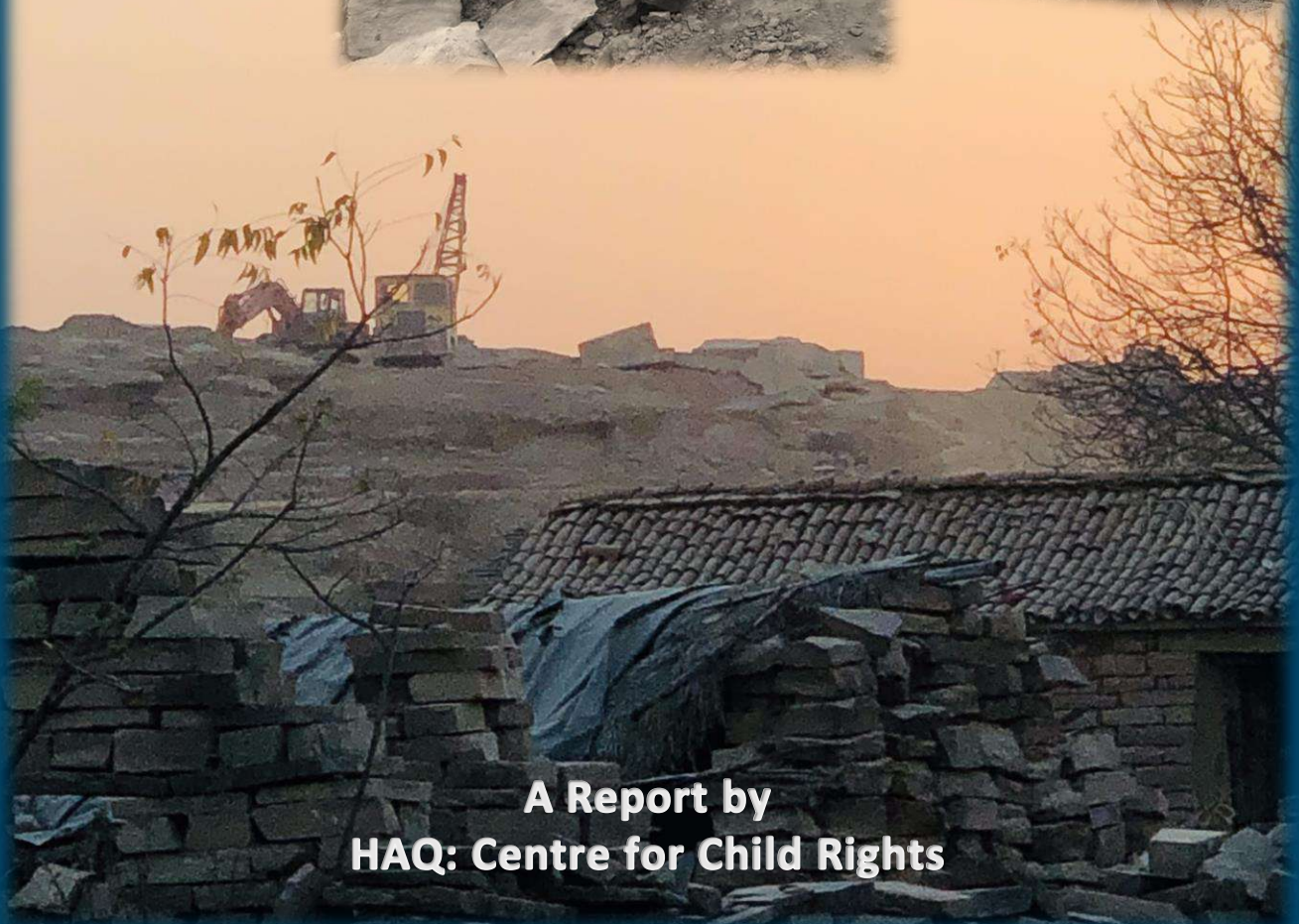


DMFT FUNDS: NEED TO PRIORITISE RIGHTS OF CHILDREN IN MINING AREAS



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Preface

This report is prepared by HAQ: Centre for Child Rights in collaboration with Participatory Action For Community Empowerment (PACE), Manav Sansadhan Evam Mahila Vikas Sansthan (MSEMVS), Mitwa Mahila Kalyan Evam Seva Samiti (MMKSS), Shikhar Yuva Manch(SYM), Association for Rural Development (ARD) and Nava Jeevan Bala Bhavan(NBB). The report is part of a larger project focusing of right to dignified life for people affected by mining, with focus on children in the mining areas, supported by Misereor and terre des hommes, Germany. The report is just a beginning. We hope to update it with time as the work is ongoing.

Children being the most vulnerable section of the population often slip out of the development plans prepared by authorities at all levels. Indeed, what happens to adults has a direct impact on children. Therefore, the intrinsic link between the human rights of adults and those of children needs to be understood and integrated into all development planning. Child rights organisations and networks fail to make this connection and often do not engage with civil society groups working on issues relating to mining, forests and land rights. Not many in the child rights sector are aware of the District Mineral Foundation (DMF), created through the 2015 amendment to the Mines and Minerals (Development and Regulation) Act of 1957. Inevitably, most do not know how to use the DMF, which has a mandate to work for the the interests of women and children in the mining districts as a high priority area. Governments and civil society actors focusing on issues relating to mining, land acquisition and environment protection too are not consciously addressing children's rights that get impacted in all this.

Since 2010, HAQ: Centre for Child Rights has been making some efforts to make this connection. The [resent report is yet another effort in that direction.

The research undertaken reiterates that even when children are included in development plans, the focus is largely on education and health and that too in terms of infrastructural investments. Child protection issues remain out of the purview by and large. As funds in the District Mineral Foundations can be used for the welfare of women and children, there is an opportunity that must be wasted. At the same time, there is a need to be cautious of the fact that too much reliance on the funds of the District Mineral Foundations should not result in cuts in the budget for children from the central and state governments. As these funds are meant to supplement existing programmes and schemes of the governments, they should be used to fill the gaps that cannot otherwise be met through the state exchequer instead of replacing the investments that are obligatory on the governments and ought to be non-negotiable. There are good practices that exist and which need to be replicated across board.

Bharti Ali
Executive Director

List of Abbreviations

AHTU	Anti-Human Trafficking Unit
DGMS	Directorate General of Mines Safety
DMF Trust	District Mineral Foundation Trust
EIA Notification	Environmental Impact Assessment
GDP	Gross Domestic Product
HDI	Human Development Index
ICDS	Integrated Child Development Schemes
ICMM	International Council of Mining and Metal
IUCN	International Union for Conservation of Nature and Natural Resources
MCP Card	Mother and Child Protection Card
MMDR Act	The Mines and Minerals (Development and Regulation) Act, 1957
MoM	Ministry of Mines
MWCD	Ministry of Women and Child Development
NCPCR	National Commission for Protection of Child Rights
NFHS	National Family Health Survey
NHM	National Health Mission
OBC	Other Backward Castes
PAP	Project Affected Person
PHC	Primary Health Centers
PIL	Public Interest Litigation
PMKKKY	Pradhan Mantri Khanij Kshetra Kalyan Yojana
SC	Schedule Castes
ST	Schedule Tribes
Tdh	Terre des hommes
UCIL	Union Coal India Limited
W.P.	Writ Petition

Glossary

Amphetamines: Amphetamine is a powerful stimulator of the central nervous system. It is used to treat some medical conditions, but it is also highly addictive, with a history of abuse.¹

Asbestosis: Asbestosis is a lung disease that develops when asbestos fibers cause scarring in your lungs. The scarring restricts your breathing and interferes with the ability of oxygen to enter your bloodstream.²

Collieries: a coal mine and its connected buildings.³

District Mineral Foundation Trust: District Mineral Foundation (DMF) is a statutory 'trust', set up by a state government under section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (as amended on 26 March, 2015), as a non-profit body in every such district that is affected by mining related operations, to "work for the interest and benefit of persons, and areas affected by mining related operations."⁴

Elementary School: Class I to class VIII.

Fluorosis: Fluorosis is a cosmetic condition that affects the teeth. It's caused by overexposure to fluoride during the first eight years of life. This is the time when most permanent teeth are being formed. After the teeth come in, the teeth of those affected by fluorosis may appear mildly discoloured.⁵

Fly Ash: Fly ash is a fine powder that is a by-product of burning pulverized coal in electric generation power plants. Fly ash is a pozzolan, a substance containing aluminous and siliceous material that forms cement in the presence of water.⁶

Haul roads: A haul road is a term for roads designed for heavy or bulk transfer of materials by haul trucks in the mining industry. The term is used in the mining industry and can refer to roads that are inside mining operations, such as open-cut and surface mines.⁷

Inter-Generational Equity: Intergenerational equity in economic, psychological, and sociological contexts, is the concept or idea of fairness or justice between generations. The

¹ See: <https://www.medicalnewstoday.com/articles/221211>

² See: <https://www.healthline.com/health/asbestosis>

³ See: <https://www.merriam-webster.com/dictionary/colliery>

⁴ See: <https://www.mines.gov.in/writereaddata/UploadFile/Model%20DMF%20Trust%20Deed.pdf> and <https://www.cseindia.org/page/district-mineral-foundations>

⁵ See: <https://www.webmd.com/children/fluorosis-symptoms-causes-treatments>

⁶ See: <https://www.thespruce.com/fly-ash-applications-844761>

⁷ See: https://en.wikipedia.org/wiki/Haul_road

concept can be applied to fairness in dynamics between children, youth, adults and seniors, in terms of treatment and interactions.⁸

Mining-communities: A mining community is a community that houses miners. Mining communities are usually created around a mine or a quarry.⁹

Pneumoconiosis: Pneumoconiosis is any lung disease that is caused by the inhalation of organic or nonorganic airborne dust and fibers. The most frequently encountered types of pneumoconiosis are asbestosis, silicosis, and coal miner's lung.¹⁰

Primary School: Classes 1-6.

Rat Hole Mining: Rat hole mining involves digging of very small tunnels, usually only 3-4 feet high, which workers (often children) enter and extract coal.¹¹

Secondary School: Classes IX-X.

Seigniorage fee: In common usage, Seigniorage is the difference between the value of currency/money and the cost of producing it. It is essentially the profit earned by the government by printing currency. However, in the context of mines and minerals, the levy on major minerals and Petroleum and Natural Gas is called 'royalty', while the levy on minor minerals is called 'Seigniorage fee'.¹²

Senior Secondary School: Classes XI-XII

Silicosis: Silicosis is a long-term lung disease caused by inhaling large amounts of crystalline silica dust, usually over many years. Silica is a substance naturally found in certain types of stone, rock, sand and clay. Working with these materials can create a very fine dust that can be easily inhaled.¹³

Smelting operations: Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base metals.¹⁴

⁸ See: https://en.wikipedia.org/wiki/Intergenerational_equity#cite_note-1

⁹ See: https://en.wikipedia.org/wiki/Mining_community

¹⁰ See: <https://www.ncbi.nlm.nih.gov/books/NBK555902/>

¹¹ See: <https://environicsindia.in/2019/02/20/an-introduction-to-rat-hole-mining/>

¹² Source: https://cag.gov.in/uploads/download_audit_report/2019/9_RS_english_2017-18-Chapter5-05f7aed960ecd60.01545624.pdf [Last Accessed on September 4, 2020].

¹³ See: <https://www.nhs.uk/conditions/silicosis/>

¹⁴ See: <https://en.wikipedia.org/wiki/Smelting>

The Disha Act: The Andhra Pradesh Criminal Law (Amendment) Act 2019, also known as **Disha Act**, was passed in 2019. It prescribes life imprisonment for other sexual offences against children.¹⁵

Upper-Primary School: Classes V-VIII.

Wasted for Height: Wasted refers to low weight-for-height where a child is thin for his/her height but not necessarily short. Also known as acute malnutrition, this carries an immediate increased risk of morbidity and mortality.¹⁶

¹⁵ See: <https://indianexpress.com/article/explained/andhra-pradesh-assembly-passes-disha-bill-hyderabad-doctor-rape-murder-6165636/>

¹⁶ See <https://motherchildnutrition.org/malnutrition/about-malnutrition/anthropometric-definitions-of-malnutrition.html>

CHAPTER 1

INTRODUCTION

A lot has been said and written about how mining is a major economic activity in India and contributes significantly to both its economy and employment. Research also exists on impact of mining on the communities living in mining areas and engaging in mining activities. What often remains unvoiced are concerns relating to children in these areas and communities.

Children and mining, the two terms together immediately draw attention to the issue of child labour and the excesses committed around it. The two terms however, have a wider correlation where children residing in mining areas or displaced due to mining operations share a more intricate relationship with the mining activity carried out in the name of industrial development.

In 2010, a report, by HAQ: Centre for Child Rights, titled “India’s Childhood in the ‘Pits’”, initiated a dialogue around the impact of mining on children.¹⁷ The report raised its concern primarily along two-axes. On one hand, it specifically brought to light the challenges faced by children affected by mining operations – lack of access to education and healthcare, practices of child labour, forced child marriages, etc. Simultaneously, the report also pointed at the State’s neglect¹⁸ towards these children as they slip through the cracks of the inter-departmental mandates of the Ministry of Mines (MoM) and Ministry of Women and Child Development (MWCD). It also highlighted the vulnerable position of these children as a consequence of the exploitation of mining affected communities by the mining companies and the omission of developmental programs for children residing in mining areas. The 2010 report lay the ground for using a child rights lens in development related policy and programmes that affect the mining communities.

Carrying the mandate forward, civil society organisations in Andhra Pradesh, Chhattisgarh, Uttar Pradesh and New Delhi came together in 2019 to bring focus to the concerns that remain and opportunities that can be explored, while empowering children, youth, women

¹⁷ HAQ: Centre for Child Rights and Dhaatri Resource Centre for Women and Children-Samata, *India’s Childhood in the “Pits”: A Report on the Impacts of Mining on Children in India*. March 2010. Available at: <https://haqrc.org/wp-content/uploads/2016/07/indias-childhood-in-the-pits-a-report-on-the-impacts-of-mining-on-children-in-india.pdf> [Last Accessed on: January 4, 2020]

¹⁸ For example, the duties of the State towards children has been enshrined in the Constitution of India, 1950, such as Article 21A (provision for free and compulsory education of children), Article 23 (freedom from forced labour and trafficking), Article 24 (prohibition on employment of children below 14 years in any factory, mine or hazardous employment), Article 45 (early childhood care and education for children under 6 years), Article 46 (promotion of education and economic interest of the Scheduled Castes, Scheduled Tribes and other weaker sections), Article 47 (duty of the State to raise the level of nutrition and standard of living and improve public health). For further reference – Fundamental rights (Part III) and Directive Principles of State Policy (Part IV), Constitution of India, 1950. Available at: https://legislative.gov.in/sites/default/files/COI_1.pdf [Last Accessed on: September 8, 2020]

and other people in the process and seeking transparency and accountability in measures meant for their benefit. The present report thus attempts to pick up where the previous report, “India’s Childhood in the ‘Pits’” left off.

ABOUT THE STUDY

While the previous report brought into public eye a much overlooked link of children in mining areas and the ill effects of residing there, this report attempts to find a way to use the existing institutional mechanisms created in law for general benefit of communities affected by mining and to promote and protect the rights of children in the mining areas. The report undertakes a critical review of the structure and functioning of District Mineral Foundation Trust (DMFT) set up in every district affected by mining related operations under section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (as amended on 26 March, 2015) to “work for the interest and benefit of persons, and areas affected by mining related operations”. The report looks at the utilization of funds available with the DMFTs for realizing their objective of improving the socio-economic conditions of communities living in and affected by mining. As the lives of children are inextricably linked to the lives of their communities, the report focuses on the situation of children in these areas, particularly their health, education and nutrition, while exploring the possibilities of prioritising child rights in planning and utilization of DMFT funds.

The report specifically looks at the situation of children and the efficacy of DMFT in six mining districts in three states. These are:

- Andhra Pradesh - Krishna and Nellore districts
- Chhattisgarh - Kabirdham and Korba districts
- Uttar Pradesh - Mirzapur and Sonbhadra districts

The next chapter, i.e. Chapter 2, presents a general overview of distresses in the lives of mining affected communities and their environment, resulting from the mining operations, followed by an overview of the concerns peculiar to children in these areas.

Chapter 3 traces the conceptualization of the DMF Trust in its present form to provide a better understanding of its structure and functions. The chapter contains a mapping of the developments in legislation and policies in the mining sector in India that led to creation of the District Mineral Foundation Trust (DMFT). The DMFT is a statutory non-profit body at the district level that presents an opportunity to overturn the excesses committed against the people residing in mining affected areas through profit sharing with the community and implementation of sustainable practices for the restoration of environment. The DMFT is mandated as a body that ensures community participation and engagement in fulfilment of their needs and development requirements and casts a direct obligation on the mining companies or mines owners and the State in this regard. In other words, while presenting the

structure and functions of the DMFT, Chapter 3 introspects on whether the DMFTs have been able to empower and engage the mining community or have they inadvertently transformed into an opaque government institution, failing to meet its objectives. In doing so, the report looks at the funds that accumulate with the DMFTs and their utilization in general.

Moving on, in Chapter 4, the report zooms in from a macro-perspective to scrutinizing the situation in each of the six selected districts. The DMFT Rules in the three identified states of Andhra Pradesh, Chhattisgarh, and Uttar Pradesh are also examined in this process.

The inferences and conclusions drawn on the ultimate effectiveness of the DMF Trust in these six districts is based on data from both secondary sources and some primary level mapping by support of civil society partner organisations. The report ends with key recommendations which would enhance and align the functioning of the DMFTs with its intended objective of uplifting the socio-economic conditions of the community and its children who reside in the mining areas.

Methodology

Selection of Districts

The research is part of a larger project on “**Right to Dignified Life and Decent Employment for Mining-Affected Families**” undertaken by seven organisations with support from Misericordia and terre des hommes (Germany).

The districts selected for the study are also the project districts that are chosen to ensure a coverage of different types of minerals, topographies, and social compositions. Presence of civil society organisations in the districts with an interest in partnering for the project activities, including research and follow-up was crucial. This has helped in interaction with the mining affected communities in the field and take up advocacy at the district level, state and national level.

A glimpse at the selected districts, mining related activities carried out in the districts, affected communities and partner organisations in the districts is presented in table 1.1.

Table 1.1: A Brief Profile of Selected Districts

State	District	Mines and Minerals Related Activity	Affected Communities	Civil Society Partner Organisation
Andhra Pradesh	Krishna	Limestone quarrying and cement industry	Schedules Castes and a high migrant population	Association for Rural Development (ARD)
	Nellore	Mica and Silica Mining	Yanadhi Tribal Community	Nava Jeevan Bala Bhavan(NBB)
Chhattisgarh	Kabirdham	Bauxite Mining	Tribals, mainly Baiga tribe	Shikhar Yuva Manch(SYM)
	Korba	Coal Mining	Tribals, mainly belonging to the Korwa tribe (Pahadi korwa)	Mitwa Mahila Kalyan Evam Seva Samiti (MMKSS)
Uttar Pradesh	Mirzapur	Stone quarrying	Scheduled Castes and Backward Classes	Manav Sansadhan Evam Mahila Vikas Sansthan (MSEMVS)
	Sonbhadra	Sand Mining, Stone Crushing and cement industry	Tribals and Dalits including Baiga, Kharwar, Panika, Gond, Pathari, Agarya, Chero communities.	Participatory Action For Community Empowerment (PACE)

Tools for data collection

The report is based on information gathered from both primary and secondary sources. Field visits were made to all the six districts, though not as per the schedule due to the COVID restrictions.

Besides a review of existing research and documentation on the DMFT, mining and its impact on communities and children, RTI was used to collect more specific and updated information on the use of DMFT funds in the selected districts. The list of RTI applications files and status of response received is given in table 1.2 that follows.

Table 1.2: Status of RTI Applications

State	District	RTI Filed	RTI Reply	Response Status	Comments
Andhra Pradesh	Nellore	18/11/2020	17/12/2020	Response Received	
	Krishna	Not Filed			Draft of RTI application was shared with the partner organization. However, the organization had already initiated dialogue with the district authorities and was confident of getting the required information.
Chhattisgarh	Kabirdham	22/04/2021	29/06/2021	Response Received	
	Korba	05/04/2021	10/06/2021	Response Received	The RTI reply instructed that separate questions be filed as the reply to an RTI application cannot exceed a word limit of 150 words as per Section 6 of the State RTI rules.
Uttar Pradesh	Sonbhadra	19/01/2021	Not Received	The information sought under RTI application was denied.	The reply stated that responses exceeding 500 words cannot be shared through RTI. Subsequently, on follow-up with the mining authority, information on the DMF Trust and fund utilization was assured, though it is still awaited.
	Mirzapur	21/12/2020	28/01/2021	Response Received	

Challenges

- **COVID-19:** One of the biggest and unforeseen challenges faced in the course of this study was the COVID-19 pandemic due to which the field research could not be conducted as planned. Besides, it hampered procurement of information from district or government offices. There was a disruption of office functioning and difficulty in coordinating and networking with partners in the districts. Additionally, one-to-one meetings with the concerned officials and advocacy were placed on hold due to the health crisis and the uncertain climate it brought with it. Unfortunately, the Mines Officer in Mirzapur, who was very cooperative and keen to ensure efficient use of the DMFT funds succumbed to the COVID crisis.
- **Lack of data availability in public domain:** Websites / portals should be there as per the regulations and rules governing DMFTs. However, lack of updated data in public domain on the DMFTs and their structure and functioning forced the research team to use the RTI tool. This caused a delay in procurement of information and data gaps have inhibited a rigorous and accurate scrutiny of the DMFT Funds and the existing social schemes supported through the funds.
- **Time bound study:** This research was time bound and limited in scope and thus it has attempted to focus on the data sets available to draw out reasonable conclusions and recommendations. Time constraints and limited access to the field due to travel restrictions during COVID pandemic has effected the study, with greater reliance placed on secondary data analysis.



CHAPTER 2

AN OVERVIEW OF DETRIMENTAL EFFECTS OF MINING ON COMMUNITIES AND CHILDREN

Since independence, there has been unanimity on the necessity of a healthy mining sector for sustaining a positive growth of the Indian economy. In 2017-18, the mining sector contributed approximately 12.4% (combined with the total industrial sector) to the Gross Domestic Product (GDP) of the nation.¹⁹ Simultaneously, it enabled a huge market for employability translating into approximately 23,00,00 individuals gaining employment, in 2011-12.²⁰

While there are significant gains at the macro level, its ill effects are experienced at the micro level, visible in the deplorable living conditions of mining communities and communities residing near mining operations.



¹⁹ Singh, Hemant. *What is the Sector-Wise contribution to GDP in India?* January 3, 2020. Available at: <https://www.jagranjosh.com/general-knowledge/what-is-the-sectorwise-contribution-in-gdp-of-india-1519797705-1> [Last Accessed on: September 8, 2020].

²⁰ Financial Express. *Explained: How mining sector can create lakhs of jobs.* August 30, 2019. Available at: <https://www.financialexpress.com/opinion/explained-how-mining-sector-can-create-lakhs-of-jobs/1690725/> [Last Accessed on: September 5, 2020].

Impacts on Local Inhabitants and Communities Living in Mining Areas

Loosing Livelihood to Mining Operations

The Bauxite mining near Prathipadu Mandal, East Godavari district, Andhra Pradesh, has destroyed the nearby forest areas leaving the community at a total loss of livelihood. This experience of loss can only be understood as a narrative of personal experience in words of Laxmi –

“After nearly 20 years, we are still in the same place, asking for bare minimum facilities, while outsiders have managed to set up shop and earn a lot of money by digging up the hills. Earlier, we were dependent on selling tendu leaves, mahua, tamarind fruits and other such naturally available substances. Now, because of the dust and waste from the mining, many of these trees don’t even grow.”

Similar stories abound across the nation clearly showing that when it comes to mining, all aspirations and commitments with respect to sustainable development take a back seat.

Source:

Teja, Charan. *A picture of neglect: How bauxite mining has affected tribals in AP's East Godavari*. The News Minute, November 12, 2018. Available at: <https://www.thenewsminute.com/article/picture-neglect-how-bauxite-mining-has-affected-tribals-aps-east-godavari-91404>

[Last Accessed on: September 17, 2020].

The realities of these communities revolve around continued exploitation resulting from skewed industrial development, leaving them powerless. Mining and incidental industrial growth as well as township settlements that come up around mining areas has not really benefitted those whose personal and common property resources are acquired for mining, those who are the local inhabitants. Their socio-economic and health indicators remain poor. In the past, various journalistic pieces and research reports have drawn attention towards the vulnerabilities of communities affected by mining and demanded interventions from the State as well as mining companies and mine lease owners to protect the rights of the affected communities and improve their living conditions.

Mining operations have, more often than not, circumvented the national laws governing right to land ownership and transfer, illegally grabbing land for mining activities. The *Adivasi* communities have borne the brunt of it, additionally losing their sources of livelihoods to mining operations.

A study by Amnesty International revealed illegal land grabbing by Coal India Limited which violated the Coal Bearing Areas (Acquisition and Development) Act, 1957 in Chhattisgarh, Jharkhand and Odisha.²¹ With a push towards greater privatization in the mining sector,

²¹ Amnesty International India. *When Land Is Lost, Do We Eat Coal?": Coal Mining and Violations of Adivasi Rights in India*. 2016. Available at: https://www.amnestyusa.org/wp-content/uploads/2017/04/coal_report_final.pdf [Last Accessed on September 8, 2020].

through Amendments to the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act 1957) and the Environmental Impact Assessment Notification (EIA) in 2020, the problem of land grabbing is expected to increase manifold.²²

On the one hand there is a shining future reflecting the economic growth of the nation. In stark contrast, there exists darkness which continues to grow beneath this developmental radiance foretelling the nation's burden of historical injustice with communities near the mining areas.

Once the mining operations begin, the mining areas are known to transform into pollution havens leading to long-term impacts on the health and livelihood of communities residing in mining areas. Different processes involved in mining activities leave a negative impact on the quality of air, water and land in the area of operations. The blasting operation and haul roads near the surface mines generate substantial amounts of dust particles, that remain suspended in the air, leaving the miners and individuals living close by with respiratory problems.

The working conditions in the mines too have been perturbing for individuals working in the mines as well as those who have seen mining operations up close. These observations have sensed precarities resulting from workers being subjected to disproportionate number of working hours, which remain unmatched by their wages, violating their labour rights enshrined under the Mines Act, 1952. To elucidate, in 2018, an incident leading to 15 miners being trapped in rat-hole mines at a depth of 370 feet (112 meters), almost equivalent to 1.5 times more than Qutub Minar, came to public light and even the specialised rescue team of the National Disaster Response Force (NDRF) was unable to retrieve the miners.²³ The incident opened a Pandora's box revealing narratives of all past excesses committed against the miners over time. The lack of adequate number of labour unions in the mining sector and their marginalised stakes in the decision-making process, has also contributed to excessive

²² Kohli, Kanchi & Manju Menon. *Environmental Regulation and post COVID-19 economic recovery*. November 24, 2020. Available at: <https://in.boell.org/en/2020/11/24/environmental-regulation-and-post-covid-19-economic-recovery> [Last Accessed on: September 8, 2020]. A 2020 draft notification for amendment to the Environment Impact Assessment (EIA) Notification, 2006 put out for public comments during the COVID pandemic reduced the existing notification mandating permission and approval from communities owning the land proposed for acquisition for mining, to a mockery. It diluted the requirements for public hearing by introducing conditions like "exempting entire projects and project expansions up to 50 per cent from the requirement of public hearings, and reducing the notice period for public hearings from 30 to 20 days." More perturbing are the post-facto environmental clearances under which assessing damages to the environment and connected livelihoods is necessary to safeguard the interests of *Adivasi* communities. In 2017, the MoEFCC provided a one-time opportunity to projects to disclose their illegality and seek a post facto approval within six months of initiation. The draft EIA 2020 proposed this as a permanent option.

²³ Karmakar, Rahul. *In Meghalaya, where it took 15 deaths for the reality of illegal mining to hit hard*. The Hindu, December 22, 2018. Available at: <https://www.thehindu.com/news/national/other-states/in-meghalaya-where-it-took-15-deaths-for-the-reality-of-illegal-mining-to-hit-hard/article25808466.ece> [Last Accessed on: September 8, 2020].

exploitation of mine workers. It remains a critical observation that any reporting on deaths and injuries sustained by mine-workers is limited by distinction of legal and illegal mining.

Resisting Land Grabbing in Niyamgiri Hills

The year 2010 witnessed a huge protest by Dongria Kondh *Adivasi* community against the mining operations of Vedanta Group in the Niyamgiri hills in Odisha. The Supreme Court ruled in favour of the local inhabitants, reinforcing that the voice of the communities that are going to be affected by such projects cannot be ignored. Movements such as the Niyamgiri open up critical issues faced by the *Adivasi* communities due to practices of land grabbing and forced evictions for mining and other development activities. Besides questioning the processes followed or not followed for grabbing/acquiring land, such movements have time and again thrown light on the inadequate intervention by the State to ensure systematic and just resettlement and rehabilitation of people who give up their lands. Why is there no land for land policy is a question that has come up time and again. In addition to disturbing the relationship shared by indigenous people with nature, displacement causes an irreparable loss of organic socio-cultural sentiments that these communities share within their habitats. This protest became an exemplar for depicting the ability of grassroots movements, led by the communities, to put up a fight against the land grab. However, the pressure keeps coming back as the ruling governments find ways to allow exploitation of *Adivasi* communities and cater to the business interests.

Sources:

- Rahman, Maseeh. *India blocks Vedanta mine on Dongria-Kondh tribe's sacred hill*. The Guardian, Aug 24, 2010. Available at: <https://www.theguardian.com/business/2010/aug/24/vedanta-mining-industry-india> [Last Accessed on: September 28, 2021]
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- Barik, Satyasundar. *Dongria Kondhs continue to fight bauxite mining in Odisha's Niyamgiri forests*. The Hindu, March 16, 2019. Available at: <https://www.thehindu.com/society/dongria-kondhs-continue-to-fight-bauxite-mining-in-odishas-niyamgiri-forests/article26544621.ece> [Last Accessed on: September 28, 2021]

Regardless of the data presented by the Ministry of Labour and Employment on mining related accidents, deaths and injuries (See table 1.3) in response to a question raised in the Parliament in 2019, the Ministry admits that it has no separate fund allocated for safety and security of mines in the country. It further states that the responsibility for “establishing safety and security systems in mines lies with mine owner/management. However, regular inspection and enquiry in the mines are being conducted by DGMS officials”.²⁴

²⁴ Dr. Sanjeev Kumar Singari and Shri Sanjay Seth. *Mining Accidents*, Lok Sabha Unstarred Question No. 322, Answered on 09.12.2019. Available at: <http://164.100.24.220/loksabhaquestions/annex/172/AU3227.pdf> [Last Accessed on September 28, 2021].

Year	Number of fatal accidents	Number of serious accidents	Number of deaths	Number of injured persons
2014	98	423	107	454
2015	99	337	103	367
2016	106	305	144	326
2017	102	204	129	231
2018	97	215	116	241
2019 (Provisional data as per report received up to 31.10.2019)	81	113	93	130

Source: Mining Accidents, Lok Sabha Unstarred Question No. 322, Answered on 09.12.2019.

Impacts on Children

The bearings of mining activities in a region are more significantly faced by children who are at the risk of losing the very basic tenets of childhood required to be preserved rightfully for every child. A varied set of challenges awaits children in mining regions which ranges from affecting their present – access to health, nutrition and education, being pulled into labour, protection from abuse and exploitation – and subsequently their future.

Right to Education

As per the ILO, close to one-million children find themselves employed in activities in the mining sector across the globe.²⁵ It goes without saying that children labouring in the mining sector are also children out of school. The two cannot co-exist as the demands of work will not allow children to go to school, even if they were enrolled.²⁶ And if not labouring in the mines, the poor economic condition of their families aggravated by lack of decent employment opportunities and poor working conditions for adults, out of pocket expenditures on health and such other factors keep children away from school. The “Survey on Education & Wellbeing of Children in MICA Mining Areas of Jharkhand & Bihar” by the National Commission for Protection of Child Rights (NCPCR) in 2018 revealed that 5,194 children aged 6 to 14 years in the mica mining areas of Koderma and Giridih districts in Jharkhand and Nawada district in Bihar were enrolled in school but were not attending school

²⁵ KidsRights and University of Leiden, *Minors Not Miners: Hazardous Child Labour, with a focus on gold mining in Burkina Faso*. Undated. Available at: <https://files.kidsrights.org/wp-content/uploads/2019/08/15135210/KidsRights-Report-2014-Minors-not-Miners.pdf> [Last Accessed on: September 8, 2021].

²⁶ For further reading – UNICEF, *Child Labour and Exploitation*. Available at: <https://www.unicef.org/india/what-we-do/child-labour-exploitation>; Daniel, Etter, *India’s Child Coal Miners*. Available at: <https://www.csmonitor.com/World/Global-News/2010/0920/India-s-child-coal-miners>; and Rawat, Deepsi, *Status of Child Labour in India*. Available at: https://www.ijrrjournal.com/IJRR_Vol.7_Issue.3_March2020/IJRR0010.pdf [Last Accessed on: September 8, 2021].

[4,545 and 649 from Jharkhand and Bihar respectively. The situation remained dire with close to 4988 adolescent girls aged 15 to 8 years found to be out of school in Jharkhand (Giridih & Koderma districts) and 212 in Bihar (Nawada district).²⁷ While domestic chores, lack of aspiration, lack of interest, involvement of children in collecting mica scraps and apprenticeship as some of the reasons for children being out of school, the report remained silent on the structural causes of high dropout rate.²⁸ Another research initiated by the Centre for Research on Multinational Corporations at Stichting Onderzoek Multinationale Ondernemingen (SOMO) in 2015 quoted about 22,000 children found “involved in mica mining” in Jharkhand and Bihar.²⁹ Both studies affirm that the circumstances which force children to drop out of school make them vulnerable in different facets of their lives. While for boys the vulnerability may translate into inability to pursue different livelihood options, for girls it can often lead to child-marriage, child-trafficking along with the obvious pitfall of getting employed as a child labourer.

Where State Fails, Communities Succeed – Accessing Education in Surguja

The case of Manipat, an administrative block in Surguja district in Chhattisgarh is an outstanding example of community recognising the need for school education and finding concrete solutions for it. The school started as an idea by three Dalit women for providing quality education to miner’s children in the district and supported materially and financially by mining communities in the area. The school overcame numerous hurdles – affordable fee structure, pedagogical practices, recruitment of teachers, etc., which started bringing changes in the lives of children in the district. The school has seen a continuous increase in enrolment numbers since inception and manages to offer education from nursery to class VI and is also affiliated to the state’s Department of School Education.

As of 2018, the school managed to enrol 236 students out of which 75 belonged to Scheduled Tribe (ST) community, 30 belonged to Scheduled Caste (SC) community and 70 from the Other Backward Castes (OBC). From the total number of students, 40% were girls.

Source:

George, M. Goldy. *Community school shines beacon of hope in Surguja hills*. Village Square, October 22, 2018. Available at: <https://www.villagesquare.in/2018/10/22/community-school-shines-beacon-of-hope-in-surguja-hills/> [Last Accessed on: September 28, 2021].

²⁷ National Commission for Protection of Child Rights (NCPCR). *Survey on Education & Wellbeing of Children in Mica Mining Areas of Jharkhand & Bihar*. Undated. Available at: <https://ncpcr.gov.in/showfile.php?lang=2&level=1&sublinkid=1900&lid=1855> [Last Accessed on: September 30, 2021].

²⁸ Ibid. NCPCR.

²⁹ Schipper, Irene and Roberta Cowan. *Global Mica Mining and the Impact on Children’s Rights*. Stichting Onderzoek Multinationale Ondernemingen (SOMO) - Centre for Research on Multinational Corporations. March 2018. Available at: https://www.somo.nl/wp-content/uploads/2018/03/NL180313_GLOBAL-MICA-MINING-.pdf [Last Accessed on: September 2, 2021].

Seeing the abysmal state of education in mining areas, it would not be incorrect to argue that the state has failed in changing the realities of children whose families lost their lands and livelihood to mining. On the other side of the spectrum, educational initiatives conceptualised and carried out by mining communities show signs of progressive growth by increasing accessibility to education for miner's children. Such examples allow us to demand from the State to support effective community led models that ensure delivery of proper education to children in mining areas.

Right to Highest Attainable Standard of Health

The impact of mining on the health of children living close to mines has been severe over a significant period of time. Various activities undertaken during the process of mining work leave varying health impacts on children. Health complaints such as asthma, cholera, diarrhoea, silicosis, tuberculosis and others rampantly come up in mining areas. Over time, while such health issues have not diminished, there have been studies to point out new cases of disturbing health conditions amongst these children which were not observable by naked eyes and showed repercussions in the longer run. A 2019 research done closely with regards to impact of India's expansion of coal plants on child health suggests that children living closer to a median-size coal plant are shorter in height than children who have no such exposure.³⁰ Child health problems abound in connection with both air and water-pollution often visible in mining areas. Numerous researches have exhibited how use of contaminated water leads to cases of diarrhoea, jaundice, typhoid, and also quite frequently, to cases of fluorosis amongst children from very young ages.³¹ Irrespective of what is mined in different mining areas of the country, impacts on health are a guaranteed outcome for communities living close to mining areas. The irony of such state cannot be felt more clearly than in the case of Uranium mining in the Jadugora Village of Jharkhand. The mining done with long term goal of procuring clean energy source with less detrimental effects on population has turned into harrowing realities for communities living close to these Uranium mine sites as suggested through various reports about the radiation leak leading to physical and mental deformities in children, spontaneous abortion and cancer. Jadugora, and many other regions where Uranium mining goes on, have become 'the Chernobyl of India' as a result of mining activities leading to life-threatening diseases amongst children.³² Denial and claims of safety measures taken to ensure there is no

³⁰ Vyas, Sangita. *The child health impacts of coal: Evidence from India's coal expansion*. December 28, 2019. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3507883; and, Vyas, Sangita in Ideas for India (ICG), February 28, 2020. Available at: <https://www.ideasforindia.in/topics/environment/the-child-health-impacts-of-coal-evidence-from-india-s-coal-expansion.html> [Last Accessed on: September 8, 2021].

³¹ Ambastha, Saurav Kumar and A.K. Haritash. *Prevalence and risk analysis of fluoride in groundwater around sandstone mine in Haryana, India*. Rendiconti Lincei, Volume 32 (3), May 23, 2021. Available at: <https://www.deepdyve.com/lp/springer-journal/prevalence-and-risk-analysis-of-fluoride-in-groundwater-around-QgaYxwHZs5?key=springer> [Last Accessed on: September 28, 2021].

