnesite mine, Pitthoragarh District

¹⁹ A bridge (public property) made at the cost of Rs. 8 Lakhs was endangered due to rampant river bed mining and the cost to reinstate it was 10 times higher which is all public money, as told by Him Parivesh.

²⁰ <http://www.samataindia.org.in/mici/documents/reports-and-documents/66-manpower-in-mining-some-reflections>

Key Highlights:

- Preference to Conservation of land, wildlife, minerals and protection of livelihoods is the primary role of state, thereby mooting comprehensive assessments, as minerals if not mined will anyways be useful later
- Civil-Legislative combine for public monitoring of rampant and expanding river sand mining which would be the single largest mining in terms of area.
- Himalayan systems to be the last option for extractive industries, Government's move to attract industries on subsidised environmental services is uncalled for and there should be a greater accountability when MoUs are signed

Summary from the Western Region

Gujarat	District	Assembly Constituencies	Schedule V Areas
4 <i>Parliamentary Constituencies - Dahod, Chhota Udaipur, Bardoli, Valsad</i> & 27 <i>Assembly Constituencies (District Wise)</i>	Banaskantha	Danta	Nil
	Sabarkantha	Khedbrahma, Bhiloda	Khedbrahma, Bhiloda and Meghraj Talukas and Vijayanagar mahal
	Panchmahals	Santrampur, Morva Hadaf	Jhalod, Dohad, Santrampur, Limkheda and Deogarh Baria Talukas
	Dahod	Fatepura, Jhalod, Limkheda, Dahod, Garbada	Nil
	Vadodara	Chhota Udaipur, Jetpur, Sankheda	Chhotaudepur and Naswadi Talukas and Tilakwada mahal
	Narmada	Nandod, Dediapada	Dediapada & Sagbara Talukas
	Bharuch	Jhagadia	Valia, Nandod and Jhagadia Talukas
	Surat	Mangrol, Mandvi, Mahuva, Vyara, Nizar	Uchchhal, Vyara, Mahuva, Mandvi, Nizar, Songarh, Valod, Mangrol and Bardoli Talukas
	Dangs	Dangs	Dangs District
	Navsari	Gandevi, Bansda	Nil
	Valsad	Dharampur, Kaprada, Umbergaon	Bansda, Dharampur, Chikhali, Pardi and Umbergaon Talukas
Rajasthan	District	Assembly Constituencies	Schedule V Areas
3 <i>Parliamentary Constituencies - Dausa, Udaipur, Banswara</i> & 25 <i>Assembly Constituencies</i>	Jaipur	Jamwa Ramgarh, Bassi	Nil
	Alwar	Rajgarh-Laxmangarh	Nil
	Karauli	Todabhim, Sapotra	Nil
	Dausa	Lalsot	Nil
	Sawai Madhopur	Bamanwas	Nil
	Sirohi	Pindwara Abu	Abu Road Block of Abu Road Tahsil
	Udaipur	Gogunda, Jhadol, Kherwara, Udaipur Rural, Salumber, Dhariawad	Tahsils of Phalsia, Kherwara, Kotra, Sarada, Salumber & Lasadia; 81 villages of Girwa Tahsil
	Dungarpur	Dungarpur, Aspur, Sagwara, Chorasi	Dungarpur District
	Banswara	Ghatol, Garhi, Banswara, Bagidora, Kushalgarh	Banswara District
	Chittorgarh	Pratapgarh	Partapgarh Tehsil
	Baran	Kishanganj	Nil
Maharashtra	District	Assembly Constituencies	Schedule V Areas
4 <i>Parliamentary Constituencies - Nandurbar, Gadchiroli-Chimur, Dindori, Palghar</i> & 25 <i>Assembly Constituencies (District Wise)</i>	Nandurbar	Akkalkuwa, Shahada, Nandurbar, Nawapur	Nil
	Dhule	Sakri, Shirpur	Tahsils of Nawapur, Taloda, Akkalkuwa and Akrani; 80 villages of Sakri Tahsil, 82 villages of Nandurbar Tahsil, 141 villages of Shahada Tahsil, 62 villages of Shirpur Tahsil
	Jalgaon	Chopda	25 villages of Chopda Tahsil, 13 villages of Yaval Tahsil, 21 villages of Raver Tahsil
	Amravati	Melghat	Tahsils of Chikhaldara and Dharni
	Gondiya	Amgaon	Nil
	Gadchiroli	Armori, Gadchiroli, Aheri	Tahsils of Ettapalli, Sironcha, Aheri, Dhanora and Kurkheda; 62 villages of Gadchiroli Tahsil, 74 villages of Armori Tahsil, 132 villages of Chamorshi Tahsil
	Yavatmal	Ralegaon, Arni	130 villages in Maregaon Tahsil, 43 villages in Ralegaon Tahsil, 103 villages in Kelapur Tahsil (Padndharkawada town), 55 villages of Ghatanji Tahsil
	Nashik	Baglan, Kalwan, Dindori, Igatpuri	Tahsils of Peint, Surgana and Kalwan; 106 villages of Dindori tahsil, 93 villages of Igatpuri Tahsil, 70 villages of Nashik Tahsil, 57 villages of Baglan Tahsil
	Thane	Dahanu, Vikramgad, Palghar, Boisar, Bhiwandi Rural, Shahpur	Tahsils of Dhahanu, Talasari, Mokhando, Jawher, Wada and Sahapur; 144 village of Palghar tahsil, 45 villages of Vasai (bassein) tahsil, 72 villages of Bhiwandi Tahsil, 77 villages of Murbad Tahsil
	Ahmednagar	Akole	94 villages of Akole Tahsil
	Pune		56 villages of Ambegaon Tahsil, 65 villages in Junnar tahsil
	Nanded		152 villages and Kenwat town of Kinwat Tahsil
	Chandrapur		182 villages of Rajura Tahsil

The western region comprise of Gujarat, Rajasthan and Maharashtra, all three schedule V states with different ecological units from the Aravallis in Rajasthan to largest coastal line in Gujarat and Western Ghats running through Maharashtra. While Rajasthan and Gujarat have rich resources of metallic and non-metallic minerals, Maharashtra has coal reserves which forms majority of the minerals available in the state and Western Coalfields Limited (a subsidiary of Coal India) has several mines in the NE part (Chandrapur, Nagpur, Umrer, Wani and Majri).

Rajasthan has the largest number of leases as well as lease area (2696 leases over 107102 hectares) whereas Gujarat follows only next to Andhra Pradesh in terms of number of leases (1152 leases over 30035.65 hectares). The massive scale of minor mineral & quarry leases in Rajasthan outnumbers the number of leases with respect to major minerals (the ratio to lease area of minor minerals to major minerals is 0.46 whereas the ratio of number of lease of major minerals to that of minor minerals is 4.07 as of 2011-12). This reflects upon the small and fragmented quarry leases spread in the state, 67% of the revenue earned (total being Rs. 93855.91 Lakhs) is from Marble, Masonary stone, Kankar Bajri and Sandstone. These are semi mechanised to manual mines which puts the workforce at risk and the state authorities have a challenge to monitor²¹ all operations, many incidents^{22, 23} occurring in such mines go unnoticed and implementation of Mines Act 1952 is a far cry. Although an important piece of legislation, it has not resulted in welfare and safety of workers.

