

The under(Mined)



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From the Editor's desk

*The saga of Development and the under(Mined),
The more you dig the more you find...
Not just sandstone, coal, aluminium and lime,
Real people, toiling for life, running from pillar to
post, digging for a dime!*

*Beneath the skeletons of their hope and smiles,
lies all the booty from the mines.
Promises galore for their welfare and rights,
Yet, much remains the same with passing tides.*

- Bharti Ali & Kumar Shailabh

Children do not exist in a vacuum. What affects their families and communities affects their life as much, and in fact, more. "India's Childhood in the 'Pits'", a 2010 report by HAQ: Centre for Child Rights highlighted issues of children affected due to mining and lay the ground for using a child rights lens in development related policy and programmes that affect the mining communities. This was taken forward in 2016 through "Promotion and Protection of Rights of Children in the Mining Sector", a civil society initiative in 72 mining affected villages of Chhattisgarh, Karnataka and Uttar Pradesh. In 2019, once again civil society organisations in Andhra Pradesh, Chhattisgarh, Uttar Pradesh and New Delhi have come together to bring focus to the concerns that remain and opportunities that can be explored, while empowering children, youth, women and other people in the process and seeking transparency and accountability in measures meant for their benefit. This newsletter is step in that direction.

OVERVIEW

According to the Federation of Indian Chambers of Commerce & Industry (FICCI), mining is the key to India's double digit growth rate.¹ Yet the communities who engage in mining and allied activities and live in areas affected by mining are often ignored. The apathy is to the extent that even access to basic facilities of drinking water and healthcare remains a challenge for the communities who should otherwise be the first ones to receive the benefits of any industrial development projects. It goes without saying that those worst affected are women and children, facing issues ranging from poor health and nutrition to lack of educational opportunities and protection from trafficking, child marriage, child labour and other forms of exploitation.

The inextricable link between the lives of children, living condition of their family and communities and their ecosystem does not require an explanation. In this backdrop, in 2019, six non-governmental organisations came together to work towards the realization of right to dignified life and decent employment for those working in the mining sector or living in areas affected due to mining in order to secure sustainable development and protection of the rights of women and children of the affected communities. The project thus builds on engaging with and seeking participation of government institutions, mines owners and workers, and the affected communities, particularly children, youth and women, in 82 villages affected by mining in 6 districts in 3 States of India.

| State | District | Implementing Organization | Chief Mining Minerals | Community Details |
|----------------|------------|---|---------------------------------------|---|
| Uttar Pradesh | Sonebhadra | Participatory Action Community Empowerment (PACE) | Sand Mining, Crushed Stone and Morang | Baiga, Kharwar, Panika, Gond, Pathari, Agarya, Chero, |
| | Mirzapur | Manav Sansadhan Evam Mahila Vikas Sansthan (MSEMVS) | Stone Mining | Scheduled Caste and Backward Community |
| Chhattisgarh | Korba | Mitwa Mahila Kalyan Seva Samiti (MMKSS) | Coal | Korwas (Pahadikorwa) |
| | Kabirdham | Shikhar Yuva Manch (SYM) | Bauxite | Baiga tribe |
| Andhra Pradesh | Nellore | Association for the Rural Development (ARD) | Mica | Yanadhi Tribal Community |
| | Krishna | Nava Jeevan Bala Bhavan (NJBB) | Limestone | Migrant Workers and Scheduled Caste |



Community living near mining site in Sonbhadra



Stone Quarry site in Mirzapur

¹ The Economic Times, ET Energy World, Mining sector key to India's double-digit growth rate: FICCI. 29 April, 2019. Available at: <https://energy.economictimes.indiatimes.com/news/coal/mining-sector-key-to-indias-double-digit-growth-rate-ficci/69094627>

District Mineral Foundation Trust (DMFT)