³² Katakey, Rakteem, Rajesh Kumar Singh and Tom Lasseeter Bhaduri. *Dying kids in Jharkhand's Jadugora, uranium mines and a mystery*. Mint, July 9, 2014. Available at: <https://www.livemint.com/Politics/XIPI9uChfRaHeKpFu2GhiK/Dying-kids-in-Jhakhands-Jadugora-uranium->

leak of radiating elements from the Uranium mines and factories is an ongoing story. The State supports such claims not just in the case of uranium industry but also asbestos mining on the grounds that asbestos is safe when mixed with cement.³³

Choking to Death – Asbestosis in Roro Hill, Jharkhand

A 2014 report from Roro Hills in Jharkhand, highlighted the slow-death of miners and their family members due to an abandoned asbestos mines. Breathing the suspended particles of asbestos present in the air has led to *asbestosis*, a fatal lung disease. Even children who were not employed directly in mines became victims of a slow-death caused by asbestosis. The helplessness of one such mother can be witnessed through her narrative –

"We tell the children, don't go there. But they are children, you cannot control them."

The piles of asbestos deposits not only lead to respiratory diseases but have also contaminated the groundwater as well as runoff water during the monsoon season, causing further health issues.

Sources:

- Daigle, Katy. *Abandoned asbestos mines still a hazard in India*. AP News, December 22, 2014. Available at: <https://apnews.com/article/497d932b9f3742679233d543652d312c> [Last Accessed on: September 30, 2021].
- Gupta, Alok. *Hill of death*. March 31, 2015. Available at: <https://www.downtoearth.org.in/coverage/hill-of-death-43739> [Last Accessed on: September 3, 2020].

Right to Freedom from Economic Exploitation and Trafficking

Children are found to be directly employed in mining or related operations or in work other than mining that becomes available as a result of industrial townships that spring up in the mining areas.

Child labour in mining areas is a complex phenomenon linked to socio-economic realities of poverty, lack of social services, education, health and exploitation.³⁴ It is also directly linked to “the absence of alternative sources of income and related infrastructural facilities”.³⁵

For children who engage and mining and related activities, in addition to several occupational

[mines-and-a-myste.html](#) [Last Accessed on: September 29, 2021]; and, Amita. *Radiation from uranium mines in Jharkhand village is crippling its children*. The Scroll, August 8, 2016. Available at: <https://scroll.in/article/813267/radiations-from-uranium-mines-in-jharkhand-village-are-crippling-its-children> [Last Accessed on: September 7, 2020].

³³ Daigle, Katy. *Abandoned asbestos mines still a hazard in India*. AP News, December 22, 2014. Available at: <https://apnews.com/article/497d932b9f3742679233d543652d312c> [Last Accessed on: September 30, 2021].

³⁴ World Vision, *Child Miners Speak: Key Findings on Children and Artisanal Mining in Kambove DRC*, March 2013 Available at: https://www.wvi.org/sites/default/files/Child%20Miners%20Speak_WEB%20Version_0.pdf [Last Accessed on: September 3, 2021].

³⁵ Sekar, H. R. 2004. *Globalisation, Pushed Migration and Children in Low Paid Informal Work*. A paper presented at a National Seminar on Globalization and Child Labour organized by VV Giri National Labour Institute, NOIDA during 11- 12 March 2004. Quoted in: T. Chubayanger, *Migrant and Trafficked Children in Hazardous Employment: The Case of Nagaland*. V.V. Giri National Labour Institute, 2013. Available at: <https://vvgnli.gov.in/sites/default/files/2013-103.pdf> [Last Accessed on: September 8, 2021].

health hazards, accidents and deaths are not unknown. Death of five children reported in 2018 in Mica mines of Jharkhand is only one such incident.³⁶ In 2015 and 2016, special investigations conducted by Guardian³⁷ and Thomas Reuters Foundation³⁸ depicted the abysmal working conditions connected to child labour in mica mining in Jharkhand and Bihar. Similar reports exist from other mining sectors also. According to another report, “Children are exploited for mining of gold, diamond, coal etc... Work for children includes digging a shaft, crushing rocks, carrying ore in gold mines and digging, scraping and lifting in salt mines and carrying and crushing large stones in quarries.”³⁹

Children get employed in mining activities through various means - working alongside their families or other community members, working after school or during holidays, or dropping out of school to work on a full time basis. They are known to migrate to these areas looking for work either alone or with their families. Then there are those who are trafficked and forced to work in horrendous slave-like conditions.⁴⁰

Trafficking ‘from’ and ‘to’ the mining areas is a rampant phenomenon on account of vulnerable economic condition of people and demand for cheap labour in mining activities. Children in pre-existing precarious condition, as destitute, neglected or abandoned, become easy prey for getting trafficked to work in mines. About 1,00,000 children are reported missing every year and about 40% who remain untraced are believed to be trafficked for various purposes, including child labour.⁴¹

³⁶ The Wire. *Global Spotlight on Illegal Mica Mines Drives Jharkhand Villagers to Hide Deaths*. November 22, 2019. Available at: <https://thewire.in/labour/global-spotlight-on-illegal-mica-mines-drives-jharkhand-villagers-to-hide-deaths> [Last Accessed on: September 30, 2021]. Also See: The Wire. *Illegal Mica Mining Continues Unabated in Jharkhand, Causing Death and Disease*. October 9, 2020. Available at: <https://science.thewire.in/environment/illegal-mica-mining-jharkhand-deaths-diseases/> [Last Accessed on: September 3, 2021].

³⁷ Bengsten, Peter and Annie Kelly. *Vauxhall and BMW among car firms linked to child labour over glittery mica paint*. The Guardian, July 26, 2016. Available at: <https://www.theguardian.com/global-development/2016/jul/28/vauxhall-bmw-car-firms-linked-child-labour-mica> [Last Accessed on: September 8, 2021].

³⁸ Srivastava, Roli. *Global spotlight on illegal mica mines drives Indian villagers to hide deaths*, Reuters, November 20, 2019, Url:<https://www.reuters.com/article/us-india-mica-child-labour-trfn/global-spotlight-on-illegal-mica-mines-drives-indian-villagers-to-hide-deaths-idUSKBN1XU04I> [Last Accessed on: September 3, 2021].

³⁹ Chaudhary, Nikita Chaudhary. *Dark Reality of Mining Industry: One of the Industries Employing Highest Number of Child Labourers*. The Logical Indian, January 6, 2019. Available at: <https://thelogicalindian.com/story-feed/awareness/child-labour-mining-industry/> [Last Accessed on: September 8, 2021].

⁴⁰ Thomas, Rosamma. *Children, bonded workers slave in India's granite quarries*. The Times of India, August 25, 2017. Available at: <https://timesofindia.indiatimes.com/india/children-bonded-workers-slave-in-indias-granite-quarries/articleshow/60223622.cms> [Last Accessed on: September 29, 2021]. Also See: Human Trafficking Search. *Child Forced Labor Part I: The Mining Industry*. July 18, 2013. Available at: <https://humantraffickingsearch.org/forced-child-labor-in-the-mining-industry/> [Last Accessed on: September 30, 2021].

⁴¹ Srivastava, N Rajendra. *Children at Work, Child Labor and Modern Slavery in India: An Overview*. Indian Pediatrics, Vol 56, August 15, 2019. Available at: <https://indianpediatrics.net/aug2019/633.pdf> [Last Accessed on: September 30, 2021].

There exists a system of middlemen who go into villages and convince poor families to send their children to work in mines.⁴² Children are often not informed of the exact nature of the work but are allured by the prospect of making money. Many a times, children report shock at the dangerous nature of the work but are unable to return home until they have earned enough to pay for the passage home.⁴³ Non-local children are particularly vulnerable to abuse and deceit, who tend to work full time in the pits for longer hours than local children whose parents are present.

Laws Governing Prevention of Child Labour

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Section 3(1) of the Child Labor (Prohibition and Regulation) Act (103)
Minimum Age for Hazardous Work	Yes	18	Section 3A of the Child Labor (Prohibition and Regulation) Act (103)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Schedule to the Child and Adolescent Labour (Prohibition and Regulation) Act (104)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labor System (Abolition) Act; Sections 370 and 374 of the Penal Code; Section 79 of the Juvenile Justice (Care and Protection of Children) Act (105-107)
Prohibition of Child Trafficking	Yes		Sections 366A, 366B, 370, 372 and 373 of the Indian Penal Code; Section 5 of the Immoral Traffic (Prevention) Act (106, 108)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 366A, 366B, 370A, 372 and 373 of the Indian Penal Code; Sections 4-7 of the Immoral Traffic (Prevention) Act; Sections 13-15 of the Protection of Children from Sexual Offense Act; Section 67B of the Information Technology Act (106, 108-110)
Prohibition of Using Children in Illicit Activities	Yes		Sections 76 and 78 of the Juvenile Justice (Care and Protection of Children) Act; Section 32B(c) of the Narcotic Drugs and Psychotropic Substance Act (107, 111)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	16	Military Regulations (112, 113)
Non-State Compulsory	No		
Compulsory Education Age	Yes	15	Section 3 of the Right of Children to Free and Compulsory Education Act (114)
Free Public Education	Yes		Section 3 of the Right of Children to Free and Compulsory Education Act (114)
* No conscription (115)			

Source: Bureau of International Labour Affairs. *2016 Findings on the Worst Forms of Child Labor*. India 2016 Report. US Department of Labor. Available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2016/India2016Report.pdf [Last Accessed on: January 25, 2021]

⁴² Ibid. Thomas, Rosamma (2017). Also See: Impulse NGO Network. *An Exploratory Study of Children Engaged in Rat Hole Mining in the Coal Mines of Jaintia Hills District, Meghalaya*. December 2010. Available at: http://hrn.or.jp/activity2/2011/02/08/201102_Meghalaya.pdf [Last Accessed on: September 30, 2021].

⁴³ Ibid. Thomas, Rosamma (2017) and Impulse NGO Network (2010).

Child Abuse and Sexual Exploitation

Instances of child sexual abuse and sex trafficking also plague mining regions across the country. The risk is compounded by unsafe migration, continuous inflow and outflow of men and vehicles and absence of any protection cover. A report on the rat hole mines in Jaintia Hills of Meghalaya suggests that girls are compelled into sexual activities that take place at sites such as the local dhabas, trucks and cars.⁴⁴ Girls being forced risk of being sexually exploited is magnified when the children and especially girls are not accompanied with their families. The recent incident of sexual exploitation of tribal girls from Chitrakoot in Uttar Pradesh, who are forced by their circumstances to work in illegal mines, once again reiterates how the expansion of small-scale illegal mining is associated with an increase in sexual exploitation of girls by contractors and middlemen.⁴⁵

Sex Slavery for Survival – Abuse in Mines of Chitrakoot, Uttar Pradesh

While cases of sexual abuse and exploitation remain as an undercurrent in discussions around children and mining, it's patterns and experiences were exposed once again through the reporting on incidences of sexual exploitation of tribal girls in the illegal stone crushing mines of Chitrakoot, Uttar Pradesh. The COVID-19 pandemic and ensuing lockdown indeed made life difficult for poor tribal families in the region and only provided an additional ground for greater exploitation. The report describes the horrific experiences of girls, between 12-14 years, who are forced to sell their bodies in order to earn a daily wage of Rs. 150-200. The experiences as narrated by a survivor:

"We are helpless; we agree to it. They give us a job, exploit us and then don't pay us our wages in full. When we refuse their sexual advances, they threaten they will not employ us any longer. What will we eat if we don't work? We eventually agree to their terms."

Source:

Singh, Mausami. *Raped in Chitrakoot: Minor girls forced to trade bodies for Rs 150-200 daily during lockdown*. India Today. July 8, 2020. Available at: <https://www.indiatoday.in/india/story/raped-in-chitrakoot-minor-girls-forced-to-trade-bodies-for-rs-150-200-daily-during-lockdown-1698173-2020-07-08> [Last Accessed on: September 8, 2021]

Taking stock of such living and working conditions of children in mining areas, we come to the pressing question of the moment - How much and what all has the State done to preserve the rights of children and the mining communities and protect them against their vulnerabilities. The establishment of the District Mineral Foundation Trust in the mining districts in recent times has reignited the question with greater vitality than before.

⁴⁴ Impulse NGO Network. *An Exploratory Study of Children Engaged in Rat Hole Mining in the Coal Mines of Jaintia Hills District, Meghalaya*. December 2010. Available at: http://hrn.or.jp/activity2/2011/02/08/201102_Meghalaya.pdf [Last Accessed on: September 30, 2021].

⁴⁵ Singh, Mausami. *Raped in Chitrakoot: Minor girls forced to trade bodies for Rs 150-200 daily during lockdown*. India Today. July 8, 2020. Available at: <https://www.indiatoday.in/india/story/raped-in-chitrakoot-minor-girls-forced-to-trade-bodies-for-rs-150-200-daily-during-lockdown-1698173-2020-07-08> [Last Accessed on: September 8, 2021].

CHAPTER 3

MAPPING THE GENEALOGY OF THE DISTRICT MINERAL FOUNDATION TRUST

The issues that children face living in mining areas are manifold, it is therefore essential to see what steps have been taken by the government over the years to remedy these concerns. Amidst liberalization of economic policies and increasing reliance on the mining sector for industrial growth leading to increase in the GDP, struggles of people led to a demand for development of the mine workers and communities on whose back these achievements are to be attained. In a discussion paper Joyita Ghose builds a strong case for the governments and mining companies to share their revenues for uplifting the socio-economic conditions of those dwelling in the mining areas. According to her, “(i) addressing ownership claims over natural resources; (ii) mitigating negative impacts of mining operations on local socio-economic and environmental outcomes; (iii) managing local resource-driven conflict; (iv) promoting intra- and inter-generational equity; and (v) obtaining greater legitimacy to operate in resource-rich regions” could be some of the considerations.⁴⁶

Through this section we shall delve into when and how the idea of welfare of the mine workers and communities affected by mining translated into a legal mandate, to be realized through the establishment of the present-day District Mineral Foundation Trust.

Entry 54 of List I in the Seventh Schedule of the Constitution of India empowers the central government to regulate mines and mineral development while Entry 55 allows for regulation of labour and safety in mines. Entry 23 of List II in the Seventh Schedule empowers the state governments to make provisions for regulation of mines and mineral development, subject to the provisions of List I.

The main law governing the working conditions of mine workers in India is the Mines Act of 1952. It details the safety measures to be employed while working in the mines. The Mines and Minerals (Development and Regulation) Act 1957 (MMDR Act) forms the basic framework for mining development and regulation. It details the process and conditions for acquiring a mining or prospecting license, applicable to all minerals except mineral oils. Two Rules, viz. Mineral Concession Rules, 1960 (MCR) and Mineral Conservation and Development Rules, 1958 (MCDR) were framed under the Act. The MCR regulated granting of concessions and license for exploring, locating or proving mineral deposit and undertaking mining operations for major minerals other than atomic minerals. While the MCR deals with the major minerals

⁴⁶ Ghose, Joyita. *Benefit sharing in the mining sector: An analysis of the role of District Mineral Foundations*. Discussion Paper, pg. 5, The Energy and Resources Institute (TERI), 2018. Available at: <https://www.teriin.org/sites/default/files/2018-12/District%20Mineral%20Foundations%20-%20Benefit%20sharing%20in%20the%20mining%20sector.pdf> [Last Accessed on: September 29, 2021].

the state governments are free to frame their own rules for mineral concessions with respect to minor minerals. Accordingly, most states have framed their own minor Mineral Concession Rules. The MCDR is framed for conservation and systematic development of minerals. These are applicable to all minerals except coal, atomic minerals and minor minerals. The MMDR Act has been amended numerous times and so have the corresponding rules contained in both MCR and MCDR. While the initial two amendments strengthened government control over mining related operations, the subsequent amendments relaxed the government control. The Indian Bureau of Mines (IBM) was established in March 1948 as the main regulatory agency for monitoring and supervising mining activity in the country.

With the advent of Liberalisation in the 1990s, the National Mineral Policy framed in 1993 encouraged private investment in exploration and mining. This Policy has been recently replaced by the National Mineral Policy of 2019, which also works on the ease of doing business for private investors, including exploration, while employing sustainable mining development.

While the laws governing mineral exploration, mines and licensing were being formed there were also specific laws which governed the welfare of those working in the mining sector, specific to the type of mineral(s) to be mined. The Parliament set up separate legislations to be administered by the Ministry of Labour and Employment in order to provide for housing, medical care, educational and recreation facilities for workers employed in the Mica, Coal, Iron Ore and Limestone mines. Some of the first laws to create a fund to promote welfare of the mine workers in India were the Mica Mines Labour Welfare Fund Act, 1946 and Coal Mines Labour Welfare Fund Act, 1947. Resources under these laws were to be raised by the government on a non-contributory basis for delivery of welfare services. Some of these laws have been repealed in the last five years - The Mica Mines Labour Welfare Fund Act, 1946 (now repealed under Repealing and Amending Act of 2017), Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (also repealed under Repealing and Amending Act of 2017) and the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (repealed by Repealing and Amending Act of 2019).

3.1. Tracing the Legal History of the DMF Trust and Recent Developments

(i) The Samatha Judgment

Samatha vs. State of Andhra Pradesh⁴⁷ which is also known as the Samatha Judgment was a landmark Supreme Court judgement adjudicated in 1997. It delivered a decision in favour of the Right to livelihood of the Scheduled Tribes inhabiting the Fifth Schedule areas of the

⁴⁷ Supreme Court of India. *Samatha vs State of A.P. and Ors.* AIR 1997 SC 3297.

country. Samata is an advocacy and social action group working for the rights of tribal communities and protection of the environment in Andhra Pradesh. They first filed a case in the local courts and then in the Andhra Pradesh High Court in 1993 against the state government's move to lease tribal land to private mining companies. After the writ petition in the High Court was dismissed, they filed a Special Leave Petition in the Supreme Court of India. It took four years and a three-judge bench to pronounce a judgement that changed the course of sustainable development and mining practices. The petition was over a dispute on leasing of tribal lands by the government to non-tribal, private mining industries. The tribal population wanted to regain control over their lands rather than work as labour force in the mining operations in their own land.⁴⁸ One of the main issues before the Court was whether the government would fall under the term 'person' under Section 3 of the Andhra Pradesh Scheduled Area Land Transfer Regulation 1 of 1959 (as amended by Regulation II of 1970 and the Mining Act (67 of 1957), hereinafter referred to as the A.P. Regulation. As per the A.P. Regulation, no 'person' can transfer tribal land to non-tribals. The High Court dismissed the petition and was of the view that the government was not a natural person and therefore the transfer of land did not violate Section 3 of the A.P. Regulation. The other main issues in the case were whether the government can grant mining lease of the lands situated in Scheduled Area to a non-tribal and whether the leases are in violation of Section 2 of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986?

The Supreme Court held the government to be a 'person' under Section 3 of the Regulation and therefore, the government was not entitled to lease out tribal land/forest land under the Fifth Schedule to non-tribals for mining. The leasing of land for mining purposes to private companies in the Fifth Schedule areas was declared void in order to prohibit any exploitation of tribals in any form. The judgment also stated that all land leased out to private mining companies would become null and void. Renewal of the leases was seen to be a fresh grant of lease, and any leasing to the prohibited private companies was also prohibited by this judgment. However, land transferred to government and its instrumentalities was exempt because public corporations are to operate in public interest.

In the absence of total prohibition on transfer of lands, the Court recognised that any licensee or lease must provide for certain duties and obligations towards the tribal people who are affected by the project. The Court thus stated that at least 20% of the net profits from any project must be set aside to establish a fund for the affected tribal peoples' development needs, which would be in addition to any expenditure on reforestation and maintenance of ecology. This percentage of profits for meeting local needs should be a predetermined commitment prior to leasing the land. The facilities required to be provided to persons in the

⁴⁸ Goodpal. *The Samatha Judgment and the Fifth Schedule of the Constitution*. Issues and Challenges in India, September 6, 2012. Available at: <https://socialissuesindia.wordpress.com/2012/09/06/the-samatha-judgment-and-the-fifth-schedule-of-the-constitution/> [Last Accessed on: September 3, 2021].

Fifth Scheduled areas, i.e. tribal groups, include maintenance of roads and communications in the Scheduled areas, supply of portable water to the tribals, establishment of schools for primary and secondary education and vocational training, providing employment in the project, establishment of hospitals, camps providing free medical aid and maintenance of sanitation and construction of houses. The judgment empowered the Gram Sabha to safeguard and preserve community resources. The Andhra Pradesh (Provision of the Panchayats Extension to Scheduled Areas) Act, 1996 came into existence as a result of the 73rd Amendment to the Constitution of India that provides for establishment of institutions of local self-government village level upwards. Under this Act, the Gram Sabha is instilled with the competency to prevent alienation of lands in protected areas and take appropriate action to restore any unlawful alienation of land belonging to the Scheduled Tribes. In states where there are no such Acts which prohibit or restrict lease of land for mining in the Scheduled Areas, the Supreme Court required that a Committee of Secretaries and a State Cabinet Sub-Committee be constituted to take decisions. The Supreme Court held that the tribals themselves, either individually or through a cooperative society, may exploit the minerals existing in their lands. The Court also directed the Prime Minister to develop a national scheme based on guidelines laid down in the judgment for tribal lands across the country. The Court recognised that under Article 21 of the Constitution on Right to Life, tribals have an equal right to development and right to enjoy full freedom to use the lands in the Scheduled Areas for their own social economic empowerment. Thus the Court ensured that the forest communities enjoy rights and protections as guaranteed under the Constitution.

After the Samatha judgment there were other landmark cases which have had an impact on the rights of communities living in mining affected areas, such as the Goa Foundation vs Union of India.⁴⁹ This judgment mandated the creation of an Iron Ore Permanent Fund in Goa enabling intergenerational equity. It allowed for a certain amount per tonne to be deposited by each member mining company. The money accrued in the fund is to be used to build social infrastructure in the mining affected areas.

(ii) Hoda Committee Report, 2006⁵⁰

The Government of India constituted a Committee under the Chairpersonship of Shri Anwarul Hoda, then a Member of the Planning Commission. The aim of the Committee was to review the existing laws and policies and suggest changes needed to encourage investment (including foreign investment) in public and private sector in exploration and exploitation of minerals. The Committee submitted its report in December 2006. In order to facilitate private sector investment, it suggested the clearances to be granted under the Forest (Conservation) Act,

⁴⁹ Supreme Court of India. Goa Foundation vs Union of India, Writ Petition (Civil) No. 435 of 2012.

⁵⁰ Planning Commission. National Mineral Policy: Report of the High Level Committee. Government of India, December 2006. Available at: <https://www.fedmin.com/fedmin/hoda-rep.pdf> [Last Accessed on September 30, 2021].

1980 and the Environment (Protection) Act, 1986 can be expedited. Before suggesting the ways in the existing framework which can speed up the process, the Committee looked into the international best practices which would balance the needs of economic growth, prevent unnecessary deterioration of the environment and be socially responsible.

According to the Report of the Committee, “the decision of whether or not a mine a certain area should be undertaken through a democratic decision-making process and be based on an integrated assessment of the ecological, environmental, economic, and social impacts.”⁵¹

The Committee recognised that the relationship between mining companies and the local affected communities is distraught with abuse and mistrust⁵² and the emerging best practice of the time was to focus on capacitating the local government and local institutions to provide the benefits from mining instead of the companies themselves taking over governmental functions.

Among other things the Committee also recommended establishing a Sustainable Development Framework peculiar to India, in line with the work done by the International Council of Mining and Metals [ICMM], and the International Union for the Conservation of Nature and Natural Resources [IUCN]. Pointing to the global discussion on sustainable development in mining, the Committee held the view that the basic approach is that “(i) the miners can and should enrich rather than deplete biodiversity as a corollary to their intervention in the ecology of their area of activity; and (ii) mining can and should contribute to the economic, social, and cultural well-being of indigenous host populations and local communities, particularly by creating stakeholder interest in mining operations for the project affected persons (PAPs).”⁵³

In addition to the obligation laid down for the mining companies through the Samatha judgement “to spend a set percentage of their profits on model programmes for meeting local needs through pre-determined commitment,” the Committee recommended that mining companies spend a certain “percentage of their turnover on the social infrastructure in the village around the mining area.”⁵⁴ The Committee recommended that the India’s Sustainable Development Framework determines a feasible percentage accordingly. Among other recommendations for the SDF were development of suitable relief and rehabilitation packages and adoption of international best practices that give a stake to the PAPs in the mining projects, as for example, in the form of cashless equity, whereby mining companies “proactively participate in long-term compensatory measures rather than merely depend on the local governments.”⁵⁵ The Committee also suggested the development of a mine closure

⁵¹ Ibid. Planning Commission, pg. 68.

⁵² Ibid. Planning Commission, pg. 69.

⁵³ Ibid. Planning Commission, pg. 72.

⁵⁴ Ibid. Planning Commission, pg. 77.

⁵⁵ Ibid. Planning Commission, pg. 75.

plan at the outset of the operations to ensure protection against damage to the environment.⁵⁶

Previous Committees and Reports under the Ministry of Mines

- Committee set up in 2005 under the chairmanship of the Additional Secretary, Ministry of Mines to recommend changes in the MMDR Act, Mineral Concession Rules, 1960 (MCR), and Mineral Conservation and Development Rules, 1958 (MCDR);
- The Steel Ministry's Dang Committee report on the allocation of iron ore mines along with the Dissenting note of the Federation of Indian Mineral Industries (FIMI)]; and
- Policy paper of the Ministry of Mines on the allocation of iron ore mines.

Source:

Planning Commission. National Mineral Policy: Report of the High Level Committee. Government of India, December 2006. Available at: <https://www.fedmin.com/fedmin/hoda-rep.pdf> [Last Accessed on September 30, 2021].

(iii) National Mineral Policy, 2008⁵⁷

The National Mineral Policy (NMP), 2008 recognised the negative impact of mining on the natural resources such as land, air and forest. The policy stated that while assessing land use, it is essential not only to see it from a need for development but also from a need to protect the forests, environment and ecology. The policy was guided by a principle that the miner should leave the mining areas in a better ecological situation than it was originally. In order to do so, it proposed for reclamation and afforestation to concurrently happen with mineral extraction. Prevention and mitigation of adverse environmental effects due to mining of minerals and repairing and re-vegetation of the affected forest area and land covered by trees, while employing the latest internationally acceptable norms was to form integral part of mine development strategy. Conservation was seen as a positive concept to be proactively carried out through improvement in mining methods among other techniques. The NMP, 2008 also proposed an effective legal framework mandating zero-waste mining as the ultimate goal. Prior to the approval of the mining lease, it was essential for the environmental management plan to be submitted and approved to ensure environmental preservation.

The Policy also highlighted the issue of rehabilitation and resettlement of the local population; emphasising that along with compensation it is essential to protect interest of the local population residing in the mining affected area based on the international best practices and in line with the National Rehabilitation and Resettlement Policy. The Policy stipulated improvement of the living standards of the affected population and ensure them a sustainable

⁵⁶ Ibid. Planning Commission, pg. 68.

⁵⁷ Ministry of Mines. *National Mineral Policy, 2008 (For non-fuel and non-coal minerals)*. Government of India. Available at: [https://mines.gov.in/writereaddata/Content/88753b05_NMP2008\[1\].pdf](https://mines.gov.in/writereaddata/Content/88753b05_NMP2008[1].pdf) [Last Accessed on: September 30, 2021].

income to maintain their living standards. It also proposed active participation of PAPs in all measures to be taken for resettlement of the vulnerable people, rather than imposing them externally.

In order to restore ecology and address the socio- economic effects of mining once extraction is completed, the NMP, 2008 reiterated the need for scientific and systematic mine closure instead of abandonment. For instance, where the mining has been going on for long it becomes a source of livelihood for the affected population. It is integral to take care that closure of the mine has the least negative impact on the affected population.

The Policy re-emphasised the framing of a Sustainable Development Framework in India which would take care of the bio-diversity issues and ensure that mining activity takes place along with suitable measures for restoration of ecological balance. It proposed that the Framework should also incorporate models of stakeholder interest, for those affected by the mining, in the mining operation, especially in situations where the weaker sections like the local tribal populations are likely to be deprived of their means of livelihood as a result of the mining intervention.

Along with infrastructural development there was a greater thrust to be given to development of health, education, drinking water, road and other related facilities and infrastructure in mineral bearing areas so that an integrated approach emerged, encompassing mineral development, regional development and the social and economic well-being of the local, and particularly, tribal population.

(iv) Mines and Minerals (Development and Regulation) Bill of 2011 (MMDR Bill)⁵⁸

In 2009, the Central Ministry of Mines attempted to replace the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Originally, the revised draft of the law proposed to make people partners in mining operations by giving them equity in mining companies. With opposition from the Federation of Indian Mineral Industries, the progressive clauses were watered down to the mining companies giving 26% of their profits instead of equity.⁵⁹ The bill went to the Group of Ministers in June 2011 and the draft included the provisions for profit sharing. The first draft was introduced in the Lok Sabha on December 12, 2011 and then referred to the Standing Committee on Coal and Steel on January 5, 2012. The

⁵⁸ Draft Mines and Minerals (Development and Regulation) Bill, 2011 [approved by Cabinet on 30th September 2011]. Available at:

<https://ncst.nic.in/sites/default/files/Draft%20of%20MMDR%20Bill%202011498026628%281%29.pdf> [Last Accessed on: September 30, 2021].

⁵⁹ Narain, Sunitha. *Metamorphosis of mining policy: In India, policy often becomes dead on arrival*. Down To earth, July 8, 2015. Available at: <https://www.downtoearth.org.in/blog/mining/metamorphosis-of-mining-policy-50455> [Last Accessed on: September 30, 2021].

bill however, lapsed after dissolution of the 15th Lok Sabha in 2014.⁶⁰

The Bill permitted applications for public lands in the Fifth and Sixth Schedule tribal areas in consultation with the Gram Sabhas. It also allowed the state governments to allocate mineral concessions in case of minor minerals in the Fifth and Sixth Schedule tribal areas, with preference to co-operatives of Scheduled Tribes. Mining companies were mandated to provide a mining plan in case of all major minerals, including a corporate social responsibility document containing a scheme of expenditure on socio-economic benefits for the host population and for enabling self-employment opportunities. They were also to include a mine closure plan prepared in terms of the Sustainable Development Framework. Compensation was to be paid to every person or family holding occupation, usufruct or traditional rights over the land for which a mining license was granted. The amount of compensation would be at least equivalent to their entitlement under MGNREGA, 2005.

State governments were to establish a District Mineral Foundation (DMF) in each district where a mining lease had been granted or was operating. The proposed composition of the DMF which had a Governing Council chaired by the District Magistrate, included government officials, all holders of mining lease in the district and a minimum of three representatives of the project affected families nominated by the District Magistrate in consultation with the District Panchayat or District Council. The money paid to the DMF was to be used for the benefit of persons affected by mining related operations and to undertake activities for socio-economic development purposes in areas affected by mining operations. The Bill required the holder of the mining lease to pay a specified amount of money each year to the DMF, which would then be used for the benefit of affected persons or families. This amount was equivalent to 26% of profit after tax in case of coal and lignite and equivalent to the royalty paid during the financial year in case of other major minerals. In case of minor minerals, the decision on allocation of percentage rested with the state governments.

While the DMF would provide monthly or quarterly payment of monetary benefits to the affected persons, subject to regulation, if any, by the subject government, the mining companies were to allot at least one non-transferable share at par other than cash to each person or a family affected by mining related operations of the company.

⁶⁰ Indian Bureau of Mines. *Mineral policy & Legislation (Final Release)*. Indian Minerals Yearbook 2013 (Part- I: General Reviews), 52nd Edition. Ministry of Mines, Government of India, September, 2015. Available at: <https://ibm.gov.in/writereaddata/files/09232015122549Mineral%20Policy%20and%20Legislation.pdf> [Last Accessed on: September 30, 2021].

PROPOSED STATEMENT ON EQUITY, PUBLIC ACCOUNTABILITY AND INNOVATION		
Subject: Mines and Minerals (Development and Regulation) Bill, 2011⁶¹		
S. No.	The required goal	How does the proposal advance this goal?
1.	Equity or inclusiveness	<ul style="list-style-type: none"> (i) The new Act intends to extend the benefits of mineral development to local stakeholders at all levels (community and provincial) through mandatory income sharing and a sustainable development framework. (ii) All mining lease holders would be required to pay prescribed amounts annually for benefit of persons affected by mining operations and local area infrastructure creation management and maintenance through a District Mineral Foundation. (iii) Panchayats will be consulted before Progressive Mining Closure plans are approved to ensure adequate addressing of Stakeholders needs. (iv) Mining companies will need to attach a Corporate Social Responsibility document to their Mining Plan.
2.	Public accountability	<ul style="list-style-type: none"> (i) The new Act proposes to introduce greater transparency in the system of allocation of mineral concessions and streamlining the process of grant of concessions, with an independent Tribunal for dispute resolution (ii) A new Mineral Regulatory Authority to be set up at National and State level for recommending the rates of royalty, dead rent, profit sharing percentage, and quality standards, and direct intervention in case of large scale cases of illegal mining, (iii) The process of notifying availability of areas for grant of concessions shall be published in the official website. (iv) Details of grant of area, purpose, particulars of concessionaires, Mining Plans etc., will be available on official websites. (v) Progressive Mine Closure Plans shall be available for inspection by the public. (vi) Whistle blowing on illegal mining encouraged through rewards.
3.	Innovation	<ul style="list-style-type: none"> (i) The new Act proposes to introduce mechanism for allocation of mineral concessions through competitive bidding by applicants based on scientific knowledge of mineralisation or valuation of the reserves. (ii) The Act provides for on-line management of the concessions system. (iii) The Act creates statutory data repositories in the form of National Geo-Physical Data Repository and National Drill Core Repository. (iv) The Act enables the Geological Survey of India to obtain regional level geospatial data from concessionaires on statutory basis for integration with their spatial data bases. (v) The Act provides for a framework of disclosure of information, including the development of websites and portals for the purpose of scientific management and exploitation of mineral resources subject to provisions of Section 8 of the Right to Information Act, 2005.

⁶¹ Ministry of Mines. *Supplementary note for the Cabinet. Subject: Mines and Minerals (Development and Regulation) Bill, 2011-reg, Appendix II*. Reference No. 16/83/2009-MVI, dated September 13, 2011. Available at: <http://www.nlsenlaw.org/wp-content/uploads/2013/08/Supplementary-Note-to-Mines-Bill-2011.pdf> [Last Accessed on: September 30, 2021].

(v) Sustainable Development Framework (SDF) of 2011⁶²

The Sustainable Development Framework was drafted on the recommendation of the Hoda Committee Report. The SDF was envisaged to comprise principles, reporting initiatives, and good practices for the sectors of Indian mining. The SDF report prepared by ERM India Private Limited for the Ministry of Mines, proposed a framework that aims to achieve resource efficiency, business viability and environment stewardship around development of affected communities. In order to draft the seven principles of the SDF framework, three main stakeholders were consulted – the mining companies, the tribals and the local population and thirdly, the Ministry of Mines. The SDF is seen as a tool with a mandate to provide a broad framework to go beyond the law and address the core, immediate and long-term issues that continued to affect mining under the agenda of sustainable development.

Sustainable development in the mining sector was defined as “Mining that is financially viable, socially responsible, technically and scientifically sound, with a long-term view of development; uses mineral resources optimally based on creating long-term, genuine, mutually beneficial partnerships between government, communities and miners, based on integrity, cooperation and transparency.” This framework is voluntary and not legally binding. In its Principle V, titled, “Community Engagement, Benefit Sharing and Contribution to Socio-Economic Development,” the proposed framework emphasised on the specific commitment to benefit sharing with the community. One of the ways suggested for this was through the establishment of the District Mineral Foundation (DMF), whereby the State governments were expected to develop a financial mechanism to share a significant part of the royalties generated by both major and minor minerals with the mining district, block and panchayats and mining companies were expected to contribute their annual profits to the DMF. The amount to be contributed to the DMF was as proposed under the MMDR Bill of 2011, i.e., amount equivalent to the royalty paid in that financial year. The Foundation fund was proposed to be used to compensate and rehabilitate people who lose assets and livelihood due to the mining project, with a portion to be used for capacity and skill building of such families and for community mobilization. The proposed framework also suggested that the benefits should not only be cash based but should also “adopt innovative approaches to target social welfare namely including long term livelihood safeguards, insurance against various risks, incentives to protect and nurture girl child’s education and well-being, old age pensions, etc.” It also recommended a strong representation from the project affected families, audit of the functioning and fund utilization of DMF and such information to be covered under the RTI as measures of ensuring people’s participation as well as transparency and accountability in the use of the funds accruing to the DMF.

⁶² ERM India Private Limited. Sustainable Development Framework (SDF) for Indian Mining Sector, Final Report. Prepared for the Ministry of Mines, November 30, 2011. Available at: https://mines.gov.in/writereaddata/UploadFile/Sustainable_Development_Framework.pdf [Last Accessed on: September 3, 2021].

(vi) MMDR Amendment Act, 2015 and the Establishment of DMF

The Mines and Minerals (Development and Regulation) Amendment Bill, 2015 was introduced once the MMDR Bill 2011 lapsed. It was not tabled in the 2015 winter session of the Parliament and therefore the Cabinet decided to employ the ordinance route. The ordinance received the President's assent and came into force on 12th January, 2015. Based on the Ordinance, the MMDR (Amendment) Bill, 2015 was introduced in the Lok Sabha on 24th February, 2015, which was passed by the Lok Sabha on 3rd March, 2015 and by the Rajya Sabha on 20th March, 2015.⁶³ On 27th March, 2015 the ordinance was thus replaced by the Mines and Minerals (Development and Regulation) Amendment Act, 2015, enforced with effect from 12th January, 2015.⁶⁴

The proposal of setting up District Mineral Foundation (DMF) in the Ordinance and the Amendment Bill of 2015 was finally realised through the MMDR Amendment Act 2015. The DMF is to be established by the state government for the benefit of persons in districts affected by mining related operations, with powers to the state governments to "determine key provisions pertaining to the functioning of DMFs by notifying state-level rules."⁶⁵

However, the social commitment towards development of affected communities has been significantly watered down through the Amendment Act of 2015 as it moved away from the concept of direct-benefit sharing that was discussed in the earlier versions of MMDR Bill, 2011.

Amongst the various criticisms of the MMDR Amendment Act of 2015, those more relevant to the purpose of this research are:

1. The Act allows all mining leases to be granted for 50 years no provision for periodic assessment and re-auctioning after 50 years. This is not only detrimental for the environment as thousands of mines will operate and remain open for such long periods becoming a source of pollution, there will be no financial guarantee from lease holders to ensure that the mined are not abandoned without proper closure, and they will get an incentive to shift the burden of rehabilitation to future generations.⁶⁶

⁶³ Upadhyaya, Himanshu. *Mines and Minerals Bill, 2015: Disempowering the Community?* Oxfam India Policy Brief, No. 13, March 2015. Available at: <https://www.oxfamindia.org/sites/default/files/PB-Mines-and-Minerals-Bill-2015-Disempowering-the-Community-240315-EN.pdf> [Last Accessed on: September 8, 2021].

⁶⁴ Supreme Court of India. *Federation of Indian Mineral Industries & Ors. vs. Union of India & Anr.*, Transferred Case (Civil) No. 43 of 2016. Available at: <http://www.indiaenvironmentportal.org.in/files/District%20Mineral%20Foundation%20Supreme%20Court%20Judgement.pdf> [Last Accessed on: September 30, 2021].

⁶⁵ Ibid. Ghose, Joyita.