There is no consolidated statistics on accidents at state level, the Director General of Mines

Safety only maintains statistics of selected few mines, and is guided by the Mines Act 1952 and Mines Rules 1955 wherein the information regarding an accident has to be furnished to the DGMS under Section 23 of the Act which puts the onus on the owner, mines manager. The marble mines of Makrana are the classic example of greed and making vulnerable the public property, environment and risk prone for workers²⁴, if mining plan is anything to go by, the clear violations are seen in Makrana where illicit cutting and deepening has put mines in 'dangerous'²⁵ category. The unchecked limestone mining around Chhittorgarh fort was imposed with heavy penalty of Rs. 5 Crores in 2012 and restrictions imposed around 10km area around fort.

Mining has become so prevalent that it is threatening to severely degrade natural environmental regulators like the Aravalli Range from Rajasthan to Delhi, similar to alike environmental risks in the Shivalik foothills as well as in the river systems nurturing wildlife and providing critical links to their corridors.

Gujarat is one of the hubs in diamond finishing and polishing while there are reserves of bauxite, lignite, limestone, gypsum, agate and dimensional stone apart from other minor minerals. Kutch, Amreli, Jamnagar, Junagarh and Porbandar have large number of leases of Bauxite and Limestone.

The inlands from the arc extending from Gulf of Kutch to Gulf of Khambhat has milliolite limestone which are sandstone category of rocks in South Saurashtra, a series of industries dot this arc including cement industry and soda ash, a series of deep pits can

²¹ Number of reporting mines in Rajasthan were 270 in 2010-11 whereas in Gujarat these were 412 in the same period – State Reviews, IMY 2011, 50th edition, October 2012, Indian Bureau of Mines

²² http://www.dnaindia.com/india/report_10-killed-in-mine-accident-in-rajasthan_1363713

²³ <http://indiatoday.intoday.in/story/dead-in-stone-mine-collapse-in-rajasthan/1/198283.html>

²⁴ <http://articles.timesofindia.indiatimes.com/keyword/makrana>

²⁵ A High Court division bench had imposed a massive Rs50 crore fine on marble miners in Makrana, which have damaged the Jodhpur-Jaipur railway track. The HC had also ordered to stop mining within 45 metres of any road or rail track with immediate effect, besides ordering a CBI probe against those officials, who were posted in Makrana when the miners violated all established rules.

be seen along the NH along the Porbandar coast and Ambaji. The Gir National Park is one of the hotspots of dimensional stone mining and illegal mining has been widely reported from this region along the periphery and within the park. The Centre has to still prepare and finalise guidelines for inviolate areas for mining around protected areas.

Eco Sensitive Zone	Area, Spread	Directions
Girnar (Junagarh) Tropical Dry Deciduous Forest	• 93.18 km ² area including 27 villages	No mining shall be allowed and no major changes in landscape shall be allowed that affects hydrology and ecology of the region.
Narayan Sarovar (Kachchh) ARID REGION	<ul style="list-style-type: none"> • 2.5 kms from the boundary of protected area. • 225 km² area • Rich in minerals like Bauxite, Limestone, Laterite 	No mining & crushing shall be allowed within 3 km radius from the outer boundary of Narayan Sarovar WLS, as per directions of Hon'ble Supreme Court order dated 07.05.2010 (SLP 13658/1996)
Vansda (Contiguous to Western Ghats)	Vansda NP and Purna WLS together form 4.2% of the total geographical area of the forests in the Western Ghat zone in Gujarat	<p>Area upto 5 kms from the boundary of the protected area of Vansda NP</p> <p>No mining & crushing provided quarrying of sand for local use in Tapi & Navsari Districts (River beds) permitted in consultation with Forest & Env. Dept.</p> <p>No fresh mining lease shall be granted and existing mining leases if any shall be phased out with the term of current lease and no extension of those leases shall be allowed</p>

While these notifications are being made from time to time, the screening before consideration has to be objectively outlined to keep the principle of eco sensitive zone intact and prime whereas 'comprehensive' assessment of risks involved if mining allowed be factored rigorously.

Gujarat has been known for water scarcity and it becomes acute during the summer months, milliolite limestone acts as a permeable membrane and helps in natural protection against salinity ingress but as mining this mineral from shallower depths has increased the pace of mining and poses increased threat

to available freshwater availability. The instance of Amit Jetwa's murder in 2010 was resultantly due to his possessing vital information on illegal mining around Gir, the Gir Youth Nature Club got a setback but are committed to challenge anything which is unlawful. The case has been transferred to CBI for investigation. The activists and organisations²⁶ in the region had forewarned in mid 90s about the consequences of mining in the fragile region of coastal Gujarat and the results are obvious in terms of progression of salinity towards inland, water consumptive industries like cement extracting water from private wells through some arrangements, making agricultural production and its cooperatives risk prone.

A coalition of tribals across Gujarat and Rajasthan is conducting dialogues among civil society on rightful implementation of PESA and understanding impacts of mining on the social ecology of people, especially tribals. The state mineral development corporations like the GMDC, RSMML have major minerals under their operation like Bauxite in Kutch, Lignite in Junagarh & Bharuch (GMDC) and RSMML (Rock Phosphate, Gypsum, Limestone and Lignite) and they trade as well in these minerals, it is particularly important and necessary that the spirit of Samta Judgment be followed as it is much valid in modern circumstances where conflicts are rising and the coinciding laws like PESA and FRA are kept primary to showcase constitutional duty by enabling regulations and rules to accomplish the directive principles as enshrined in the Constitution of India.

Tadkeshwar village is situated in Mandavi taluka of Surat district and this is where the lignite mining project is introduced by the Gujarat Mining Development Corporation. Dilemma to part away with land with meagre compensation as well as coping with guarded environment during public consultation (public

²⁶ Manmade Desert by Mining in Saurashtra and Kutch region of Gujarat, A SETU Publication

hearing) has put the community in tremendous pressure. On top of this mining project there is also an express highway proposed that will demand more land from the same village community. With PCPIR²⁷ and other special investment regions, the demand for construction materials is going to rise which is seeing large scale illegal mining in rivers as well as undermining common property resources to set up industrial units (the recent case of Nirma Cement Plant in Mahuva where the wetland was being determined as wasteland due to obsolete revenue records, the case is being heard by the Green Tribunal)

Maharashtra's

longitudinal stretch (NS align) almost parallel to the coast falls in the Western Ghats zone (Districts of Kolhapur, Pune, Raigad, Ratnagiri, Satara, Sindhudurg and Thane) which is a biodiversity hotspot and secures livelihoods of many communities. The Western Ghats Expert Panel has outlined zonations on the basis of vulnerability of these hotspots and mining has been one of the activities which have been put in certain no-go zones. Low to medium grade bauxite, laterite, stone (including dimensional stones), Illeminite and various