- The Infant Mortality Rate of Krishna district remains lowest (25%) across all districts of Andhra Pradesh (NFHS-5)
- The Infant Mortality Rate (IMR) in Kabirdham district stands at 61% (NFHS-4)
- Only 6.9% children in the age group of 6-23 months in Nellore receive adequate diet (NFHS-5)
- A significant 67.5% children aged 6-59 months in Nellore are anaemic (NFHS-5)
- A total of 29.8% children under 5 years in Krishna district are found to be stunted (NFHS-5)
- A mere 30.3% children in the age group of 12-23 months in Sonbhadra district were fully immunized (NFHS-4)
- Only 58.6% children in the age group of 12-23 months received the 3 doses of Hepatitis B vaccine in Kabirdham district (NFHS-4)
- Mirzapur district recorded 72.7% institutional births (NFHS-4)
- Only 64.6% mothers in Korba district received financial assistance under Janani Suraksha Yojana (JSY) for births delivered in an institution (NFHS-4)
- Only 53.8% children in the age group of 9-59 months in Mirzapur district received vitamin A dose in the last 6 months (NFHS-4)
- The cases of Tuberculosis in Nellore have gone up from 2498 in 2017 to 4212 in 2019 (Central TB Division; India TB Report 2019-17)
- The sex-ratio of Nellore district was recorded at 985 females per 1000 males, which was below the state average of 993, being an improvement from 984 in 2001 (Census 2011)

Dropout Rates at Secondary Level (U-DISE Dashboard 2019-20)
<https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport>

| Districts | General | ST | SC | OBC |
|-----------|---------|-------|-------|-------|
| Nellore | 11.84 | 24.32 | 14.54 | 12.07 |
| Krishna | 20.25 | 15.93 | 16.46 | 16.23 |
| Korba | 13.17 | 24.67 | 20.74 | 20.44 |
| Kabirdham | 0 | 20.29 | 18.91 | 23.14 |
| Mirzapur | 15.0 | 21.96 | 24.39 | 13.21 |
| Sonbhadra | 9.53 | 26.62 | 20.82 | 14.01 |

A District Mineral Foundation trust (DMF Trust or DMFT) is a non-profit autonomous body to be established by the State Governments under Section 9B of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 in the mining districts with an objective to “work for the interest and benefit of persons and areas affected by mining related operations.”

The DMF Trust is a means to improve the socio-economic and environmental conditions in the mining affected districts and prevent and mitigate irreversible damages to the communities residing in mining areas. Although the composition and functioning of the Trust is left to the Rules framed by the State Governments, they are by and large designed to enlist and ensure participation of mining companies, district administration, affected communities, institutions of local self-local governance and civil society.

The objectives of the Trust are to be achieved through a Fund created under the Trust, commonly referred to as the DMFT Fund, made up of the royalty proceeds from the mining companies. By virtue of a direction issued by the Central Government on 16 September, 2015,² State Governments are required to incorporate the Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) into the state rules framed for the

DMF Trust such that the funds accrued under DMF Trust are used to implement various developmental projects and welfare programmes in mining-affected areas as envisaged under the PMKKKY.

PMKKKY provides for utilization of DMF Trust funds in a manner that at least 60% of the funds are utilized for high priority sectors and 40% for other priority sectors.

Tracing Origins of DMF

- 1946 MICA MINES & 1947 COAL MINES LABOUR WELFARE FUND ACTS**
Both Acts create a fund to be used for the welfare of labour employed in mica and coal mines.
Customs duty imposed on export of mica or excise duty imposed on despatch of coal from the collieries is collected and deposited into the fund for such purpose. Both Acts have since been repealed.
- 1997 SAMATHA JUDGEMENT**
The Supreme Court banned non-tribal persons and private companies, except the State Mineral Corporation, from mining in the Fifth Schedule areas. The idea of setting up a permanent fund for the socio-economic development needs of the tribal communities affected by mining was mooted. The Court suggested 20% of the profits from mining be set aside to establish such fund.
- 2006 HODA COMMITTEE**
A National Sustainable Development Framework was recommended for India. It was suggested that mining companies spend a % of their turnover on social infrastructure in the villages and give a stake to the affected population in the mining operation in the form of cashless equity.
- 2008 NATIONAL MINERAL POLICY**
Formulated a Sustainable Development Framework (SDF) and gave a major thrust to infrastructure to enhance the socio-economic development of the mining affected areas and tribal communities. Pledged to improve the living standard of the affected population and ensure a sustainable income above the poverty line.
- 2010 SUSTAINABLE DEVELOPMENT FRAMEWORK**
Defined 'Sustainable Development' in the mining sector and laid down 7 principles. Principle 5 talks of community engagement, benefit-sharing and contribution to socio-economic issues of the affected communities.
- 2010 MINES AND MINERALS (DEVELOPMENT AND REGULATION) BILL**
Mines and Minerals (Development and Regulation) Bill [MMDR Bill] issued in 2010 proposed 26% profit sharing by the mine lease holders with affected persons. This bill lapsed in 2011.
- 2011 MMDR BILL**
New MMDR Bill proposed in 2011. It proposed setting up of the District Mineral Foundation to work for the interest and benefit of persons affected by mining related operations.
It did away with 26% profit sharing and proposed an annual contribution to the DMF equivalent to the royalty paid for the mining lease in case of all major minerals, except coal and lignite. This Bill lapsed in 2014.
- 2015 MMDR (AMENDMENT) ACT**
Provided for establishment of the DMF in each mining affected district.
Provided for contribution of funds to the DMF by mine lease holders as follows:
Mining of major minerals - 10% of royalty paid for lease granted on or after 12 Jan 2015 and 30% of royalty paid for lease granted before 12 Jan 2015.
Mining of minor minerals - left under the purview of the State Governments.