⁶⁶ Bhushan, Chandra and Srestha Banerjee. *Losing Solid Ground: MMDR Amendment Act, 2015 and the state of the mining sector in India*. Centre for Science and Environment. Available at: <https://www.cseindia.org/losing-solid-ground-mmdr-amendment-act-2015-and-the-state-of-the-mining-sector-in-india-6516> [Last Accessed on:

2. The Act gives more powers to central government over states, reducing the state governments to “non-entities”.⁶⁷ The Centre now has the power to give directions to the state governments for implementing various provisions of the MMDR Act, in addition to the existing power to revise any order passed by the state with respect to all except minor minerals, as specified under the parent MMDR Act.⁶⁸
3. What had started off as granting 26% of the profits earned by the lease holders (after taxes) to the DMF in the case of coal and lignite mines and a contribution of 100% equivalent of royalty earned in a year in case of other major minerals for the benefit of affected communities, has been reduced to a contribution of not more one-third of the royalty prescribed by the central government for different minerals and regions, in case of new leases. In case of old leases, the contribution of license holders and lease holders to the DMF is, an amount that cannot exceed the royalty prescribed by the central government. In both situations, there is no lower limit prescribed.⁶⁹
4. Unlike the MMDR Bill, 2011 that required monthly or quarterly disbursement of monetary benefits to the PAPs and allowed for use of some portion of the funds in the DMF for supporting local infrastructure with periodic audits of DMF Funds by the state government in consultation with the Comptroller and Auditor General (CAG), the 2015 MMDR Amendment Act does not provide any clarity on fund disbursement and utilization by the DMF, leaving it to the state governments to decide on how the funds are to be used.⁷⁰ The use of DMF Funds is now linked to the Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) as it is mandatory for state governments to follow the PMKKKY guidelines for deciding on the type of activities to be funded through the DMF.⁷¹
5. The Amendment Act removes the provision for compensation, rehabilitation and resettlement of those having usufruct and tradition rights, thus allowing for greater mistrust between people and the mining companies.
6. The MMDR Amendment Act, 2015 does not explicitly make a mention of consultation with the local communities as provided for in the MMDR Bill of 2011 and excludes affected

September 30, 2021].

⁶⁷ Banerjee, Srestha. *Parliament passes controversial mining bill*. Down To Earth, March 20, 2015. Centre for Science and Environment. Available at: <https://www.downtoearth.org.in/news/mining/parliament-passes-controversial-mining-bill-49086> [Last Accessed on: September 30, 2021].

⁶⁸ Ibid. Chandra, Bhushan and Srestha Banerjee.

⁶⁹ Ministry of Law and Justice, *The Mines and Minerals (Development and Regulation) Amendment Act, 2015, No. 10 of 2015, Section 9B, Sub-sections 5 and 6*. Gazette of India, Extraordinary, Part II, Section 1, Notification No. 13, dated March 27, 2015. Available at: https://www.mines.gov.in/writereaddata/UploadFile/The_Mines-and-Minerals_Amendment_Act,2015.pdf [Last Accessed on: September 30, 2021].

⁷⁰ Ibid. Chandra, Bhushan and Srestha Banerjee.

⁷¹ Ibid. Ghose, Joyita.

people from decision-making. At the same time, Right to Fair Compensation and Transparency in Land Acquisitions, Rehabilitation and Resettlement Amendment Act, 2015 removes the clause requiring community consent, except where land is being acquired for public purpose through public private partnership projects, where the ownership of the land continues to vest with the Government, or for private companies and where land is being acquired in any Scheduled Areas. This was also the time when the High Level Committee of the MoEF&CC chaired by T S R Subramanian recommended fast-tracking of environment and forest clearances for mining projects. Such developments only dilute the rights of affected communities and allow for more plunder of forests and other natural resources in the interest of businesses.⁷²

(vii) National Mineral Policy, 2019 (NMP, 2019)⁷³

The National Mineral Policy of 2019 replaces the NMP of 2008. Although it is aimed at making the mining practice more transparent, increase regulation and enforcement while balancing the social and economic growth as well as sustainable mining development, it is also heavily guided by the 'ease of doing business' and attracting investments, including private investment at the exploration stage. The only exception to this comes in the form of prohibition on mining in areas that are ecologically fragile and should be declared as 'no-go' and 'inviolable'.⁷⁴ The NMP, 2019 begins on the note that "Mining needs to be carried out in an environmentally sustainable manner keeping stakeholders' participation and devolution of benefits to the mining affected persons, with the overall objective of maintaining high level of trust between all stakeholders". It also introduces the concept of inter-generational equity in mineral resource exploitation, emphasises on ensuring rehabilitation and resettlement and harmonising royalty and all other levies and taxes with mining jurisdiction across the world. However, there are glaring gaps that belie such objectives.

NMP, 2019 makes the clearance procedure for mining simpler and faster.⁷⁵ It proposes creation of Exclusive Mining Zone (EMZ) with "prior in-principle statutory clearances" in the name of avoiding conflict of interest and curtailing delay in commencement of mining operation.

Similarly, while incentivizing use of renewable sources of energy for mining in order to reduce pollution, carbon footprint and operational costs, NMP, 2019 fails to provide any guidance on

⁷² Ibid. Chandra, Bhushan and Srestha Banerjee.

⁷³ Ministry of Mines. *National Mineral Policy, 2019 (For non-fuel and non-coal minerals)*. Government of India. Available at: <https://mines.gov.in/writereaddata/Content/NMP12032019.pdf> [Last Accessed on: September 30, 2021].

⁷⁴ Ibid. Ministry of Mines. *National Mineral Policy, 2019*.

⁷⁵ Banerjee, Srestha. Will the new National Mineral Policy ensure responsible mining? Down To Earth, Centre for Science and Environment, March 28, 2019. Available at: <https://www.downtoearth.org.in/news/mining/will-the-new-national-mineral-policy-ensure-responsible-mining--63741> [Last Accessed on: September 30, 2021].

pollution standards, which are missing from some of the key environment legislations such as the Environment (Protection) Act (1986), the Water Act (1974) and the Air Act (1981). The Policy also does not outline mechanisms for pollution monitoring in mining areas.⁷⁶

Ironically, while the Policy provides for appropriate sensitization training about environmental issues to be provided to all workers involved in mining operations,⁷⁷ such requirements are not laid down for the mine owners / lease holders.

(viii) MMDR Amendment Act, 2021

As per a Press Information Bureau release, the 2021 amendments are step to “give boost to mineral production, improving ease of doing business in the country and increasing contribution of mineral production to Gross Domestic Product (GDP).”⁷⁸ Among the amendments mentioned in PIB release are:

- Statutory clearances will be valid even after expiry or termination of mining lease and will be transferred to the successful bidder in the auction.
- Restriction on transfer of mineral concessions are removed and now mineral concession can be transferred without any transfer charge.
- Central Government is empowered to conduct auction in cases where the States face challenges in conduct of auction or fail to conduct auction within prescribed time fixed in consultation with State Government.
- Private entities are also now allowed to conduct exploration.

However, in the context of this report, it is important to mention that the MMDR Amendment Act of 2021 has been criticized for increased control of the central government in matters that fall within the purview of the state governments. For example, until the amendment, decisions relating to the composition and utilization of Funds of the DMF were a prerogative of the state governments. The amendment now empowers the Central Government to interfere and direct the states in such matters.

⁷⁶ Ibid. Banerjee, Srestha. March 28, 2019.

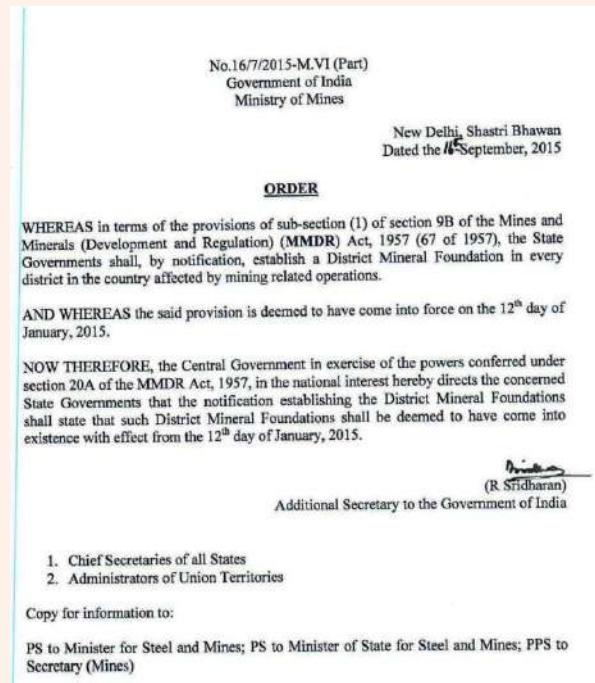
⁷⁷ Ibid. Ministry of Mines. *National Mineral Policy, 2019*.

⁷⁸ Press Information Bureau. *Reforms in The Mining Sector*. July 26, 2021. Available at: <https://pib.gov.in/PressReleasePage.aspx?PRID=1739167> [Last Accessed on: September 30, 2021].

3.2. The District Mineral Foundation Trust (DMFT)

(i) The Purpose of DMF

There exists an irony that the most mineral rich areas are often the places with the lowest HDI indices. People living in mining affected areas are often displaced from their lands, face fragmentation of their communities, loss of livelihood and population. The DMF Trust is established to even out the tipping scales between powerful mining companies and the people who live in these areas. It is meant to be a means to improve the socio-economic and environmental status of the mining affected districts and serve mining affected people and communities living in mining affected areas, so that the irreversible damages meted out to the individuals residing in mining areas can be prevented and mitigated. As can be seen in the previous section, the District Mineral Foundation / *Zila Khanij Prathishtan* (DMF) was conceptualized nearly a decade ago and got its present form through Section 9B of the Mines and Minerals Development and Regulation (MMDR) Act 1957, as amended in 2015.



Each district affected by mining related operations is supposed to have a DMF Trust. The Central Government issued a notification to this effect on 16 September, 2015 directing states to set up DMF Trust with the aim to “work for the interest and benefit of persons and areas affected by mining related operations.”⁷⁹ In order to do so, the Central Government in exercise of the powers conferred under Section 20A of the MMDR Act, 1957 directed every state government to incorporate the Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) into the rules framed by them for the functioning and use of funds by the DMF Trust.⁸⁰

The PMKKKY was launched to implement various developmental projects and welfare programmes in mining affected areas to alleviate/mitigate the adverse impacts of mining on people and the environment, and create long term sustainable livelihood opportunities for

⁷⁹ Ministry of Mines. *Order No. 16/7/2015-M.VI (Part)*. September 16, 2015. Available at: <https://archive.pib.gov.in/documents/rlink/2015/sep/p201591802.pdf> [Last Accessed on: September 30, 2021].

⁸⁰ Ministry of Mines. *Order No. 16/7/2015-M.VI (Part), Annexure*. September 16, 2015. Available at: <https://mines.gov.in/writereaddata/UploadFile/PMKKKY%20Guidelines.pdf> [Last Accessed on: September 30, 2021].

mining affected people.⁸¹ The PMKKKY is thus meant to complement the existing ongoing schemes/projects of state and central government.

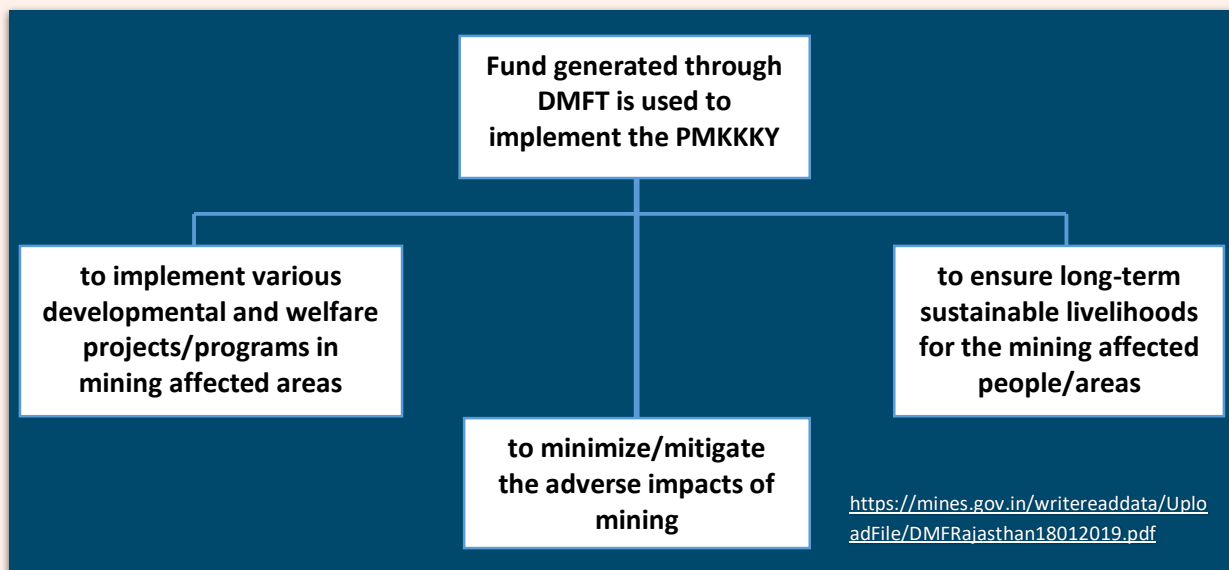
PMKKKY provides for utilization DMF Trust Funds in a manner that at least 60% of the funds are reserved for high priority areas like:

- 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

Some states have also specified other sectors such as agriculture, housing for the poor as priority areas.

The other priority areas for which the funds can be utilized are:

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

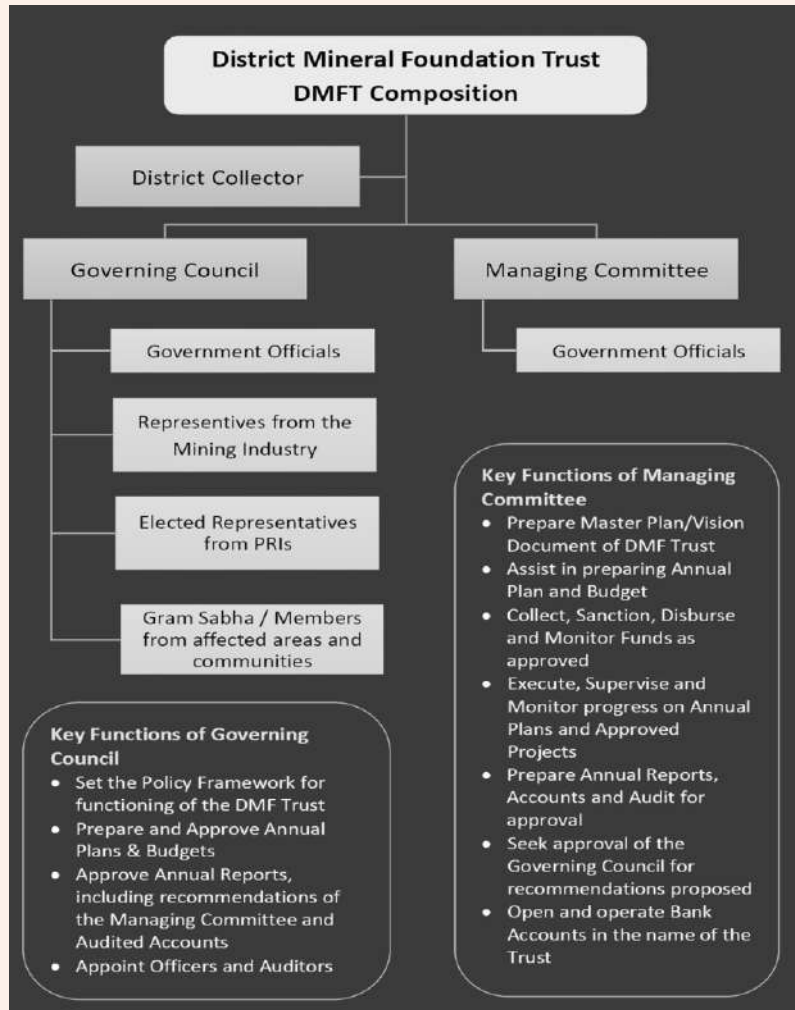


(ii) The Structure of DMF Trust

Although Section 9B, Sub-section 3 of the MMDR (Amendment) Act, 2015 stipulates that the composition and functions of the District Mineral Foundation shall be as prescribed by the state governments, by and large, the administrative structure of DMF Trust comprises of two officiating bodies – the Governing Council and the Managing Committee – both of which are headed by the District Collector/Magistrate/ Commissioner (as the case may be in each state).

⁸¹ Ibid. Ministry of Mines. September 16, 2015.

The overall management of the DMF Trust lies with the Governing Council while the daily affairs are handled by the Managing Committee. The composition of DMF bodies are state specific. The Governing Council is primarily constituted of various line department officials and officials holding important positions in the district and representatives from the Mining industry. Along with bureaucrats and mine lease holders, the Governing Council also includes elected representatives of Panchayati Raj Institutions and other people's organisations or labour associations. In special cases, the state rules also enable, to the benefit of DMF



decision making, representation of members with expertise on the concerns pertaining to mining activities such as members from local NGOs and SHG members. Some key roles of the Governing Council include laying down the broad policy framework for the functioning of the Trust, reviewing activities, participating in annual planning, approving annual plans and budgets, conducting audits of schemes and works, reviewing annual reports and accounts, ratifying appointments of officers and auditors etc.

The Managing Committee also ensures, as an affirmative step, some representation of voices from the community. Depending on the state rules, the representation can vary from 2-3 members from the community. Key roles of the Managing Committee include ensuring timely collection and administration of funds, coordinating and participating in annual planning, monitoring progress of works, preparing and presenting annual reports including accounts and audit reports.

(iii) Fund Accrual in the DMF Trust

The funds to be accrued to the DMF Trust from major minerals has been detailed under Section 9B, Sub-section 5 and 6 of the MMDR (Amendment) Act, 2015. The funds to be

accrued from minor minerals is left to the states to determine through their rules for the DMF Trust.

Further, in exercise of power conferred under Sub-sections 5 and 6 of Section 9B of the MMDR (Amendment) Act, 2015, the central government has laid down rules regarding the contribution towards the District Mineral Foundation. As per the Gazette Notification dated 17th September 2015,⁸² in addition to the royalty paid to the state, every lease /licence holder has to pay to the concerned DMF, an amount at the rate of –

- ten per cent of the royalty paid in terms of the Second Schedule to the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (herein referred to as the said Act) in respect of mining leases or, as the case may be, prospecting licence-cum-mining lease granted on or after 12th January, 2015; and
- thirty per cent of the royalty paid in terms of the Second Schedule to the said Act in respect of mining leases granted before 12th January, 2015.

Every DMF Trust needs to prepare annual plans and budgets, workorders and annual reports. These are also submitted to the state Legislative Assembly within three months from the date of closure of the financial year.

(iv) Fund Utilization

All state DMF Rules are mandated to align fund disbursement along the lines of the PMKKKY guidelines. This allows for a 60:40 per cent share distribution between high priority areas and other priority areas. Before spending money on schemes and projects which are already funded by the state and central government, it is essential for DMF to review the status of gaps in central/state schemes. This is to ensure that DMF activities complement the existing state schemes instead of duplicating or negating them. A perusal of various state rules for DMF Trust suggests that the DMF Trust funds are treated as extra budgetary resources for the State Plan such that they supplement the development and welfare activities already being carried out.⁸³

⁸² Ministry of Mines. *Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015*. Gazette Notification, Extraordinary, Part II - Section 3(i), G.S.R. 715(E), dated September 17, 2015. Available at: <https://mines.gov.in/writereaddata/UploadFile/contribution%20to%20DMF%20Rules,.pdf> [Last Accessed on: September 30, 2021].

⁸³ Mining and Geology Department, Government of Meghalaya. *The District Mineral Foundation Rules, 2017*. Gazette Notification dated December 8, 2017. Available at: <https://megdmg.gov.in/pmkkky/08-12-17-X.pdf> ; Government of Odisha, Department of Steel and Mines. *The Odisha District Mineral Foundation Rules, 2015 (as amended till date)*. Notice/Circular dated October 1, 2018. Available at: [https://dmfkeonjhar.in/Assets/Files/ODMFRules\(Amendedin2018\).pdf](https://dmfkeonjhar.in/Assets/Files/ODMFRules(Amendedin2018).pdf) ; Mines (GR II) Department, Government of Rajasthan. *District Mineral Foundation Rules, 2016*. Notification dated May 31, 2016. Available at: <https://mines.gov.in/writereaddata/UploadFile/Rajasthan%20DMF%20Rules.pdf> [All Last Accessed on: September 30, 2021].

DMF Rules and PMKYYY also emphasise on other important factors to be taken into consideration while budgeting for development activities. A reasonable sum of funds should be kept as an endowment fund for providing sustainable livelihood.

States such as Chhattisgarh, Jharkhand, Maharashtra, and Tamil Nadu have provided for establishment of endowment funds, but without details on how they are to be operationalised. Goa, Karnataka, and Andhra Pradesh, however, have specified that 50%, 20%, and 0.5% of DMF revenues, respectively, should be transferred to an endowment fund.

Source:

Ghose, Joyita, *Endowment funds created through DMFs can protect projects against price fluctuations*. Financial Express, April 19, 2019. Available at: <https://www.financialexpress.com/opinion/endowment-funds-created-through-dmfs-can-protect-projects-against-price-fluctuations/1552724/> [Last Accessed on: September 30, 2021].

An amount not exceeding 5% of the annual receipts of the Foundation, subject to an upper limit fixed by the state government, can be utilized for administrative, supervisory and overhead costs of the DMF Trust.

(v) Transparency and Accountability of DMF Trust

- (a) Annual Plans and Budgets:** Every DMF Trust needs to prepare annual plans and budgets, work orders and annual reports. These are submitted to the state Legislative Assembly within three months from the date of closure of the financial year.
- (b) Information Dissemination:** In order to ensure that the DMF Trust is accountable to the people it is serving and the public at large, sharing of related information in public domain through a DMF Trust website is envisaged. The website should provide information such as the current composition of the Governing Council and Managing Committee of the DMF Trust, along with fund accruals, list of beneficiaries and list of affected areas, etc.

After the Annual Report of a DMF Trust is finalised, it is to be submitted to the state government within a month and also uploaded on the website of the DMF Trust to ensure full public disclosure of the activities undertaken.

All state rules require the DMF Trust to maintain transparency in its functioning and provide periodic reports on the various projects and schemes taken up by them on their website.

Nationally, a web portal was launched on 20th March 2018 and made live on 27th August, 2018 to disseminate key information about the progress of works being

implemented.⁸⁴ All district inputs are available on the portal, leading to a National, State and District level Dashboard.

- (c) Report to Gram Sabha in Scheduled Areas:** To ensure accountability, transparency and proper utilization of the funds accrued to the DMF Trust in the Scheduled Areas and Tribal Areas in the Fifth and Sixth Schedule of the Constitution of India respectively, an approval of the Gram Sabha is required for all plans, programmes and projects taken up under PMKKKY in the villages affected by mining in such areas as well as for identification of beneficiaries. Moreover, a report of the work carried out in such specified villages needs to be submitted to the Gram Sabha on completion of every financial year.⁸⁵
- (d) Audit of Accounts:** The accounts of a DMF Trust are to be audited every year by a chartered accountant appointed by the DMF. This report is also to be placed in the public domain along with the Annual Reports.
- (e) Monitoring:** For effective monitoring, the Ministry of Mines directed the state governments to bring the PMKKKY Scheme under the ambit of the District Development Coordination and Monitoring Committee (DDCMC), also known as DISHA, an initiative of the Ministry of Rural Development.⁸⁶ This initiative is seen as a tool to better coordinate among the different schemes operating in the proposed geographical area.

The state governments are to collect information regarding DMFT Funds such as the amount spent, projects undertaken etc. and submit to the Ministry of Mines. When the progress is unsatisfactory, the Ministry issues appropriate instructions to the relevant states.

3.3. Examining Functioning of the DMF Trust at National Level

Since its inception in 2016, the District Mineral Foundation has become a huge monetary fund across the mining districts of the country. Today, the DMF Funds are close to 0.05% of India's GDP and with an ever-increasing rate of deposits in the Trust, its contribution to developmental aspirations of the nation and hence the stakes seem to be increasing. As on July, 2021, the DMF Trust is reported to be functional in 600 districts of 22 states and in some

⁸⁴ Dr. Rajeswara Rao, K (IAs). *DMF – PMKKKY: Challenges in Implementation*. Power Point Presentation by Additional Secretary, Ministry of Mines, January 18, 2019. Available at: <https://mines.gov.in/writereaddata/UploadFile/DMFChallenges-DrKRajeswaraRao-AS18012019.pdf> [Last Accessed on: September 30, 2021].

⁸⁵ Ibid. Ministry of Mines. *Order No. 16/7/2015-M.VI (Part), Annexure*.

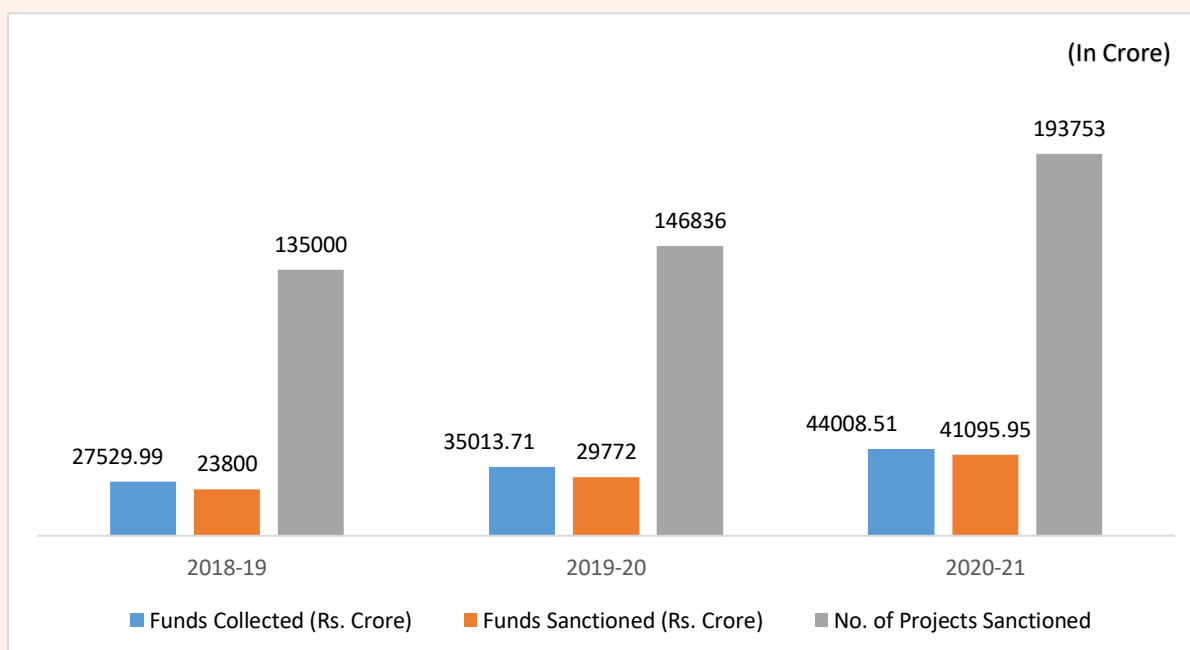
⁸⁶ Ministry of Mines. *Minutes of the Central Coordination-cum-Empowered Committee (CCEC) meeting held on June 2, 2017*. Available at: <https://www.mines.gov.in/writereaddata/UploadFile/ccecminutes23062017.pdf> [Last Accessed on: October 1, 2021].

cases covers every district of the state.⁸⁷ In other words, overlooking the functioning of the DMF Trust today can become a serious impediment in the nation’s growth. Hence, a close scrutiny of the functioning of DMF Trust would help in understanding its fiscal and functional profile and provide a comparative perspective when analysed for the particular districts being studied under the current research.

Funds Accrued in the DMF Trust

As mentioned earlier the net amount deposited in the DMF Trust across the nation was INR 51,547.50 Cr. in the last reporting period of July, 2021.⁸⁸ As mentioned previously in the report, contributions to the DMF Trust accrue for three different categories of minerals - (i) Coal and Lignite; (ii) Major Minerals (iii) Minor Minerals. Till July 2021, major minerals (other than coal and lignite) mining activity had contributed the most towards DMF Trust funds with an amount of INR 25,598.66 Cr. followed by coal and lignite with an amount of INR 20,248.16 Cr. The contribution through minor minerals was the smallest at INR 5,700.69 Cr.,⁸⁹ partly due to lesser percentage of money generated from royalty.

Figure 1: Yearly Funds Accrued in DMF Trust vs. Funds Sanctioned⁹⁰



The funds collected under DMFs in last three years show that the collection has seen exponential growth over the years. By the year 2016-17, almost all the major minerals states

⁸⁷ Ministry of Mines. *DMF Fund Status - July 2021*. Government of India. Available at: <https://mines.gov.in/writereaddata/Content/DMF%20Data%20Till%20July%2021.pdf> [Last Accessed on: September 30, 2021].

⁸⁸ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*

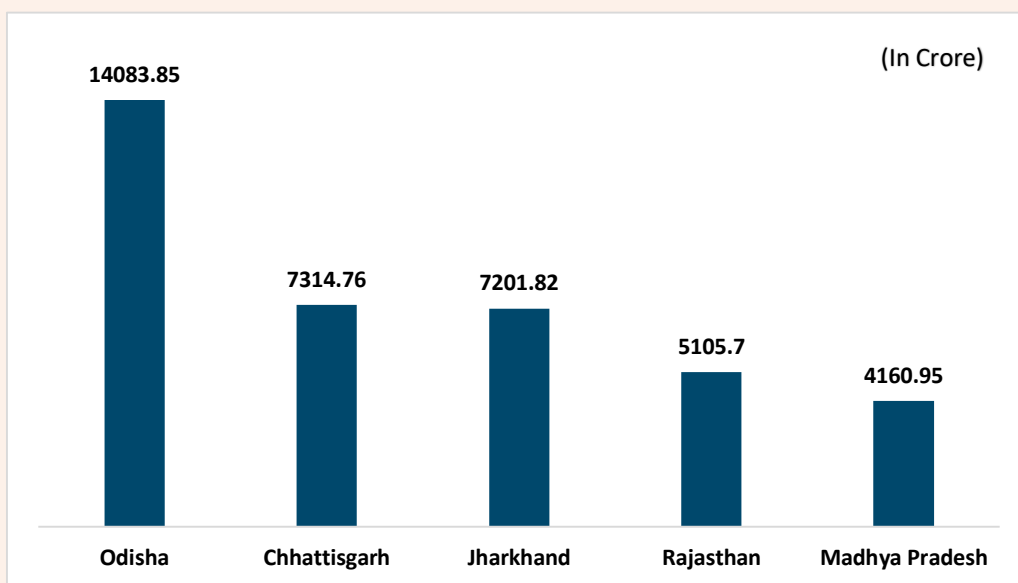
⁸⁹ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*

⁹⁰ Ministry of Mines. *Annual Reports (2018-19 to 2020-21)*. Available at: <https://www.mines.gov.in/ViewData/index?mid=1385> [Last Accessed On: September 30, 2021].

had established DMFs and adopted guidelines as contained in the Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY). For the year 2016-17, although in the initial stage of its functioning, DMF collection was of INR 4,966.24 Cr. with contributions from 12 States,⁹¹ it rose by 169% in 2017-18 with a total collection of INR 13,398 Cr. There has been a significant increase of 786% in the fund collection under DMFs between 2016-17 to 2020-21.

It also becomes important to understand which state contributes majorly through which kind of mining activity and demand for transparency and accountability in this regard. Figure 2 provides data for the states that have contributed the most to the DMF Trust up to July 2021.

Figure 2: Top-5 States to have Accrued Most Funds in DMF Trust till July, 2021⁹²



Utilization of DMF Trust Funds

The utilization of DMF Trust Funds has been vehemently criticized for various reasons – under spending, misuse, corruption etc. by previous studies across the nation. It thus becomes imperatives to take stock of where all the funds have been utilized and how many of the projects sanctioned have been accomplished.

From the information shared by the central government on usage of DMF funds amounting to as INR 51,547.50 Cr.⁹³ as on July 2021, it is evident that the amount seems to have been

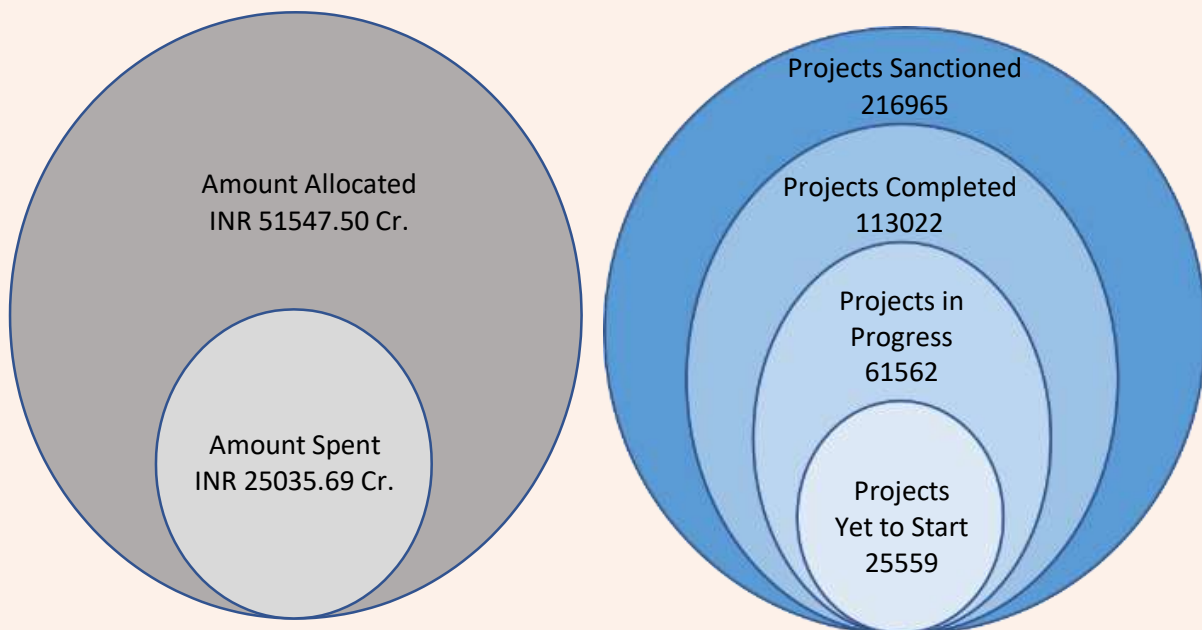
⁹¹ Ministry of Mines. *Annual Report 2016-17*, pg. 37. Available at: https://www.mines.gov.in/writereaddata/UploadFile/Mines_AR_2016-17_English.pdf [Last Accessed on September 30, 2021].

⁹² Ibid. Ministry of Mines. *DMF Fund Status - July 2021*.

⁹³ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*.

allocated generously for the development of mining districts. It is, however, the unspent amount that raises questions with respect to usage of DMF Trust funds. Till now, out of the allocated amount, only 51% is reported to have been spent on different projects.⁹⁴ This data becomes more concerning when the number of projects carried out through DMF Trust funds is brought into the picture. In the same period, a noteworthy 2,16,965 projects have been sanctioned by the DMF Trusts out of which 1,13,022 projects have already been completed and 61,562 projects are at some stage of progress (no information is available from national and district level reporting on the stage at which these projects are). To frame this in more hitting terms, 49% of the sanctioned DMF Trust funds are yet to be used, which is bound to substantially hamper the development of people and areas affected by mining.

Figure 3: Fund Utilization of DMF Trust Funds till July 2021



In the data shared on the PMKKKY-DMF Dashboard, a total of 16822 projects stand cancelled or scrapped as on July 2021. The amount released for these projects is to the tune of INR 1,727.74 Cr.,⁹⁵ which accounts for 3.67% of the total amount sanctioned. There is no information available on the reasons for scrapping or cancelling these projects and if there is any way to recover the amount lost as a result. Cases of such fund abuse are more prominent in the states of Rajasthan, Chhattisgarh, Gujarat and Madhya Pradesh where INR 600.16 Cr., INR 559.35 Cr., INR 249.30 Cr., and INR 105.27 Cr. respectively were released for scrapped or cancelled projects.⁹⁶ It is important to ensure that scrapping of projects does not translate into wasting DMF Trust funds.

⁹⁴ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*.

⁹⁵ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*.

⁹⁶ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*.

The second query which many reports have raised on expenditure through DMF Trust funds relates to the amount of expenditure on priority areas other than those meant to be high priority. Data presented by the central government on the PMKKKY-DMF Dashboard⁹⁷ does confirm the skepticism of these studies by clearly marking out that the maximum number of projects (53111) sanctioned are under the head of physical infrastructure, which is also one of the areas where the maximum amount of expenditure can be seen under all DMF Trusts across the nation. Among the high-priority areas that received maximum emphasis are projects relating to drinking water supply (46085). In areas that concern women and children specifically, education related projects are the ones majorly sponsored through the DMF Trust funds totaling close to 42128 projects. Despite welfare of women and children being a distinct category under high priority areas for which the DMF Trust funds are supposed to be used, it has received comparatively less attention with 12933 projects sanctioned as on July 2021. The least of the concerns seems to be environment preservation and pollution control and welfare of the aged and persons with disability with only 5404 and 939 projects sanctioned for the two categories respectively.

Organisations and activists across the country have been pointing out that DMF Trust funds are diverted towards schemes for which monetary support is already provided by the state and central government (as can be seen from the image on *Ragi in ICDS under DMF* in Keonjhar district, Odisha). What was meant to be an “additional” monetary corpus has thus become a “supplementary” source of funds.



Many state rules have actually allowed this to happen. DMF Funds have thus become a comfort monetary fund that can be channeled as per convenience of the district authority and state governments and now the central government too will have a say in this. Diversion of DMF Trust funds to COVID relief is an example of how it can be put to use in future. It becomes important to ensure that such diversions are not against the objectives of the DMF and do not become a routine normalised practice.

⁹⁷ Ibid. Ministry of Mines. *DMF Fund Status - July 2021*.

CHAPTER 4

DMF IN SELECTED DISTRICTS: BUILDING A CASE FOR PRIORITISING CHILD RIGHTS

Large scale development should inevitably allow the fruits to percolate down to the local communities whose lands are acquired and used for in the name of development and those who form part of semi-skilled and unskilled labour force that make the backbone of industry. Equitable development, focusing on the needs of the most vulnerable is most critical for sustainability. Needless to say, women and children have been the most marginalized sections of the population traditionally and thus, while measuring the effect of “development” on local communities, it is pertinent to look at the crucial indicators relating to development of women and children.

As part of a project that strives to secure dignified life for the communities affected by mining, especially children who remain neglected in all development policy and programming, an attempt is made in this chapter to understand how the DMF Trusts function in a few selected districts in three states, viz. Andhra Pradesh, Chhattisgarh and Uttar Pradesh, the situation of children in these districts and what are the steps that need to be taken to make the DMF accountable to children and their rights. However, before delving into that, here is a glimpse at some of the critical provisions with respect to funds accrual for DMF in the three states considered in the present report.

The contribution to the DMF Trust Funds in case of major minerals is as prescribed by the Central Government.