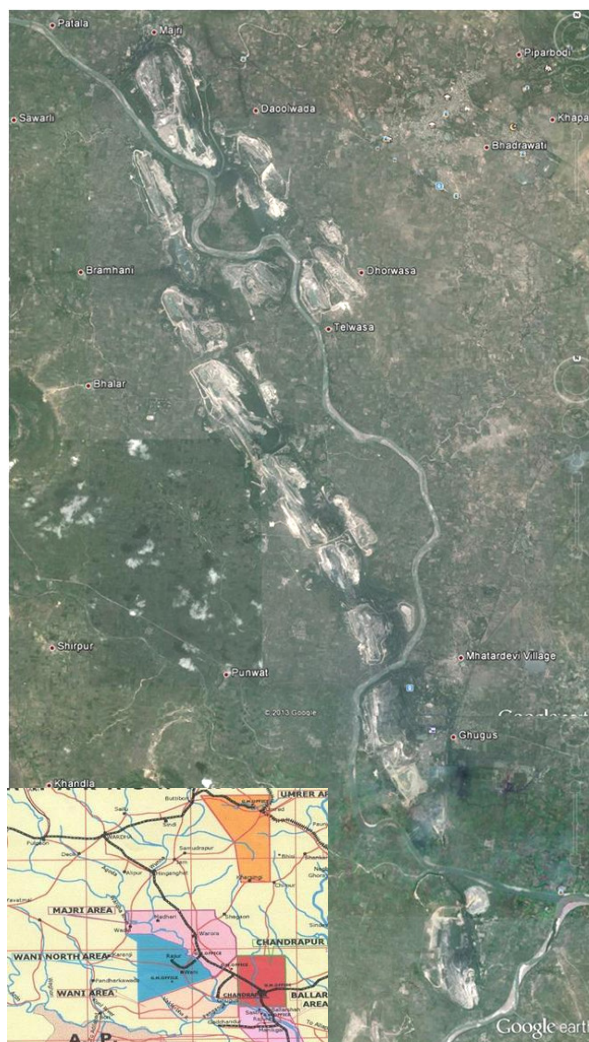
other minerals are found in this hotspot as well as along the coast whereas fuel mineral like coal and other metallic minerals like iron ore and manganese are largely concentrated in the NE part of the state. The deccan trap landform between Western Ghats and Eastern Ghats represents the rock formations from granite to basalt rocks giving rise to mineralisation in this belt.

As coal is the majorly mined mineral (55 mines) and it occupies the largest area under coal mining, the issues thus surrounding land acquisition under the Coal Bearing Areas Act is not in sync with the changes that have

occurred both at the legislative level as well as at market level as far as fair pricing and settlement of compensation is concerned. Many areas as available in the list (No.) PESA areas and thereby require prior consent in consultation with Gram Sabha whether it is land acquisition or issues emanating from local governance to minor minerals. The helplessness and also a minority in accepting decisions of the state to go ahead with mining has left Chargoun village in the midst of coal mine in operated by WCL

This 50 km long stretch almost 4 km wide shows the environmental fate of

the river, the land surrounding it and the people residing around these mines (villages indicated by red dots). Such trails can be easily



²⁷ Petroleum, Chemicals and Petrochemicals Investment Region

witnessed in mineral rich areas. Like Ghugus, which is suffering from high pollution, other villages too are in the same situation. The damage to adjoining fields and seamless transition of villages into polluted and non-livable zones is a reality that does not seem to reflect upon responsible approach to mine. The wealth of Rivers and natural water networks are increasingly becoming victims of mining.

While there are ample opportunities for the companies to make profit from mining minerals but the victims of such profit are local people who still have not got compensation, Karnataka EMTA Coal Mine near Chandrapur is one of such examples where many families of a village have not received compensation

Summary from the Central Region

Chhattisgarh	District	Assembly Constituencies	Schedule V Areas
4 ST Parliamentary Constituencies - Sarguja, Raigarh, Bastar, Kanker & 29 Assembly Constituencies (District wise)	Koria	Bharatpur-Sonhat	Koria District
	Surguja	Pratappur, Ramanujganj, Samri, Lundra, Sitapur	Surguja District
	Jashpur	Jashpur, Kunkuri, Pathalgaon	Jashpur District
	Raigarh	Lailunga, Dharamjaigarh	Tribal Dev. Blocks of Dharamjaigarh, Gharghoda, Tamnar, Lailunga and Kharsia
	Korba	Rampur, Pali-Tanakhar	Korba District
	Bilaspur	Marwahi	Kota Revenue Inspector Circle & Tribal Development Blocks of Marwahi, Gorella-I & Gorella-II
	Raipur	Bindranawagarh	Tribal Dev. Blocks of Gariaband, Mainpur and Chhura
	Dhamtari	Sihawa	Tribal Dev. Blocks of Nagri (Sihawa)
	Durg	Dondi Lohara	Tribal Dev. Block of Dondi
	Rajnandgaon	Mohla-Manpur	Tribal Dev. Blocks of Chauki, Manpur and Mohla
	Uttar Bastar (Kanker)	Antagarh, Bhanupratappur, Kanker	Kanker District
	Bastar	Keshkal, Kondagaon, Narayanpur, Bastar, Chitrakot	Bastar District
	Dakshin Bastar (Dantewada)	Dantewada, Bijapur, Konta	Dantewada District
Madhya Pradesh	District	Assembly Constituencies	Schedule V Areas
6 ST Parliamentary Constituencies - Shahdol, Mandla, Ratlam, Dhar, Khargone, Betul & 47 Assembly Constituencies (District Wise)	Sidhi	Chitrangi, Dhauhani	Kusumi Tribal Dev. Block (Kusmi tahsil)
	Shahdol	Beohari, Jaisinghnagar, Jaitpur	Tahsils of Pushprajgarh, Anuppur, Jaithari, Kotma, Jaitpur, Sohagpur and Jaisinghnagar
	Anuppur	Anuppur, Pushprajgarh	Nil
	Umaria	Bandhavgarh, Manpur	Pali Tribal Dev. Block (Pali Tahsil)
	Katni	Barwara	Nil
	Jabalpur	Sihora	Nil
	Dindori	Shahpura, Dindori	Dindori District
	Mandla	Bichhiya, Niwas, Mandla	Mandla District
	Balaghat	Baihar	Baihar Tahsil
	Seoni	Barghat, Lakhanadon	Tahsils of Lakhanadone, Ghansaur and Kurai
	Chhindwara	Junnardeo, Amarwara, Parasia, Pandhurna	Parts of Tamia, Jamai Tribal Dev. Block (Chhindwara tahsil), Harral tribal dev. Block of Amarwara Tahsil, Bichhua Tribal Dev. Block (Saunsar Tahsil)
	Betul	Ghoradongri, Bhainsdehi	Betul Tahsil (excluding Betul CDB) & Bhainsdehi & Shahpur tahsil
	Harda	Timarni	Nil
	Dewas	Begali	Nil
	East Nimar (Khandwa)	Harsud, Pandhana	Khalwa Tribal Dev. Block (Harsud tahsil) & Khaknar Tribal Dev. Block (burhanpur Tahsil)
	Burhanpur	Nepanagar	Nil
	West Nimar (Khaorgone)	Bhikangaon, Bhagwanpura	Barwani, Rajpur, Sendawa, Bhikangaon & Maheshwar Tahsils
	Badwani	Sendhawa, Rajpur, Pansemal, Badwani	Barwani District
	Jhabua	Alirajpur, Jobat, Jhabua, Thandla, Petlawad	Jhabua District
	Dhar	Sardarpur, Gandhwani, Kukshi, Manawar, Dharampuri	Sardarpur, Dhar, Kukshi & Manawar Tahsils
	Ratlam	Ratlam Rural, Sailana	Sailana Tehsil
	Hoshangabad		Kesla Tribal Dev. Block (Itarsi tahsil)
	Sheopur		Karahal Tribal Dev. Block (Karahal Tahsil)

Seven Districts of Chhattisgarh are fully Schedule V Districts and there is an overlap with ST assembly constituencies as well as the backward areas identified by the Government of Chhattisgarh²⁸ for industrial investment. Coal is the principle mineral (62 mines, with 74% of lease area, approximately 70,000 hectares) followed by Bauxite, Limestone, Iron Ore, Dolomite²⁹ and it is in this coal rich region alongwith others that the contentious coal blocks allocation has been challenged amid issues of PESA, FRA and Enviro-Forest-Wildlife clearances. In terms of integrated outlook to mining in the region, the sectors like Railways, Roads, Industry are very much correlated for evacuation as well as consumption of minerals within and outside the state. The recent exemption of infrastructure projects (linear projects like roads, canals, transmission, railways etc.) from obtaining consent from gram sabhas / tribal communities living in forests is another setback to communities as many such infrastructure projects would be integral part of mining projects but are considered separately.