Significance of Gram Sabha established under PMKKKY in case of mining in Scheduled Areas

- (i) Approval of the Gram Sabha shall be required
 - a) for all plans, programs and projects to be taken up under PMKKKY.
 - b) identification of beneficiaries under the existing guidelines of the Government.
- (ii) Report on the works undertaken under PMKKKY shall be furnished to the Gram Sabha every financial year.

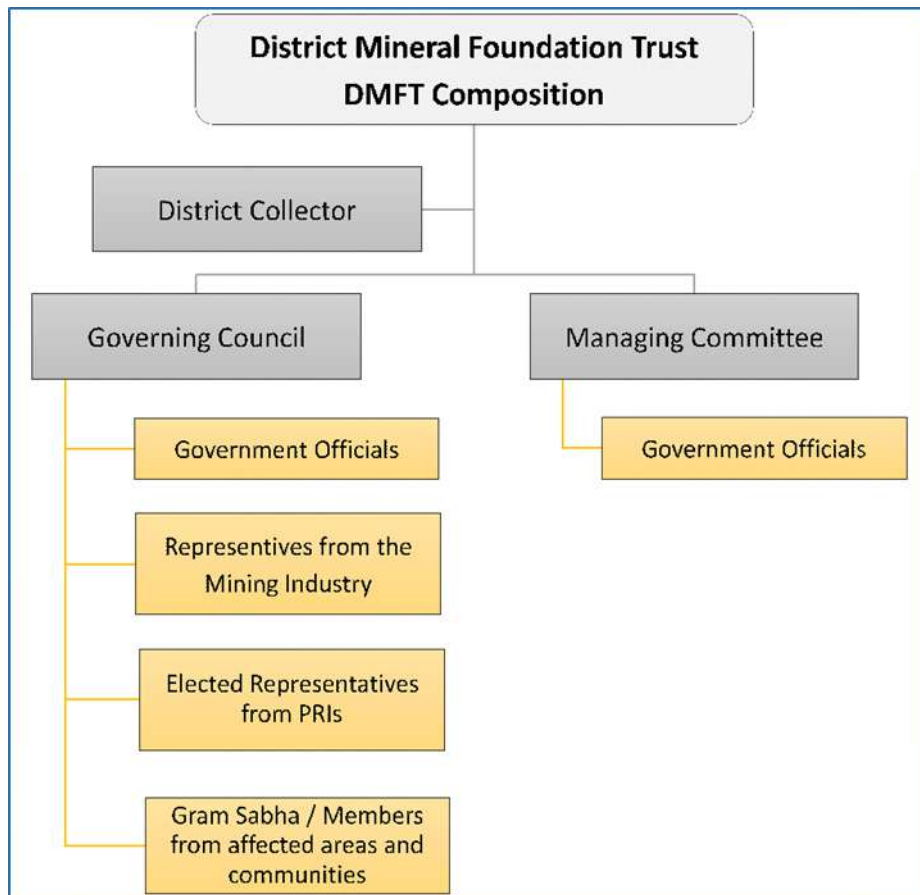
² <https://www.mines.gov.in/writereaddata/UploadFile/PMKKKY%20Guidelines.pdf>

High priority areas for PMKKY include:

- drinking water supply;
- environment preservation and pollution control measures;
- health care;
- education;
- welfare of women and children;
- welfare of aged and disabled people;
- skill development; and
- Sanitation