- 10% equivalent to the royalty paid to the State Government for leases granted after the commencement of MMDR Amendment Act 2015;
- 30% equivalent to the royalty for leases before that.

For minor minerals the states have to frame their own rules, which are as follows.

Andhra Pradesh District Mineral Foundation Rules, 2016⁹⁸

All holders of the minor mineral leases shall, in addition to the Seigniorage Fee shall pay to the respective Trust:

- An amount equivalent to 30% of Seigniorage fee, if the lease has not been granted through auction; and
- 10% of Seigniorage fee as fixed by the State Government if the lease has been granted through auction.

⁹⁸ Industries & Commerce (M.II) Department. Andhra Pradesh District Mineral Foundation Rules, 2016, Rule 7. Government of Andhra Pradesh, G.O.Ms. No. 36, dated March 14, 2016. Available at: <https://mines.gov.in/writereaddata/UploadFile/Andhra%20Pradesh%20DMF%20Rules%202016.pdf> [Last Accessed on: September 3, 2020].

Chhattisgarh District Mineral Foundation Trust Rules, 2015⁹⁹

The required contribution from minor mineral miners to the DMF Trust:

- as may be prescribed by the State Government from time to time

As per a document prepared by the Centre for Science and Environment¹⁰⁰ it is -

- 30% equivalent to the royalty if the lease is not granted through auction (also applies for quarry permits), and
- 10 % equivalent to the royalty if the lease is granted through auction.

Uttar Pradesh District Mineral Foundation Trust Rules, 2017¹⁰¹

The required contribution from **minor minerals** of the DMF trust

- 10% equivalent to the royalty or as may be prescribed by the State Government from time to time.

The disbursement of the funds in the three states is more or less similar in nature with some variations.

In Andhra Pradesh, 55% of the funds are earmarked for PMKKY defined high priority areas, 2% of the funds are to be transferred to a bank account maintained by the Director of Mines and Geology to meet the expenditure on Information Technology for e-Governance, while the remaining 3% of the funds are to meet the expenses of the DMF.¹⁰²

Uttar Pradesh also reserves 5% of the funds for administrative purposes.¹⁰³ In the Uttar Pradesh Amendment Rules, 2020, high priority area includes allowance for conducting district scientific surveys in order to make mining more sustainable and provision of equipment and personnel for creating technical infrastructure development with a view to control illegal mining and transportation for environment protection.¹⁰⁴ This seems to be a gross misallocation of funds as 60% of the funds are supposed to be used for building social capital of individuals affected by mining activities.

⁹⁹ Mineral Resources Department. *Chhattisgarh Mineral Foundation Rules, 2015* (as amended on August 14, 2019). Government of Chhattisgarh, Notification No. No. F 7-19/2015/12, dated December 22. Available at: http://chhattisgarhmines.gov.in/sites/default/files/DMF_AMDMT_14Aug2019.pdf [Last Accessed on: September 30, 2021].

¹⁰⁰ Centre for Science and Environment. *Chhattisgarh District Mineral Foundation: The right of people to benefit from the mineral-rich lands they live on*. Available at: <https://cdn.cseindia.org/userfiles/dmf-brochure-chhattisgarh.pdf> [Last Accessed on: September 30, 2021].

¹⁰¹ Bhootatva Evam Khanikarm Anubhag. *Uttar Pradesh District Mineral Foundation Trust Rules, 2017, Rule 10*. Notification No. 866/85- 2017- 132/2016, dated May 15, 2017. Available at: <http://www.indiaenvironmentportal.org.in/files/file/dmf%20rules%202017.pdf> [Last Accessed on: September 3, 2020].

¹⁰² Ibid. Andhra Pradesh District Mineral Foundation Rules, 2016. Rule 9.

¹⁰³ Ibid. Uttar Pradesh District Mineral Foundation Trust Rules, 2017. Rule 11(ii).

¹⁰⁴ Government of Uttar Pradesh. *Uttar Pradesh District Mineral Foundation Trust (First Amendment) Rules, 2020, Amendment to Rule 17*. Gazette Notification No. 436/LXXXVI-2020-132-2016T.C.-II, dated March 18, 2020. Available at: <http://www.ielrc.org/content/e2017.pdf> [Last Accessed on: October 1, 2021].

Through the 2019 Amendment to its rules for DMF Trust, Chhattisgarh has capped the amount of DMF funds which can be used to build big infrastructure projects to 20%.¹⁰⁵ It has also mandated that minimally 50% of the DMF funds have to be spent on directly affected areas in order to ensure that the people belonging to the worst affected areas are attended to.¹⁰⁶

4.1. Andhra Pradesh

The two districts of Andhra Pradesh that form part of this report are Krishna and Nellore.

4.1.1. Krishna District

A. Short Profile

Table 4.1 - Krishna: Key Facts (Census 2011)¹⁰⁷

Total Population	45.17 lakh (7.9% increase from Census 2001)
Population of Children (0-6 years)	31.12% of total population of children aged 0-18 years
Literacy Rate (excluding 0-6-year age group)	73.7 % (lower than national average of 72.98%)
Sex Ratio	992 (lower than state average of 993)
Labour Force Participation	45.4%
Female Labour Participation	76.4% (increase from 72.6% in Census 2001)
Rural Area Work Participation	Male - 60.4% ¹⁰⁸ Female - 41.5%
Urban Area Work Participation	Male - 55.8% Female - 18.4%
Population according to social group (SC)	8.71 lakh (16.6% increase from Census 2001)
Population according to social group (ST)	1.32 lakh (23.1% increase from Census 2001)

Settled along the Bay of Bengal coastline, Krishna is one of the coastal districts of Andhra Pradesh. The topographical and geographical location of the district allows for its economy to flourish on the primary sector and production of raw-material for processing by the secondary sector. The main economic activities include agriculture, livestock rearing and mining amongst others. With a total revenue of close to INR 62,000 Cr. in the last year, Krishna

¹⁰⁵ Ibid. Chhattisgarh Mineral Foundation Rules, 2015 (as amended on August 14, 2019). Rule 22(3).

¹⁰⁶ Ibid. Chhattisgarh Mineral Foundation Rules, 2015 (as amended on August 14, 2019). Rule 22(1a).

¹⁰⁷ Office of the Registrar General of India. *Census 2011, District Census Handbook – Krishna*. pg.70. Available at: https://censusindia.gov.in/2011census/dchb/2816_PART_A_DCHB_KRISHNA.pdf [Last Accessed on: September 14, 2020].

¹⁰⁸ Ibid. District Census Handbook – Krishna, pg. 70.

contributes close to 12% in the Gross State Domestic Product (GSDP).¹⁰⁹ Mining of limestone and abundance of cement factories add much to the contribution of Krishna district towards the GSDP.

Population growth rate in rural areas has actually reversed, showing a declining rate of - 6.0%.¹¹⁰ The sex ratio in the district remained on the higher side with 992 females per 1000 males but was still lower than the state average of 993. This left it with a population of 22,67,375 males and 22,50,023 females. Trends in literacy levels show higher literacy levels among males as compared to females and more in urban centers than rural areas.

The Scheduled Castes (SC) and Scheduled Tribes (ST) form almost 22% of the total district population and therefore become a critical component of any developmental plan chalked out at the district level. The labour force participation rate of the district was recorded at 45.4% with an average participation of females showing an upward trend, rising from 72.6% in 2001 Census to 76.4% in 2011. It is crucial to note that work force participation in rural areas – 60.4% for males and 41.5% for females was way up than that in urban centres – 55.8% and 18.4% respectively.¹¹¹ Mining activities have been present in the region for a while now. In Ravirala village, in Jaggyapeta, mining has been taking place for almost last 40 years. Most of the workers that the research team interacted with were working in limestone mines and cement factories, mostly daily wage contract workers, working as drivers, helpers and operators. Depending on their skills, their wages range between INR 290 and INR 550 for eight hours of work per day. Only men work in the mining areas as women are not allowed. Their recruitment in mining work takes place through ‘screening committees’ that the companies set up for this purpose. The process, however is not always a fair one. Political influences and recommendations play a big role in these recruitments. Ramco Cements is a major recruiter in the area. Other than mining, people in the villages are mostly engaged in agricultural activities, largely working as agricultural labourers.

B. Status of Children

Table 4.2 - Child Population in Krishna District according to Age-group (Census 2011)¹¹²

Age-Group	0-5 Years	6-13 Years	14-18 Years
Total Population	3,69,561	5,92,615	4,38,499

¹⁰⁹ Andhra Pradesh Economic Development Board. *Economy of Krishna District*. Available at: <https://www.apedb.gov.in/about-krishna-district.html> [Last Accessed on: September 14, 2020].

¹¹⁰ Ibid. District Census Handbook – Krishna, pg. 70.

¹¹¹ Ibid. District Census Handbook – Krishna, pg. 70.

¹¹² Table C-13, Census 2011. Available at: <https://censusindia.gov.in/2011census/C-series/C-13.html> [Last Accessed on: September 14, 2020].

The majority of child population is in the age-group bracket of 6-13 years. As per NFHS-5, children below the age of 15 years comprise 20.4% of the district population, which is a huge number to consider.

Table 4.3 - Other Child Related Data for Krishna District from NFHS

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Population below age 15 years (%)	20.4	22.1	22.2	23.7
Sex ratio of the total population (females per 1,000 males)	1,064	1,037	1,045	1,021
Sex ratio at birth for children born in the last five years (females per 1,000 males)	1,139	900	934	914
Children under age 5 years whose birth was registered with the civil authority (%)	96.4	83.6	92.2	82.7
Women age 20-24 years married before age 18 years (%)	25.3	31.4	29.3	33.0

A look at some indicators relating to child rights or having a direct bearing on children's rights is presented in the tables that follow.

(i) Health¹¹³

Table 4.4 - General Health and Sanitation: Krishna District

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Households with any usual member covered under a health insurance/ financing scheme (%)	68.1	71.5	70.2	74.6
Average out-of-pocket expenditure per delivery in a public health facility (Rs.)	3,715	2,485	3,105	2,322
Population living in households with an improved drinking-water source (%)	94.4	92.6	96.7	95.6
Population living in households that use an improved sanitation facility (%)	79.1	64.4	77.3	54.4
Households using clean fuel for cooking (%)	89.8	73.3	83.6	62.0

¹¹³ Ministry of Health and Family Welfare. *NFHS-5 Factsheets – Andhra Pradesh and Krishna District*. Available at: http://rchiips.org/nfhs/NFHS-5_FCTS/AP/Krishna.pdf. and http://rchiips.org/nfhs/NFHS-5_FCTS/FactSheet_AP.pdf [Last Accessed on: January 25, 2021].

Table 4.5 - Women's Health: Krishna District

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	56.2	70.1	70.3	56.1
Mothers who consumed iron folic acid for 180 days or more when they were pregnant (%)	39.2	40.6	41.1	30.6
Registered pregnancies for which the mother received a Mother and Child Protection (MCP) card (%)	96.4	96.3	96.5	92.6
Mothers who received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery (%)	88.3	92.5	90.7	79.7
Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)	60.4	59.7	59.0	60.2
Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)	*	*	53.7	52.9
All women age 15-19 years who are anaemic (%)	59.0	64.9	60.1	61.1
Women age 15 years and above who use any kind of tobacco (%)	1.4	NA	3.8	NA
Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	9.6	8.9	12.6	11.8
Women age 15-24 years who use hygienic methods of protection during their menstrual period (%)	92.6	75.5	85.1	67.5

While 98.9% births are institutional, the out-of-pocket expenditure per family, in case of births in a public health facility is marginally higher for Krishna district (INR 3715) than the state average (INR 3105). The impact of this becomes more amplified in the-light of pre-existing poor economic conditions of mining affected communities.

As one can see in table 4.6, anaemia and malnutrition among children has remained high in the district. In fact, the percentage of stunting, severe wasting and overweight among children below 5 years of age has gone up between NFHS-4 and NFHS-5 and so has 1.32 Lakhs among children aged 6 to 59 months. As per a news report¹¹⁴ quoting from a survey carried

¹¹⁴ Deccan Chronicle. *Anaemia-free Krishna district shows the way*. December 15, 2017. Available at: <https://www.deccanchronicle.com/lifestyle/health-and-wellbeing/151217/anaemia-free-krishna-district-shows-the-way.html> [Last Accessed on: September 14, 2020].

out by the Government of Andhra Pradesh, Krishna district is ahead of other districts in the state on health and other development indicators. The then District Collector Mr. B. Lakshmikantham is quoted in the news saying that by January 2018 the district would be declared as anaemia and malnourishment free and that special programmes have been initiated in the district to provide nutritional supplements to children, lactating mothers and pregnant women, for this purpose. Other similar initiatives taken up by the Krishna district authorities include eye-camps for almost 42,000 students across the district, covering screening and awareness sessions over Vitamin A deficiency, nutritious food, eye problems and their severity, etc.¹¹⁵ In a practice that is miles away from being implemented in other districts of the nation, the PHCs in Krishna district have also started running mental health programmes on a daily routine.¹¹⁶

It is not clear however, if these schemes apply to health concerns faced by mine workers and their families or have any special focus for children in mining areas. Reporting from the ground sounds an alarming situation. Work around Mica mines causes dust allergies and even severe cases of Asthma amongst the workers and inhabitants living close to mines.¹¹⁷ NHFS-5 suggests increase in Acute Respiratory Infections (ARIs) among children under 5 years from 1.3% (NFHS-4) to 2.1%. It also reports that 45.8% children with fever or symptoms of ARI were taken to a health facility or health provider in the 2 weeks preceding the survey.

Miners have reported that from a severe case of loss of limb and life to a permanent loss of hearing due to blasting in the stone quarries. Although services at PHC remain helpful in providing immediate support, in cases where miners need to approach hospitals, things get difficult.¹¹⁸ During the field visit, people in Vedadri village in Jaggyapeta mandal shared problems they face due to mining related activities in the area. Various issues were brought to the attention of the research team. There are two cement factories and one chemical factory within a radius of 5 kms. from the village. While mining work and cement factories create heavy air-pollution, the chemical factory leads to various other health problems such as constant fever, headaches and joint pain among the workers and other villagers and also produces an overwhelmingly foul smell that is perpetually present in the air. The companies do not even conduct any annual health checkup for the workers and nearby communities either. Agriculture in the areas close to the mines is also heavily impacted as a result.

¹¹⁵ Express News Service. *Eye screening done for 42000 kids in phase two of YSR Kanti Velugu*. November 2, 2019. Available at: <https://www.newindianexpress.com/cities/vijayawada/2019/nov/02/eye-screening-done-for-42000-kids-in-phase-two-of-ysr-kanti-velugu-2055966.html> [Last Accessed on: September 8, 2021].

¹¹⁶ Express News Service. *Vijayawada PHCs to have mental health programme daily soon*. July 16, 2019. Available at: <https://www.newindianexpress.com/cities/vijayawada/2019/jul/16/vijayawada-phcs-to-have-mental-health-programme-daily-soon-2004613.html> [Last Accessed on: September 14, 2020].

¹¹⁷ Navajeevan Bala Bhavan. A Case study. August, 2020.

¹¹⁸ Navajeevan Bala Bhavan. A Case Study. August, 2020.

Table 4.6 - Child Health: Krishna District

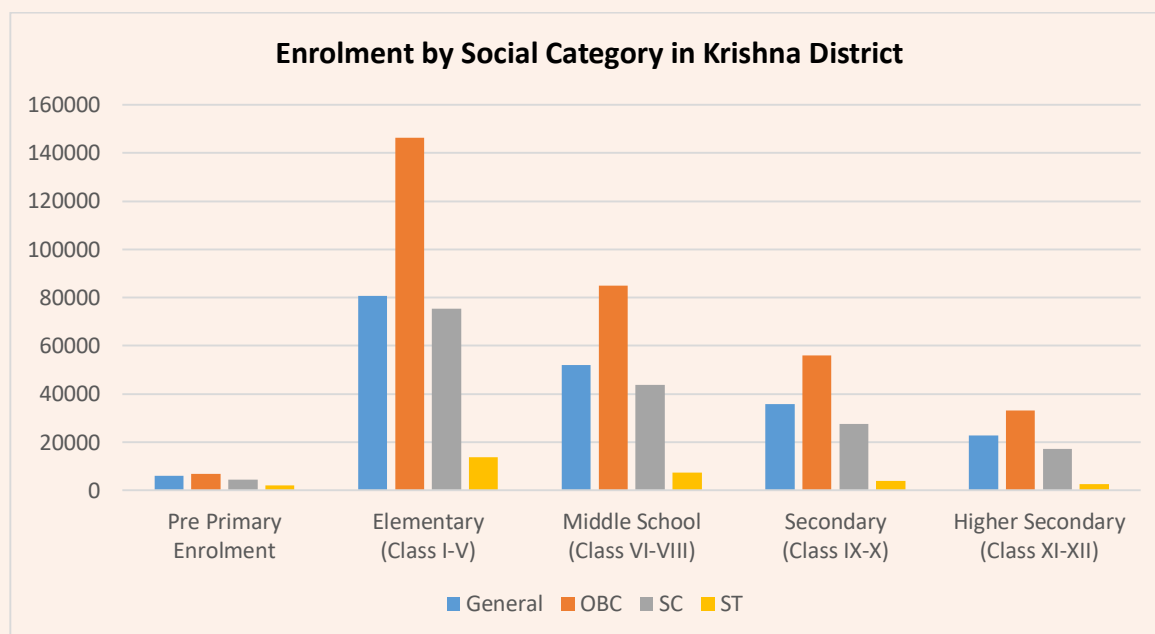
Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Institutional births (%)	98.9	96.4	96.5	91.5
Children who received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery (%)	90.3	NA	92.3	NA
Children age 12-23 months fully vaccinated based on information from vaccination card only (%)	(97.2)	*	88.0	79.9
Children age 9-35 months who received a vitamin A dose in the last 6 months (%)	81.0	61.5	80.3	79.3
Children under age 3 years breastfed within one hour of birth (%)	29.3	37.7	52.0	40.0
Children under age 6 months exclusively breastfed (%)	*	*	68.0	70.2
Total children age 6-23 months receiving an adequate diet (%)	(23.4)	6.2	9.3	7.6
Children under 5 years who are stunted (height-for-age) (%)	29.8	22.6	31.2	31.4
Children under 5 years who are wasted (weight-for-height) (%)	14.3	20.7	16.1	17.2
Children under 5 years who are severely wasted (weight-for-height) (%)	5.2	5.1	6.0	4.5
Children under 5 years who are underweight (weight-for-age) (%)	21.1	27.7	29.6	31.9
Children under 5 years who are overweight (weight-for-height) (%)	4.2	1.8	2.7	1.2
Children age 6-59 months who are anaemic (<11.0 g/dl) (%)	65.7	58.1	63.2	58.6
Prevalence of symptoms of acute respiratory infection (ARI) in children under 5 years in the 2 weeks preceding the survey (%)	2.4	1.3	2.4	0.5
Children with fever or symptoms of ARI in the 2 weeks preceding the survey taken to a health facility or health provider (%)	(45.8)	*	70.2	77.3

(ii) Education

The situation with education remains quite similar to the case of health in Krishna district. The district does quite well in terms of addressing infrastructural demands for education in an active manner. However, some key indicators require attention. The total number of

enrolment of students in the year 2019-20 in Krishna district was 7,22,288.¹¹⁹ But then one can witness a sharp decline in enrolment rate at secondary and higher secondary levels as depicted in the figure below.

Figure 4.1 - Enrolment Numbers of Students from various Social Groups: Krishna District (2019-20)¹²⁰



There has been an improvement in different kinds of infrastructures and equipments in the schools in Krishna district as per U-DISE Reports.¹²¹ However, when it comes to number of schools approachable by all-weather roads, there are only two higher senior secondary schools (class VI-XII) in the whole of Krishna district.¹²² In terms of infrastructural facilities provided for education Krishna district certainly fares better than the other districts in the state and also at the national level. However, learning levels among children remain a cause for concern. As per the ASER Report 2018, only 40.7% of the student population in standards III-V in Krishna district (Rural) could read standard II textbook though the percentage increased to 65.9% when the same test was repeated for students in classes VI-VIII.¹²³

¹¹⁹ Unified District Information System for Education (U-DISE) 2019-20. *Enrolment by Social Category, Report No. 4004. Krishna District*. Available at: <https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport> [Last Accessed on: October 3, 2021].

¹²⁰ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004*.

¹²¹ Unified District Information System for Education (UDISE). *Elementary Education in India: Where do we Stand? District Report Cards, 2016-17. Vol-I*. Available at: http://udise.in/Downloads/Publications/Documents/District_Report_Cards-2016-17-Vol-I.pdf [Last Accessed on: September 8, 2021].

¹²² Unified District Information System for Education (UDISE) 2019-20. *Number of Schools Approachable by All-Weather Roads by Management and School Category. Report No. 1010*. Available at: <https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport> [Last Accessed on: October 3, 2021].

¹²³ Pratham. *ASER 2018, Andhra Pradesh Rural*. Available at: <http://img.asercentre.org/docs/ASER%202018/Release%20Material/District%20Estimates/andhrapradeshdistrictestimates.pdf> [Last Accessed on: October 3, 2021].

Table 4.7 - Learning Levels as per School Standards in Krishna District 2018¹²⁴

Learning Levels	Std III-V (in %)	Std VI-VIII (in %)
% Children who can read Std II level text	41.4	70.3
% Children who can at least do subtraction (division for higher classes)	58.9	42.8

(iii) Child Labour

The last reliable figures on incidence of child labour in the district dates back to Census 2011, revealing a dangerous trend in terms of children employed in different activities, reiterating the importance of making education – not just schools – accessible to children, while ensuring that they complete their education. This observation also comes through lived experiences of children in the Vedadri village. There are two schools in the village - one primary and one upper primary school. The closest high school is in Jaggayyapeta, which is 10 kms. away from the village. According to people of Vedadri village, about 30% of the children drop out after 10th standard due to unavailability of school in the village and start working in factories and as agricultural labourers.

Table 4.8 - Incidences of Child Labour in Krishna District in 2011¹²⁵

Krishna District	No. of Child Labourers	Percentage of Child Labour
Rural	17,103	3.9%
Urban	10,544	3.6%
Total	27,647	3.7%

(iv) Child Trafficking and Child Marriage

For a district that does extremely well with respect to most indicators, it is disturbing to come across incidences of child marriage and child trafficking.

- In the Census 2011, 1.71 lakh girls and 1.72 lakh boys were recorded to have married before the legal age, after which certain interventions were made to curb the rate of such incidences. The percentage of child marriage in the district is thus reported to have come down from 54.8% to 33%, though it still requires more interventions for Krishna district to become a child marriage free district. NFHS-5 shows a decline in percentage of women aged 20-24 years from 31.4% (NFHS-4) to 25.3%.¹²⁶

¹²⁴ Ibid. *ASER 2018, Andhra Pradesh Rural*.

¹²⁵ Samantroy, Ellina, Helen R. Sekar and Sanjib Pradhan. *State of child workers in India: Mapping Trends*. VV Giri National Labour Institute and UNICEF India. 2017. Available at: <https://vvnli.gov.in/en/occasionalpublications/state-child-workers-india> [Last Accessed on: September 15, 2020].

¹²⁶ Dwivedi, Kriti. *Andhra's Krishna District No Longer Child Marriage Hub*. July 4, 2018. Available at: <https://www.shethepeople.tv/news/krishna-district-andhra-pradesh-child-marriage-hub/>. [Last Accessed on: September 15, 2020].

- The COVID-19 pandemic has thrown challenges to several child protection concerns, child marriage being one of those. According to a news report, Krishna district witnessed a dramatic increase in parents trying to marry off their minor children during the pandemic. 51 child marriages were prevented in the district between January 2021 and June 15, 2021, by NGOs, police and Child Protection Committees. In 2019, the authorities prevented 202 child marriages from taking place.¹²⁷
- From another news report dated August 2017, it is clear that the girl trafficking racket remains a very systematic one, with people from the upper echelons of society complicit in it.¹²⁸ The report goes on to shed light on how the girls are picked up through informal networks from the rural pockets of Krishna district and brought to urban spaces such as Vijayawada to earn INR 8,000 – 10,000 on a daily basis. Once the informal contract period gets over, the girls return back to their native areas. The network therefore remains difficult to contain and the trade increases at a pace never before seen.
- In 2019, 260 street children, destitute children and child labourers were rescued in Krishna district, as part of “Operation Muskaan”. This is the highest number of children rescued as part of this operation, compared to the numbers in other districts of Andhra Pradesh. Most of the children rescued were aged between 10 and 15 years.¹²⁹

C. District Mineral Foundation – Krishna District

(i) Structure and Functioning of the DMF Trust Body

It needs to be stated up-front that data related to almost every aspect of DMF Trust remains dismal in case of Krishna district. While the DMF Trust was instituted in the district way back in January 2016, hardly any information is available in public domain on the members of the Governing Council and Managing Committee of the Trust in Krishna district. It is a matter of even greater concern as the main PMKKKY state-office is located in Krishna district and yet such major information remains missing from public domain. The case is similar with reports of DMF Trust meetings which are supposed to be held by rule at least once in two months.

¹²⁷ The New Indian Express, *253 child marriages prevented in Krishna district*. June 17, 2021. Available at: <https://www.newindianexpress.com/states/andhra-pradesh/2021/jun/17/253-child-marriages-prevented-in-krishna-2317489.html> [Last Accessed on: September 9, 2021].

¹²⁸ Vasudevan, Patri. *Flesh trade: Krishna District police try to unearth ‘mediamen’ role*. Deccan Chronicle. August 27, 2017. Available at: <https://www.deccanchronicle.com/nation/crime/270817/flesh-trade-krishna-district-police-try-to-unearth-mediamen-role.html> [Last Accessed on: September 15, 2020].

¹²⁹ Times News network. *86 street kids rescued in Andhra Pradesh*. September 7, 2019. Available at: <https://timesofindia.indiatimes.com/city/vijayawada/86-street-kids-rescued-in-city/articleshow/71016540.cms> [Last Accessed on: September 3, 2021].

As per the Andhra Pradesh District Mineral Foundation Trust Rules, 2016, the Governing Council of DMFs in the district are supposed to consist of the following members:¹³⁰

- (1) Collector, or as may be decided by the Government, who shall be its Chairperson & Managing Trustee;
- (2) Joint Collector;
- (3) Project Officer ITDA/District Tribal Welfare Officer;
- (4) Project Director, DRDA;
- (5) District Medical & Health Officer;
- (6) Joint Director (Animal Husbandry);
- (7) Joint Director (Agriculture);
- (8) Superintending Engineer (Panchayat Raj);
- (9) Superintending Engineer (Rural Water Supply);
- (10) Superintending Engineer (Tribal Welfare);
- (11) Superintending Engineer (Irrigation);
- (12) District Educational Officer;
- (13) Project Officer (RVM);
- (14) General Manager (Industries);
- (15) CEO (Zila Panchayat);
- (16) District Panchayat Officer;
- (17) Assistant Director, Mines & Geology;
- (18) Representative of NGO working in the district, nominated by the Government;
- (19) Two representatives of the lessees to be nominated by the District Collector; and
- (20) Two women representatives of the Self Help Groups (SHGs) to be nominated by the District Collector.

No information is available on how many members are actually there, particularly with respect to representatives of NGO, lessees and SHGs.

(ii) Funds Accrued in DMF Trust

Krishna District is known for mining of many minerals including two major minerals (i.e. limestone and iron ore) and five minor minerals (granite, sand, road metal, quartz, building sand and gravel)¹³¹ and these have become a major source of generating revenue over the years. Thus, mining activities related to both minor and major minerals become responsible for contributing to the DMF Trust funds. The data for funds accrued has been presented in table 4.9.

¹³⁰ Ibid. Andhra Pradesh District Mineral Foundation Rules, 2016. Rule 5.

¹³¹ Department of Mines and Geology. Url: <https://krishna.ap.gov.in/mines-geology/> [Last Accessed on: September 30, 2021].

Table 4.9 - Misrepresented Data on Funds Accrued in DMF Trust in Krishna District¹³²

Financial Year	Total (in Cr.)	Major (in Cr.)	Minor (in Cr.)
2017-18	30.61	25.67	4.94
2018-19	28.18	25.29	2.89
2019-20	2,16,55,406	21655401.91	4.42

In case of funds accrued in the financial years, 2017-18 and 2018-19, the data seems to be correct. However, in the year 2019 -20, the numbers are so large that it seems like an error from the department's side. Therefore, the monthly records of that particular year had to be reviewed. On reviewing it came to light that the contribution by major minerals in the month of February 2020 was just 2.17 Cr. that had been clearly misrepresented in the data presented on the portal. On revision, the data on actual funds accrued is as shown in table 4.10.

Table 4.10 - Data on Funds Accrued in DMF Trust in Krishna District

Financial Year	Total (in Cr.)	Major (in Cr.)	Minor (in Cr.)
2017-18	30.61	25.67	4.94
2018-19	28.18	25.29	2.89
2019-20	26.51	22.09	4.42

(iii) Utilization of DMF Trust Funds

Access to information regarding utilization of DMF Trust funds, its structure and composition and minutes of its meetings is poor. With no data available in public domain, it becomes difficult to assess what work has been done for the benefit communities affected by mining in the district. Efforts at collecting such information from the concerned authorities are ongoing.

Information available from response to a question raised in the Parliament suggests that only 3.39% of the funds collected in the DMF Trust of Krishna district were utilized as on January, 2020 (See table 4.11).

¹³² PMKKKY Portal. *Cumulative Fund Accrual in Krishna DMF Trust*. Available at: <https://mitra.ibm.gov.in/pmkkky/Andhra%20Pradesh/district/Pages/Dashboard.aspx?stateId=28&districtId=5%2010&state=Andhra%20Pradesh> [Last Accessed on: September 16, 2020].

Table 4.11 - Collection and Utilization of Funds by DMF Trust Krishna District

District wise Fund Collection & Utilization Report for Andhra Pradesh				
Name of District	Fund Collection (in Cr.)		Fund Utilization (in Cr.)	
	As on November 2018 ¹³³	As on January 2020 ¹³⁴	As on November 2018 ¹³⁵	As on January 2020 ¹³⁶
Krishna	67.78	102.09	2.00	3.46
Andhra Pradesh Total	612.94	905.62	98.83	169.85

4.1.2. Nellore District

A. A Short Profile

Nellore district is situated a little to the South of Krishna district and is also one of the coastal districts of Andhra Pradesh. Surrounded by the Bay of Bengal on one side and the Eastern Ghats on the other, the district is well situated topographically to carry out various economic activities. Nellore relies heavily on the tertiary sector and primary sector for its revenues. The Gross Domestic District Produce of the district, close to INR 30,000 Cr., makes up for almost 5.8% of the State revenues.¹³⁷ Nellore is one of the mineral rich districts not just for the State but for the Nation with many mineral ores found in abundance – Silica Sand, Feldspar, Quartz, Barytes, Mica, Vermiculate, etc. extracted through large-scale mining projects.

Major Mining affected Mandals in the District are:¹³⁸

- Chillakur, Kota, Sydapuram, Podalakur and Gudur Mandals
- Mining / Quarry Leases are also present in mandals like Dagadarthi, Varikuntapadu, Seetharamapuram, Alluru, Venkatachalam, Udayagiri, Bogole, Chejarla, Jaladanki, Manubolu, Pellakur, Ozili, Rapur, Chittamuru etc.

The district remains the biggest producer of Mica in the nation.¹³⁹ Such large-scale mining work is bound to raise questions of how much has the process contributed in upliftment of

¹³³ Ministry of Mines. *Tranfor Mining*. National Workshop on DMF-PMKKKY, January 18, 2019. Available at: https://mines.gov.in/writereaddata/UploadFile/Booklet_DMFMail_1.pdf [Last Accessed on October 5, 2021].

¹³⁴ Parliament of India. *Establishment of DMFs, Lok Sabha, Unstarred Question No. 2212. Answered On 04.03.2020*. Available at: <http://164.100.24.220/loksabhaquestions/annex/173/AU2212.pdf> [Last Accessed on: October 3, 2021].

¹³⁵ Ibid. *Tranfor Mining*.

¹³⁶ Ibid. *Lok Sabha, Unstarred Question No. 2212. Answered On 04.03.2020*

¹³⁷ Andhra Pradesh Economic Development Board. *District Profile – Nellore*. Available at: <https://apedb.gov.in/about-pottisriramulu-nellore-district.html> [Last Accessed on: September 15, 2020].

¹³⁸ Mines & Geology. *Major Mining affected Mandals in the District*. Available at: <https://spsnellore.ap.gov.in/mines-geology/> [Last Accessed on: October 5, 2021].

¹³⁹ Ibid. Andhra Pradesh Economic Development Board.

the inhabitants and if the district authorities have done enough to prevent exploitation of miners and their families as has generally been the case with other mining districts of the country.

The areas falling within 10 km radius of mines / quarries are treated as direct affected areas and the area falling in 25 km radius of mines / quarries are treated as indirect affected area.¹⁴⁰

In the next sections we try to get some answers to these questions, and maybe raise a few, that need to be brought into light for further work.

Table 4.12 - Nellore: Key Facts (Census 2011)¹⁴¹

Total Population	29.64 lakh (11.1% increase from Census 2001)
Population of Children (0-6 years)	31.26% of total population of children aged 0-18 years
Literacy Rate (excluding 0-6-year age group)	68.9% (lower than national average of 72.98%)
Sex Ratio	985 (lower than state average 993)
Labour Force Participation	69.3%
Female Labour Participation	30.92% (decrease from 32.29% in Census 2001)
Rural Area Work Participation	Male: 59.4% Female: 37.7%
Urban Area Work Participation	Male: 53.2% Female: 14.2%
Population according to social group (SC)	6.66 lakh (13.5% increase from Census 2001)
Population according to social group (ST)	2.85 lakh (18.1% increase from Census 2001)

B. Status of Children

Table 4.13 - Child Population in Nellore District according to Age-group (Census 2011)¹⁴²

Age-Group	0-5 Years	6-13 Years	14-18 Years
Total Population	2,57,689	4,13,712	3,02,162

¹⁴⁰ Ibid. Mines & Geology.

¹⁴¹ Office of the Registrar General of India. *Census 2011, District Census Handbook - Sri Potti Sriramulu Nellore*. Available at: https://censusindia.gov.in/2011census/dchb/2819_PART_A_DCHB_SRI%20POTTI%20SRIIAMULU%20NELLORE.pdf [Last Accessed on: September 14, 2020].

¹⁴² Office of Registrar General of India. *Census 2011, Table C-13*. Available at: <https://censusindia.gov.in/2011census/C-series/C-13.html> [Last Accessed on: October 4, 2021].

The majority of child population is in the age-group bracket of 6-13 years (42.49% of total child population aged 0-18 years). As per NFHS-5, children below the age of 15 years comprise 20.8% of the district population. Their numbers have reduced by 2.1 percentage points between NFHS-4 and NFHS-5, which requires further exploration to understand if this is a natural decline. Every which way, children in the district constitute a significant size of the population and hence cannot be ignored.

Table 4.14 - Other Child Related Data for Nellore District from NFHS

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Population below age 15 years (%)	20.8	22.9	22.2	23.7
Sex ratio of the total population (females per 1,000 males)	1,049	1,039	1,045	1,021
Sex ratio at birth for children born in the last five years (females per 1,000 males)	1,011	1,156	934	914
Children under age 5 years whose birth was registered with the civil authority (%)	88.1	80.7	92	82.7
Women age 20-24 years married before age 18 years (%)	23.8	38.7	29	33.0

The tables that follow present data relating to some child rights indicators or indicators having a direct bearing on children's rights.

(i) Health¹⁴³

Table 4.15 - General Health and Sanitation: Nellore District

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Households with any usual member covered under a health insurance/ financing scheme (%)	72.3	73.0	70.2	74.6
Average out-of-pocket expenditure per delivery in a public health facility (Rs.)	1,104	2,536	3,105	2,322
Population living in households with an improved drinking-water source (%)	95.6	95.2	96.7	95.6
Population living in households that use an improved sanitation facility (%)	81.8	54.3	77.3	54.4
Households using clean fuel for cooking (%)	84.6	57.1	83.6	62.0

¹⁴³ Ministry of Health and Family Welfare. *NFHS-5 Factsheets – Andhra Pradesh and Sri Potti Sriramulu Nellore District*. Available at: http://rchiips.org/nfhs/NFHS-5_FCTS/AP/Sri%20Potti%20Sriramulu%20Nellore.pdf and http://rchiips.org/nfhs/NFHS-5_FCTS/FactSheet_AP.pdf [Last Accessed on: January 25, 2021].

During field visit in Nellore, women engaged in filtering silica from sand narrated their poor working conditions and resulting health problems. Under such circumstances, having the safety cover of a health insurance in situations of heightened threat to life and injuries arising from mining and related activities can go a long way in addressing any urgent health emergencies for the mining communities. Therefore, a marginal decline in the health insurance cover from 73.0% in NFHS-4 to 72.3% in NFHS-5 generates concern. It requires further research to understand who are the people left out of the health insurance coverage and how can such schemes be expanded to cover those affected by mining.

Further, between 2015-16 and 2019-20, the reach of basic necessities to households grew significantly across the district with greater percentage of households having access to improved drinking-water source, sanitation facility, electricity, etc. However, some of the child health indicators are a cause for concern.

Table 4.16 - Women's Health: Nellore District

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	76.1	67.3	70	56.1
Mothers who consumed iron folic acid for 180 days or more when they were pregnant (%)	51.8	30.6	41	30.6
Registered pregnancies for which the mother received a Mother and Child Protection (MCP) card (%)	92.8	92.5	96.5	92.6
Mothers who received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery (%)	95.5	83.2	90.7	79.7
Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)	59.6	59.1	59.0	60.2
Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)	*	59.2	53.7	52.9
All women age 15-19 years who are anaemic (%)	59.4	59.1	60.1	61.1
Women age 15 years and above who use any kind of tobacco (%)	4.4	NA	3.8	NA
Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	14.9	11.8	12.6	11.8
Women age 15-24 years who use hygienic methods of protection during their menstrual period (%)	84.0	63.1	85.1	67.5

Although women's health in the district seems to have generally improved and is better than the state average, achievements in tackling anaemia among pregnant and non-pregnant women require a boost as this impacts the nutrition levels of children born to anaemic mothers as well as adolescent girls.