All the backward blocks coinciding with schedule V areas and the minerals present in these regions are being modelled by infusing investments through PPP, for example the 12 coalfields in Chhattisgarh if opened for allocation, the preparedness to transform the state into conflict free region seems to be lackadaisical by the mere fact that PESA³⁰ is violated with impunity which reflects upon crippled decision making whether it is mining or other development issues.

Sarguja's coal reserves are in plenty but malnourishment³¹ in this district as well in other tribal areas presents a scary picture where 158 children died over a six month period in 2012 and the trend is unbeatable as similar or more deaths occurred during 2010 and 2011. This points as to what should be the development priorities?

Premnagar block may have survived the uninformed decision to acquire land for a power project but does not guarantee sustenance of this survival in places where mineral potential is high and investments find it lucrative to grow financially. Similar is the story in Shankarpur (Sarguja) where it is alleged that forced consent was obtained and the state approval to coal mining (SECL) bypassed the much

required

Backward Areas Identified for Industrial Investment (refer footnote 28)

All Blocks of Korla, Sarguja, Jashpur, Dantewada, Narayanpur, Bijapur, Kanker & Bastar	
District Durg	Dondi, Navagarh and Dondi-Lohara Block
Rajnandgaon	Ambagarh-Chowki, Maanpur, Mohla, Chhuriya, Chhuikhadan, Dongargarh, Dongargaon and Kheragarh Block
Raipur	Gariyaband, Mainpur, Chhura, Devbhog, Kasdol, Fingeshwar and Bilaigarh block
Damtari	Nagari and Magarlod block
Raigarh	Dharamjaygarh, Baramkela, Sarangarh and Lailunga Block
Bilaspur	Gorela, Pendra, Marwahi and Masturi Block
Mahasamund	Basna and Pithoura Block
Kabirdham	Pandriya, Lohara and Bodla Block
JanjgirChampa	Maalkharauda and Jaijpur Block
Korba	Kartala, Podi-Uroda and Paali Block

procedures to be followed before initiating mining, which is also famously known as Free-Prior-Informed-Consent but not practiced within the meaning of legislations meant to enable this. The issues of Human rights and its defenders is core to the development regime that exists is a clear thesis. The need is to accept & recognise this challenge to bring effective protection and justice systems in place.

²⁸ Chhattisgarh Rajpatra, August 31, 2012 – List of economically backward areas for industrial investment encouragement as per industrial policy of 2009-14

²⁹ See Annexure I for comparative mining and Value of minerals

³⁰ <http://tehelka.com/orphans-in-their-own-land/>

³¹ <http://epaper.indianexpress.com/61873/Indian-Express/12-October-2012#page/1/12>

Janjgir Champa, is principally an agricultural area with almost 20% of agricultural area under double cropping is seeing sudden flush of thermal power plants, around 25-30 in numbers, 3600 MW has been awarded environmental clearance in Dabhara Tehsil, rest of them have been awarded TORs, the average land requirement is around 360 hectares but even lesser requirement will have a direct impact on agriculture and communities. Considering the fact that if all the projects get a go ahead, around 90 sq. kms of land would be under acquisition in this agricultural district and will impact thousands of households, agricultural workers and many other stakeholders³². Water requirement, ash disposal, environmental pollution will have impacts over the long run on public health, utilities and productivity of land. Mahanadi is the main source for meeting water requirement and a barrage is proposed to source water through pipelines, canals – fishermen with smaller boats are apprehensive about navigational and fish catch issues after the barrage comes through. SECL will be the major coal supplier for these thermal plants. The question here would be if such a concentrated power hub is envisaged, comprehensive social and environmental impact assessment becomes a primary exercise which may span over a period to ascertain the pathway for development while screening this development through participatory approach.

The preparedness of state in terms of accruing rightful benefits for the forest & other resources and communities is thus much necessary. Short realisation of revenue for forest diversion (based on class of forest) has been pointed by CAG³³ on several occasions and so for mineral royalty, the revenue accrual should not become victim to faster clearances. Accidents have become a common sight and have resulted in deaths of workers every year – 5 labourers were killed in 2012 when the

cooling tower of Korba West Power Co. Ltd.³⁴ Came crashing down; 20 labourers were killed when chimney of Balco³⁵ Thermal power plant crashed; in February 2013 4 workers were killed in Ambuja's³⁶ cement plant in Balodabazar District when contained carrying ash crashed at site.

Korba is another hotspot where coal mining and thermal power project are in plenty, the large number of ash ponds occupy large areas, some exceeding 1000 acres each, like for NTPC's 2600 MW plant in Darri, an ash pond of 1230 acres is planned in Kodiaghat / Pandripani. In this identified revenue land, around 88 adivasis and forest dependent communities have been verified for rights under FRA for an area of 120 acres approximately in the identified 1230 acres. This portrays whether the rights can be compensated, if yes, where else the rights would be established, if not, can the alternatives be worked out with affected communities for an amicable solution to keep rights intact.



Madhya Pradesh's coal region is seamlessly linked to Chhattisgarh (Singrauli Coalfields and Central India Coalfields), currently the energy capital of India. Singrauli coalfields are

³² Small artisans making their living off their skills to carve stones, fishermen and others

³³ Audit Report (Revenue), Chhattisgarh For the Year 2010-2011

³⁴ <http://in.news.yahoo.com/five-killed-chhattisgarh-power-plant-accident-151342031.html>

³⁵ <http://www.thehindu.com/news/national/20-die-in-chimney-collapse-at-power-plant-in-chhattisgarh/article24352.ece>

³⁶ <http://post.jagran.com/Four-workers-killed-in-cement-plant-mishap-1359717416>

spread in 2200 sq. kms. but mining activities are currently located in the Moher sub-basin. NCL produced 66 million tonnes of coal and fuelled around 11000 MW of electricity, almost more than 33% of the electricity generation in the northern region. The contiguous region of Uttar Pradesh towards Robertsganj enroute obra, renukoot, Billi-Markundi, chopan is another industrial and mining belt. An accident in stone mines of billi markundi in February 2012 claimed 12 lives and several injured only points to the apathy

that illegal mining is not only taking toll on revenues but on lives of those who are already vulnerable to economic and other social aspects. Similar outlook in the region including Madhya Pradesh points to legal and illegal mines where scores of unorganised and contractor driven operations prevail, whereas there is no risk assessment both in terms of safety of workers & environment as well as disease burden due to occupational diseases that these activities bring along.