Other priority areas for PMKKY are:

- physical infrastructure;
- irrigation;
- energy and watershed development



Important Variations vis-à-vis Structure of the DMFT in the States

Increasing DMF Trusts Accountability

The state of Chhattisgarh through amendment in the DMF Trust Rules makes the sitting MP from the district the Ex-Officio Chairperson of the Trust’s Governing Council. This step was taken with an intent to curb the corrupt practices in the allocation and management of the DMF Trust funds along with increasing the accountability of the Trust to people. In addition to such restructuring, it remains vital to increase the representation of affected communities in the DMF Trust. The current position of representatives from affected communities remains abysmal, which makes it difficult for their voices to be heard.

Getting External Experts on Issues Concerning Mining Affected Communities

The state of Andhra Pradesh makes provision for inclusion of representatives from concerned civil society organisations working on concerns of mining communities in the DMF Trust’s Governing Council. This is a crucial step though it has remained far from being implemented on the ground, as was found by project teams in Nellore district, where civil society representatives have gone missing from the Governing Council since its initiation three years ago.

Missing In-Line Departments from DMF Trust

In certain instances of DMF Trust composition, Sonbhadra DMF Trust being one of them, major line departments are kept out of the DMF Trust activities. Some of these line departments such as the Pollution Control Board and Labour Welfare Department have direct correlation with the lives, concerns and issues of mining-affected communities but have had no association with the Trust in Sonbhadra. Their inclusion in the DMF Trust is significant in order to address health hazards caused due to mining related pollution and secure labour rights.

Voices from the Ground...

People's Representatives: Voices (just) on Paper

During a discussion with an elected representative in Sonbhadra, a clear case of abuse of DMF Trust funds came up. The elected representative narrated:

“So, after getting irritated that no money from DMF Trust Fund was being utilized for the development of miners, I went to the authorities and requested to release the money for the same. To my request, they plainly responded that why are you so concerned about the money, we can get a panchayat building constructed for you if you so wish. I was taken aback and wondered if this is how the Fund is meant to be used.”

The panchayat member also revealed that corrupt practices could easily flourish in the DMF Trust Fund as the only requirement of withdrawing money from the Trust Fund was signature of the District Magistrate and the District Mining Officer.

Case of Missing Mobile Ambulances

The area around Daldali, in Kabirdham district (Chhattisgarh), has been a site of Bauxite mining and excavation for a long time. Over the course of mining, the paradox of development has become a reality of the area where development of mining companies has happened at the cost of *Adivasis* inhabiting the mining sites. Narratives of difficulties in accessing proper healthcare facilities are not archaic, rather remain part of daily-life experiences for the *Adivasis*.

Taking note of this, the district administration adopted an innovative strategy of creating a system of ‘mobile ambulances’ where two-wheelers were converted into ambulances for having better access to the communities in remote mining areas. Under the initiative, seven such ambulances were set up for use in the mining region of Daldali out of which, as of date, just two remain functional, while the others were deployed in areas away from the mining belt.



Such acts push one to ask whether proper utilization of DMF Trust Fund is a far placed objective for the administration of Kabirdham district, leading to denial of access to basic healthcare for the local inhabitants.

Where is the Welfare for Us asks Rabia, Chopan Block, Sonbhadra...

Rabia (name changed), a member of the mining workers' forum in Sonbhadra works at a stone quarry and lives in a kachha house with her husband and three children. She earns very little to sustain her family of five and thus, is forced to work as a daily wage labourer after her shift at the quarry. Rabia says that non-availability of drinking water is one of the major problems in her village. They are compelled to drink fluoride contaminated water. There is no crèche facility in her village which makes it difficult for her to leave her children and go to work. The roads in her village are broken which poses a constant risk for commuters, especially children going to school. According to Rabia, community has never been consulted by the district administration and Gram Panchayat to assess the needs and how DMFT funds can be used for their betterment. Now with the presence of local NGOs, she knows about DMFT Funds and is hopeful that someday she and other villagers will have a say in how the funds are used.

Awareness is key to participation

Cement factories constitute the bedrock of occupational opportunities in Suryapet district of Telangana (erstwhile Andhra Pradesh). Cement manufacturing and mining are directly connected and often the cement factory owners are also the mining lease holders.