Table 4.17 - Child Health: Nellore District

Indicator	NFHS-5 (District)	NFHS-4 (District)	NFHS-5 (State)	NFHS-4 (State)
Institutional births (%)	97.0	96.0	96.5	91.5
Children who received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery (%)	94.3	NA	92.3	NA
Children age 12-23 months fully vaccinated based on information from vaccination card only (%)	80.1	*	88.0	79.9
Children age 9-35 months who received a vitamin A dose in the last 6 months (%)	77.0	71.7	80.3	79.3
Children under age 3 years breastfed within one hour of birth (%)	39.4	29.3	52.0	40.0
Children under age 6 months exclusively breastfed (%)	54.7	71.7	68.0	70.2
Total children age 6-23 months receiving an adequate diet (%)	6.9	8.7	9.3	7.6
Children under 5 years who are stunted (height-for-age) (%)	29.2	29.4	31.2	31.4
Children under 5 years who are wasted (weight-for-height) (%)	17.2	16.9	16.1	17.2
Children under 5 years who are severely wasted (weight-for-height) (%)	6.9	4.3	6.0	4.5
Children under 5 years who are underweight (weight-for-age) (%)	27.8	28.7	29.6	31.9
Children under 5 years who are overweight (weight-for-height) (%)	0.5	1.5	2.7	1.2
Children age 6-59 months who are anaemic (<11.0 g/dl) (%)	67.5	50.4	63.2	58.6
Prevalence of symptoms of acute respiratory infection (ARI) in children under 5 years in the 2 weeks preceding the survey (%)	3.9	0.0	2.4	0.5
Children with fever or symptoms of ARI in the 2 weeks preceding the survey taken to a health facility or health provider (%)	72.3	*	2	77.3

As reported in July 2019,¹⁴⁴ 630 infants were admitted in the public Neonatal Intensive Care Unit of Nellore Government General Hospital in the six months preceding the report, out of which 75 infants died and 43 others were between the birth-weight of 1.5 kg to 2.5 kg, while 15 infants were below 1 kg. Low Birth Weight (LBW) and premature birth are reported as the main causes of high infant mortality rate, which are in turn a result of malnutrition, anaemia, young motherhood, poor prenatal care.

Besides issues relating to maternal and child health, tuberculosis (TB) has been a major concern in Nellore. The cases of tuberculosis have gone up from 3701 in 2017 to 5011 in 2019.¹⁴⁵ Of these, 88 were pediatric TB patients. A rise in TB could also be attributed to mining related activities that cause air and water pollution.

An Opportunity for DMF ...

Multi-Sectoral Collaboration to take convergent action and to reach key populations served by various Ministries/PSUs and Partners such as workers, miners, migrants, slum dwellers, tribal population, women and children etc. is a key strategy in the NSP (TB National Strategic Plan) (2017-25).

Source:

India TB Report 2019: Annual Report

Available at:

<https://www.tbcindia.gov.in/WriteReadData/India%20TB%20Report%202019.pdf> [Last Accessed on: October 4, 2021].

(ii) Education

The total number of schools under different management and category is 4646 in Nellore district,¹⁴⁶ out of which almost 66% schools are primary schools catering to students of class I-V. The total number of enrolments of students in the year 2019-20 in Nellore district was 4,62,299.¹⁴⁷ But then one can witness a sharp decline in enrolment rate for at secondary and higher secondary levels depicted through the Figure 4.2.

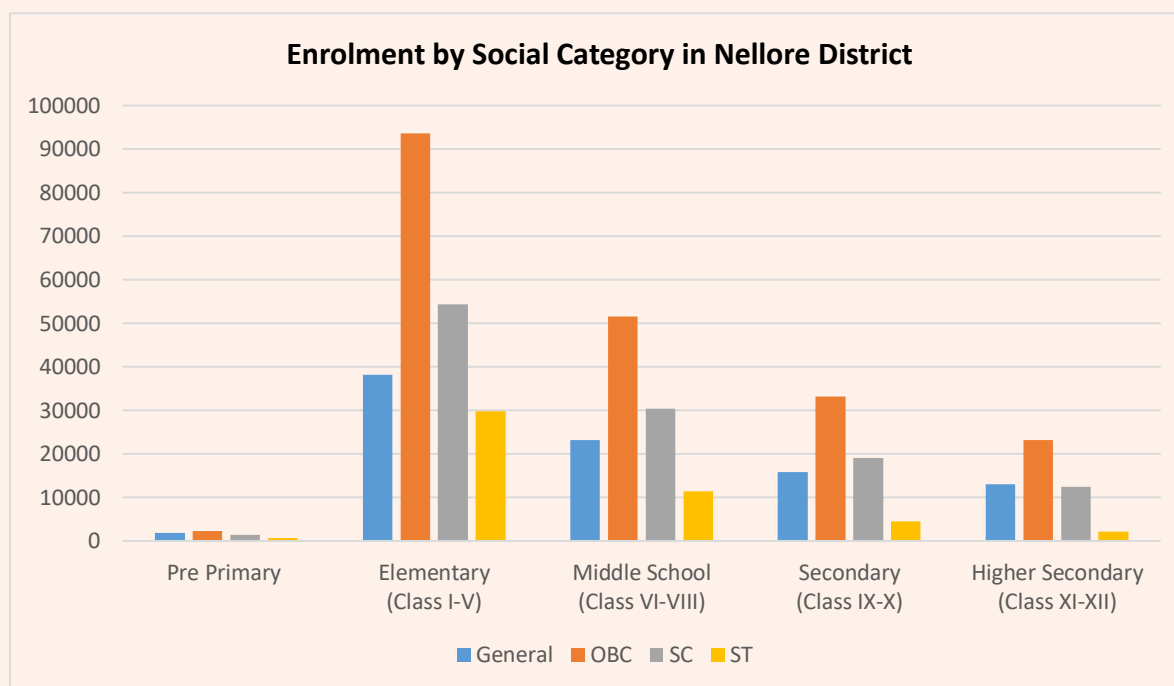
¹⁴⁴ Kumar, Surendra D. *75 infants with low birth weight die at Andhra's Nellore Government General Hospital in 6 months*. Express News service, July 1, 2019. Available at: <https://www.newindianexpress.com/states/andhra-pradesh/2019/jul/01/75-infants-with-low-birth-weight-die-at-andhras-nellore-government-general-hospital-in-6-months-1997798.html#:~:text=States%20Andhra%20Pr%20adesh-.75%20infants%20with%20low%20birth%20weight%20die%20at%20Andhra's%20Nellore,%20weight%20of%200%20under%202%2C500%20grams> [Last Accessed on: September 15, 2020].

¹⁴⁵ Central TB Division, Directorate General of Health Services, Ministry of Health & Family Welfare. *TB India 2017: Annual Status Report, Table 6, pg. 121*. Available at: <https://tbcindia.gov.in/WriteReadData/TB%20India%202017.pdf> and *India TB Report 2019: Annual Report, Table 1.13, pg. 166*. Available at: <https://www.tbcindia.gov.in/WriteReadData/India%20TB%20Report%202019.pdf> [Last Accessed on: October 4, 2021].

¹⁴⁶ Unified District Information System for Education (U-DISE) 2019-20. *Number of Schools by School Management and School Category, Report No. 1003*. Available at: <https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport> [Last Accessed on: October 3, 2021].

¹⁴⁷ Unified District Information System for Education (U-DISE) 2019-20. *Enrolment by Social Category, Report No. 4004. Nellore District*. Available at: <https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport> [Last Accessed on: October 3, 2021].

Figure 4.2 - Enrolment Numbers of Students from various Social Groups: Nellore District (2019-20)¹⁴⁸



In the U-DISE report 2019-20, the drop-out rate of students coming from ST communities at secondary education was 24.32% as compared to 11.84% drop-out rate for the students from general category.¹⁴⁹ In one of the recent studies that attempted to grasp reasons behind such dropouts, it came to light that infrastructural issues, migration and getting employed as child labour contributed significantly to this worrisome situation.¹⁵⁰ Subbaiah, a mine worker from Nellore with whom the research team interacted is of the view that “At least with education, the young generation will stop working in the mines or bring some change.”

There has been an improvement in some school infrastructure in Nellore district as per the U-DISE Report of 2016-17,¹⁵¹ although the report also shows a decline in number of schools with drinking water (from 93.4% in 2015-16 to 92.7% in 2016-17), number of government aided schools providing mid-day meals (from 98.5% in 2015-16 to 97.4% in 2016-17) and number of government aided schools with SMC (from 99.8% in 2015-16 to 98.1% in 2016-17).

¹⁴⁸ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004.*

¹⁴⁹ Unified District Information System for Education (U-DISE) 2019-20. *Dropout Rate by Gender, Level of School Education and Social Category, Report No. 4017.* Available at:

<https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport> [Last Accessed on: October 4, 2021].

¹⁵⁰ Mamidi, Bharat Bhusan et. al. *Barriers in Making the School Inclusive.* January 2016. Available at:

https://www.researchgate.net/publication/330926549_Barriers_in_Making_the_School_Inclusive [Last Accessed on: September 16, 2020].

¹⁵¹ Unified District Information System for Education (UDISE). *Elementary Education in India: Where do we Stand? District Report Cards, 2016-17. Vol-I.* Available at:

http://udise.in/Downloads/Publications/Documents/District_Report_Cards-2016-17-Vol-I.pdf [Last Accessed on: September 8, 2021].

Resonating the issue of infrastructural gaps and access, there are only 13 higher senior secondary schools (class VI-XII) in Nellore which are approachable by all-weather roads.¹⁵² One of the students interviewed during the study shared that her school was placed just besides the local pond and there was no boundary wall to divide the school from the pond, making it dangerous for students to play around and even walk freely without having the fear of falling into the pond. The girl also shared lack of any toilets in the school which makes it inconvenient for them to attend school.

In terms of infrastructural facilities provided for education Krishna district certainly fares better than the other districts in the state and also at the national level. However, learning levels among children remain a cause for concern. As per the ASER Report 2018, nearly half of the student population (49.1%) in standards III-V in Krishna district (Rural) could read standard II textbook and the percentage increased to 76.9% when the same test was repeated for students in classes VI-VIII.¹⁵³

Table 4.18 - Learning Levels as per School Standards in Nellore District 2018¹⁵⁴

Learning Levels	Std III-V (in %)	Std VI-VIII (in %)
% Children who can read Std II level text	49.1	76.9
% Children who can at least do subtraction (division for higher classes)	60.5	46.2

(iii) Child Labour

During conversation with the District Child Protection Officer (DCPO), Nellore, the research team learnt that many children migrate with or without their families to Nellore. Mostly, these children work at *dhabas* and in small factories. A District-level Task Force for Elimination of Child Labour was reported to have been set up in January, 2021 to conduct rescue and raid operations in cases of child labour. According to the DCPO, the National Child Labour Programme (NCLP) is being implemented in the district, but due to lack of adequate funds, many children are unable to receive its benefits. In the specific context of mining areas, the DCPO lamented that it is very difficult to enter into the mining area without permission from the mining company. In February, 2021, a team of DCPO, Labour Department officials and local NGO had gone for a rescue operation at Saidapuram (Mica mining area), but was stopped by the mining company. Their phones were snatched to prevent them from making any calls. The matter was resolved later only after intervention from the local police. Such incidents narrate the predominant power equation in the mining areas and how it becomes difficult for the administration to take necessary steps to address such contentious issues.

¹⁵² Unified District Information System for Education (UDISE) 2019-20. *Number of Schools Approachable by All-Weather Roads by Management and School Category. Report No. 1010*. Available at: <https://dashboard.udiseplus.gov.in/#/reportDashboard/sReport> [Last Accessed on: October 3, 2021].

¹⁵³ Ibid. ASER 2018, *Andhra Pradesh Rural* [Last Accessed on: October 3, 2021].

¹⁵⁴ Ibid. ASER 2018, *Andhra Pradesh Rural*.

Table 4.19 - Incidences of Child Labour in Nellore District in 2011¹⁵⁵

Nellore District	No. of Child Labourers	Percentage of Child Labour
Rural	12,125	3.2%
Urban	2,537	1.8%
Total	14,662	2.8%

(iv) Child Trafficking and Child Marriage

During the year 2017, a total of 15 cases of trafficking were recorded and in 2018 the number was 4, of whom one was a child.¹⁵⁶ A horrifying case of a 16-year old came up in 2017 where she was sold to a trafficker in Prakasam district for mere INR 20,000 and was forced into sex-work.¹⁵⁷ As per the report, The child could only be rescued due to proactive measures taken by the Circle Officer who was earlier a part of the AHTU. Anti-trafficking activists are of the view that not every girl is as fortunate as this 16-year old.

Like the case with Krishna district, many people have put the blame of child-trafficking on the high-profile cartel that facilitates this in the state and also due to lack of proper AHTUs. The Disha Act which was supposed to become a stringent law to protect children from getting trafficked still remains to be enforced by the State.¹⁵⁸

During the COVID-19 lockdown period in April-May 2020, 11 child marriages were stopped in Nellore.¹⁵⁹ While the NFHS-5 shows a decline in child marriage in Nellore, it also shows an increase in underage pregnancy.¹⁶⁰ In sum, a lot more work is required to raise the status of the girl child in the district. A research conducted by Vardhan and Srinivas Rao suggests a strong son preference (61.23%) among the rural families in the district, largely associated with low socio-economic status, literacy rate and caste.¹⁶¹ Economic utility (78%) and old age security (61%) are identified as the major reasons given by most families for son preference.

¹⁵⁵ Ibid. Samantroy, Ellina, Helen R. Sekar and Sanjib Pradhan.

¹⁵⁶ Parliament of India. *Lok Sabha – Unstarred Question No. 3791. Answered on March 17, 2020.* Available at: <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2020-pdfs/ls-17032020/3791.pdf> [Last Accessed on: September 15, 2020].

¹⁵⁷ Reddy, Jhanavi. *Rise in human trafficking cases in AP worries activists due to lack of dedicated staff.* The News Minute, July 25, 2020. Available at: <https://www.thenewsminute.com/article/rise-human-trafficking-cases-ap-worries-activists-due-lack-dedicated-staff-129415> [Last Accessed on: September 16, 2020].

¹⁵⁸ Ibid. Reddy, Jhanavi.

¹⁵⁹ Srinivas, Rajulapudi. *Lockdown: 165 child marriages stopped.* The Hindu, May 12, 2020. Available at: <https://www.thehindu.com/news/national/andhra-pradesh/lockdown-165-child-marriages-stopped/article31568597.ece> [Last Accessed on: October 5, 2021].

¹⁶⁰ Mehta, Sulogna. *Marginal dip in child marriage, teenage pregnancy rate climbs in Andhra Pradesh.* The Times of India. December 16, 2020. Available at: <https://timesofindia.indiatimes.com/city/visakhapatnam/marginal-dip-in-child-marriage-teenage-pregnancy-rate-climbs/articleshow/79745707.cms> [Last Accessed on: October 5, 2021].

¹⁶¹ Vishnu, Y. Vardhan and D. Srinivas Rao. *Preference for male child among married adults in rural and urban field practice areas of Narayana Medical College, Nellore, Andhra Pradesh, India.* International Journal of Community Medicine and Public Health, 7(2):546-549, February, 2020. Available at: <https://www.ijcmph.com/index.php/ijcmph/article/view/5650/3709> [Last Accessed on: October 5, 2021].

C. District Mineral Foundation – Nellore District

(i) Structure and Functioning of the DMF Trust

Table 4.20 - Governing Council of DMF Trust: Nellore District

District Committee of DMFT, G.O.M.S No.36, Dt: 14.03.2016 (As per Response received through RTI)			Governing Council of DMFT (As per the State Rules)
Sl. No.	Official	Designation	Official
1	District Collector & District Magistrate, SPSR Nellore	Chairperson & Managing Trustee	Collector, or as may be decided by the Government, who shall be its Chairperson & Managing Trustee
2	Joint Collector, SPSR Nellore District	Member	Joint Collector
3	Project Officer, Integrated Tribal Development Agency, SPSR Nellore	Member	Project Officer ITDA/District Tribal Welfare Officer
4	Project Director, District Rural Development Agency (DRDA), SPSR Nellore	Member	Project Director, DRDA
5	District Medical and Health Officer (DM&HO), SPSR Nellore	Member	District Medical & Health Officer
6	Joint Director, Animal Husbandry Department, SPSR Nellore	Member	Joint Director (Animal Husbandry)
7	Joint Director, Agriculture Department, SPSR Nellore	Member	Joint Director (Agriculture)
8	Superintendent Engineer, Panchayat Raj, SPSR Nellore	Member	Superintending Engineer (Panchayat Raj)
9	Superintendent Engineer, (Rural Water Supply and Sanitation Department), SPSR Nellore	Member	Superintending Engineer (Rural Water Supply);
10	Superintendent Engineer, Tribal Welfare, SPSR Nellore	Member	Superintending Engineer (Tribal Welfare)
11	Superintendent Engineer, Irrigation, SPSR Nellore	Member	Superintending Engineer (Irrigation);
12	District Educational Officer, SPSR Nellore	Member	District Educational Officer
13	Project Officer, Rajiv Vidya Mission, SPSR Nellore	Member	Project Officer (RVM)
14	General Manager, District Industries Centre (DIC), SPSR Nellore	Member	General Manager (Industries)
15	Chief Executive Officer, District Parishad, SPSR Nellore	Member	CEO (Zila Panchayat)
16	District Panchayat Officer, SPSR Nellore District	Member	District Panchayat Officer
17	Deputy Director, Mines & Geology Department, SPSR Nellore	Member	Assistant Director, Mines & Geology
18	MISSING		Representative of NGO working in the district, nominated by the Government
19	MISSING		Two representatives of the lessees to be nominated by the District Collector
20	MISSING		Two women representatives of the Self Help Groups to be nominated by the District Collector

Information on members of Governing Council of the Nellore DMF Trust is not available in public domain. RTI filed as part of this research led to the information provided in table 4.20. When compared with the structure of Governing Council as per the state rules, it is evident that representation from gram sabhas, miners' unions/associations, NGOs, women's groups, etc. is missing. The notification in public domain mentions that areas falling within 10 km radius of mining activities would be considered as directly impacted areas whereas areas falling within 25 km radius of mines/quarries would be treated as indirectly impacted areas. According to this marker, some *mandals* covered by DMF activities are Chillakur, Kota, Sydapuram, Podalakur, Gudur, Dagadarthi, Varikuntapadu, Seetharamapuram, Alluru, Venkatachalam, Udayagiri, Bogole, Chejarla, Jaladanki, Manubolu, Pellakur, Ozili, Rapur and Chittamuru.¹⁶² It would not be incorrect to conclude that representatives from these *mandals* do not find a voice in the decisions of the DMF Trust. One of the reasons for the same could be the sheer lack of awareness about the significance and use of DMFT funds amongst the community. During discussion with mine workers' forum in Suryapet, in Telangana, the community remained unaware if their village came under the purview of DMF Trust works and raised questions about how to attract attention of the DMF Trust authorities for carrying out development works in the village through the DMF Trust funds. On the contrary, research team spotted a school building which was constructed through the DMF Trust funds showcasing the stark difference in realities of information on DMF Trust amongst the communities it is meant for and the process followed by the DMF Trust for carrying out projects in the mining areas.

Another information that needs to come through, as per DMF Rules, are reports of the various meetings held by the DMF Trust, since inception. These too remain missing from public domain. The RTI led to information on meeting dates, but the minutes were not made available.

(ii) Funds Accrued in DMF Trust

As per the website of Department of Mines & Geology, Nellore, total fund collected in the DMF Trust as on July 30, 2019 was INR 28.65 Crore, of which INR 22.99 Crore was disbursed by Director, Mines & Geology (See table 4.21), which includes direct disbursement of INR 4.87 Crore to Andhra Pradesh Rural water Supply (APRWS).¹⁶³ The low figure for 2019-20 is perhaps because the collection reflected is only up to July 30, 2019. As per reply filed to a question raised in the Lok Sabha, as on January 2020, the total collection in the District Mineral Fund for Nellore was a sum of INR 34 Crore, while that for the entire state of Andhra Pradesh was INR 905.62 Cr.¹⁶⁴

¹⁶² Mines & Geology. *District Mineral Foundation Trust – SPSR Nellore*. Available at: <https://spsnellore.ap.gov.in/mines-geology/> [Last Accessed on: October 5, 2021].

¹⁶³ Ibid. Mines & Geology. *District Mineral Foundation Trust – SPSR Nellore*.

¹⁶⁴ Ibid. *Lok Sabha, Unstarred Question No. 2212. Answered On 04.03.2020*.

Table 4.21 - Funds Accrued in DMF Trust in Nellore District¹⁶⁵

Yearly Fund Collection	Total (Major & Minor Minerals)	
	Online Amount (in Cr.)	Amount Disburse by DMG* (in Cr.)
2016-17	5.93	3.72
2017-18	9.92	4.76
2018-19	10.03	11.75
2019-20 (up to 30.07.2019)	2.77	2.76
Total Accrual	28.65	22.99
*DMG - Director of Mines & Geology		

(iii) Utilization of DMF Trust Funds

Unlike the situation in Krishna district, in Nellore, as per information available from response to a question raised in the Parliament, 23% of the funds collected in the DMF Trust were utilized as on January, 2020. Utilization of funds however, was better as on November 2018 at 26% (See table 4.22).

Table 4.22 - Collection and Utilization of Funds by DMF Trust Nellore District

District wise Fund Collection & Utilization Report for Andhra Pradesh				
Name of District	Fund Collection (in Cr.)		Fund Utilization (in Cr.)	
	As on November 2018 ¹⁶⁶	As on January 2020 ¹⁶⁷	As on November 2018 ¹⁶⁸	As on January 2020 ¹⁶⁹
Sri Potti Sriramulu Nellore	22.68	34.00	5.91	7.82
Andhra Pradesh Total	612.94	905.62	98.83	169.85

In response to a question about DMF Trust expenditure asked in the Parliament, the Minister of Coal, Sh. Prahalad Joshi informed the House that up to May 19, 2019, an amount of INR 27.68 Cr. were collected in Nellore district under the District Mineral Fund (DMF), of which INR 22.12 Cr. were sanctioned for a total of 251 projects till May 2019 and INR 7.92 Cr.

¹⁶⁵ Ibid. Mines & Geology. *District Mineral Foundation Trust – SPSR Nellore*.

¹⁶⁶ Ministry of Mines. *Tranfor Mining*. National Workshop on DMF-PMKKKY, January 18, 2019. Available at: https://mines.gov.in/writereaddata/UploadFile/Booklet_DMFMail_1.pdf [Last Accessed on October 5, 2021].

¹⁶⁷ Ibid. *Lok Sabha, Unstarred Question No. 2212. Answered On 04.03.2020*.

¹⁶⁸ Ibid. *Tranfor Mining*.

¹⁶⁹ Ibid. *Lok Sabha, Unstarred Question No. 2212. Answered On 04.03.2020*

spent.¹⁷⁰ The Minister further informed that due to the Model Code of Conduct during the Lok Sabha polls, some projects were not started and new projects were not identified. The figures shared by the Minister echoed closely with data available on the website of the Department of Mines & Geology, Nellore, as shown in table 4.23.

Table 4.23 - Projects Executed in Nellore District through DMF Trust Funds up to May 2019¹⁷¹

S. No.	Type of work	Department	No. of Works Executed
1.	Completion of Incomplete Anganwadi Buildings	EE PRI Nellore	105
2.		EE PRI Gudur	57
3.		EE PR Kavali	54
4.	Hostel Buildings/School Building	APEWIDC Nellore	11
5.	Blankets & Bed Sheets	Manager	1
6.		APCO Nellore	
7.	CC Roads and Internal Roads	EE PRI Gudur	7
8.		EE PRI Nellore	1
9.	Irrigation	EE SSLC & SB Division No 1TGP	2
10.	Roads	SE & EE PR PIU Nellore	6
11.	School Building	MPDO Kota	1
12.	Solar-Energy	NREDCAP Nellore	2
13.	School Building Repairs	Sarva Siksha Abhiyan Nellore	1
14.	Health Care	Superintendent GGH Nellore	1
15.	Drinking Water	EE RWS&S Gudur	2
Total			251

The list of projects undertaken makes it amply clear that majority of the works undertaken were in relation to infrastructure development, which, in many cases should have been covered or completed through existing social sector schemes and programmes such as ICDS or Samagra Shiksha Abhiyan. Since many of the projects pertain to Nellore and Gudur, it will be worthwhile to find out if the geographical spread of the projects is decided on the basis of a needs assessment or are there other criteria for deciding on what projects are undertaken where. Absence of such information in public domain restricts any such assessment.

¹⁷⁰ Down To Earth. *As told to Parliament (July 1, 2019): India world's largest groundwater user.* July 01, 2019. Available at: <https://www.downtoearth.org.in/news/governance/as-told-to-parliament-july-1-2019-india-world-s-largest-groundwater-user-65370> [Last Accessed on: October 5, 2021].

¹⁷¹ Mines & Geology. *Works taken up with funds of DMFT.* Available at: <https://spsnellore.ap.gov.in/mines-geology/> [Last Accessed on: October 5, 2021].

A major chunk of the DMF Trust funds have recently been diverted to the COVID-19 relief work.

Figure 4.3 - Funds Released Under DMF for COVID-19

The funds released shall be utilized for the following activities:

- Purchase/Installation of necessary equipment/s or creation of Medical Infrastructure as per the guidelines of Ministry of Home Affairs & Ministry of Health & Family Welfare in those districts with at least minimum of one COVID 19 positive patients.
- Purchase of Facemask, Soaps, Sanitizers and Food Distribution for poor people if other available funds are not sufficient as certified by the District Collectors.

The following activities shall be taken up at State Headquarters:

- Procurement of Medical Equipment, Surgical Items, Screening & Sample Collection.
- Out of INR 116.90 Crores (Total funds allocated under DMF in the State of Andhra Pradesh) allocated to the MD NHM, INR 53.00 Crores is allocated to procurement of Medical Equipment & INR 63.90 Crores is allocated for Screening, Sample Collection & other activities related to prevention, control & management of COVID-19.

S. No.	Activity	Indicative cost
QUARANTINE CENTERS		
1	Towards Food, Bed & Mattresses	INR 500/- per day per person
2	Towards Transportation	INR 300/- per trip per person. These can be pooled to hire vehicles on monthly basis
3	Temporary Hiring of Staff	As per the existing Government orders issued by the HM&FW
4	Sanitation & Cleaning	INR 50/- per day per person
5	Any unforeseen expenditure	INR 50/- per day per person
SCREENING		
1	Towards Transportation	INR 300/- per trip per person. These can be pooled to hire vehicles on monthly basis
2	Temporary Hiring of Staff	As per existing Government orders
3	Any unforeseen expenditure	INR 50/- per person

Source: COVID-19 - Comprehensive Fund Management Guidelines. G.O.Ms.No.29, dt. 08.04.2020. Finance (FMU-REV) Department, Government of Andhra Pradesh. Available at: <https://nidm.gov.in/covid19/PDF/covid19/state/Andhra%20Pradesh/15.pdf> [Last Accessed On: October 5, 2021].

As per directives issued by the Finance Minister, Smt. Nirmala Sitharaman on 26th March, 2020, state governments were directed to utilize the funds available under District Mineral Foundation (DMF) for supplementing and augmenting facilities of medical testing, screening and other requirements in connection with preventing the spread of COVID-19 as well as treating the patients affected by the pandemic.¹⁷² Following this directive, the Government of Andhra Pradesh issued a notification dated 08.04.2020 permitting utilization of up to 30%

¹⁷² Press Information Bureau. *Finance Minister announces Rs 1.70 Lakh Crore relief package under Pradhan Mantri Garib Kalyan Yojana for the poor to help them fight the battle against Corona Virus.* Available at: <https://www.mohfw.gov.in/pdf/MoFPMGaribKalyanYojanaPackage.pdf> [Last Accessed On: October 5, 2021].

of the balance funds available under the District Mineral Foundation (DMF) for certain specified activities for COVID-19 operations.¹⁷³ The total fund allocated from DMF for COVID-19 relief work in Nellore is mentioned in table 4.24 and figure 4.3.

Table 4.24 - DMF Funds Allocated for COVID-19 in Nellore (in Crore)¹⁷⁴

District	SDRF* under TR-27	SDRF Green Channel PD Account**	SDRF Green Channel PD Account (post revision)	Funds available under DMF for COVID (post revision)	Total
Nellore	2	7	6	6.8478	14.8478
*SDRF: State Disaster Response Fund					
**PD Account: Personal Deposit Account of the State					

Overall Expenditure as per RTI Reply

As per the RTI response received from the DMF office at Nellore, the total estimated cost for projects in **areas directly impacted by mining** was INR 137,209,887 from 2017 to September 2020, as shown in table 4.25.

Table 4.25 - Expenditure incurred through DMF in Directly Affected Areas in Nellore

Analysis of Expenditure incurred through DMF in Directly Affected Areas in Nellore (2017 to September 2020)					
High Priority Areas			Other than High Priority Areas		
Sector	Amount (INR)	Percentage of Total Amount	Sector	Amount (INR)	Percentage of Total Amount
Drinking Water	55,20,000	4%	Physical Infrastructure	3,57,30,000	26%
Education	6,53,80,555	48%	Irrigation	46,36,332	3%
Welfare of Women and Children	2,16,90,000	16%	Energy and Watershed Development	42,53,000	3%
Source: Analysis of RTI Data from Nellore (2017 to September 2020)					

Out of the total amount:

- INR 3,69,54,887 (26.93%) was the estimated cost for projects that are currently over/complete;

¹⁷³ Finance (FMU-REV) Department. *COVID-19 - Comprehensive Fund Management Guidelines. G.O.Ms.No.29, dated 08.04.2020.* Government of Andhra Pradesh. Available at: <https://nidm.gov.in/covid19/PDF/covid19/state/Andhra%20Pradesh/15.pdf> [Last Accessed On: October 5, 2021].

¹⁷⁴ Ibid. *COVID-19 - Comprehensive Fund Management Guidelines. G.O.Ms.No.29, dated 08.04.2020.*

- INR 5,15,30,000 (37.55%) for projects that are ongoing;
- INR 30,00,000 (2.18%) for projects that were cancelled;
- INR 50,00,000 (3.64%) on projects that are yet to start; and
- INR 4,07,25,000 (29.68) was the estimated cost for projects that are mentioned as “NOT” (the data from RTI does not explain what “NOT” stands for)

Similarly, for projects in areas that are **indirectly impacted by** mining, the total estimated cost was INR 11,48,69,264, as shown in table 4.26.

Table 4.26 - Expenditure incurred through DMF in Indirectly Affected Areas in Nellore

Analysis of Expenditure incurred through DMF in Indirectly Affected Areas in Nellore (2017 to September 2020)					
High Priority Areas			Other than High Priority Areas		
Sector	Amount (INR)	Percentage of Total Amount	Sector	Amount (INR)	Percentage of Total Amount
Drinking Water	31,15,000	3%	Physical Infrastructure	5,05,70,264	44%
Education	23,000,000	20%	Irrigation	8,45,000	1%
Welfare of women and children	3,63,39,000	92%	Energy and Watershed Development	4,253,000	3%
Healthcare	10,00,000	1%			

Source: Analysis of RTI Data from Nellore (2017 to September 2020)

Out of the total amount:

- INR 3,95,96,264 (34.4%) for completed projects;
- INR 5,55,48,000 (48.3%) for ongoing projects;
- INR 10,00,000 (0.8%) for cancelled projects;
- INR 7,00,000 (0.6%) for projects that are yet to start; and
- INR 1,80,25,000 (15.69%) for projects that are mentioned as “NOT” (the data from RTI does not explain what “NOT” stands for)

Management of Funds

One of the concerns that emerged while understanding how fund disbursement and withdrawal is managed, is that the funds are re-routed to the DMF Trust through the Personal Deposit (PD) Accounts in the state. This phenomenon, as was brought out in discussions with district officials, creates significant hurdles for the administration in making payments towards works sanctioned by the DMF Trust. At the heart of this problem lies the systemic functioning of PD Accounts in

Why are DMF Trust funds in the State’s Personal Deposit Accounts?

the state, which is a financial repository for the works to be done at the district level. The problem starts with deposit of funds advanced towards the DMF Trust in the PD Accounts, which are not under the control of district administration and are managed by the Finance Department of the state. This has led to situations wherein payments get delayed towards the bills raised by project executing agency. As mentioned by the concerned authorities, a number of projects remain incomplete as a result of non-payments from PD Accounts towards different phases of the project. The system of managing funds through PD Accounts has remained a bone of contention in Andhra Pradesh for a long time. Over the years, financial audits done by the state CAG have pointed out mismanagement of funds deposited in the PD Accounts. The state is also one of the highest in terms of number of PD Accounts functional in a state. The CAG report of 2013 highlighted the presence of over 1,00,000 PD Accounts in the state which had accumulated close to INR 23,000 Crore funds and yet a system of proper disbursement of funds remained a problem.¹⁷⁵ The concerned authority responsible for managing the DMF Trust made a valid point about the necessity to bring back the control of DMF Trust funds under the District Collector for proper management and timely disbursal of funds.

Along with the administrative aspect of the problem caused by deposit of DMF Trust funds in the PD Accounts, there remains a structural mismatch in understanding the nature of these two different funds. To elaborate, it needs to be mentioned that through legislative order of the state government, the PD Accounts fall under the category of accounts which are lapsable. In plain terms, the funds accumulated in the PD Accounts need to be reverted back to the State treasury at the end of the financial year if left unspent. They are then re-distributed at the start of the next financial year. In contrast to this, the DMF Trust accounts are mandated to be district level autonomous accounts without any limitation of funds getting lapsed at the end of the financial year. Such discrepancy in the treatment of funds begs a response to what is the process through which non-lapsable funds get treated as lapsable funds. The process of inflow of DMF Trust funds in state PD Accounts and its outflow towards DMF Trust works remains a subject of introspection and concern.

Even in cases where work was initiated to address critical needs, the work remains far from completion. One such instance came up during the research team's discussion with authority responsible for tribal welfare. The example of an incomplete construction of a residential school for *Adivasi* students in Golagamudi area of the district was shared. The construction of school was sanctioned close to two-and-half years ago. Only a septic tank has been created in the demarcated compound, all other works remaining

A Residential School for Adivasi Students has not seen light of day even after the construction work being sanctioned more than 2 years ago.

¹⁷⁵ Suchitra, M. CAG report shows how badly Andhra manages its finances. Down to Earth. March, 26th 2013. Url: <https://www.downtoearth.org.in/news/cag-report-shows-how-badly-andhra-manages-its-finances--40695>

incomplete due to the aforementioned challenges in disbursement and withdrawal of funds.

Various indicators affecting health, development, education and protection concerns of children in Nellore district call for attention and any bottlenecks in the governance of finances will only aggravate poor service delivery. Needless to say, DMF Funds can go a long way addressing these challenges and gaps to achieve better living standards for people, and specifically children, in the district.

4.2. Chhattisgarh

The two districts of Chhattisgarh that form part of this report are Kabirdham and Korba. Before moving ahead with any analysis, it is imperative to list out the critical aspects of the DMF Trust in the state that are common to both the districts.

The District Mineral Foundation (DMF) Trust was brought into place by Chhattisgarh Gazette Notification dated 22.12.2015, whereby Chhattisgarh District Mineral Foundation Trust Rules, 2015 were notified and came into effect from 12th January, 2015. The said Rules mandated establishment of DMF in each mining district of Chhattisgarh.¹⁷⁶ The Chhattisgarh District Mineral Foundation Trust Rules, 2015 made provision for a 'Governing Council'¹⁷⁷, 'Managing Committee'¹⁷⁸ and a 'State Level Monitoring Committee'¹⁷⁹ for the functioning of DMF Trust in the district. As per the DMF Rules, 2015, the District Collector of the concerned district was appointed as the "*Ex Officio Chairperson*" of the DMF Trust. The DMF structure in Chhattisgarh has gone through many changes with first amendment with regard to the composition of the Governing Council in 2019 vide amendment notification dated 26.02.2019, whereby the Minister-in-Charge of the concerned district was made the "*Ex-Officio Chairperson*" of the DMF.¹⁸⁰ The same amendment changed the status of the District Collector from "*Ex-Officio Chairperson*" to "*Ex-Officio Member Secretary*". The amendment dt. 26.02.2015 made provision for inclusion of all Members of Legislative Assembly of the concerned district as "*Ex Officio Member*". Further, by amendment to the Chhattisgarh District Mineral Foundation Trust Rules, 2015 vide notification dated 14.08.2019, following additions were made in the composition of the Governing Council of DMF:¹⁸¹

¹⁷⁶ Government of Chhattisgarh. Gazette Notification No. F 7-19/2015/12, dated 22.12.2015. Available at: <http://chhattisgarhmines.gov.in/sites/default/files/dmf-rules-2015.pdf> [Last Accessed on: October 6, 2021].

¹⁷⁷ Rule 10, Chhattisgarh District Mineral Foundation Trust Rules, 2015

¹⁷⁸ Rule 14, Chhattisgarh District Mineral Foundation Trust Rules, 2015

¹⁷⁹ Rule 17, Chhattisgarh District Mineral Foundation Trust Rules, 2015

¹⁸⁰ Government of Chhattisgarh. Notification No. F 7 -19/2015/12, dated 26.02.2019. Available at: https://www.dmf.cg.nic.in/cms_download.aspx?fn=FbLy2AhCe79YlxiNlORhYd3lX3u%2bfNwJkoQ1PFd%2b3l%3d [Last Accessed on: October 6, 2021].

¹⁸¹ Government of Chhattisgarh. Notification No. F 7-19/2015/XII, dated 14.08.2019. Available at: https://www.dmf.cg.nic.in/cms_download.aspx?fn=FbLy2AhCe79YlxiNlORhYUNpbGk6W2bNBawWRI6Zdx0%3d [Last Accessed on: October 6, 2021].

- (a) 10 members from Gram Sabha of affected area (nominated by the Collector)
- Only two members, including one woman, will be nominated from each Gram Sabha.
 - In addition to the members of Gram Sabha of the mining areas, preference will be given to members in nomination from adjacent Gram Sabha.
 - In case of affected area being the urban area, two members of the urban local body shall be nominated.
 - In case of scheduled area, at least 50 percent of the total nominated member from Gram Sabha from each trust, shall be Scheduled Tribes.
- (b) District Planning & Statistics Officer
- (c) Deputy Director Social Welfare
- (d) Executive Engineer, Chhattisgarh State Renewable Energy Development Agency (CREDA)
- (e) Chief Executive Officer of all Janpad Panchayats of the District

The composition of the Governing Council was once again amended in 2021 whereby the concerned District Collector was made the Chairperson of the DMF. As per the amendment dated 02.09.2021, following changes were made in the composition of the Governing Council:¹⁸²

1. The concerned District Collector was made *Ex Officio Chairperson* of DMF.
2. Member of Parliament (MP), Lok Sabha from the district shall be a member of the Governing council. In case, there are more than one MPs of Lok Sabha from a district, all MPs of Lok Sabha from the district shall be member of the Governing Council and in case the constituency of one MP of Lok Sabha falls in more than one districts, such MP of Lok Sabha shall be member of the Governing Council of DMF in all such districts.
3. MP of Rajya Sabha from a State shall be a member of the Governing Council of one district selected by him/her. (The Rajya Sabha MP shall intimate name of the district selected by him/her to the Secretary in-charge of Mineral Resources Department of the State, who in turn shall inform the concerned District Magistrate/Deputy Commissioner/District Collector).

¹⁸² Government of Chhattisgarh. Notification No. F 7-19/2015/12, dated 02.09.2021. Available at: https://www.dmf.cg.nic.in/cms_download.aspx?fn=FbLy2AhCe79YlxiNlORhYcDcdhIEblcGf5ZYQLp7dTU%3d [Last Accessed on: October 6, 2021].