Note: Merged map of Coalfields in India (Coal India Ltd.) and Iron Ore Deposits (IBM). Black dots, polygons indicate coalfields and red polygons indicate iron ore deposits and broad sectors are indicated alongside. [refer Table The Land of Iron & Steel - Iron Ore Mining on pg 1]

The copper, Aluminium and Steel complexes in M.P., Jharkhand, Rajasthan, U.P., Chhattisgarh and Odisha reminds about the environmental fate and pollution potential from these mining, processing industrial regions. The breaching of ash bunds / dams³⁷ and making land unproductive due to tailings is going to be a greater challenge and issues of compensation, environmental pollution are as new as those were few decades back. With the

increasing throughput at each of these plants 'brownfield'³⁸ expansion asks for greater responsibility and need to deal with legacy issues with priority as Greenfield operations are planned to meet Vision 2020^{39 40}. The

³⁷ <http://www.dailypioneer.com/state-editions/bhubaneswar/48771-nalco-ash-pond-leaks-again-pollutes-river.html>

³⁸ The Cabinet Committee on Economic Affairs in its meeting held on 30th September, 2011, had approved the investment of ₹ 1856.36 crore for the project for expansion of Malanjkhand Copper Project mine from 2.0 million tonne per annum open cast to 5.0 million tonne per annum Underground mine

³⁹ Rapid rise in production has resulted in India becoming the 4th largest producer of crude steel (installed cap. 38.84 MT, Prod. 32.24 MT and the largest producer of sponge iron [21.09 in 2008-09] or DRI in the world [http://steel.gov.in/overview.htm & ibm.nic.in])

massive leap towards ultra mega production centres (like in case of steel these would be 8-10 million tonnes each) is going to place high demands on energy (coal mining & other feedstock like DRI/Sponge Iron, Dolomite, Limestone and many others), principal minerals (iron ore & associated minerals), water for processes and ofcourse land and other resources. It is beyond doubt that iron ore rich areas are again in overlap with scheduled areas and it would be of paramount importance to uphold the Constitutional Provisions for such areas where industrialisation is on the anvil. Is there Vision 2020 for electrols' in these affected regions?

Madhya Pradesh's Bundelkhand region for that matter is at the bottom of Human Development Index and approximately 1.9 lakh workers are registered with 3977 contractors as of 2009.⁴¹ This number is contested by community based organisations working in the region as most of the workers work in establishments which are termed as unorganised⁴², In Panna alone which is the Diamond mines area, stone quarries are more than 100 in numbers and situation is even grave in regions like Bhind-Morena-Gwalior where instances of bonded labour work and child labour is witnessed by people working in the region and the State Labour Department admits this while stating that 26 districts in the state are prone⁴³ to bonded labour, which is clearly a signal towards the state of Human Rights and Labour rights in the state. To address such an issue, the mechanisms have to be understood about the trap and protection to activists / people providing information about such instances is primate whereas the situation is quite contrary when even a police officer is killed while trying to nab the offenders of illegal mining. The situation is no different in the contiguous geography of U.P.s Bundelkhand region.

⁴⁰ <http://www.samataindia.org.in/mici/documents/newsletter/81-newsletter-issue-7>

⁴¹ <http://www.mp.gov.in/labour/statistics/contract.htm>

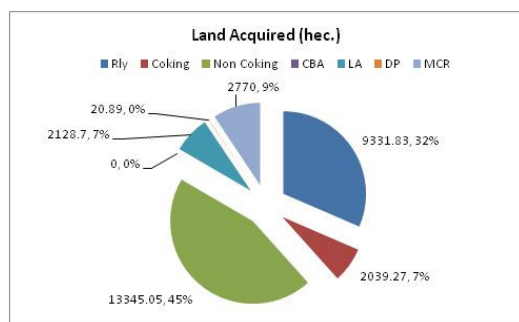
⁴² Sangathit Mazdoor Sangh, Panna

⁴³ <http://www.mp.gov.in/labour/others/others6.htm>

Summary from the Eastern Region

Jharkhand	District	Assembly Constituencies	Schedule V Areas
5 ST Parliamentary Constituencies - Rajmahal, Dumka, Singhbhum, Khunti, Lohardaga & 28 ST Assembly Constituencies as shown in adjoining columns	Sahebganj	Borio, Barhait	Sahebganj District
	Pakaur	Litipara, Maheshpur	Pakur District
	Dumka	Sikaripara, Dumka, Jama	Dumka District
	East Singhbhum	Ghatsila, Potka	East Singhbhum District
	West Singhbhum	Seraikela, Chaibasa, Majhgaon, Jaganathpur, Manoharpur, Chakradharpur, Kharsawan	West Singhbhum District
	Ranchi	Tamar, Torpa, Khunti, Khijri, Mandar	Ranchi District
	Gumla	Sisai, Gumla, Bishnupur, Simdega, Kolebira	Gumla District
	Lohardaga	Lohardaga	Lohardaga District
	Palamau	Manika	Rabda and Bakoria Panchayats of Satbarwa Block
	Simdega		Simdega District
	Latehar		Latehar District
	Sarikela-Kharsawan		Sarikela-Kharsawan District
	Jamtara		Jamtara District
	Garhwa		Bhandaria Block
	Godda		Sunderpahari and Boarjor Blocks
Orissa	District	Assembly Constituencies	Schedule V Areas
5 ST Parliamentary Constituencies - Sundergarh, Keonjhar, Mayurbhanj, Nabarangpur & Koraput & 33 ST Assembly Constituencies as shown in adjoining columns	Sundargarh	Sundargarh, Talsara, Birmitrapur, Rajgangpur, Bonai	Sundargarh District
	Sambalpur	Kuchinda	Kuchinda Tahsil
	Keonjhar	Telkoi, Patna, Keonjhar	Keonjhar & Telkoi Tahsils (Keonjhar sub-division), Champua & Barbil Tahsils (Champua Sub-division)
	Mayurbhanj	Jashipur, Saraskana, Rairangpur, Bangriposi, Karanjia, Udala, Baripada	Mayurbhanj District
	Nabarangpur	Umerkote, Jharigam, Nabarangpur, Dabugam	Nil
	Kalahandi	Lanjigarh	Thuamul Rampur Block of Kalahandi Tahsil, Lanjigarh block falling in Lanjigarh & Kalahandi tahsils (Bhawanipatna sub-division)
	Kandhamal	Baliguda, G Udayagiri, Phulbani	Khondmals tahsil (Khondmals sub-division), Balliguda & G Udaygiri Tahsils (Balliguda sub-division)
	Gajapati	Mohana	Nil
	Rayagada	Gunupur, Bissam Cuttack, Rayagada	Nil
	Koraput	Laxmipur, Kotpad, Pottangi	Korapur District
	Malkangiri	Malkangiri, Chitrakonda	Nil
	Ganjam		R Udaygiri Tahsil and Guma and Rayagada Blocks or Parlakhemundi Tahsil (Parlakhemundi sub-division), Surada tahsil of Ghumsur sub-division in Ganjam District
	Balasore		Nilgiri CD block of Nilgiri Sub-division, District Balasore
West Bengal	District	Assembly Constituencies	Schedule V Areas
2 ST Parliamentary Constituencies - Alipurduars, Jhargram & 16 Assembly Constituencies (district wise)	Jalpaiguri	Kumargram, Kalchini, Madarihat, Mal, Nagrakata	Nil
	Darjeeling	Phansidewa	
	Dakshin Dinajpur	Tapan	
	Maldaha	Habibpur	
	North 24 Parganas	Sandeshkhali	
	Paschim Medinipur	Nayagram, Keshiary, Binpur	
	Purulia	Bandwan, Manbazar	
	Bankura	Ranibandh, Raipur	