Discussions with community members revealed their lack of awareness about the significance and use of DMFT funds as their village was 20 kilometres away from the mining site. However, the community majorly depends on the cement factory and related mining activities for their livelihood. They have no information with regard to the procedure for putting up an application or proposal for utilizing the DMFT funds for development work in their village. With all eagerness, the villagers shared what all were their expectations from such projects - to curb environmental pollution, have healthcare facilities, etc. - and remained unsatisfied about the fact that no such projects had been undertaken till date.



Post community interaction, as the research team was making its way out of the village, at the corner stood a fully constructed school building as an initiative undertaken by the DMF Trust. The gap in people's awareness about the DMF Trust and its actual functioning can perhaps be bridged with significant interventions by civil society organisations, empowering people to be aware of what is happening in their surroundings instead of rescinding to fate or pushing all the blame on bureaucratic apathy. Along with information about entitlements, key messages and information about the DMFT, utilization of the Trust funds and people's role in seeking accountability and transparency are required.



Even the line departments in the district administration are not fully aware of the DMFT Fund and its utilization. For example, in a conversation with the Project Director, ICDS in Nellore district, various needs identified by the department were shared such as construction of boundary walls of ICDS centres and procurement of play materials for children, which could not be accomplished due to shortage of funds. The department was not aware that these activities could have been undertaken through the DMFT funds by submitting a proposal to the District Collector. The District Education Officer (DEO) of Nellore District had no clue about the Trust itself.

Who Decides How the Funds will be Used?

We did not know anything about the DMFT and the utilisation of DMFT Funds. Neither the employer nor the Gram Pradhan have ever informed us about DMFT. We only got to know about it when a meeting was organised by the NGO and we asked the Gram Pradhan about it. That was the first time we came to know that the DMFT Funds are meant to be utilized for the villages which are directly affected by mining.

We are never consulted on our needs and the DMFT money is always used through the contractors. The quality of the work carried out through DMFT is poor due to which the infrastructure created does not last long. We are still forced to drink water from Chuhad (a small pond) and drinking water facilities are minimal.

---Balwant Kharwar, Soebhadra District, MineWorker



Issues in the Functioning of DMFT

A Case of Underspensing and Poor Utilization of DMF Trust Funds

From the information shared by the Central Government on the usage of DMFT Funds, the amount allocated for different projects across all mining states stands at INR 38988.15 Cr as on August 2020.³ While the amount seems to have been allocated generously for the development of the mining districts, it is the unspent amount that raises questions on the intentions and proper utilization of the DMF Trust funds. Out of the allocated amount, the expenditure on sanctioned projects as on August 2020 was only 45.6% (INR 17766.02 Cr.). Remaining 54.4% of DMF Trust funds are yet to be used for developmental purposes, which substantially hampers the rightful access of people to the funds.

The proportion of amounts accruing to the DMF Trust Fund is based on the type of minerals being extracted. The three categories are:

- (i) Coal and Lignite Mining;
- (ii) Major Minerals (other than Coal and Lignite); and
- (iii) Minor Minerals.

Until September 2020, funds accruing from Coal and Lignite mining had the largest share in the DMF Trust Funds with an amount of INR 17052.81 Cr. followed by Major Minerals with an amount of INR 20228.90 Cr.

Are Priority Areas of DMF Trust in Sync with those of Mining Communities?

Data presented by the Central Government reflects that the maximum number of projects (6646) sanctioned were under the head of “Physical Infrastructure” which was also one of the areas where the maximum amount of expenditure was undertaken through the DMF Trust Funds across the states. The high-priority area which received maximum emphasis by the DMF Trusts were projects related to Drinking Water Supply (INR 4971 Cr). In areas that concern women and children specifically, education related projects were the ones majorly sponsored by the DMF Trust Funds, totalling close to 5759 projects. The other areas directly impacting women and children remained poorly funded. Total number of projects initiated as on September 2020 under the high priority area of “Welfare of Women and Children” was only 965 across the country.

Paradoxes in DMF Trust Funds Diversion

The perennial criticism of diversion of DMF Trust Funds highlighted by many studies, while holding onto its grounds, requires greater discussion in the light of ground realities. A real time introspection reveals a disturbing expenditure pattern under various schemes across districts and states, often caused due to huge delays in allocation and flow of funds from the Centre to the States, down to the Districts. To substantiate, in Sonbhadra district of Uttar Pradesh, it was learnt that funds from the DMF Trust were used for procuring weighing scales at the Aanganwadi centres as disbursement of funds for this purpose under ICDS was continuously delayed. Although DMF Trust Funds should be used for programmes and services that are otherwise not budgeted elsewhere, instances of such nature leave one wondering if such diversion of funds should be rejected outright. In this case, it is the children who benefitted ultimately and a long pending need got expedited.