डीएमएफ पर केंद्र का बघेल सरकार को झटका प्रभारी मंत्री नहीं, कलेक्टर होंगे अध्यक्ष

- ❖ राज्य सरकार का अनुमति देने का प्रस्ताव खारिज
- ❖ केंद्रीय मंत्री जोशी ने सीएम बघेल को भेजा पत्र

क्या है दिक्कत

पेयजल, स्वास्थ्य और शिक्षा में खर्च होता है फंड का पंसा	फर्नीचर, लैपटॉप समेत कई दूसरे मदों में खर्च हुई रकम
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डीएमएफ फंड के दुरुपयोग की शिकायतें

डीएमएफ फंड के दुरुपयोग को लेकर मंत्रियों की काफी शिकायतें सामने आ रही थीं. डीएमएफ की राशि पेयजल, स्वास्थ्य और शिक्षा में खर्च करने का नियम है, मगर इस राशि से फर्नीचर, लैपटॉप भी खरीदे गए. इसी तरह डीएमएफ की राशि में कमीशन की भारी शिकायतें थीं. बताया गया कि रेट कान्ट्रैक्ट के जरिए मनमर्जी से सामग्री क्रय की गई. करीब एक दर्जन जिलों से लगातार डीएमएफ के पैसे को लेकर बंदरबांट की खबरें आ रही थीं.

नवभारत ब्यूरो ❖ रायपुर.

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केंद्रीय संसदीय कार्य, कोयला व खान मंत्री प्रहलाद जोशी ने मुख्यमंत्री भूपेश बघेल को पत्र लिखकर अवगत कराया

है कि जिले के प्रशासनिक प्रमुख ही डीएमएफ के अध्यक्ष के रूप में कार्य करेंगे. उन्होंने यह पत्र गत 29 जुलाई 2021 को लिखा था, जिसका अब खुलासा हुआ है. ❖ शेष पेज 5 पर

4.2.1. Kabirdham District

A. A Short Profile¹⁸³

Table 4.27 - Kabirdham: Key Facts (Census 2011)¹⁸⁴

Total Population	8.23 lakh (40.7% increase from Census 2001)
Population of Children (0-6 years)	38.81% of total population of children aged 0-18 years
Literacy Rate (excluding 0-6-year age group)	60.9% (lower than national average of 72.98%)
Sex Ratio	996 (higher than state average of 991)
Labour Force Participation	49.14%
Female Labour Participation	45.58%
Rural Area Work Participation	Male - NA Female - NA
Urban Area Work Participation	Male - NA Female - NA
Population according to social group (SC)	1.19 lakh (1.86% increase from Census 2001)
Population according to social group (ST)	1.67 lakh (0.55% decrease from Census 2001)

¹⁸³ Office of the Registrar General of India. Census 2011, District Census Handbook – Kabeerdham. Available at: https://www.censusindia.gov.in/2011census/DCHB/DCHB_A/22/2208_PART_A_DCHB_KABEERDHAM.pdf [Last Accessed on: October 3, 2021].

¹⁸⁴ Office of Registrar General of India. Census 2011, District Census Handbook – Kabeerdham. Available at: https://censusindia.gov.in/2011census/dchb/DCHB_A/22/2208_PART_A_DCHB_KABEERDHAM.pdf [Last Accessed on: October 4, 2021].

The district of Kabirdham, also known as Kawardha, came into existence in 1998 when two tehsils were separated from Rajnandgaon and Bilaspur district of erstwhile Madhya Pradesh. The district, earlier known as Kawardha, became a part of Chhattisgarh post the division of Madhya Pradesh. The district has a historic place in its own right, with claims of Kabir being a visitor in the region and establishment of a seat of his disciple Dhani Dharam Das. Twenty-five percent of the villages in the district are situated alongside rivers, 54 percent are along rivulets, and 43 percent have forest resources. Thus, water is considered an extremely important resource for the lives and livelihood of the people. In 2005, Kabirdham was reported to have the lowest per capita income of INR 7,214 per annum.¹⁸⁵ The current status is not known. About 70 percent of the people practise agriculture as their primary occupation. The district is rich in Bauxite ores and serves as one of the major sites from where good amounts of Bauxite is produced in the country. As far as the contribution by economic sectors goes, Kabirdham remains primarily dependent on agricultural activity with Harinchhpra being the only developed industrial area. The district is also rich in Bauxite ores and serves as one of the major sites from where good amounts of Bauxite is produced in the country. In terms of proportion, the Scheduled Castes (SC) population constitute 14.56% of the population of the district against 12.72% in the last census. The proportion of Scheduled Tribes (ST) population in the district is 20.3% in Census 2011, against 20.86% in Census 2001.

B. Status of Children

Table 4.28 - Child Population in Kabirdham District according to Age-group (Census 2011)¹⁸⁶

Age-Group	0-5 Years	6-13 Years	14-18 Years
Total Population	1,21,693	1,60,875	83,110

As per census 2011, children up to the age of 18 years constitute 44% of the district's population. NFHS-5, suggests that 33% of the district's population are children below the age of 15 years. Majority of them are in the age-group of 6-13 years as seen in table 4.28. Sex ratio in the district is below the state average as per NFHS-5. No data is available for Kabirdham from NFHS-5.

¹⁸⁵ Government of Chhattisgarh. *Chhattisgarh Human Development Report Chhattisgarh*. pg. 195. Available at: https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_pdf/shdr_chh05.pdf [Last Accessed on October 3, 2021].

¹⁸⁶ Office of the Registrar general of India. Census 2011, Table C-13. Available at: <https://censusindia.gov.in/2011census/dchb/DCHB.html> [Last Accessed on: October 4, 2020].

Table 4.29 - Other Child Related Data for Kabirdham District from NFHS

Indicator	NFHS-4 (District)	NFHS-4 (State)
Population below age 15 years (%)	33.0	29.2
Sex ratio of the total population (females per 1,000 males)	1,031	1,019
Sex ratio at birth for children born in the last five years (females per 1,000 males)	890	977
Children under age 5 years whose birth was registered with the civil authority (%)	85.4	86.1
Women age 20-24 years married before age 18 years (%)	30.7	21.3

The tables that follow present data relating to some child rights indicators or indicators having a direct bearing on children's rights.

(i) Health¹⁸⁷

Table 4.30 - General Health and Sanitation: Kabirdham District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Households with any usual member covered under a health insurance/ financing scheme (%)	66.4	68.5
Average out-of-pocket expenditure per delivery in a public health facility (Rs.)	1,431	1480
Population living in households with an improved drinking-water source (%)	93.5	91.1
Population living in households that use an improved sanitation facility (%)	20.9	32.7
Households using clean fuel for cooking (%)	10.3	22.8

Malaria, indigestion and diarrhoea are the main illnesses prevalent in the district. Stagnant water, dirt, lack of nutritious food and pure drinking water, and ignorance are factors responsible for poor health in the district.¹⁸⁸ While access to improved drinking water is high at 93.5% as per NFHS-4, sanitation levels remain low with only 20.9% population having access to improved sanitation. Only 10.3% households use clean cooking fuel. Dependence on forests for fuel wood appears to have become difficult due to cutting down of forests as well as nationalization of forests as the Human Development Report of Chhattisgarh indicates.¹⁸⁹

¹⁸⁷ Ministry of Health and Family Welfare. *NFHS-4 Factsheets – Uttar Pradesh and Sonbhadra District*. Available at: NFHS-4. Available at http://rchiips.org/nfhs/FCTS/CT/CT_FactSheet_407_Kabirdham.pdf and http://rchiips.org/nfhs/pdf/NFHS4/CT_FactSheet.pdf [Last Accessed on: January 25, 2021].

¹⁸⁸ Ibid.

¹⁸⁹ Government of Chhattisgarh. *Chhattisgarh Human Development Report Chhattisgarh*. Available at:

There is no forest near our village. We face many problems in getting fuel wood and wood for construction. Some people have plants and trees on their private land. They use this for fuel and construction. Prior to forests being nationalised, we could go to the forests further away and get fuel wood, timber, fruits, harra, bahera, gum, etc. Now we have to go to the depot for fuel wood and timber.

Women of Kothar Village, Kabirdham block, Kabirdham

Source:

Chhattisgarh Human Development Report, *Natural Resources: Water, Forests and Land*, pg. 23. Url: https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_pdf/shdr_chh05.pdf [Last Accessed on October 3, 2021].

Table 4.31 - Women's Health: Kabirdham District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	19.0	30.3
Mothers who consumed iron folic acid for 180 days or more when they were pregnant (%)	NA	NA
Registered pregnancies for which the mother received a Mother and Child Protection (MCP) card (%)	86.5	91.4
Mothers who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	49.3	63.6
Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)	34.5	47.3
Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)	43.0	41.5
All women age 15-19 years who are anaemic (%)	34.9	47.0
Women age 15 years and above who use any kind of tobacco (%)	NA	21.6
Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	NA	4.5
Women age 15-24 years who use hygienic methods of protection during their menstrual period (%)	NA	47.1

Women's health indicators show poor performance in the district compared to the state averages, except on levels of anaemia among pregnant women aged 15 to 49 years. A slurry of schemes for improving health and nutrition of pregnant mothers and children are reported

https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_pdf/shdr_chh05.pdf [Last Accessed on October 3, 2021].

to have brought some positive changes. A report¹⁹⁰ suggests that 4389 mothers in the state were benefitting under the “Mehtari scheme” as on September 2018, which aims to provide providing nutritious cooked food to pregnant women, 6 days a week. While NFHS-4 provides a dismal figure for pregnant women in Kabirdham district who consumed iron-folic acid for 100 days and there is no data for those who consumed it for 180 days, the report says folic acid tablets are being distributed to mothers and pregnant women in the district to overcome iron deficiency.

Table 4.32 - Child Health: Kabirdham District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Institutional births (%)	44.6	70.2
Children who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	33.0	78.0
Children age 12-23 months fully vaccinated based on information from vaccination card only (%)	61.5	76.4
Children age 9-35 months who received a vitamin A dose in the last 6 months (%)	73.9	NA
Children under age 3 years breastfed within one hour of birth (%)	50.8	47.1
Children under age 6 months exclusively breastfed (%)	84.9	77.2
Total children age 6-23 months receiving an adequate diet (%)	13.9	11.1
Children under 5 years who are stunted (height-for-age) (%)	40.4	37.6
Children under 5 years who are wasted (weight-for-height) (%)	17.6	23.1
Children under 5 years who are severely wasted (weight-for-height) (%)	4.3	8.4
Children under 5 years who are underweight (weight-for-age) (%)	38.4	37.7
Children under 5 years who are overweight (weight-for-height) (%)	NA	NA
Children age 6-59 months who are anaemic (<11.0 g/dl) (%)	37.6	41.1
Prevalence of symptoms of acute respiratory infection (ARI) in children under 5 years in the 2 weeks preceding the survey (%)	1.3	2.2
Children with fever or symptoms of ARI in the 2 weeks preceding the survey taken to a health facility or health provider (%)	62.0	70.1

Most child health indicators are also below the state average. However, wasting in children is lower than the state average and more children in the district receive adequate diet compared to the state figures. ARI infections in children are also lower in Kabirdham when compared to

¹⁹⁰ The Chhattisgarh Story. Kabirdham district on verge of winning the battle against Malnutrition. September 18, 2018. Available at: <https://chhattisgarh.yourstory.com/en/kabirdham-district-on-verge-of-winning-the-battle-against-malnutrition> [Last Accessed on: October 3, 2021].

the state average. Besides, the 2018 news report quoted earlier suggests that in the 15 years preceding the report, during the last 15 years, the state has been able to record a reduction of 19 percent in malnutrition in children.

From the People...

In 18 percent of the villages in the district, poverty is the reason for the lack of nutritious food. The economic situation is a problem. Due to less money, we cannot even buy medicines.

District Report, Kabirdham

Source:

Chhattisgarh Human Development Report, *Natural Resources: Water, Forests and Land*, pg. 125. Url: https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_pdf/shdr_chh05.pdf [Last Accessed on October 3, 2021].

According to the 2005 Chhattisgarh Human Development Report, the main illnesses and diseases in the district were reported to be malaria, indigestion and diarrhea, due to stagnant water, dirt, lack of nutritious food and pure drinking water, and ignorance. Clearly, the situation seems to have improved since then.¹⁹¹

As recent as 2018, an initiative of mobile ambulances was started off by the district authorities considering the lack of access to healthcare services by the *Adivasi* communities – Baigas and Gonds – in the district. The district also recorded concerning percentages in case of Infant Mortality Rate, 61%, and Under-5 Mortality Rate, 77%, in 2015-16. The claims of district authorities remain that post-introduction of *Sangi Express* (Friend Express) the access to health care has increased and also decreased the expenses of healthcare by 90% positively affecting over 4,868 lives.¹⁹²



¹⁹¹ Ibid. *Chhattisgarh Human Development Report*. pg. 241.

¹⁹² The Better India. *Education to Health: 10 IAS Officers Whose Amazing Initiatives Made 2019 Better*. No. 5. Awanish Sharan, IAS: Sent Bike Ambulances to Tribal Doorsteps, Reducing Medical Costs by 90 per cent. Available at: <https://www.thebetterindia.com/208000/ias-hero-uttar-pradesh-best-of-2019-initiatives-india-scheme-changemaker/> [Last Accessed on: October 3, 2021].

(ii) Education

Kabirdham also witnesses a significant decrease in enrollment numbers once the child attains the age of 14, i.e. by the secondary levels of education. The decline between Middle school and Secondary school is higher for children belonging to the Scheduled Tribes (48%) compared to those belonging to the Scheduled Castes (40%), OBCs (38.7%) and children from general category (13.6%).

Figure 4.4: Enrolment Numbers of Students from various Social Groups: Kabirdham District (2019-20)¹⁹³

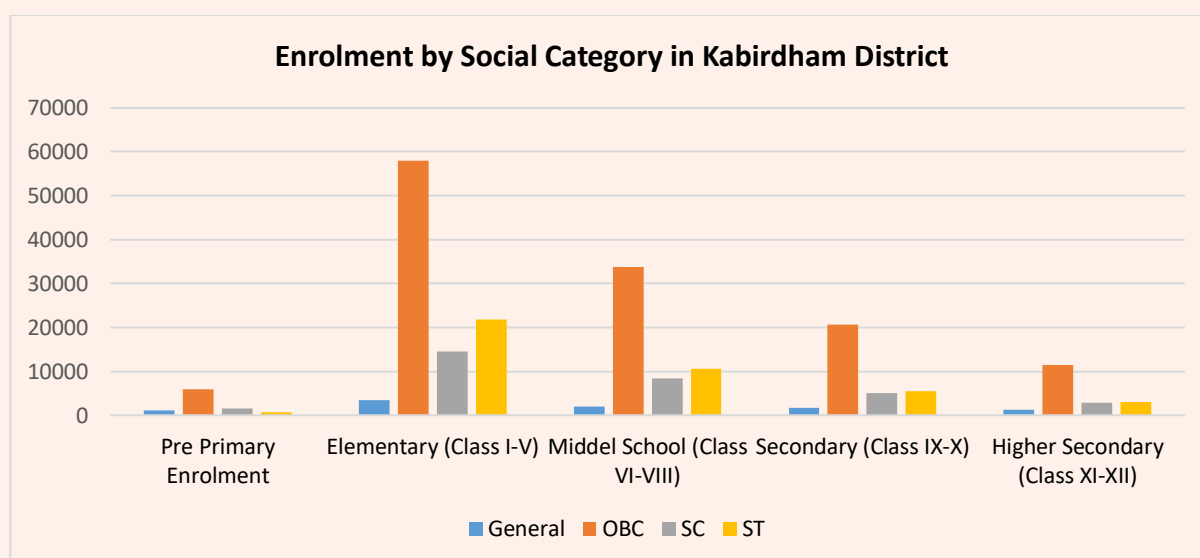


Table 4.33 - Learning Levels as per School Standards in Kabirdham District 2018¹⁹⁴

Learning Levels	Std III-V (in %)	Std VI-VIII (in %)
% Children who can read Std II level text	55.6	85.7
% Children who can at least do subtraction (division for higher classes)	34.4	37.6

Table 4.33 points out to the need to work towards improving the quality of education, which is directly related to both attendance and learning achievement levels. A 2019 news report pointed out that close to 1240 vacancies remain unfilled in the district and on top of that the district administration has been transferring teachers to another district.¹⁹⁵ In 2018 started what was known as “Mission 90 Plus” to improve the passing percentage of children in the

¹⁹³ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004.*

¹⁹⁴ Pratham. *ASER 2018, Chhattisgarh Rural*. Available at: <http://img.asercentre.org/docs/ASER%202018/Release%20Material/District%20Estimates/chhattisgarhdistrictestimates.pdf> [Last Accessed on: September 15, 2020].

¹⁹⁵ Gupta, Ashish. *Pehle hi schoolon mein shikshaon ki kami, ab kawardha ke 150 shikshakon ka transfer*. September 9, 2019. Available at: <https://www.patrika.com/kawardha-news/150-teachers-transfer-by-education-department-in-kawardha-5069811/> [Last Accessed on: September 17, 2021].

district, but the plan failed with almost 2,154 children failing to pass class 10 and class 12 examination in 2019.¹⁹⁶ The reasons pointed out put a spotlight on poor monitoring from district authorities and lack of teacher led initiatives.

A report by the Centre for Science and Environment¹⁹⁷ also points out the problems with respect to decent education in rural areas, particularly blocks like Bodla and Pandariya, which are located in the forested and hilly terrain with 39% and 23% tribal population respectively. The report shares that to fill more than 320 teacher posts in primary and middle schools that were lying vacant (one-fourth of the sanctioned posts), funds from the DMF Trust to the tune of INR 24 Crore were put to use. This was with view to provide employment to the local youth who could be appointed as teachers to fill the gap and also ensure local language education among the inhabitants from the Baiga community.

(iii) Child Labour

Table 4.34 - Incidences of Child Labour in Kabirdham District in 2011¹⁹⁸

Krishna District	No. of Child Labourers	Percentage of Child Labour
Rural	5,457	3.0%
Urban	270	1.4%
Total	5,727	2.9%

The problem of child labour is directly linked to the quality of education as neither children nor their parents feel motivated for school education. The ASER report 2018 shows that 6.1% children aged 6 to 14 years in rural areas of Kabirdham are out of school. As per news reports,¹⁹⁹ children are migrating with their families from rural areas to urban areas in the district to work in sugarcane factories and brick kilns. There are 334 sugarcane factories in Kabirdham and more than 250 brick kilns. Drawing attention to ASER reports, the news indicates about 3,000-4,000 children being deprived of their right to education as a result. It also says that there is no survey conducted of migrant children in these sectors though some interventions do take place with respect to children working in hotels and shops. With respect to child labour in urban areas of Kabirdham, another report points out to children who work as rag pickers and waste collectors.²⁰⁰

¹⁹⁶ Narayan, Satya Shukla. *Mission 90 Plus Mein #School Education Fail, Result Santoshjanak Vahin Rank Pahuncha 18vein Paaydaan Par*. Available at: <https://www.patrika.com/kawardha-news/cg-board-result-school-education-fails-in-mission-90-plus-4557990/> [Last Accessed on September 17, 2021].

¹⁹⁷ Chinmayi Shalya, *District Mineral Foundation (DMF): Implementation Status and Emerging Best Practices*. Centre for Science and Environment, 2020. Available at: <https://www.cseindia.org/dmf-implementation-status-and-emerging-best-practices-10057> [Last Accessed on: October 5, 2021].

¹⁹⁸ Ibid. Samantroy, Ellina, Helen R. Sekar and Sanjib Pradhan.

¹⁹⁹ Sahu, Deepak. *Sarkari Yojanaon Ke Baad bhi Hazaaron Bachche Buniyaadi Shiksha Se Door, ye Hai Badi Wajah*. April 30, 2018. Available at: <https://www.patrika.com/kawardha-news/child-labour-is-deprived-of-education-2727929/> [Last Accessed on: October 4, 2021].

²⁰⁰ Nirmalkar, Chandu. *Rozi Roti Ke Chakkar mein Chhin Gaya Bachpan, Bacche Hue Shiksha Se Door*. Undated. Available at: <https://www.patrika.com/kawardha-news/kabirdham-away-children-from-education-1167759/> [Last Accessed on: October 4, 2021].

(iv) Child Trafficking and Child Marriage

According to data presented by the central government in the Parliament, there was not a single reported case of child-trafficking from Kabirdham district in the years 2017 and 2018.²⁰¹ Contrary to this many reports from the ground shed light on active child-trafficking networks in the regions inhabited by the Baiga community. One such news report of 2016 narrates how the child-trafficking network was alluring young boys and girls in the region for last 10-years and sending them to states like Tamil Nadu, Gujarat and Andhra Pradesh for performing cheap labour.²⁰² The report holds apathy of the police and the labour department accountable for such state of affairs.

The Annual Health Survey Report (2011-12) reported a higher number of male child marriages in 16 districts of Chhattisgarh, with Kabirdham reporting 27.1% male child marriages as against 8.7% female child marriages.²⁰³ The trend seems to have continued till date when recently in February 2021, marriage of a 17 year old boy with a 19 year old girl in village Samnapur was prevented by the authorities.²⁰⁴ As a result, in a recent meeting of the District Child Protection Unit (DCPU) and the District Level Monitoring and Review Committee held under the Chairmanship of the District Collector in March 2021,²⁰⁵ the issue of child marriages in the district was discussed at length, leading to directions for the Child Marriage Prevention Unit to stay alert and intervene without delay when they receive a report of a possible child marriage.

Kabirdham has laid the foundation for spending DMF Trust funds for activities other than infrastructure. The District Collector being the head of the DMF Trust as well as the DCPU can certainly encourage decisions that can go a long way in supporting child protection requirements in the district.

²⁰¹ Parliament of India. *Human Trafficking, Lok Sabha Unstarred Qs. No. 3791 For 17.03.2020, Annexure II and Annexure II-A*. Available at: <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2020-pdfs/ls-17032020/3791.pdf> [Last Accessed on: October 4, 2021].

²⁰² Dilliwar, Deepak. *Other states taking Baiga tribal children with the lure of more wages*. Patrika, November 19, 2016. Available at: <https://www.patrika.com/kawardha-news/kabirdham-human-traffickers-export-tribe-minors-in-greed-of-extra-wages-1445411/> [Last Accessed on: October 3, 2021].

²⁰³ Jaiswal, Anuja. *In Chhattisgarh, more males subjected to child marriage*. The Times of India, January 23, 2014. Available at: <https://timesofindia.indiatimes.com/city/raipur/in-chhattisgarh-more-males-subjected-to-child-marriage/articleshow/29221809.cms> [Last Accessed on: October 3, 2021].

²⁰⁴ Vishwakarama, Nikhil. *Baal Vivaah: Kawardha Mein 17 Baras Ka Dulha Aur 19 Baras Ki Dulhan, Roki Gayi Shaadi*. Bhaiyaji News, February 10, 2021. Available at: <https://bhaiyajinews.com/news/13207/child-marriage-17-year-old-groom-and-19-year-old-bride-stopped-marriage-in-kawardha/> [Last Accessed on October 3, 2021].

²⁰⁵ Nayi Duniya. *Baal Vivaah Kureeti Ko Samaj Se Samool Samapt Karein: Collector*. March 3, 2021. Available at: <https://www.naidunia.com/chhattisgarh/kawardha-eliminate-child-marriage-practices-from-society-6736324> [Last Accessed on: October 3, 2021].

C. District Mineral Foundation – Kabirdham District

(i) Structure and Functioning of the DMF Trust

As per the available information, there are 94 members in the District Mineral Foundation of Kabirdham district.²⁰⁶

Table 4.35 - Members in DMF Trust: Kabirdham District

District Name	Total Member	Pending Members of Governing Council	Pending Members of Managing Committee	Approved Members of Governing Council	Approved Members of Managing Committee
Kabirdham	108	8	6	61	33

Source: DMF Employee Status Report. Available at: https://www.dmf.cg.nic.in/Dmf_employee_status_rpt.aspx [Last Accessed on: October 6, 2021].

The minutes of DMF Trust meetings, both ‘Managing Committee’ and ‘Governing Council’, are hardly available in public domain. The official portal of the Chhattisgarh DMF (<https://www.dmf.cg.nic.in/>) shares Minutes of Meeting (MOM) of various districts. For Kabirdham, the relevant MOMs are available only post July 2019.²⁰⁷ For the proceedings of DMF prior to July 2019, one will have to rely upon the Right to Information Act. As per the guidelines, the Governing Council is supposed to meet as often as necessary, but at least once every six months²⁰⁸ and the Managing Committee meeting shall be held at least four times in a financial year, to be convened as decided by the Chairperson.²⁰⁹

(ii) Funds Accrued in DMF Trust

Major source of funds in the DMF Trust in Kabirdham district comes from the bauxite mining activities, though the exact amount collected in the DMF Trust remains unclear in public domain. As per reply filed to a question raised in the Lok Sabha, as on January 2020, the total collection in the District Mineral Fund for Kabirdham was a sum of INR 25.29 Cr. The total fund collection for the State of Chhattisgarh up to January 2020 was INR 4980.73 Cr.²¹⁰ Further, as on August, 2021, the total fund collection under DMF for the State of Chhattisgarh

²⁰⁶ “DMF Employee Status Report”; Available at: https://www.dmf.cg.nic.in/Dmf_employee_status_rpt.aspx [Last Accessed on: October 6, 2021].

²⁰⁷ “Meeting Notification”; Chhattisgarh District Mineral Foundation Trust; Government of Chhattisgarh; Available at: https://www.dmf.cg.nic.in/meeting_display.aspx [Last Accessed on: October 06, 2021].

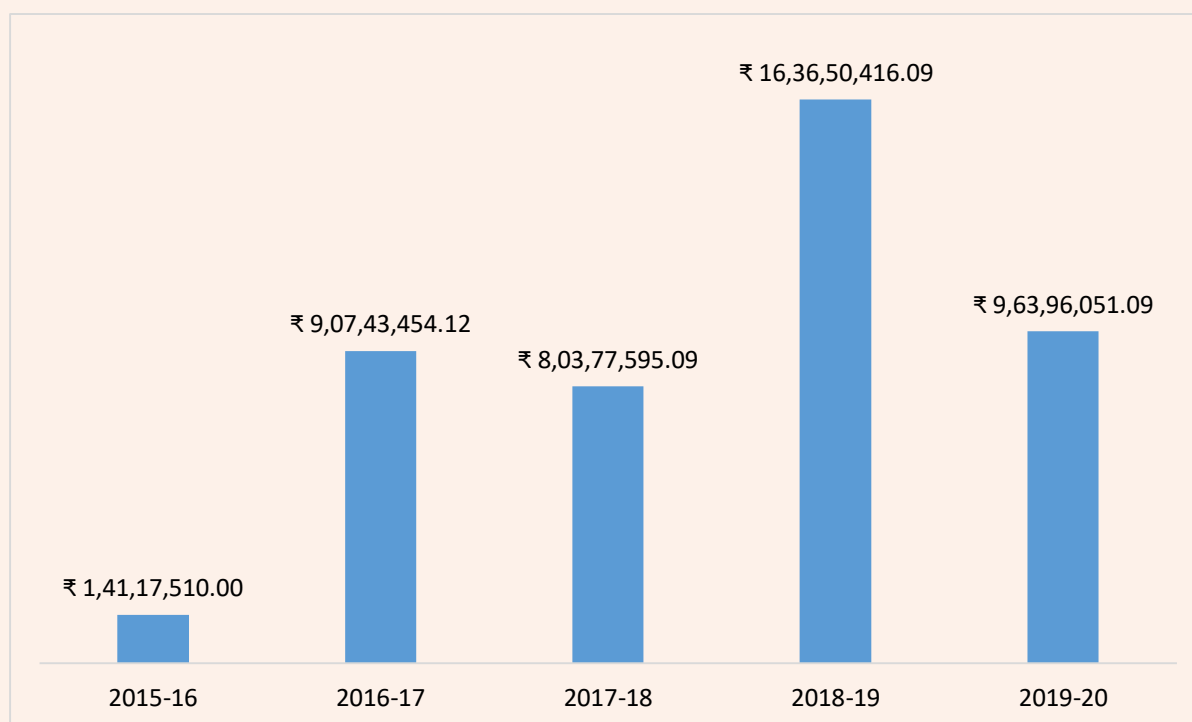
²⁰⁸ “DMF Employee Status Report”; Available at: https://www.dmf.cg.nic.in/Dmf_employee_status_rpt.aspx [Last Accessed on: October 6, 2021].

²⁰⁹ Rule 16, Chhattisgarh District Mineral Foundation Trust Rules, 2015.

²¹⁰ Lok Sabha Unstarred Question No. 2212 Answered On 04.03.2020; Available at: <http://164.100.24.220/loksabhaquestions/annex/173/AU2212.pdf> [Last Accessed on: October 6, 2021].

from 28 districts was INR 7467.72 Cr.²¹¹ As per the information received through RTI, a total of INR 44.52 Cr. accrued in DMF Kabirdham between 2015-16 to 2019-20. Kabirdham DMF observed maximum fund accrual in the year 2018-19 to the tune of INR 16.36 Cr.

Figure 4.5 - Fund Accrued in DMF Trust in Kabirdham District (2015-16 to 2019-20)²¹²



(iii) Utilization of DMF Trust Funds

Chhattisgarh state has been one of the better performing States in terms of utilizing the DMF funds. The State has, from time-to-time brought various amendments and notifications with regard to use of DMF funds for various developmental project. For example, vide notification dated 26.06.201, whole of Kabirdham district was declared as “Affected Area” due to mining and it was directed that 3% of the DMF funds will be utilized for various developmental activities in the district.²¹³ Similarly, vide notification dated 31.07.2021, it was highlighted that DMFs in different districts of the State have been incurring expenses on items like green boards, smart TVs, furniture for schools under the Department of School Education. These expenses are being incurred despite the fact that the Department of Education has been allotted separate budgets for these items. Thus, it was directed that in order to avoid any such

²¹¹ <http://chhattisgarhmines.gov.in/sites/default/files/DMF%20STATUS%20AUG%202021.pdf> [Last Accessed on: October 06, 2021].

²¹² Data Analysis of the Response received from DMF Kabirdham through RTI Application.

²¹³ Department of Mineral Resources. Serial No. F 7-29/2019/12 & Serial No. F 7-20/2020/12(1), dated 26.06.2021. Govt. of Chhattisgarh. Available at: https://www.dmf.cg.nic.in/cms_download.aspx?fn=FbLy2AhCe79YlxiNlOrhYQTLxIKfFegN128nQzYJqos%3d [Last Accessed on: October 7, 2021].

duplicity of expenditure, it will be mandatory to receive a “No Objection Certificate” from the Department of School Education before such expenditure is incurred from the DMF Funds or before preparing the Annual Work Plan or Vision Document.²¹⁴

निर्देश

छत्तीसगढ़ शासन
खनिज साधन विभाग
मंत्रालय
महानदी भवन, नवा रायपुर, अटल नगर-492 002

क्रमांक/1839/1141/2021/XII, नवा रायपुर अटल नगर, दिनांक
प्रति, 31 JUL 2021

समस्त कलेक्टर एवं पदेन सचिव,
जिला खनिज संस्थान न्यास,
जिला.....
छत्तीसगढ़।

विषय :- जिला खनिज संस्थान से अनुमोदित कार्ययोजना एवं कार्यों की स्वीकृति के संबंध में।

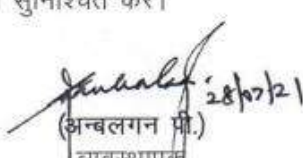
जिला खनिज संस्थान न्यास निधि से व्यय के संबंध में छत्तीसगढ़ जिला खनिज न्यास नियम, 2015 के नियम-22(1) के अनुसार अनुमोदित कार्ययोजना के अनुरूप खनन एवं खनन से संबंधित संक्रियाओं से प्रभावित क्षेत्रों/व्यक्तियों के हितलाभ एवं समग्र विकास हेतु नियम-22(2)(3) में दर्शित उच्च प्राथमिकता एवं अन्य प्राथमिकता के क्षेत्रों में उल्लिखित विभिन्न सेक्टरों के अन्तर्गत कार्यों की स्वीकृति दिये जाने का प्रावधान है।

2/ शासन के संज्ञान में यह जानकारी आयी है कि प्रदेश के विभिन्न जिलों के डीएमएफ न्यास द्वारा स्कूल शिक्षा विभाग के अंतर्गत न्यास निधि का व्यय ऐसे बहुत से सामग्री यथा-फर्नीचर, ग्रीन बोर्ड, स्मार्ट टीवी आदि की क्रय करने में किया जा रहा है, जिसके लिये पृथक से विभागीय बजट उपलब्ध है।

3/ डीएमएफ का मूल उद्देश्य खनन एवं खनन से प्रभावित क्षेत्र/व्यक्तियों के विकास को केन्द्र में रखकर कार्ययोजना बनाकर अधिक से अधिक लाभ देने पर आधारित है। विभागीय बजट उपलब्ध होने के बावजूद न्यास निधि का उपयोग किया जाना वित्तीय कुप्रबंधन का द्योतक है।

4/ अतः इस संबंध में निर्देशित किया जाता है कि स्कूल शिक्षा विभाग के अन्तर्गत डीएमएफ मद से संचालित योजनाओं एवं स्वामी आत्मानंद इंग्लिश मीडियम स्कूलों के अतिरिक्त स्कूल शिक्षा विभाग के अंतर्गत अन्य प्रयोजनार्थ डीएमएफ निधि का उपयोग किये जाने के पूर्व अथवा वार्षिक कार्ययोजना/विजन डाक्यूमेंट तैयार किये जाने के पूर्व स्कूल शिक्षा विभाग से अनापत्ति प्राप्त किया जाना अनिवार्य होगा।

5/ उपरोक्त निर्देश का कड़ाई से पालन किया जाना सुनिश्चित करें।


(अनुबलगन पी.)
व्यवस्थापक
छत्तीसगढ़ जिला खनिज संस्थान न्यास एवं
सचिव,
छत्तीसगढ़ शासन

²¹⁴ Government of Chhattisgarh, Chhattisgarh Zila Khanij Sansthan Nyaas. Available at: https://www.dmf.cg.nic.in/cms_download.aspx?fn=FbLy2AhCe79YlxiNlOrhYdUSssozBvii4hpOPCC3nnc%3d

Chhattisgarh also takes a lead in utilizing the DMF Funds beyond the non-recurring expenditures. For example, as shared earlier, Kabirdham is addressing shortage of teachers by employing local and unemployed Baiga youth and also for recruitment of health staff in hospitals.²¹⁵

The information on fund utilization through the DMF Trust of Kabirdham district has been put out on district's portal and is a welcome sign of transparency. Though it does not give a reference year, one assumes it is the most updated set of information. It shows that a total of INR 34.9 Cr. have been sanctioned through the DMF for various developmental works, out of which INR 24.04 Cr. (69%) have been spent on completion of 73 projects and 193 ongoing projects.²¹⁶

Table 4.36 - Amount Sanctioned and Spent under DMF in Kabirdham (in Lakh)

S. No.	Programmes/ Activities	Sanctioned Amount	Expenditure Amount
1	Drinking Water	284.86	260.02
2	Environment Conservation & Pollution Control	145.74	91.35
3	Healthcare	308.95	229.68
4	Education	829.86	472.19
5	Agriculture and allied Activities	71.11	53.15
6	Welfare of Women and Children	62.22	34.47
7	Welfare of Old and Disabled	17.37	11.87
8	Skill Development and Employment	165.08	113.6
9	Sanitation	335.36	135.2
10	Physical Infrastructure	356.36	245.64
11	Irrigation	8.89	8.89
12	Energy and Watershed Development	31.11	30.45
13	Works towards Public Welfare	421.46	420.16
14	Recruitment of Eligible Human Resource such as Doctors, Nurses and Teachers etc.	318.77	273.83
15	To fulfill the programmes and schemes of concerned authorities mentioned under sub section (2) & (3)	102.98	2.98
16	Capacity Building of Gram Sabhas for Development and Monitoring of Various Developmental Plans to be Carried Out under DMF	7.06	7.06
17	Other Infrastructure Development Work	27.92	13.96
Total		3,495.10	2,404.50

Source: Kabirdham Work Status. Available at:
https://www.dmf.cg.nic.in/backlog_work_entry_status_details.aspx?di=00SGeG76v%2bwEIIOBF6jiiw%3d%3d

²¹⁵ Ibid. Chinmayi Shalya.

²¹⁶ Chhattisgarh District Mineral Foundation Trust. *Kabirdham Work Status*. Government of Chhattisgarh. Available at:
https://www.dmf.cg.nic.in/backlog_work_entry_status_details.aspx?di=00SGeG76v%2bwEIIOBF6jiiw%3d%3d
 [Last Accessed on: October 05, 2021].

Table 4.37 - Work Status under DMF in Kabirdham

Programmes/ Activities	Total Works	Completed Works	In Progress
Drinking Water	18	6	12
Environment Conservation & Pollution Control	18	3	15
Healthcare	28	5	22
Education	60	16	44
Agriculture and allied Activities	24	6	18
Welfare of Women and Children	4	0	4
Welfare of Old and Disabled	4	1	3
Skill Development and Employment	11	7	4
Sanitation	29	10	17
Physical Infrastructure	46	14	31
Irrigation	1	1	0
Energy and Watershed Development	6	0	6
Works towards Public Welfare	3	1	2
Recruitment of Eligible Human Resource such as Doctors, Nurses and Teachers etc.	11	3	8
To fulfill the programmes and schemes of concerned authorities mentioned under sub section (2) & (3)	2	0	2
Capacity Building of Gram Sabhas for Development and Monitoring of Various Developmental Plans to be Carried Out under DMF	1	0	1
Other Infrastructure Development Work	4	0	4
Total	270	73	193
Source: Kabirdham Work Status. Available at: https://www.dmf.cg.nic.in/backlog_work_entry_status_details.aspx?di=O0SGeG76v%2bwEIIOBF6jiiw%3d%3d			

The data on expenditure and work status reveals that maximum amount has been utilized on projects under the high priority area of education nearing almost INR 8.29 Cr., while the second priority area which has received maximum emphasis has been works relating to public welfare, with close to INR 4.21 Cr. being spent under this head. Very interestingly, digging deeper into the projects categorized as 'Public Welfare' one gets to know that almost INR 4.18 Cr. has been spent on implementation of *Pradhan Mantri Ujjwala Yojana* in the district.²¹⁷ The information clearly showcases diversion of funds to a centrally sponsored scheme.