Jharkhand and Orissa are again the two major mineral bearing states comprising of coal⁴⁴, iron ore & manganese, Chromite, Copper and Bauxite as major fuel and metallic and non-metallic minerals. Central Coalfields occupy an area of more than 296 km² acquired and in possession under various Acts⁴⁵ (see figure below) under its 53 operating mines whereas Orissa's Mahanadi and IB Valley coalfields portray the coal reserves in the state. **When the parent organisation i.e. CIL was charged with mining without valid environment clearance by the CAG in 2010, the state of affairs may well be understood at the regions where CIL subsidiaries operate.**

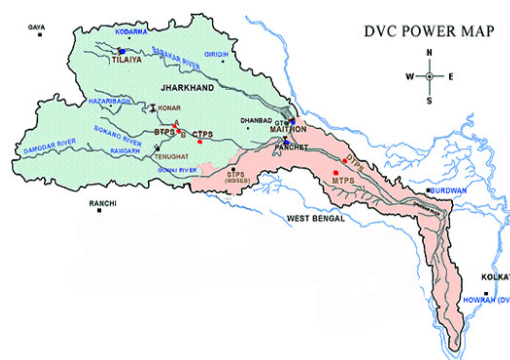


62% under the Coal Bearing Areas (Acquisition & Development) Act 1957 and 19% under the Coal Mines Nationalisation Act (1973)

Rly-Railways, Coking & Non Coking under CMNA 1973, CBA-Coal Bearing Act, LA-Land Acquisition 1894, DP-Direct Purchase, MCR-Mineral Concession Rules 1960

Legacy does not fades away in mining-industrial regions combine. Be it the famous Rourkela Steel Plant, Sponge iron plants⁴⁶ in Sundergarh spewing toxic fumes in the air, iron ore & manganese belt of Mayurbhanj & Keonjhar (Joda-Barbil), Chromite mining in Sukinda Ultramafic belt, Coal mining-alumina-thermal power in Talcher-Angul region, bauxite in Orissa Sector comprising Niyamgiri, Damanjodi and many others.

Damodar valley corporation modelled around the TVC is now one of the most polluted



basins in the country. Currently power generation in excess of 10,000 MW (existing & capacity addition) ensures that the impacts keep continuing over the contiguous region of Jharkhand and West Bengal. The continuous stream of coal from Hazaribagh-Raniganj-Dhanbad-Asansol-Durgapur is in this valley (see fig. Below, Red Outline indicates Damodar Basin). If DVC was formed to control the wild and erratic Damodar River, it now stands as a classic example of a polluted



basin, there is no true evaluation of pollution in the basin available in the public domain. Other east flowing rivers which pass through coal basins like Brahmini & Bhaitarni Rivers of Orissa through Talcher, and upper Jharkhand regions meet the same plight.

As per Q.No. 3431, answered on 14.12.2011, the 7 subsidiaries of Coal India have acquired close to about 19662 or 196 km² during the period 2008-2011, the largest being by SECL followed by Central Coalfields Ltd. 67% of this acquired land being tenancy land and rest being the forest land diverted for non-forest purposes. The largest tenancy land acquired is by SECL and Central Coalfields got the chunk of forest land under them (48%).

⁴⁴ See Annexure I & II for Comparative Mining and Value of Minerals and Export/Import of Minerals, Metals and Alloys

⁴⁵ <http://ccl.gov.in/comp/land.htm>

⁴⁶ There are about 350 such units and another 160 are at implementation stage, www.ibm.nic.in

Whereas the existing struggles in Pakur (Puchwara) show governance in poor light so is true in brownfield expansion of mining in Talcher. The expansion of steel production is expected to be triple of its current capacity and iron ore⁴⁷ mining thus looks east, central and south for expanding at almost the similar rate.

Orissa's Sukinda is a chromite region in Jajpur District, the landform is undulating and since the issue of hexavalent chromium is widely accepted as a deadly pollutant, its mixing with ground water reserves and its strong bonding makes it a long lived pollutant which is life threatening, there is no target study about the life cycle of chromite and implications on the food chain and ultimately resources and public health⁴⁸.

Orissa's 600 mines of principal minerals are currently at a low stage of operation i.e. 21.83% leases due to huge anomalies found in operational mines, leaving a huge chunk of 62.83% as non-working mines – out of which 36% are temporarily discontinued and rest 64% are suspended. Almost 9 districts correspond to 60%+ leases in non working category. The fully scheduled districts of Sundergarh, Mayurbhanj, Koraput⁴⁹ and partly Keonjhar and Kalahandi correspond to high percentage of non-working mines or in other words around 69% mines suspended in these districts.

Orissa Mining Corporation being a state entity facilitates mineral production in the state, however, OMC's ore reserves constitute only 11.93% of Orissa mineral reserves⁵⁰ as against huge mining lease area under it (almost 26% of the total lease area in Orissa). This amounts

to highly non-mineralised areas under OMC which are not productive as far as mineral extraction is concerned. The new bill which propagates maximum lease size of 100 km² is thus questionable and may include non-mineralised zones which may have a crucial link to community access to natural resources. It thus also indicates and reflects upon poor exploration investments⁵¹ to rule out non-mineralised lands which have other competitive uses whether it is for community or other important ecosystem support systems.

While Jharia's lakhs of population lives over fire, relocation is a big challenge while the R&R policy of Coal India stipulates entitlements on the basis of minimum 2 acres of land acquired but if one sees the national holding table (Agriculture census of 2005-06), almost 64% of the holdings including individual and joint correspond to land holdings of less than 1 hectare or less than 2 acres.⁵²

The fact that the traditional guiding principles and laws governing tribal regions like Jharkhand (Chotta Nagpur & Santhal Parganas Tenancy Acts) have been misplaced in the post modern development regime where economy predominates governance. But people still have hopes in this liberalised economy and living in hope that the decision makers, political class and their representatives may realise the value of such principles (which were for inclusiveness of communities) and inclusive growth story has to internalise good governance to distribute wealth and well being.

⁴⁷ Total domestic consumption of iron ore during 2009-10 was reported to be around 90 million tonnes, of which around 98% was consumed by iron & steel and sponge iron establishments.