³ Ministry of Mines. Url: <https://www.mines.gov.in/writereaddata/Content/dmf04112020.pdf>. Last Accessed on: 25 January 2021

Streamlining Effective Use of DMF Trust Funds

The role of grassroots organisations in the six project districts has been vital in carving out a mechanism for bridging the gap between concerns and expectations of communities in mining areas and the work carried out by the DMF Trust. The different ways in which CSOs in various districts are working towards recognizing and addressing some of the glaring challenges faced by mining communities, particularly children and adolescents and measures being taken to reach out to DMF Trust authorities for solutions is mapped below.

| Addressing the Gaps: An Effort at Empowering Children in Mining Areas | | |
|---|--|--|
| Setting up of Child Rights Resource | Child Rights Groups & Federation | Campaign on Right to Education and Play |
| Setting up of Child Protection Committees (CPC) | Organising Medical Camps | Strengthening of Anganwadis & Primary Health Centres |
| Health & Nutrition Festivals | Establishment of Biodiversity Forest and School Garden | Women Self Help Groups Formation and Strengthening |
| Formation of Youth Groups | Vocational Training of Youth Groups | Mine Workers' Rights Forum |
| District level Meetings with Mine Owners | Capacity Building of Staff members | National Consultation on Mine Workers' Rights & Access to DMFT |



A Step towards Delivering Improved Health Services

The wide-scale prevalence of lung diseases like silicosis in mining regions requires concerted efforts.

A significant proportion of the population in mining communities in Mirzapur district suffers from silicosis and tuberculosis. The situation has remained stagnant for decades and the mining companies do not seem to be owning up to their responsibilities towards treatment and care for those infected and affected. District administration needs to take regular stock of the level of impact of such health hazards and intensify its efforts. A substantive effort in this regard was taken by Manav Sansadhan Evam Mahila Vikas Sansthan, a CSO working on issues of mining communities, for setting up health camps in the affected villages. Raising their concerns with the DMF Trust authorities, the organization was able to put up four such health camps in different villages which made primary investigations into the scale and spread of the diseases affecting mining communities. In cases where the severity of health hazard was concerning, the health camps were also able to refer individuals for continuing their check-ups at the district hospital. On sensing the impact and importance of such steps, the DMF Trust decided to follow-up on the idea of health camps by setting up 10 other such camps in different villages.

Tuberculosis has witnessed a steady growth over the last few years in Nellore with cases going up from 2498 in 2017 to 4212 in 2019.

Source: Central TB Division, Government of India. India TB Report 2019 & 2017

Url:
<https://tbcindia.gov.in/WriteReadData/India%20TB%20Report%202019.pdf>
&
<https://tbcindia.gov.in/WriteReadData/TB%20India%202017.pdf>

Total notified cases of tuberculosis in Mirzapur District of Uttar Pradesh between 1 January, 2021 and 12 July, 2021 was 1893.

Source:
<https://reports.nikshay.in/Reports/TBNotification#DistrictData>



In Search of Alternative Livelihoods

The precarious and life-threatening environment of mines often leads to the question of exploring possibilities of sustainable and healthy alternative livelihoods for mine workers. However, scarcity of opportunities in mining regions leave the communities with the only option of migrating elsewhere in search of jobs. Civil Society Organisations working in the mining regions constantly grapple with the arduous task of exploring new ideas that can appeal to the communities while sustaining them. Mitwa Mahila Kalyan Evam Sewa Samiti, a CSO working on issues of women and children of Korba district in Chhattisgarh state has continuously struggled for feasible solutions. While the struggle for safer options continues, the organisation held a discussion with DMF Trust authorities for employing individuals from mining communities in construction work that the district authorities undertake. As a result, the DMF Trust authorities decided to allocate funds towards constructing school buildings and other such infrastructural projects, which employed individuals from the mining communities. Although a beginning, these small steps from DMF Trust authorities can go a long way in providing livelihood options.

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