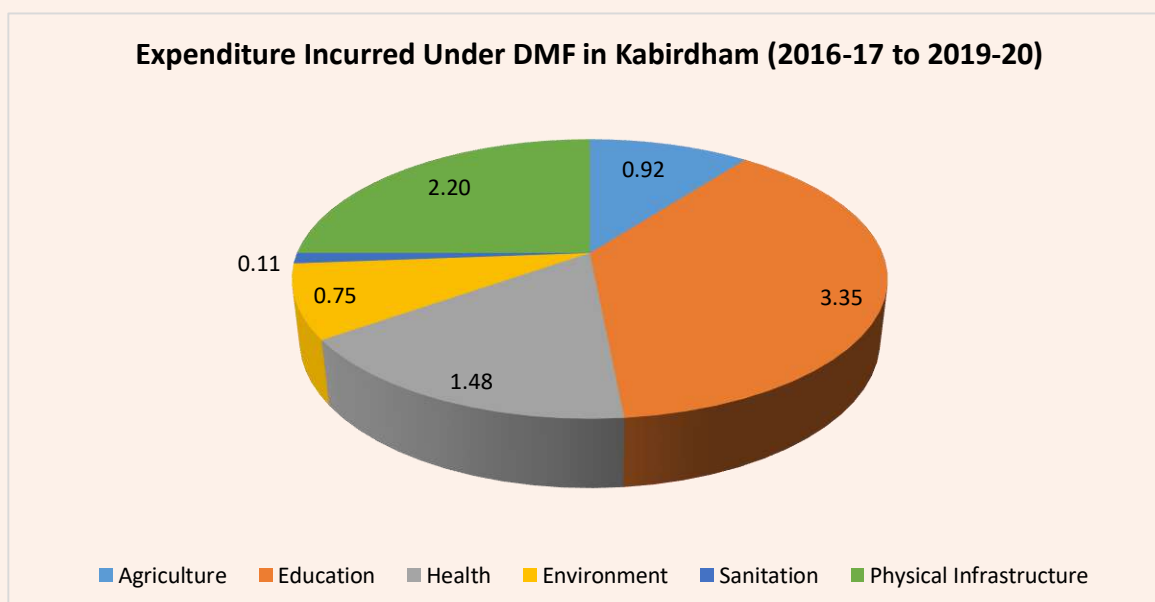
²¹⁷ Chhattisgarh District Mineral Foundation Trust. *Status of Work done under the category of "Public Welfare" for Kabirdham*. Government of Chhattisgarh. Available at: https://www.dmf.cg.nic.in/backlog_yojan_details.aspx?di=O0SGeG76v%2bwEIIOBF6jiiw%3d%3d&yोजना_id=8bLi%2bT9rSLD02%2fCk%2bUzzBg%3d%3d [Last Accessed on: October 7, 2021].

Table 4.38 - DMF Trust Kabirdham: Fund Accrual in DMF vs. Funds Spent (in Lakh)²¹⁸

Year	Funds Accrued (in Rupees)	Fund Utilized (in Rupees)	Utilization (%)
2016-17	9,07,43,454.12	46,58,300.00	5.13
2017-18	8,03,77,595.09	2,51,01,263.00	31.23
2018-19	16,36,50,416.09	56,39,895.00	3.45
2019-20	9,63,96,051.09	82,88,442.50	8.60
Total	43,11,67,516.39	4,36,87,900.50	

Even in sectors which can be considered as important for the purpose of utilizing DMF Trust funds, a very interesting pattern emerges with respect to sanctioning and progress of the work. To illustrate, in the year 2018 an amount of INR 4.76 Cr. was sanctioned towards constructing an all-year residential coaching center for JEE and NEET for top 80 students of class 12 across the district. The responsibility of carrying out the job was given to the Assistant Commissioner of Tribal Development Authority and the work was supposed to be completed in a time-span of 360 days. The first installment of the allocated amount INR 2.35 Cr. was released and post that there has been no information on the progress of this work. At present the DMF Trust portal signals that the work still remains ‘incomplete’.²¹⁹ The example of much awaited coaching center is not an exception but a norm when it comes to works in such crucial domains, as the number of ongoing projects remains high.

Figure 4.6 - Sector-wise Expenditure Under DMF in Kabirdham (2016-17 to 2019-20)²²⁰



²¹⁸ RTI Reply dated 04.10.2020. Data Analysis of DMF Audit Report of Kabirdham for the period of 2016-17 to 2019-20.

²¹⁹ Chhattisgarh District Mineral Foundation Trust. *Status of Work done under the category of “Education” for Kabirdham*. Government of Chhattisgarh. Available at: https://www.dmf.cg.nic.in/backlog_youjan_details.aspx?di=O0SGeG76v%2bwEII0BF6jiiw%3d%3d&yoina_id=fH7pDQIVPqilyq%2bR%2fjxM0g%3d%3d [Last Accessed on: October 7, 2021].

²²⁰ Ibid. RTI Reply dated 04.10.2020.

As a welcome step, the DMF Trust funds have been utilized in the district for appointment of human resources under social schemes relating to health and education to facilitate effective delivery of services. Across the district, the education department has been responsible for appointing teachers in tribal areas through the Shala Sangwari Scheme. The achievement of running such a scheme is witnessed in increasing reach of proper

Unlike DMT Trust in other districts, DMF Trust in Chhattisgarh has invested in recurring expenditures such as recruitment and salaries of teachers and hospital staff.

Sensing its utility, other DMF Trusts should also accommodate recurring expenditures.

education to tribal children, which was a major bottleneck until recently. A significant chunk of teacher salaries towards the scheme have been sanctioned by the DMF Trust. Similarly, the Trust Fund has also been used for appointing doctors and nurses at PHCs in the affected areas.

4.2.2. Korba District

A. A Short Profile²²¹

Korba district comes under Bilaspur division and is inhabited mainly by tribals, including the protected tribe Korwas (Pahadi Korwa), Gond, Raj Gond, Kawar, Bhaiyana, Binjwar, Dhanuhar etc. Tribals constitute the majority (51.67%) of the total population.

From the people ...

There are at least 23 Minor Forest Produce (MFP) and another 32 types of roots and herbs that people collect from the forests. After agriculture, forests are the largest source of income. More than 60 percent of the villagers regard forest produce and labour in forest related work as their main sources of income. The absence of irrigation means that people are unable to sow a kharif crop. This increases dependence on forest produce for additional income. Almost 70 percent of the annual income comes from MFPs like aavla, bahera, harra, dhavala, kusum, mahua leaf and medicinal plants.

District Report, Korba

Source:

Chhattisgarh Human Development Report, *Natural Resources: Water, Forests and Land*, pg. 14. Url: https://niti.gov.in/planningcommission.gov.in/docs/plans/stateplan/sdr_pdf/shdr_chh05.pdf [Last Accessed on October 3, 2021].

²²¹ Government of Chhattisgarh. *Korba: About District*. Available at: <https://korba.gov.in/about-district/> [Last Accessed on: October 5, 2021].

Blessed with lush green forest cover, forests play an important role in the social and economic life of the people in Korba. The main occupation is agriculture.

Rich in coal, and bauxite, Korba has developed into an industrial township over the years and industrial Korba is known as the Power Capital of India. Korba is well known for its coal mines such as Gevra area, Kusmunda, Dipka, etc. The main mining company is the South Eastern Coalfields Limited (SECL). The National Thermal Power Corporation (NTPC), Chhattisgarh State Power Generation Company (CSPGCL), Bharat Aluminium Company (BALCO), Lanco Amarkantak Power Plant are some of the other key industrial outfits. Additionally, granite, dolerite, fireclay and limestone are also found in this district.²²²

Table 4.39 - Korba: Key Facts (Census 2011)²²³

Total Population	12.07 lakh (19.25% increase from Census 2001)
Population of Children (0-6 years)	35.60% of total population of children aged 0-18 years
Literacy Rate (excluding 0-6-year age group)	72.37% (lower than national average of 72.98%)
Sex Ratio	969 (lower than state average of 993)
Labour Force Participation	43.19%
Female Labour Participation	31.64%
Rural Area Work Participation	NA
Urban Area Work Participation	NA
Population according to social group (SC)	1.2 lakh (0.33% increase from Census 2001)
Population according to social group (ST)	4.9 lakh (0.6% decrease from Census 2001)

B. Status of Children

Table 4.40 - Child Population in Korba District according to Age-group (Census 2011)²²⁴

Age-Group	0-5 Years	6-13 Years	14-18 Years
Total Population	1,46,298	2,07,246	1,29,705

²²² Directorate of Geology and Mining, Chhattisgarh. *District Survey Report Korba*. 2016. Available at: <http://environmentclearance.nic.in/writereaddata/District/surveyreport/04082016ANU5LKYFDSRkorba.pdf> [Last Accessed on: October 5, 2021].

²²³ Office of Registrar General of India. Census 2011, *District Census Handbook – Korba*. Available at : https://censusindia.gov.in/2011census/dchb/2205_PART_B_DCHB_KORBA.pdf. [Last Accessed on: October 4, 2021].

²²⁴ Office of the Registrar general of India. Census 2011, Table C-13. Available at: <https://censusindia.gov.in/2011census/dchb/DCHB.html> [Last Accessed on: October 4, 2020].

As per Census 2011, children aged 0 to 18 years constitute 40% of the district's population. Among all children, maximum number are in the 6 to 13-year age category (38%), followed by 0 to 5-year age group (33%) and 14 to 18-year age group (29%). While Census 2011 reported 32% of the district's population to be below the age of 15 years, as per NFHS-5 children below the age of 15 years comprise 15.1% of the district's population. Clearly, there has been a huge drop on the population of children below 15 years since the last Census, which requires further investigation to understand if the decline is normal. Despite mining and other industrial activity in the district, birth registration in Korba is lower than the state average as can be seen in table 4.41. Non-registration of birth impacts access to rights and entitlements and therefore is an issue requiring attention.

Table 4.41 - Other Child Related Data for Korba District from NFHS²²⁵

Indicator	NFHS-4 (District)	NFHS-4 (State)
Population below age 15 years (%)	28.8	29.2
Sex ratio of the total population (females per 1,000 males)	1,022	1019
Sex ratio at birth for children born in the last five years (females per 1,000 males)	964	977
Children under age 5 years whose birth was registered with the civil authority (%)	81.6	86.1
Women age 20-24 years married before age 18 years (%)	20.2	21.3

The tables that follow present data relating to some child rights indicators or indicators having a direct bearing on children's rights.

(i) Health²²⁶

Percentage of people having access to improved drinking water in Korba is lower than that at the state level. That mining depletes ground water and also contaminates water resources is a known fact. In Korba, mining is at large scale and therefore the problem of drinking water is bound to be greater. Agriculture too stands affected due to fly ash from the thermal power plants and other forms of air and water pollution cause by mining, which in turn affects the quality of food intake. Health insurance coverage is also lower than the state average. Yet the out of pocket expenditure on health in Korba is below the state average. This requires further investigation as the only two possible inferences that can be drawn are that either people in Korba are healthy and do not need to spend on health related issues or they are unable to

²²⁵ Ministry of Health and Family Welfare. *NFHS-4 Factsheets – Korba District*. Available at: NFHS-4. Available at http://rchiips.org/nfhs/FCTS/CT/CT_FactSheet_404_Korba.pdf and http://rchiips.org/nfhs/pdf/NFHS4/CT_FactSheet.pdf [Last Accessed on: January 25, 2021].

²²⁶ Ibid. *NFHS-4 Factsheets – Korba District*

access health care. A look at health indicators for women and children in the district supports the latter. Reports suggest that people resort to traditional medicines and black magic when faced with health issues and at best reach out to faith healers, village level health workers or local doctor if needed.²²⁷

Table 4.42 - General Health and Sanitation: Korba District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Households with any usual member covered under a health insurance/ financing scheme (%)	62.3	68.5
Average out-of-pocket expenditure per delivery in a public health facility (Rs.)	935	1480
Population living in households with an improved drinking-water source (%)	82.2	91.1
Population living in households that use an improved sanitation facility (%)	34.3	32.7
Households using clean fuel for cooking (%)	26.5	22.8

Table 4.43 - Women's Health: Korba District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	24.4	30.3
Mothers who consumed iron folic acid for 180 days or more when they were pregnant (%)	NA	NA
Registered pregnancies for which the mother received a Mother and Child Protection (MCP) card (%)	89.5	91.4
Mothers who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	54.9	63.6
Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)	45.4	47.3
Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)	39.7	41.5
All women age 15-19 years who are anaemic (%)	45.1	47.0
Women age 15 years and above who use any kind of tobacco (%)	NA	21.6
Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	NA	4.5
Women age 15-24 years who use hygienic methods of protection during their menstrual period (%)	NA	47.1

²²⁷ Ibid. *Chhattisgarh Human Development Report*. pg. 137.

Levels of anaemia among pregnant and non-pregnant women in Korba are lower than the corresponding state figures. The number of pregnant women who consumed iron-folic acid tablets for 100 days is also lower than the state average. The problem is severe to the extent that Korba is one of the three selected districts in the state for a pilot project undertaken by the state government to make Chhattisgarh malnutrition and anaemia free.²²⁸ In fact, funds from DMF are to be used for this among other sources and data of beneficiaries is to be maintained on a monthly basis.²²⁹

Only 67.1% births are institutional deliveries. This is bound to affect birth registration as highlighted earlier. A significant 39.1% children aged 6 to 59 months are anaemic. Other indicators also reflect malnutrition among children. While NFHS-4 shows lesser number of children in Korba suffering from acute respiratory infections compared to the state levels, from the ground are constantly pointing to the adverse health impacts on people living in and around mining areas and thermal power plants.²³⁰ The mining companies flout all regulations and people continue to be deprived of access to health and education facilities for their children.²³¹

“Our kids cannot study in the schools developed by the company and we cannot go to their health centres,” laments Manjit Yadav, vice-president of Urjadhani Bhusthapit Samiti.

Source:

The Hindustan Times. *In coal town Dipka, mining pollution takes a heavy toll on nature as well as public health*. October 9, 2019. Available at: <https://www.hindustantimes.com/india-news/in-coal-town-dipka-mining-pollution-takes-a-heavy-toll-on-nature-as-well-as-public-health/story-rZRpKexS668GVt3SIGmLyL.html> [Last Accessed on: October 4, 2021].

²²⁸ The Hindustan Times. *Chhattisgarh government to launch campaign to eradicate malnutrition and anaemia*. October 7, 2021. Available at: <https://www.hindustantimes.com/india-news/chhattisgarh-government-to-launch-campaign-to-eradicate-malnutrition-and-anaemia/story-nNatYD7HcVkJUgbdF7VlBp.html> [Last Accessed on: October 4, 2021].

²²⁹ Ibid. *Chhattisgarh government to launch campaign to eradicate malnutrition and anaemia*.

²³⁰ Aggarwal, Mayank. *Quest for black diamond: Pollution from mines, power plants is choking Chhattisgarh's coal hub*. Scroll.in, November 9, 2018. Available at: <https://scroll.in/article/901278/quest-for-black-diamond-pollution-from-mines-power-plants-is-choking-chhattisgarhs-coal-hub> and Purohit, Makarand. *Korba: how the power hub of Chhattisgarh became a pollution hub*. July 25, 2017. Available at: <https://yourstory.com/2017/07/power-hub-chhattisgarh-becomes-pollution-hub/amp> [Both Last Accessed on October 4, 2021].

²³¹ The Hindustan Times. *In coal town Dipka, mining pollution takes a heavy toll on nature as well as public health*. October 9, 2019. Available at: <https://www.hindustantimes.com/india-news/in-coal-town-dipka-mining-pollution-takes-a-heavy-toll-on-nature-as-well-as-public-health/story-rZRpKexS668GVt3SIGmLyL.html> [Last Accessed on: October 4, 2021].

Table 4.44 - Child Health: Korba District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Institutional births (%)	67.1	70.2
Children who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	20.0	78.0
Children age 12-23 months fully vaccinated based on information from vaccination card only (%)	80.8	76.4
Children age 9-35 months who received a vitamin A dose in the last 6 months (%)	66.2	NA
Children under age 3 years breastfed within one hour of birth (%)	46.3	47.1
Children under age 6 months exclusively breastfed (%)	81.9	77.2
Total children age 6-23 months receiving an adequate diet (%)	6.9	11.1
Children under 5 years who are stunted (height-for-age) (%)	33.2	37.6
Children under 5 years who are wasted (weight-for-height) (%)	25.7	23.1
Children under 5 years who are severely wasted (weight-for-height) (%)	6.6	8.4
Children under 5 years who are underweight (weight-for-age) (%)	36.6	37.7
Children under 5 years who are overweight (weight-for-height) (%)	NA	NA
Children age 6-59 months who are anaemic (<11.0 g/dl) (%)	39.1	41.1
Prevalence of symptoms of acute respiratory infection (ARI) in children under 5 years in the 2 weeks preceding the survey (%)	1.4	2.2
Children with fever or symptoms of ARI in the 2 weeks preceding the survey taken to a health facility or health provider (%)	61.1	70.1

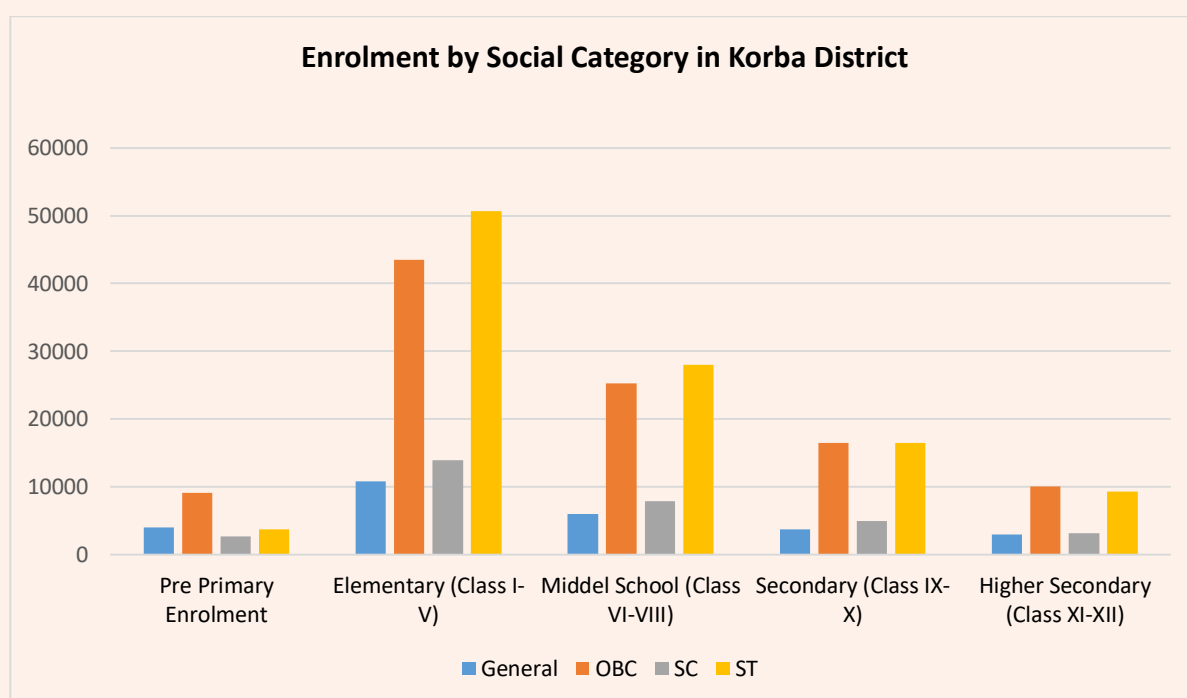
(ii) Education

The ASER Report of 2018 states that 4.6% children in the 6 to 14-year age group in Korba district are out of school.²³² The number of children enrolled at different levels of school education varies for different social groups, depending on the size of their population in the district. However, as can be seen in Figure 4.5, more number of Scheduled Tribe children drop out of school between elementary and secondary levels (41.08%) compared to children

²³² Ibid. ASER 2018, Chhattisgarh Rural

belonging to other social groups. Interestingly, drop out percentage at this stage among children from General category is slightly more (37.65%) than drop out percentage of children belonging to the Scheduled Castes (37.05%), the lowest rate of drop out being among children from the Other Backward Classes (OBCs) at 35.06%.²³³ By and large the drop-out percentage between Middle school and secondary school is high in the district, clearly calling for attention.

Figure 4.7 - Enrolment of Students from various Social Groups: Korba District (2019-20)²³⁴



Children of Sardi village in Kartala block of Korba district, which is inhabited by the Pahadi Korba tribe who belong to the Particularly Vulnerable Tribal Groups (PVTGs) found their first school in 2014. This was set up by an NGO, Gram Mitra Samaj Seva Sansthan with support from Child Relief and You (CRY).²³⁵ DMF Trusts may explore the possibility of supporting such initiatives by NGOs where required. Such models or public private partnership can go a long way in bringing a change in the lives of mining affected communities and their children.

According to a DMF Status Report by the Centre for Science and Environment, Korba and Raigarh districts have engaged civil society experts for developing DMF plans, which is a

²³³ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004*

²³⁴ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004*.

²³⁵ The Better India. How a School Is Giving Hope to Chhattisgarh's "Particularly Vulnerable" Pahadi Korba Tribe. Available at: [Last Accessed on: October 4, 2021].

positive step. Korba has been directed to develop an education hub, and one-fourth of the district's INR 880 Cr. are reported to have been sanctioned towards this.²³⁶

Table 4.45 - Learning Levels as per School Standards in Korba District 2018²³⁷

Learning Levels	Std III-V (in %)	Std VI-VIII (in %)
% Children who can read Std II level text	30.0	62.6
% Children who can at least do subtraction (division for higher classes)	27.5	20.6

According to a report, DMF Trust funds sanctioned in Korba for education are largely for “ construction of facilities, rather than improving soft resources such as quality teachers and other facilities in schools.”²³⁸ Poor learning levels clearly resonate the need for investing funds in improving quality of teaching and ensuring adequate number of trained teachers.

(iii) Child Labour

Table 4.46 - Incidences of Child Labour in Korba District in 2011²³⁹

Krishna District	No. of Child Labourers	Percentage of Child Labour
Rural	5,844	3.4%
Urban	893	1.0%
Total	6,737	2.6%

It appears that much of child labour in Korba is concentrated in jurban areas around the industrial township. Korba has been one of the districts in Chhattisgarh with Special Schools under the NCLP programme of the Labour Ministry.²⁴⁰ However, these schools have been stopped as per news reports while the problem of child labour continues to persist.²⁴¹

²³⁶ Centre for Science and Environment. *Minutes of the meeting of review meeting on three-year work plan on DMF, dated September 2, 2016, as available from <http://chhattisgarhmines.gov.in/sites/default/files/dmf-minutes-2-9-2016.pdf>, accessed on April 2018.* Quoted in *People First: District Mineral Foundation (DMF) Status Report, 2018*, pp. 65-67. Available at: http://cdn.cseindia.org/attachments/0.13320100_1533015489_DMF-Report2018.pdf [Last Accessed on: October 5, 2021].

²³⁷ Ibid. *ASER 2018, Chhattisgarh Rural*

²³⁸ Valaparla, Siva Karthik and Chinamyi Shalya. *DMF should look beyond infrastructure.* Down To earth, September 27, 2017. Available at: <https://www.downtoearth.org.in/blog/mining/let-s-not-build-schools-without-teachers-58746> [Last Accessed on: October 5, 2021].

²³⁹ Ibid. Samantroy, Ellina, Helen R. Sekar and Sanjib Pradhan.

²⁴⁰ Prognosis. Child Labour always right in front of you but why constantly hidden from your view? 2012. Available at: https://niti.gov.in/planningcommission.gov.in/docs/reports/sereport/ser/ser_nclp1709.pdf [Last Accessed on: October 4, 2021].

²⁴¹ Chaturvedi, Piyushkant. *Nahin Tham Rahi Baal Mazdoori, Abhi Bhi Dikhate Hain Baal Shramik.* June 12, 2016. Available at: <https://www.patrika.com/korba-news/korba-is-not-the-first-child-labor-child-labor-still-look-1321656/> [Last Accessed on: October 4, 2021].

(iv) Child Trafficking and Child Marriage

Interestingly, the industrial hub is also a trafficking destination as it receives children from other states, who are trafficked to work as domestic servants. It is of course also a source area when it comes to tribal girls.²⁴² One such case of a 16-year-old from Jharkhand had come to light in 2015 when the girl was treated inhumanly by her employers.²⁴³ According to district crime statistics, in 2019, 99 cases of kidnapping were registered in Korba and one case of human trafficking.²⁴⁴

Child marriage also continues in the district. In 2016, 33 child marriages were stopped by the district administration on receiving information in this regard.²⁴⁵ Many child marriages are reported to take place in rural areas during Akshay Tritiya.²⁴⁶

These are some of the issues where DMF Trusts can intervene by supporting preventive, protective and rehabilitative measures.

A. District Mineral Foundation – Korba District

(i) Structure and Functioning of the DMF Trust

The structure of DMF Trust in Korba district resembles closely with what was seen in case of Kabirdham district. However, the names of members of the DMF in Korba are not available in public domain. As per available information, there are 66 persons in Korba DMF.

Table 4.47 - Members in DMF Korba

District Name	Total Member	Pending Members of Governing Council	Pending Members of Managing Committee	Approved Members of Governing Council	Approved Members of Managing Committee
Korba	66	2	3	40	21

Source: DMF Employee Status Report. Available at: https://www.dmf.cg.nic.in/Dmf_employee_status_rpt.aspx [Last Accessed on: October 5, 2021].

²⁴² News 18. *Human trafficking: 4 women, 1 minor from Chhattisgarh sold in Delhi; police arrest one*. Undated. Available at: <https://www.news18.com/news/india/human-trafficking-4-women-1-minor-from-chhattisgarh-sold-in-delhi-police-arrest-one-682771.html> [Last Accessed on: October 1, 2021].

²⁴³ Drolia, Rashmi. *Trafficking: Chhattisgarh teacher couple held for assaulting minor girl for 10 years*. The Times of India, December 18, 2015. Available at: <https://timesofindia.indiatimes.com/city/raipur/trafficking-chhattisgarh-teacher-couple-held-for-assaulting-minor-girl-for-10-years/articleshow/50232962.cms> [Last Accessed on: October 4, 2021].

²⁴⁴ National Crime Records Bureau (NCRB). *District-wise IPC and SLL Crimes - 2019*. Available at: <https://ncrb.gov.in/en/node/3009> [Last Accessed on October 4, 2021].

²⁴⁵ Rajput, Suraj. *Samaaj Mein Haavi Hai Kureeti, Ab tak Bacha Li Gayi Teen Darjan Baalika Vadhu*. July 13, 2016. Available at: <https://www.patrika.com/korba-news/korba-police-stop-33-child-marriage-1348370/> [Last Accessed on: October 3, 2021].

²⁴⁶ Dainik Bhaskar. *Do Maah Mein Baal Vivah Ke 6 Prakaran, Akshay Tritiya Par Rahegi Nazar*. 2019. Available at: <https://www.bhaskar.com/chhattisgarh/korba/news/chhattisgarh-news-6-episodes-of-child-marriage-in-two-months-akshay-tritiya-will-remain-071139-4465641.html> [Last Accessed on: October 1, 2021].

Korba is one of the most mining dependent districts with rampant coal mining. Given the magnitude of mining, the role and functioning of DMF becomes significant. But, in order to understand the functioning of DMF in the district, not all records of meetings of Governing Council are available in the public domain. On the official portal of the Chhattisgarh District Mineral Foundation, the meeting notification of only one meeting has been uploaded for Korba DMF²⁴⁷ but the minutes of this meeting are not available. Moreover, Korba DMF Web portal has also not uploaded any details with regard to minutes of meetings of Governing Councils and key decisions taken in such meetings.

(ii) Funds Accrued in DMF Trust

As per reply filed in the Lok Sabha, as on January 2020, the total collection in the District Mineral Fund for Korba was a sum of INR 1923.82 Cr. The total fund collection for the State of Chhattisgarh up to January 2020 was INR 4980.73 Cr.²⁴⁸ Korba's contribution to state's DMF comes to 38% of the total DMF fund collection. There has been a total accrual of INR 1073.57 Cr. in Korba DMF over the last three years from 2017-18 to 2019-20.²⁴⁹

Major contribution to the DMF Trust Funds in the district come through the major mining activities as can be seen in figure 4.9.

Figure 4.9 - Funds Accrued in DMF Korba (2017-18 to 2019-20) (in Crore)



²⁴⁷ Korba District Mineral Foundation Trust, Notification reference: DMFT-15/SI. No. 23/Shaaasi Parishad/2020-21/ 5912, Meeting Notification dt. 18.06.2020. Available at: https://www.dmf.cg.nic.in/meeting_download.aspx?fn=aHdenilcfXSwNxN5oHqgndFiKu%2fyqyumqmZgbjW%2beE%3d [Last Accessed on: October 5, 2021].

²⁴⁸ Ibid. Lok Sabha, Unstarred Question No. 2212. Answered on 04.03.2020.

²⁴⁹ Ministry of Mines. PMKKKY Dashboard – Korba. Available at: <https://mitra.ibm.gov.in/pmkkky/Chhattisgarh/district/Pages/Dashboard.aspx?statelId=22&districtId=383&stat%20e=Chhattisgarh> [Last Accessed on: September 17, 2020].

(iii) Utilization of DMF Trust Funds

Table 4.48 - Amount Sanctioned and Spent under DMF in Korba (in Lakh)

S. No.	Yojna	Sanctioned Amount	Expenditure Amount
1	Drinking Water	10053.67	6722.08
2	Environment Conservation & Pollution Control	4739.9	2693.57
3	Healthcare	3584.79	2280.1
4	Education	29931.51	16902.74
5	Agriculture and allied Activities	1380.68	959.66
6	Welfare of Women and Children	3529.55	1686.87
7	Welfare of Old and Disabled	1007.1	546.19
8	Energy and Watershed Development	3307.17	1669.41
9	Sanitation	5697.88	5089.2
10	Physical Infrastructure	43164.52	17884.43
11	Irrigation	7605.29	3437.65
12	Energy and Watershed Development	4256.24	4012.09
13	Development of Other Infrastructure as notified by the State Govt. from time to time	2.01	2.01
14	Works towards Public Welfare	5126.32	3796.51
15	Capacity Building of Gram Sabhas for Development and Monitoring of Various Developmental Plans to be Carried Out under DMF	16.56	16.56
Total		123403.19	67699.07

Source: Chhattisgarh District Mineral Foundation Trust. Korba Work Status. Government of Chhattisgarh. Available at: https://www.dmf.cg.nic.in/backlog_work_entry_status_details.aspx?di=ZAMQWVOvu63y2v0HTwFB6Q%3d%3d

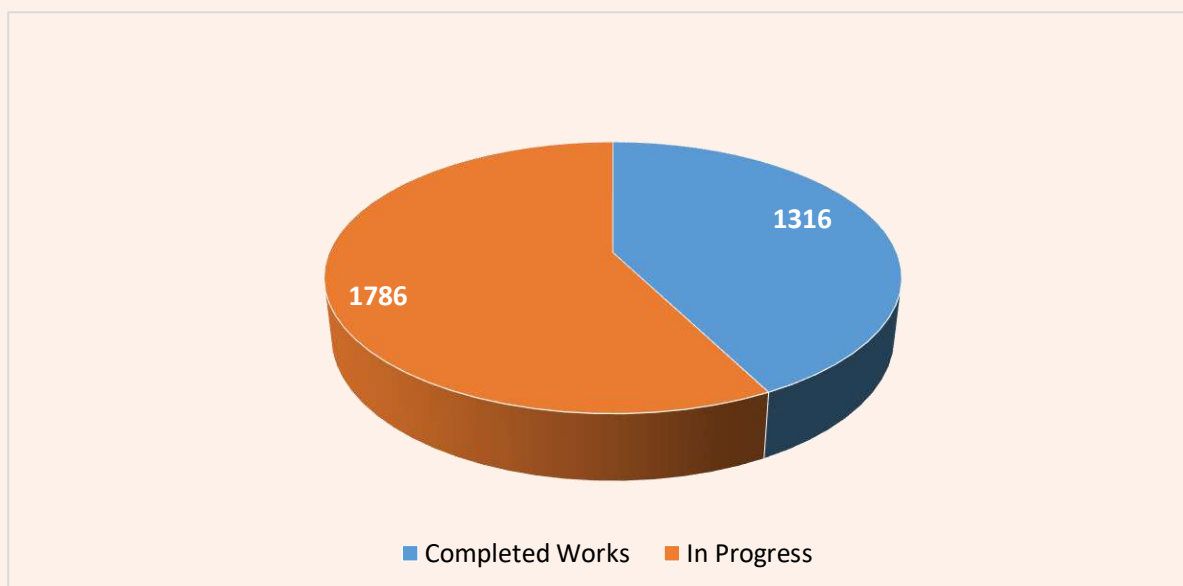
As per the available information, a total of INR 1234.03 Cr. have been sanctioned from DMF in Korba out of which, INR 676.99 Cr. (54.86%) have been spent so far on various development works in the affected areas of Korba.²⁵⁰ However, the official portal does not indicate the time period for the funds sanctioned and spent. The response received to the RTI filed in Korba was that information should be sought for one question at a time.

Further, the DMF sanctioned a total of 3103 projects, out of which only 42% projects have been completed so far.²⁵¹

²⁵⁰ Chhattisgarh District Mineral Foundation Trust. *Korba Work Status*. Government of Chhattisgarh. Available at: https://www.dmf.cg.nic.in/backlog_work_entry_status_details.aspx?di=ZAMQWVOvu63y2v0HTwFB6Q%3d%3d [Last Accessed on: October 5, 2021].

²⁵¹ Ibid. *Korba Work Status*

Figure 4.10 - Work Status under DMF Korba District



It is pertinent to highlight here that the maximum amount of funds have been sanctioned towards development of Physical Infrastructure (INR 431.64 Cr.) followed by Education (INR 299.31 Cr.) and Drinking Water (INR 100.53 Cr.). It is a matter of great concern that “Welfare of Women and Children”, despite being a High Priority Area, has received a meagre allocation of INR 35.29 Cr. i.e. 2.86% share in the total allocation of DMF in Korba. Such allocations reflect poor planning and misplaced priorities. Instances of such misplaced priorities have been reported in various newspapers and reports²⁵² and finally in February 2019, the Chief Minister of Chhattisgarh directed the District Collectors of all districts to ensure effective implementation of DMF Funds for the maximum benefit of affected communities in the mining belt. *“The CM has instructed to ensure the allocation of DMF should primarily focus on those segments who are affected by mining activities and all efforts should be towards their development, education, healthcare, well-being and development of their areas. It will be the prerogative of the collector to decide on the appropriate course of action on the utilization of the funds but it would be specifically utilized only in the region affected by mining activities”*, said Vinod Verma, political advisor to the chief minister.²⁵³

Also, vide notification dated. 26.06.2021, whole of Korba district was declared as “Affected Area” due to mining and it was directed that 50% of the DMF funds will be utilized for various

²⁵² Centre for Science and Environment. *People First: District Mineral Foundation (DMF) Status Report, 2018*. Available at: http://cdn.cseindia.org/attachments/0.13320100_1533015489_DMf-Report2018.pdf [Last Accessed on: October 5, 2021].

²⁵³ The New Indian Express. *DMF fund: Chhattisgarh puts a brake on misplaced priorities, no more non-mining urban areas*. 25 February, 2019. Available at: <https://www.newindianexpress.com/nation/2019/feb/25/dmf-fund-chhattisgarh-puts-a-brake-on-misplaced-priorities-no-more-non-mining-urban-areas-1943230.html> [Last Accessed on: October 5, 2021].

developmental activities in the district.²⁵⁴ Secondly, the Union Government has taken a note of the fact that state governments have been transferring DMF Funds to their state treasury and thus, issued a notice vide notification dated 12.07.2021 directing the states to “not to sanction or approve any expenditure out of the District Mineral Foundation at the state level by the State Governments”.²⁵⁵ Although this notification casts shadows over the federal structure and autonomy of states,²⁵⁶ the point of contention remains utilization and prioritization of DMF Funds. Thus, it is important that the DMF guidelines are followed in true spirit and DMF fund allocation is made on the basis of proper district needs assessment and planning by the district authority with minimal interference from the state and the central government.

(iv) Management of Funds

Another issue with the functioning of DMF, especially in Korba, is corruption and mismanagement of DMF Funds. In 2019, a scam was unearthed where the ex-Governing Council Member of Korba DMF was found to be involved in misuse of DMF funds in Korba and irregularities of work sanctions. The charges included duplication in projects sanctioned, over-budgeting, tenders awarded for works without any technical review, and even transfer of land for projects without required documentation. All these have happened largely in 2016-2017.²⁵⁷ Therefore, it becomes even more crucial to bring the elements of transparency, accountability and participation from the affected communities into the decision making body of DMF, which has been reiterated by the Chhattisgarh District Mineral Foundation Trust Rules, 2015 and the subsequent amendments and notifications.

4.3. Uttar Pradesh

The two districts of Uttar Pradesh that form part of this report are Mirzapur and Sonbhadra.

²⁵⁴ Department of Mineral Resources. Notification No. F 7-29/2019/12 & No. F 7-20/2020/12(1),, dated 26.06.2021. Government of Chhattisgarh. Available at: https://www.dmf.cg.nic.in/cms_download.aspx?fn=FbLy2AhCe79YlxiNlORhYQTLxIKfFegN128nQzYJqos%3d [Last Accessed on: October 5, 2021].

²⁵⁵ Government of India. Notification No. F. No.7/9/2021-M.IV, dated July 12, 2021. Available at: <https://www.mines.gov.in/writereaddata/UploadFile/Orderdated12thJuly2021.pdf> [Last Accessed on: October 5, 2021].

²⁵⁶ Das, Aysakant. *Modi Government Assumes Control over Rs 25K Crore Meant for Mining-affected People*. The Leaflet, August 31, 2021. Available at: <https://www.theleaflet.in/modi-government-assumes-control-over-rs-25k-crore-meant-for-mining-affected-people/> [Last Accessed on: October 5, 2021].

²⁵⁷ Shalya Chinmayi & Chinnappanavar S Prashanth. *DMF ex-governing council member under scanner for fund misuse in Korba*. Down to Earth, 29 May 2019. Available at: <https://www.downtoearth.org.in/news/mining/dmf-ex-governing-council-member-under-scanner-for-fund-misuse-in-korba-64809> [Last Accessed on: October 5, 2021].

4.3.1. Mirzapur District

A. A Short Profile

Lying in the South East corner of Uttar Pradesh is Mirzapur district, famous for its carpet and brass industry. Hills, mountains, plateaus, waterfalls and rivers form part of its landscape. As per latest Aadhar UIDAI portal, as of December 2020, the district population was estimated at 2,817,360.²⁵⁸ However, according to 2011 Census, the district population was recorded at 24,96,970 persons, of which 1,312,302 were males and 1,184,668 were females. The Scheduled Castes comprised 26.5% of the total population and the population of Scheduled tribes was reported to be negligible.²⁵⁹

Literacy rate in the district is only 68.5%, which is lower than the national average of 72.98%. Males have considerably higher literacy level (79%) than females (56.9%). Interestingly, the literacy level of males in rural areas is higher (78.4%) than the literacy level of females in urban areas (67.8%).

With respect to total work participation rate, males comprise of 46.7% of total workforce whereas females are only 22.7%. While male participation rate is slightly lower in rural areas (46.5%) when compared to urban areas (48.2%), female participation rate is considerably higher in rural areas (24.0%) than urban areas (14.4%). Additionally, the difference in work participation rates between males and females is higher in urban areas compared to rural areas.

Vast majority of population (21,49,403 persons or 86.1% of total district population) is rural,²⁶⁰ with 22.8% cultivators and 42.4% agricultural labourers.²⁶¹ Carpet industry and tourism are reported to have been a major source of income in the district at one point of time, which has changed over the years due to depression in the carpet industry and destruction of forests, natural resources and places of historical interests.²⁶² Separation of Sonbhadra from Mirzapur further impacted the district's economy as much of the industry went to Sonbhadra.²⁶³

²⁵⁸ indiaGrowing.com. *Mirzapur District Population*. Available at: https://www.indiagrowing.com/Uttar_Pradesh/Mirzapur_District [Last Accessed on: October 6, 2021].