⁴⁸ Read More at page 6-10 at

www.samataindia.org.in/mici/.../Newsletter5-6_combined.pdf

⁴⁹ Illegal China Clay mine in Koraput's Pottangi Tehsil was brought to the knowledge of administration by local people in 2011-12

⁵⁰ Iron Ore, Manganese, Chromite, Annexure B at <http://www.orissamining.com/web/OMCataGlance/StatusofMineralConcessions.aspx>

⁵¹ India's exploration spending (including gas and oil) is the lowest around \$15/sq. km. as compared to Australia & Canada which spend nearly 8 times of India's amount; Report of the Sub Group I on Mineral Exploration, October 2011

⁵² 1 hectare = 2.54 acres

Summary from the Southern Region

Andhra Pradesh	District	Assembly Constituencies	Schedule V Areas
3 ST Parliamentary Constituencies - Adilabad, Araku, Mahabubabad & 19 Assembly Constituencies shown in adjoining columns district wise	Adilabad	Asifabad, Khanapur, Boath	73 villages of Adilabad Taluk, 73 villages in Kinwat taluk, 46 villages of Boath Taluk, Complete Utnur Taluk, 85 villages of Asaifabad Taluk, 17 villages of Lakshetipet taluk, 57 villages of Rajura Taluk, 27 villages of Sirpur Taluk
	Nalgonda	Devarakonda	Nil
	Warangal	Dornakal, Mahabubabad, Mulug	83 villages of Mulug taluk, 69 villages of Narsampet Taluk, All villages of Yellandu taluk, All villages of Palocha taluk
	Khammam	Pinapaka, Yellandu, Wyr, Aswaraopeta, Bhadrachalam	Nil
	Srikakulam	Palakonda	Nil
	Vizianagram	Kurupam, Salur	Nil
	Vishakhapatnam	Araku Valley, Paderu	Vishakhapatnam Agency area (part)
	East Godavari	Rampachodavaram	East Godavari Agency area (excluding village of Ramachandrapuram & Purushothapatnam hamlet)
	West Godavari	Polavaram	West Godavari Agency area
	Mahbubnagar		68 villages of Achempeth Taluk
Karnataka	District	Assembly Constituencies	Schedule V Areas
2 ST Parliamentary Constituencies - Raichur, Bellary & 15 Assembly Constituencies (district wise)	Belgaum	Yemkanmardi	Nil
	Gulbarga	Shorapur	
	Raichur	Raichur Rural, Manvi, Devadurga, Maski	
	Bellary	Kampli, Siruguppa, Bellary, Sandur, Kudligi	
	Chitradurga	Molakalmuru, Challakere	
	Devanagere	Jagalpur	
	Mysore	Heggadadevankote	
	Namakkal	Senthamangalam	

Andhra Pradesh has been at the centre stage of debate on doing away with mining (majorly bauxite) in agency areas of Vishakhapatnam as well as inclusion of tribal dominated areas in scheduled areas whereas Karnataka's illegal iron ore mining singularly established the fact that how political patronage weighs heavy on profiteering and rejects codes of conduct. The Kolar Gold fields indicate the challenges of resource depletion vis-à-vis employment-mine closure and restoration, essentially the vicious but ill linked mining cycle, which will be faced in the coming years across the geography. APMDC holds mining leases in agency areas of Andhra Pradesh and MoUs have been signed with numerous private players. Bauxite's existence in Vishakhapatnam and East Godavari Districts which also happen to be notified scheduled

areas attract traders (laterite⁵³ for use in Cement Plants) and value addition investors which can bring large capital to establish facilities to produce aluminium and alumina. All the 6.3 Lakh tonnes of laterite mined in Andhra has been consumed in cement manufacturing. The fact that superimposing of mineral deposits to tribal population (Scheduled Area declared and few not notified) brings mining in unconstitutional category as private leases are not allowed and illegal mining activity is growing. In its 1 ½ decades of emergence (Samata Judgment), there is no fine line to rule out unconstitutional mining practices and procedures to allow

⁵³ It is used as an additive to lower clinkerisation temperature and acts as supplement of aluminous and iron contents required in cement manufacturing. Laterite and bauxite have a tendency to occur together and it is the lateritic caps over aluminous laterite (bauxite with high content of aluminous oxide) which is extracted first in most cases.

Scheduled Areas to have their fair share of wisdom.

Adilabad, Warangal, Khammam and Karimnagar Districts in Andhra are coal bearing districts with total reserve of 9877 million tonnes. Adilabad and Warangal being notified Schedule V areas and several regions in coal bearing areas (many of which are underground mines) have double cropping pattern which would require large displacement and breaking the livelihood string.

On the other hand, the taluk and divisional level functionaries are unaware about illegal mining of laterite in Nagalconda hills and a clear disconnect is found between tribal development programmes, forest department, revenue department and mining directorate as if these were being run by different governments. The nature of blatant violations thus expand to a larger watershed of mineral bearing areas like laterite in Visakhapatnam Agency and East Godavari mandals where benami leases came to limelight which led the NGOs, Political parties and communities to raise voice to make governments accountable to administration of scheduled areas. In these regions, Land Transfer Regulation cases are pending and it is only the President of India who could transfer the villages and not local officials⁵⁴. The exclusion of areas having characteristics similar and contiguous to existing Scheduled Areas in East Godavari thereby implies excluding PESA, Land transfer regulation and many other provisions. The preliminary focus thus has to tread with precautionary principle to rule out constitutional violation before even considering the concessions in homogenous landscapes of socio-cultural identity.

⁵⁴ <http://www.thehindu.com/todays-paper/tp-national/article2561014.ece>; <http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/article3925426.ece>

In Srikakulam's Kannedhara hills, Granite mining is bringing tribals together to challenge the mining leases which were given under favour to a select few. So it is the landscape (hills) which is at stake in such regions and it is here for the government to establish the rightful decision making process to protect scheduled areas and keep at bay unlawful entries.

Karnataka has emerged as a classic example of a state where pre mining, mining and post mining scenarios can be seen together in larger context. Mining Phase: Synonymous to Illegal⁵⁵ Mining - Although the situation is similar to it in other states, the present context of illegal mining of iron ore at a large scale⁵⁶ and intervention of Supreme Court of India brings the illegality in mineral rich areas in public knowledge at national level. Pre-Mining Phase: No Red Herring for Investments The state goes ahead to create a land bank and offer land to MOU signatories to set up industrial projects (example of Mundargi Taluk, Gadag District) on mining, gas, steel, wind energy. The backwardness⁵⁷ of Gadag is taken as a thrust point to infuse capital but knowing from the experiences in the same state, (why no other alternative is being taken up like productivity based on the rich black cotton soil and the first medicinal plant sanctuary) the state is facilitating land acquisition. Post Mining: The Kolar experience over more than a decade old depicts challenges of mine closure including that of environmental damages (tailings, pollutants), retrenchment of employees and workers, impact on peripheral economy and restoration. With soaring gold prices, the

⁵⁵ The illegal mining committed during 2006-11 in three districts of Karnataka (Chitradurg, Hospet & Tumkur) has resulted in the state losing revenue of Rs 3414.45 crore and the government could recover only Rs 7.22 crore, a report by Comptroller and Auditor General (CAG) of India said.

