



To

New Delhi

Member of Parliament

Honourable Madam/Sir,

This written representation is in relation to social and economic issues faced by Tribals and other marginalized communities due to the various development programs of the Government.

The Constitution laid the foundation for growth without compromising on basic human rights. Provisions were made to include the marginalised groups and tribals in the growth process. But in the bargain these communities have had to compromise socially, culturally and economically. Increasingly it is being found that their constitutional rights are ignored in the process of meeting the national development goals for e.g. the amendments to ST / SC atrocities Act. In these times of despair their only hope are their elected representatives and leaders who have the mandate to question the administration and government to safe guard their rights.

With this brief background Samata and mm&P alliance requests you to take cognizance of the severity of the problems faced by the tribals and marginalized groups. Attached are some of the issues some specific and some generic along with cues to raise question in the parliament.

About Samata

Samata is a tribal support organisation working on issues in tribal regions of north coastal AP since 25 years. The focus on impacts of mining on children started since Samata judgement in 1997 and has been one of our thrust areas since 2005. The organization has been campaigning to bring real improvements in the lives of children affected by mining in India.

About mm&P

mm&P (mines, minerals & PEOPLE) is a growing alliance of individuals, institutions and communities who are concerned and affected by mining. The isolated struggles of different groups have led us to form broad national alliance for combating the destructive nature of mining. mm&P network is present in 16 states across the country.

Rebbapragada Ravi
mm&P Chairperson

Ashok Shrimali
mm&P Secretary General



Implementation of PESA (Ministry of Panchayati Raj and Ministry of Tribal Affairs)

Issue:

- The Vth Schedule areas of the Country are mandated to be governed in accordance with the provisions of the PESA Act. However, this is not the case.
- PESA empowers the Gram Sabha to protect and restore land, however this is not complied with except Maharashtra.
- There must be amendment in central laws to comply with PESA such as Mines and Minerals (Development and Regulation) Act, 1957, the Indian Forest Act, 1927, the Forest (Conservation) Act, 1980, and the Indian Registration Act, 1908 etc. All State laws to protect tribal lands do not fully comply with the constitutional provision 'prohibit or restrict the transfer of land **by or among members of the Scheduled Tribes**' [Clause 5(2)(a) of Article 244].
- Nearly 181-200 municipalities function unconstitutionally in Scheduled Areas by applying the general municipal laws that are prohibited by the Constitution. The areas are upgraded to municipalities outside the purview of PESA.

Questions:

What steps have been taken by the Government in this regard. How to ensure that PESA is implemented in Scheduled Area States?

Coal Mining in Churulia, West Bengal

Issue-On 27th August, natural ignition of fire has been observed in abandoned Bengal EMTA coal mine in Churulia village, West Burdwan district due to man-made OCP coal mining. Bengal EMTA started this mining project in Churulia in 1996. And this mining site was declared abandoned in 2015, when Supreme Court gave a judgement that during P.V. Narasima Rao's tenure as Prime Minister some coal mines were distributed illegally. The mining experts are predicting that this has covered near about a huge area by square kilometer in Churulia Coal block.

In December 17, 2017, the Minister of State for Heavy Industries and Public Enterprises had questioned the State Govt. of West Bengal regarding the same. He had accused them of being involved in the smuggling good quality overnight with the help of Police.

Questions

What steps have been taken by the state government to reduce coal smuggling?

Human Rights Violation in Tribal areas (Ministry of Tribal Affairs and Ministry of Home Affairs)

Issue:



- Scheduled Tribes remain one of the most vulnerable, most impoverished, and most displaced of all groups in India.
- 47.1% of all STs in rural areas are below the poverty line as compared to 33.8% for the national average,
- 28.8% of all STs in urban areas are below the poverty line as compared to 20.9% for the national average.
- In spite of being the only group with constitutional protections for their land rights, 9.4 % of STs are landless compared to 7.4% for the national average.
- While STs constitute only 8.6% of the total population, it is estimated that they constitute 40% of all people who have been displaced during the period 1951 to 1990, some more than once, due to the construction of dams, mines, industrial development, and the creation of wildlife parks and sanctuaries.
- Only 24.7% of ST population that was displaced during this period was rehabilitated.

Questions:

- What are the steps taken by Central Government to rehabilitate the displaced tribals?
- What are the steps taken by the Central Government to improve health and education in tribal areas? Why are government initiatives not performing and what steps are being taken to ensure tribals live a life with dignity and respect.

Coal Mining in Godda district, Jharkhand

Issue- Adani Group has signed MoU for setting up mega Coal based Thermal Power Plant in Godda district of Jharkhand. This has been done without the consent of the gram sabha and the villagers.

Questions-

- Why is government interested in investing in coal powered thermal power plants when nearly 70-80% of coal powered thermal plants are in loss?
- More focus should be on investing in clean power generation.

Business and Human Rights

Issue - India is Signatory to the UN Forum on the policy of Business and Human Rights. However, India has not yet come up with the final document. The draft document is very superficial.

Questions-

- Post becoming the signatory of the OHCHR why hasn't India come up with the final policy yet?



District Mineral Foundation Fund

Issue: The Mines and Mineral (Development and Regulation) Act, 1957 (MMDR Act, 1957) was amended through the MMDR Amendment Act, 2015. One of the amendment provisions relates to introduction of section 9B which provides for the establishment of District Mineral Foundation (DMF) in any district affected by mining related operations. According to this all the leases issued before 12-01- 2015 should pay 30% royalty to the DMF fund and leases issued after 12-01-2015 should pay 10% of the royalty to the DMF fund. The Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) has been launched by the Government which will be implemented through funds collected under DMF. At least 60% of PMKKKY funds will be utilized for high priority areas like: (i) drinking water supply; (ii) environment preservation and pollution control measures; (iii) health care (iv) education; (v) welfare of women and children; (vi) welfare of aged and disabled people; (vii) skill development; and (viii) sanitation. The rest of the funds will be utilized for the following: (i) physical infrastructure; (ii) irrigation; (iii) energy and watershed development; and (iv) any other measures for enhancing environmental quality in mining district.

Questions:

- What is the status of implementation of DMF in all states?
- What has been the sectoral spending of DMF funds in all states?

Illegal Mining in Goa

Issue - There is no recovery of mining loot in Goa. Mining policy for the state of Goa is not formed by prior consolation of the affected communities and experts from the field.

Questions:

- What steps have been taken to negate the illegal mining activities in Goa by the State Government?
- If taken, what is the present status?

Illegal Mining disaster in Meghalaya

Issue - 13 coal miners are trapped in an illegal "rat hole" coal mine. Outlawed in Meghalaya by the National Green Tribunal (NGT) in 2014, illegal rat-hole coal mining is rampant in this part of North-East India.

Question-

- What steps are taken by the state government to prevent illegal rat-hole mining?
- What steps are taken to ensure safety of the mine workers?



Delhi Mumbai Industrial Corridor

Issue- Delhi Mumbai Industrial Corridor and expansion of urban municipalities is also displacing tribal population to a great extent. The DMIC Project is set to displace 16% of the total population of India majority of whom will be tribals.

Questions-

- What has the state government done to protect the rights of the tribals?
- The provisions of PESA and Vth Schedule have been violated. What has the states done to prevent this?