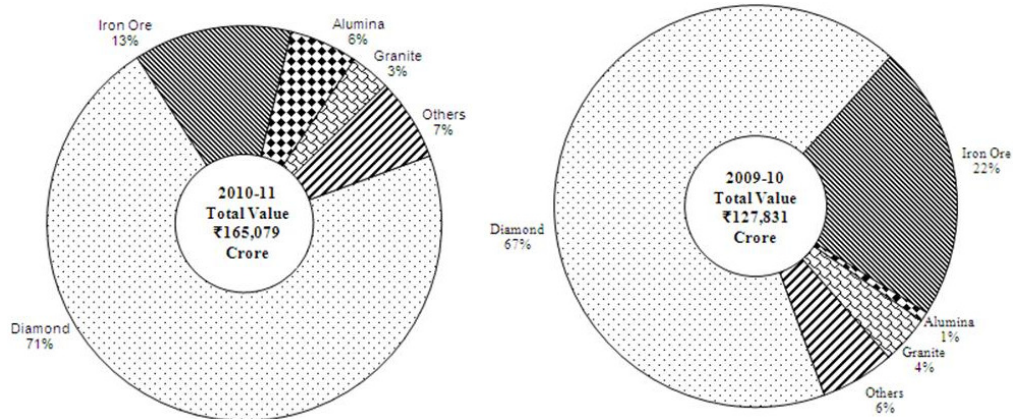
⁵⁶ Refer footnote3 at page 1

⁵⁷ In 2010 alone, 80,000 acres of land have been notified for acquisition – *Initial Fact Finding by MICI (Samata) in 2011*

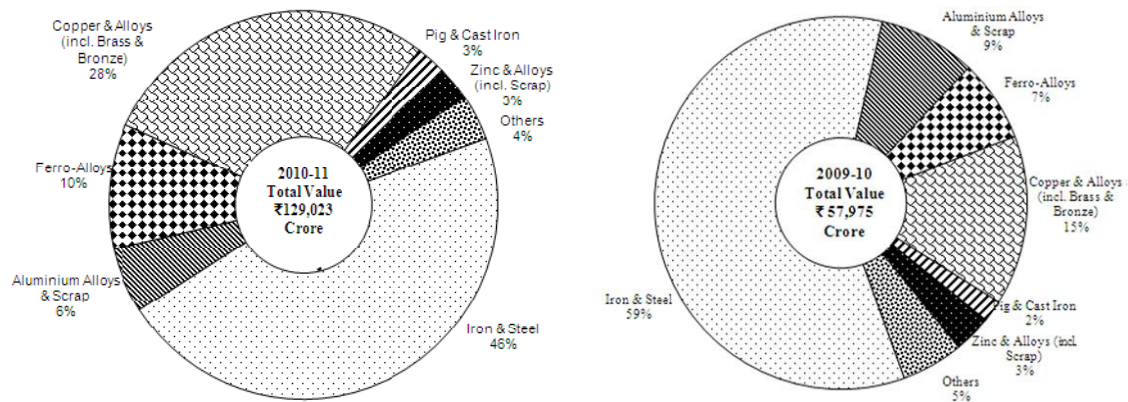
revival plans are bleak with no clear time frame in sight.

Quantity and Value of Key Minerals Mined in 3 Major Mining States in Ascending Order of their Value

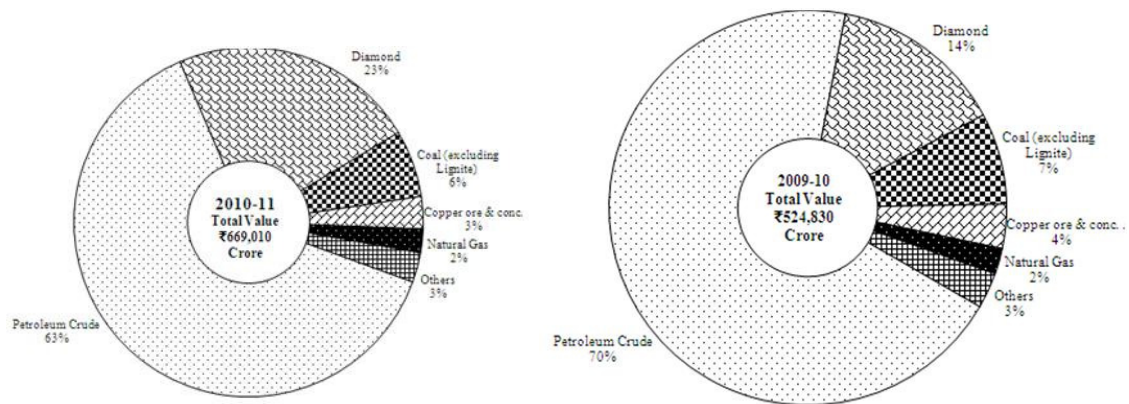
Orissa		2008-2009			2009-2010			2010-2011		
Mineral	unit	No. of mines	Qty	Value	No. of mines	Qty	Value	No. of mines	Qty	Value
Limestone		16	2978	831117	16	2937	843098	9	3736	1094803
	'000t									
Bauxite	t	4	4734421	1591786	4	4879580	1909188	3	4856275	2353153
Manganese ore	t	43	839930	3163383	40	605313	2165165	30	651699	3431440
Chromite	t	21	4069364	22597152	18	3419031	10422275	18	4253716	22918824
Coal		25	98402	51725700	26	106409	58751300	28	102565	73545300
	'000t									
Iron ore		82	72627	95665250	74	80896	95807348		7176350	137623681
	'000t									
Jharkhand										
Manganese ore	t	2	16044	14025	3	39875	41472	2	5759	25463
Limestone		20	1943	351690	18	1924	384303	15	1737	271079
	'000t									
Bauxite	t	34	1585356	552684	35	1670577	673016	36	1827805	619458
Iron ore		21	21329	9246556	19	22547	11242048	20	23174	16393379
	'000t									
Coal		173	96272	96741700	174	1059171	40529500	174	108949	185716200
	'000t									
Chhattisgarh										
Dolomite	t	23	1317858	361156	24	1286514	335580	23	1387985	301339
Bauxite	t	14	1674427	557371	15	1687069	607911	13	2109945	765262
Limestone		43	15789	2208173	33	15160	2231873	38	19096	2890099
	'000t									
Iron ore		12	29997	59064269	10	26211	44227248	10	29146	82675755
	'000t									
Coal		61	101922	67873600	60	109953	50308300	62	113824	58256200
	'000t									



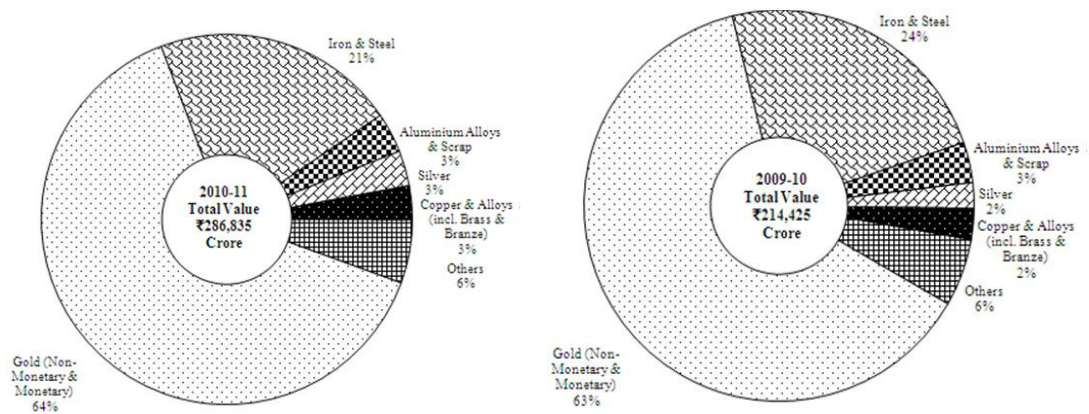
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