²⁵⁹ Office of Registrar General of India. Census 2011, *District Census Handbook -Mirzapur*. Available at: https://www.censusindia.gov.in/2011census/dchb/DCHB_A/09/0969_PART_A_DCHB_SONBHADRA.pdf [Last Accessed on: October 5, 2021]

²⁶⁰ Ibid. *District Census Handbook -Mirzapur*.

²⁶¹ Ibid. indiaGrowing.com.

²⁶² Mirzapur. *Economy*. Available at: <https://mirzapur.nic.in/economy/> [Last Accessed on October 6, 2021].

²⁶³ Ibid. CREDA.

The rocky terrain of Mirzapur consists of sedimentary and metamorphic rocks such as limestone, sandstone and marble.²⁶⁴ Stone quarries in Mirzapur date back to the times of Emperor Ashoka, who had established a quarry workshop in Chunar.²⁶⁵ The district is reported to be rich in minerals and soils such as building stones, road ballast, boulder, sand, morrum, brick clay and ordinary soil.²⁶⁶ Barytes and Edalusite are also found in the districts of Mirzapur.²⁶⁷ Deposits from the river Ganges bring sand and gravel, leading to mining of river sand.²⁶⁸

Table 4.49 - Mirzapur: Key Facts (Census 2011)²⁶⁹

Total Population	24.94 lakh (20.35% increase from Census 2001)
Population of Children (0-6 years)	35.74 % of total population of children aged 0-18 years
Literacy Rate (excluding 0-6-year age group)	68.5% (lower than national average of 72.98%)
Sex Ratio	903 (lower than state average of 912)
Labour Force Participation	35.3%
Female Labour Participation	22.7% (increase from 20.6% in Census 2001)
Rural Area Work Participation	Male - 46.5% Female - 24.0%
Urban Area Work Participation	Male - 48.2% Female - 14.4%
Population according to social group (SC)	6.61 lakh (2.4% decrease from Census 2011)
Population according to social group (ST)	20 thousand (0.7% increase from Census 2001)

B. Status of Children

Table 4.50 - Child Population in Mirzapur District according to Age-group (Census 2011)²⁷⁰

Age-Group	0-5 Years	6-13 Years	14-18 Years
Total Population	3,43,027	5,14,060	2,91,750

²⁶⁴ Government of Uttar Pradesh Official Website. *Natural Wealth*. Available at: <https://up.gov.in/upwealth.aspx> [Last Accessed on October 6, 2021].

²⁶⁵ Mining Department. *District Survey Report, Mirzapur District*. District Collectorate, Mirzapur, Uttar Pradesh. 2019. Available at: <https://cdn.s3waas.gov.in/s396da2f590cd7246bbde0051047b0d6f7/uploads/2019/06/2019062411.pdf> [Last Accessed on: October 6, 2021].

²⁶⁶ Ibid. *District Survey Report, Mirzapur District*.

²⁶⁷ Ibid. *Natural Wealth*.

²⁶⁸ Ibid. *District Survey Report, Mirzapur District*.

²⁶⁹ Ibid. *District Census Handbook -Mirzapur*.

²⁷⁰ Office of the Registrar general of India. Census 2011, Table C-13. Available at: <https://censusindia.gov.in/2011census/dchb/DCHB.html> [Last Accessed on: October 4, 2020].

The majority of child population is in the age-group bracket of 6-13 years. As per NFHS-5, children below the age of 15 years comprise 15.1% of the district population.

Table 4.51 - Other Child Related Data for Mirzapur District from NFHS

Indicator	NFHS-4 (District)	NFHS-4 (State)
Population below age 15 years (%)	34.8	33.8
Sex ratio of the total population (females per 1,000 males)	955	995
Sex ratio at birth for children born in the last five years (females per 1,000 males)	967	903
Children under age 5 years whose birth was registered with the civil authority (%)	43.7	60.2
Women age 20-24 years married before age 18 years (%)	30.7	21.1

The tables that follow present data relating to some child rights indicators or indicators having a direct bearing on children's rights.

(i) Health²⁷¹

Table 4.52 - General Health and Sanitation: Mirzapur District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Households with any usual member covered under a health insurance/ financing scheme (%)	6.3	6.1
Average out-of-pocket expenditure per delivery in a public health facility (Rs.)	1,312	1,956
Population living in households with an improved drinking-water source (%)	88.1	96.4
Population living in households that use an improved sanitation facility (%)	23.3	35.0
Households using clean fuel for cooking (%)	17.7	32.7

²⁷¹ Ministry of Health and Family Welfare. *NFHS-4 Factsheets – Uttar Pradesh and Mirzapur District*. Available at: NFHS-4. Available at http://rchiips.org/Nfhs/FCTS/UP/UP_Factsheet_199_Mirzapur.pdf and http://rchiips.org/Nfhs/pdf/NFHS4/UP_FactSheet.pdf [Last Accessed on: January 25, 2021].

Table 4.53 - Women's Health: Mirzapur District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	22.4	12.9
Mothers who consumed iron folic acid for 180 days or more when they were pregnant (%)	NA	NA
Registered pregnancies for which the mother received a Mother and Child Protection (MCP) card (%)	91.0	79.8
Mothers who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	45.7	54.0
Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)	55.6	52.5
Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)	NA	51.0
All women age 15-19 years who are anaemic (%)	NA	52.4
Women age 15 years and above who use any kind of tobacco (%)	NA	7.6
Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	NA	3.8
Women age 15-24 years who use hygienic methods of protection during their menstrual period (%)	NA	47.1

As seen in table 4.53, though 91.0% of mothers registered their pregnancies and received MCP card in the district, (which is considerably higher than the state percentage of 79.8%), only 45.7% mothers received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery in the district (in comparison to 54.0% in the state).

Further, though 72.7% births are recorded as institutional births in the district, only 24.6% of children received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery (%), in the district.

Table 4.54 - Child Health: Mirzapur District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Institutional births (%)	72.7	67.8
Children who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	24.6	24.4
Children age 12-23 months fully vaccinated based on information from vaccination card only (%)	46.5	51.1
Children age 9-35 months who received a vitamin A dose in the last 6 months (%)	53.8	39.5
Children under age 3 years breastfed within one hour of birth (%)	28.7	25.2
Children under age 6 months exclusively breastfed (%)	31.2	41.6
Total children age 6-23 months receiving an adequate diet (%)	8.0	5.3
Children under 5 years who are stunted (height-for-age) (%)	49.1	46.3
Children under 5 years who are wasted (weight-for-height) (%)	20.8	17.9
Children under 5 years who are severely wasted (weight-for-height) (%)	6.6	6.0
Children under 5 years who are underweight (weight-for-age) (%)	46.4	39.5
Children under 5 years who are overweight (weight-for-height) (%)	NA	NA
Children age 6-59 months who are anaemic (<11.0 g/dl) (%)	63.0	63.2
Prevalence of symptoms of acute respiratory infection (ARI) in children under 5 years in the 2 weeks preceding the survey (%)	4.4	4.7
Children with fever or symptoms of ARI in the 2 weeks preceding the survey taken to a health facility or health provider (%)	66.9	71.3

The above data sets point towards a very pertinent issue with respect to lack of access to health care, especially in the mining-affected areas. This was corroborated during the research team's visit to the district, where families shared that problem of access was majorly due to absence of decent PHCs in their neighbourhood and the PHCs constructed near their habitats were in dreary condition.

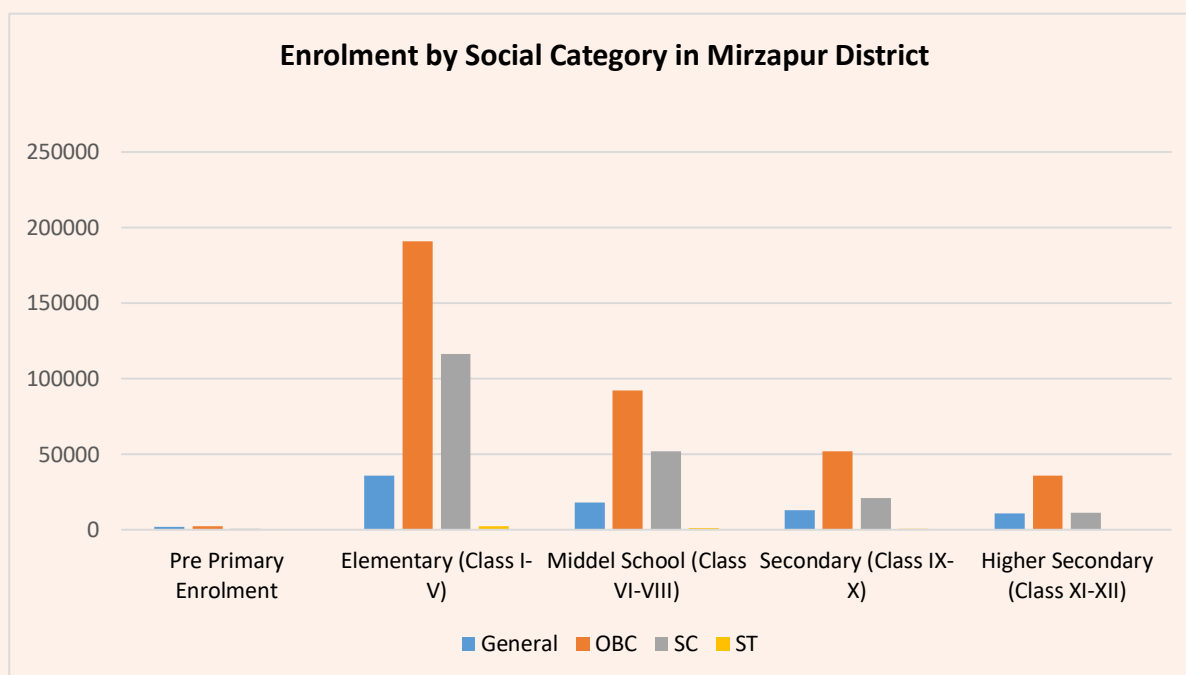
One such PHC (figure to the right), was being used as a stable and in the monsoon was filled with water. The miners shared that hardly any doctor or healthcare staff had cared to visit the PHC



centres since ages, therefore making it mandatory for them to travel close to 15 kms. for the nearest decent healthcare system.²⁷²

(ii) Education

Figure 4.11 - Enrolment of Students from various Social Groups: Mirzapur District (2019-20)²⁷³



As evident from Figure 4.11, there is a steady decline in enrolment of students in Mirzapur district across various social groups, as they move from elementary to higher secondary level. Besides children dropping out of school to work in family businesses, carpet industries, etc., social schemes that can help in bringing children to schools have also performed poorly. Evidence on this is brought forth in clear terms by the infamous Mid-Meal meal scenarios that created shockwaves across the country. A report, published in 2019, unveiled through a horrific video, sub-standard food being served to students at a school in Ahraura block of the district. In the name of Mid-day Meals, the students were receiving the barest nutritional intake in form of *roti* and salt.²⁷⁴ The Mid-day meal scandal exposed interlinkages between different systemic failures – education, healthcare, child labour etc. – that pushes children into vulnerable futures. According to Manav Sansadhan Evam Mahila Vikas Sansthan

²⁷² Interaction with Mining communities in Ahraura, Mirzapur in February 2020.

²⁷³ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004*.

²⁷⁴ Rehman, Asad. *Substandard mid-day meal: Week before roti-salt video, Mirzapur kids were served rice-salt*. Indian Express, September 4, 2019. Available at: <https://indianexpress.com/article/india/substandard-mid-day-meal-week-before-roti-salt-video-mirzapur-kids-were-served-rice-salt-5963628/> [Last Accessed on: September 17, 2020].

(MSEMVS), unavailability and distance of schools affects children’s education adversely, pushing them to join stone crushing and other mining related work where they are responsible for loading and unloading of stones from vehicles. Operation of crushers and poclain machines also disturbs education in schools.

Table 4.55 - Learning Levels as per School Standards in Mirzapur District 2018²⁷⁵

Learning Levels	Std III-V (in %)	Std VI-VIII (in %)
% Children who can read Std II level text	41.3	70.5
% Children who can at least do subtraction (division for higher classes)	29.6	34.1

As is evident from ASER, only 29.6% of children from standard III-V can do subtraction signaling very poor learning levels amongst children in Mirzapur. According to recent news report,²⁷⁶ in a recently held meeting of the Governing Council of the District Mineral Trust Foundation Trust, a decision was taken by the Committee to modernize 10 primary schools in Mirzapur. However, investing only in infrastructural upgradation and modernization of schools will not ensure retention of children and better learning outcomes.

(iii) Child Labour

Table 4.56 - Incidences of Child Labour in Mirzapur District in 2011²⁷⁷

Mirzapur District	No. of Child Labourers	Percentage of Child Labour
Rural	21,436	3.8%
Urban	4,521	5.8%
Total	25,957	4.0%

Of total children in Mirzapur, 4% are engaged in child labour activities. Due to poor economic condition, children are dropping out of school to help their parents. People working towards eradication of child labour in Mirzapur believe that dropout rates in primary and middle schools have grown substantially in 2016 and this is a direct impact of the CALPRA because it has become much more difficult to rescue child workers and to prosecute employers.

²⁷⁵ Annual Status of Education Report (Rural) 2018. Available at: <https://img.asercentre.org/docs/ASER%202018/Release%20Material/aserreport2018.pdf> [Last Accessed on: September 15, 2020].

²⁷⁶ Jagran, *10 schools of the district will be modern from the District Mineral Foundation Trust*, February 11, 2020. Available at: <https://www.jagran.com/uttar-pradesh/mirzapur-district-mineral-foundation-trust-will-have-10-district-districts-20021790.html> [Last Accessed on: November 10, 2021].

²⁷⁷ Ibid. Samantroy, Ellina, Helen R. Sekar and Sanjib Pradhan.

According to Shamshad Khan of the Mirzapur based Centre for Rural Education and Development Action, “It has also become much harder to gain access into private homes to identify children who are being exploited under the garb of helping their parents”.²⁷⁸

(iv) Child Trafficking and Child Marriage

According to the NFHS-4, 30.7% of women in the age group of 20-24 years in Mirzapur were married before age of 18 years, which is higher than the state average of 21.1%. Pandemic has only made the situation worse. In recent news, district officials were successful in preventing a case of child marriage, where the groom was believed to be 38 or 40 years old while the bride, belonging to the Kol tribe, was only 12-13 years old. On interrogating the groom, he confessed that he had paid the 13-year-old girl’s family one lakh rupees to marry her, which also makes it a case of human trafficking.²⁷⁹

C. District Mineral Foundation – Mirzapur District

(i) Structure and Functioning of the DMF Trust

The DMF Trust came into functioning since 2017 in the Mirzapur district and was notified on 15.05.2017.²⁸⁰ For the management of the Trust, the state rules²⁸¹ provide that the Trust will comprise of a Governing Council and a Managing Committee. The authority to manage the Trust lies with the Governing Council, but day to day functioning of the Trust vests in the Managing Committee. It is as per the same rules that details of individuals in both these bodies ought to be made open, which is not found in public domain. However, RTI response received from the office of the District Magistrate/Collector, Mirzapur provided the following list of members of the DMF Trust body in Mirzapur district from the year 2017-2020:

1. Divisional Forest Officer, Mirzapur Forest Division, Mirzapur
2. Chief Medical Officer, Mirzapur
3. Executive Engineer, Public Work Department, Mirzapur
4. District Basic Education Officer, Mirzapur

²⁷⁸ Sehgal, Rashme. *New child labour Act, rising poverty is making children prey to exploitation in Mirzapur, say experts*, *First Post*, May 29, 2017. Available at : <https://www.firstpost.com/india/new-child-labour-act-rising-poverty-is-making-children-prey-to-exploitation-in-mirzapur-say-experts-3493983.html> [Last Accessed on: October 5, 2021].

²⁷⁹ Dubey Brijendra, *3-year-old girl, 38-year-old ‘bridegroom’ and a payment of Rs 100,000 for ‘marriage’*, *Gaon Connection*, July 7, 2021. Available at: <https://en.gaonconnection.com/child-marriage-human-trafficking-covid-pandemic-sexual-violence-abuse-wedding-posco-rural-india/> [Last Accessed on: November 15, 2021].

²⁸⁰ Uttar Pradesh District Mineral Foundation Trust Rules, 2017. Available at: <http://www.indiaenvironmentportal.org.in/content/444888/the-uttar-pradesh-district-mineral-foundation-trust-rules-2017/> [Last Accessed on: October 5, 2021].

²⁸¹ Lok Sabha Unstarred Question No. 2653, Answered on 02.08.2018. Available at: <http://164.100.24.220/loksabhaquestions/annex/15/AU2653.pdf> [Last Accessed on: October 5, 2021]

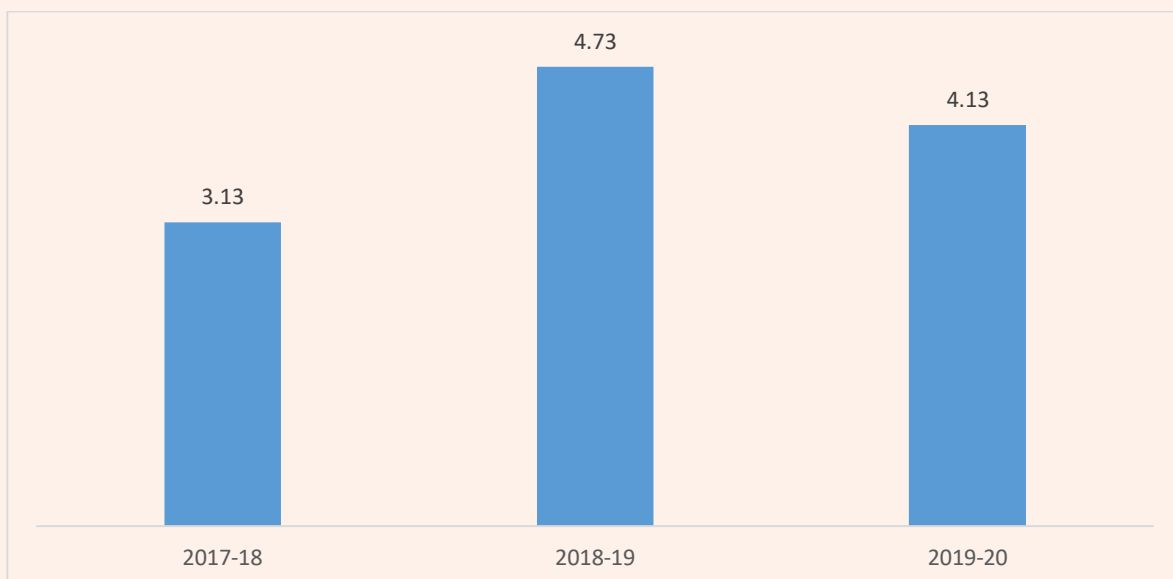
5. District Panchayat Raj Officer, Mirzapur
6. District Mining Officer, Mirzapur
7. Sri Pramod Kumar Singh, Mine Businessmen, Mirzapur
8. Sri Sudhir Kumar Jain, Mine Businessmen, Mirzapur
9. Executive Engineer, Rural Engineering Service Division, Mirzapur
10. Sri Devendra Chowdhary (Affected Area Representative), President Stone Crusher, Mirzapur

Another significant piece of data that remains lost from the public space is reports on meetings of the two DMF bodies / committees since 2017. Both Mirzapur district and Sonbhadra district face the similar challenges in terms of availability of information in public domain.

(ii) Funds Accrued in DMF Trust

The district of Mirzapur is majorly dependent upon Sandstone and sand mining which form the only component of contribution towards the DMF Trust collections in the district. However, there is negligible data with respect to district-wise fund accrual on official websites or the public space. The following data (represented through figure 4.12) on yearly trends in funds accrual in the DMF Trust Mirzapur was collected from the PMKKKY Dashboard before the website went under reconstruction. Post revamping, only state wise fund accrual is available on the website.

Figure 4.12 - Yearly Trends in Fund Accrual in the DMF Trust Mirzapur (in Crore)²⁸²



²⁸² PMKKKY District Dashboard.

As can be seen from table 4.12, total collection in the DMF Trust from 2017-18 to 2019-20 was 11.99 Cr.

The other set of available data retrieved from Lok Sabha Unstarred Question No 2212, states that as on January, 2020, the total fund collection in Mirzapur DMF was INR 10.54 Cr., out of which only 16% amount was spent.

Table 4.57 - Fund Collection & Utilization Report for Mirzapur DMF (as on January 2020)²⁸³

Name of District	Fund Collection (in Cr.)	Fund Utilization (in Cr.)
Mirzapur	10.54	1.79
Total (Uttar Pradesh)	636.09	179.37

(iii) Utilization of DMF Trust Funds

Due to scarcity of information available in public domain, RTI applications were filed for data collection. The analysis of RTI response received from DMF Mirzapur reflects that between the period of 2018-2020, projects worth INR 5.56 Cr. were sanctioned. From the expenditure incurred, 47.62% was spent on physical infrastructure, which is a low priority area, followed by 45.63% in education. A meagre 3.57% of the expenditure was incurred on drinking water, despite it being a high priority area. Field visits have shown how mining village in Ahraura block continues to face acute shortage of portable water for daily usage. The village remains dependent upon a single well, on the outskirts of village, for procuring necessary buckets of water for household purposes. The usage of water from well without a proper treatment sees to a rising occurrence of health issues in the community and leads to prevalence of fluorosis amongst children.

Table 4.58 - Analysis of Expenditure incurred through DMF Mirzapur (2018 to September 2020)

High Priority Areas			Other than High Priority Areas		
Sector	Amount (in Lakhs)	Percentage of Total Amount	Sector	Amount (in Lakhs)	Percentage of Total Amount
Drinking Water	19.878	3.57%	Physical Infrastructure	264.91	47.62%
Education	253.86	45.63%			
Healthcare	17.657	3.17%			
Source: RTI Data					

²⁸³ Lok Sabha Unstarred Question No. 2212 Answered On 04.03.2020; Available at: <http://164.100.24.220/loksabhaquestions/annex/173/AU2212.pdf> ; Last Accessed on: October 5, 2021

RTI response received from Mirzapur district reveals that majority of the works sanctioned under DMF Trust were that of acquisition of furniture, construction of boundary wall, roads, water tanks, toilets in affected areas, installation of hand pumps, hand washing unit, furniture, dining shade, electrical equipment in schools, PTZ camera at the mining sites, etc. However, information with respect to utilization and status of projects sanctioned under DMF Trust was not shared in the response. There remains a great paucity of data available regarding the utilization of DMF Trust funds in the district. This needs to be urgently acted upon in order to achieve some transparency and accountability from the DMF body.

4.3.2. Sonbhadra District

A. A Short Profile

Carved out of Mirzapur in 1989, Sonbhadra is the 2nd largest district in the state of Uttar Pradesh. It lies in the extreme South East of the state, sharing borders with Chhattisgarh, Madhya Pradesh, Bihar and Jharkhand.²⁸⁴ As per Census 2011, the total population of Sonbhadra is 18.62 lakhs, with 9.71 lakh males and 8.91 lakh females. The Scheduled Castes comprise 22.6% of the total population of the district, while the Scheduled Tribes constitute 20.7%. With 83.1% rural population, 57.3% of rural workforce are agricultural labourers and 21.8% are cultivators.²⁸⁵

The major minerals found in the district are limestone and coal and the minor minerals are dolomite, sandstone, sand/morrum.²⁸⁶ Of late, 2,900-tonne gold reserves have been found in Sonbhadra, which are said to be five times the total gold reserves in India.²⁸⁷

According to the India State of Forest Report, 2019, 36.79% of the geographical area in Sonbhadra is covered by forests.²⁸⁸ Indeed forest produce has been a source of livelihood for

²⁸⁴ District Sonbhadra. *History*. Available at: <https://sonbhadra.nic.in/history/> [Last Accessed on October 6, 2021].

²⁸⁵ Office of the Registrar General. *Census 2011, District Census Handbook –Sonbhadra*. Available at: https://www.censusindia.gov.in/2011census/dchb/DCHB_A/09/0969_PART_A_DCHB_SONBHADRA.pdf [Last Accessed on: October 4, 2021].

²⁸⁶ District Environmental Impact Assessment Authority, Sonbhadra, U.P. and Directorate of Geology & Mining, U.P. *District Survey Report for Planning and Execution of Minor Mineral Excavation (Sand/Morrum)*. Draft, 2018. Available at: <https://cdn.s3waas.gov.in/s3db8e1af0cb3aca1ae2d0018624204529/uploads/2018/11/2018110615.pdf> [Last Accessed on October 4, 2021].

²⁸⁷ Rawat, Virendra Singh. *2,900-tonne gold mine found in Sonbhadra, 4 times that of India's reserves*. Business Standard, March 3, 2020. Available at: https://www.business-standard.com/article/current-affairs/3-500-tonne-gold-mine-found-in-sonbhadra-5-times-that-of-india-s-reserves-120022101252_1.html [Last Accessed on October 6, 2021].

²⁸⁸ Forest Survey of India. *India State of Forest Report, 2019. Volume II*. Ministry of Environment, Forest & Climate Change, Government of India. Available at: <http://www.indiaenvironmentportal.org.in/files/file/isfr-fsi-vol2.pdf> [Last Accessed on October 4, 2021].

the tribal population of the district. However, with the forest cover depleting, tribals are being forced to migrate in search of employment and are also found working in mines at poor remuneration and other work conditions.²⁸⁹

Table 4.59 - Sonbhadra: Key Facts (Census 2011)²⁹⁰

Total Population	18.63 lakh (27.27% increase from Census 2001)
Population of Children (0-6 years)	36.80% of total population of children aged 0-18 years
Literacy Rate (excluding 0-6-year age group)	64.03% (lower than national average of 72.98%)
Sex Ratio	918 (higher than state average of 912)
Labour Force Participation	39.2%
Female Labour Participation	29.9%
Rural Area Work Participation	Male - 48.1% Female - 34.1%
Urban Area Work Participation	Male - 45.8% Female - 8.8%
Population according to social group (SC)	4.21 lakh (31.3% increase from Census 2001)
Population according to social group (ST)	3.85 lakh (data is not comparable with Census 2001, which shows only 483 as ST population)

B. Status of Children

Table 4.60 - Child Population in Sonbhadra District according to Age-group (Census 2011)²⁹¹

Age-Group	0-5 Years	6-13 Years	14-18 Years
Total Population	2,69,041	4,02,102	2,06,832

The majority of child population is in the age-group bracket of 6-13 years. As per NFHS-4, children below the age of 15 years comprise 15.1% of the district population.

²⁸⁹ Sharma, Saurabh. Sonbhadra: Tribal Groups Lose Livelihood, Govt Remains Apathetic. News Click, March 7, 2020. Available at: <https://www.newslick.in/sonbhadra-tribal-groups-lose-livelihood-govt-spathetic> [Last Accessed on October 6, 2021].

²⁹⁰ Ibid. *District Census Handbook –Sonbhadra*.

²⁹¹ Office of the Registrar General of India. Census 2011, Table C-13. Available at: <https://censusindia.gov.in/2011census/dchb/DCHB.html> [Last Accessed on: October 4, 2020].

Table 4.61 - Other Child Related Data for Sonbhadra District from NFHS

Indicator	NFHS-4 (District)	NFHS-4 (State)
Population below age 15 years (%)	35.6	33.8
Sex ratio of the total population (females per 1,000 males)	936	995
Sex ratio at birth for children born in the last five years (females per 1,000 males)	946	903
Children under age 5 years whose birth was registered with the civil authority (%)	54.6	60.2
Women age 20-24 years married before age 18 years (%)	33.0	21.1

The tables that follow present data relating to some child rights indicators or indicators having a direct bearing on children's rights.

(i) **Health**²⁹²

Table 4.62 - General Health and Sanitation: Sonbhadra District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Households with any usual member covered under a health insurance/ financing scheme (%)	15.1	6.1
Average out-of-pocket expenditure per delivery in a public health facility (Rs.)	1,861	1,956
Population living in households with an improved drinking-water source (%)	87.5	96.4
Population living in households that use an improved sanitation facility (%)	23.7	35.0
Households using clean fuel for cooking (%)	20.3	32.7

Clearly, the fruits of mining activity in Mirzapur are not reaching people the population in the district as fewer people have access to improved drinking water source, sanitation facility and cooking fuel compared to the state average.

When it comes to women's health, despite 92.4% women having a Mother and Child Protection (MCP) card, the number of pregnant women with anaemia is higher than the state average and only 38.3% women have received postnatal care within two days of delivery. Anaemia among non-pregnant women is as high as 60.9%. There is no data available on anaemia among adolescent girls and menstrual health of girls aged 15 to 24 years.

²⁹² Ministry of Health and Family Welfare. *NFHS-4 Factsheets – Uttar Pradesh and Sonbhadra District*. Available at: NFHS-4. Available at http://rchiips.org/nfhs/FCTS/UP/UP_Factsheet_200_Sonbhadra.pdf and http://rchiips.org/Nfhs/pdf/NFHS4/UP_FactSheet.pdf [Last Accessed on: January 25, 2021].

Table 4.63 - Women's Health: Sonbhadra District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	21.7	12.9
Mothers who consumed iron folic acid for 180 days or more when they were pregnant (%)	NA	NA
Registered pregnancies for which the mother received a Mother and Child Protection (MCP) card (%)	92.4	79.8
Mothers who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	38.3	54.0
Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)	60.9	52.5
Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)	52.4	51.0
All women age 15-19 years who are anaemic (%)	NA	NA
Women age 15 years and above who use any kind of tobacco (%)	NA	7.6
Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	5.7	3.8
Women age 15-24 years who use hygienic methods of protection during their menstrual period (%)	NA	47.1

As can be seen from the NFHS data, Sonbhadra fares poorly in terms of institutional birth, which is only at 57.4%. Furthermore, only 13.6% of children are reported to have received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery. This was further validated during the team's field visit to different sites in Sonbhadra district, more specifically to ones where stone-quarries were established, where significant number of child-births still taking place in homes with the help of local dais was reported.²⁹³ The possibility of reaching hospitals in-time for delivery was becoming difficult as the ambulance could not make its way to their settlements due to absence of proper roads. The villagers complained that while highways were being constructed and properly maintained for the movement of trucks shipping minerals and stones from mines, there was not enough attention paid to bringing roads to their settlements by the concerned authorities.²⁹⁴

²⁹³ Interaction with the mine workers and their family members in Sonbhadra in February 2020.

²⁹⁴ Group Discussion carried out with stone-quarry workers in Chopan block of Sonbhadra District in Uttar Pradesh in February 2020.

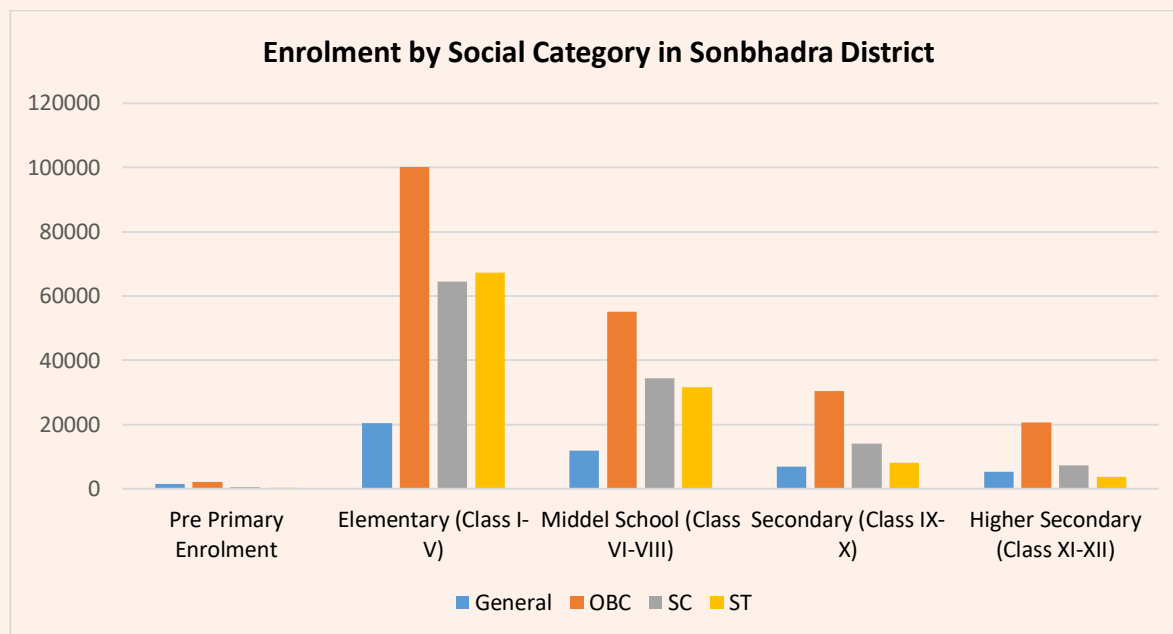
Table 4.64 - Child Health: Sonbhadra District

Indicator	NFHS-4 (District)	NFHS-4 (State)
Institutional births (%)	57.4	67.8
Children who received postnatal care from a doctor/nurse/LHV/ANM/ midwife/other health personnel within 2 days of delivery (%)	13.6	24.4
Children age 12-23 months fully vaccinated based on information from vaccination card only (%)	NA	NA
Children age 9-35 months who received a vitamin A dose in the last 6 months (%)	NA	NA
Children under age 3 years breastfed within one hour of birth (%)	36.9	25.2
Children under age 6 months exclusively breastfed (%)	49.0	41.6
Total children age 6-23 months receiving an adequate diet (%)	4.9	5.3
Children under 5 years who are stunted (height-for-age) (%)	45.9	46.3
Children under 5 years who are wasted (weight-for-height) (%)	22.5	17.9
Children under 5 years who are severely wasted (weight-for-height) (%)	7.0	6.0
Children under 5 years who are underweight (weight-for-age) (%)	46.4	39.5
Children under 5 years who are overweight (weight-for-height) (%)	NA	NA
Children age 6-59 months who are anaemic (<11.0 g/dl) (%)	58.1	63.2
Prevalence of symptoms of acute respiratory infection (ARI) in children under 5 years in the 2 weeks preceding the survey (%)	5.5	4.7
Children with fever or symptoms of ARI in the 2 weeks preceding the survey taken to a health facility or health provider (%)	68.3	71.3

Water related health issues have plagued Sonbhadra district for long now. The team during its interaction with individuals residing close to mining sites often encountered narratives of how excessive presence of fluorine in water was leading to deformities in the jaws and bones from early ages amongst children, with the problem intensifying as the age progressed.

(ii) Education

Figure 4.13 - Enrolment of Students from various Social Groups: Sonbhadra District (2019-20)²⁹⁵



As evident from the figure 4.13, enrolment of students in Sonbhadra district across various social groups show a steady decline as they move from elementary to higher secondary level. Besides poor financial conditions, other reasons also contribute towards children dropping out of school. For example, in a recent news article, it was reported that in Robertsganj, since the last 11 years, children and teachers have been traversing through fields to reach their school. There is no accessible road to travel to school and the only route available is through the fields.²⁹⁶

Table 4.65 - Learning Levels as per School Standards in Sonbhadra District 2018²⁹⁷

Learning Levels	Std III-V (in %)	Std VI-VIII (in %)
% Children who can read Std II level text	30.4	56.6
% Children who can at least do subtraction (division for higher classes)	22.4	24.1

²⁹⁵ Ibid. U-DISE 2019-20. *Enrolment by Social Category, Report No. 4004.*

²⁹⁶ Navbharat Times. *No Road to this School Pathetic Conditions in Robertsganj Sonbhadra.* September 2, 2021. Available at: <https://navbharattimes.indiatimes.com/state/uttar-pradesh/others/no-road-to-this-school-pathetic-conditions-in-robertsganj-sonbhadra/videoshow/85868559.cms>. [Last Accessed on: November 15, 2021].

²⁹⁷ Annual Status of Education Report (Rural) 2018. Available at: <https://img.asercentre.org/docs/ASER%202018/Release%20Material/aserreport2018.pdf> [Last Accessed on: September 15, 2020].

(iii) Child Labour

Table 4.66 - Incidences of Child Labour in Sonbhadra District in 2011²⁹⁸

Sonbhadra District	No. of Child Labourers	Percentage of Child Labour
Rural	20,583	4.7%
Urban	1,879	2.7%
Total	22,462	4.5%

Child labour is rampant in Sonbhadra and a large number of children and teenagers continue to work in various labour-intensive units and engage in hazardous work. In majority of the cases, economic crisis in mining families forces children to look out for jobs as shopkeepers' assistants in the nearest town that is Robertsganj. Children basically work as apprentices and therefore minimum wages are not paid, which ultimately leads to very large-scale exploitation of these children, long working hours and very low wages.²⁹⁹

During a conversation with children of stone-quarry miners in Chopan block of Sonbhadra district in Uttar Pradesh, the boys shared with the research team:

"We want to study but that is not possible under the economic circumstances of our families. We were lucky enough to even reach these educational levels as some of our friends dropped out much earlier. Now we go looking for jobs in markets in Robertsganj and some of us have got employed as helpers in shops. The stone quarries are quite close to our settlement and it is easy to find job there. Some of our friends have got employed there as well but seeing the working conditions we did not even think about working there. Every month we hear almost 5-6 deaths in those mining sites, which makes us fear for our life. We hoped that education would enable us get out of here but now that dream seems too distant to achieve".

C. District Mineral Foundation – Sonbhadra

(i) Structure and Functioning of the DMF Trust

The DMF Trust came into functioning since 2017³⁰⁰ in the Sonbhadra district and the state rules for DMF were notified on 15.05.2017.³⁰¹ With the abundance of mining companies

²⁹⁸ Ibid. Samantroy, Ellina, Helen R. Sekar and Sanjib Pradhan.

²⁹⁹ V.V.Giri National Labour Institute and Unicef, *State of Child Workers in India: Mapping Trends*, Available at: <https://vvgnli.gov.in/sites/default/files/State%20of%20Child%20Workers%20in%20IndiaMapping%20Trends.pdf> [Last Accessed on: September 13, 2020].

³⁰⁰ Lok Sabha Unstarred Question No. 2653, Answered on 02.08.2018; Available at: <http://164.100.24.220/loksabhaquestions/annex/15/AU2653.pdf> [Last Accessed on: October 5, 2021].

³⁰¹ Uttar Pradesh District Mineral Foundation Trust Rules, 2017. Available at: <http://www.indiaenvironmentportal.org.in/content/444888/the-uttar-pradesh-district-mineral-foundation-trust-rules-2017/> [Last Accessed on: October 5, 2021].

functioning within the district, the scope of addressing socio-economic issues in the district was something that the DMF Trust could attempt. As per the Uttar Pradesh DMF Rules, 2017, the Governing Council and Managing Committee of the DMF Trust have been established in Sonbhadra. However, details of members of both committee members cannot be found in the public domain. Another crucial piece of information that remains missing from the public domain is reports on meetings of the different DMF committees since 2017. During the visit, the team got an opportunity to interact with an elected representative in Chopan block who narrated that it was rarely that notice of DMF meetings reach them and he too had never got a chance to raise demands in front of the DMF Trust members.

The setup and representation of individuals and in-line departments in the DMF Trust was also another vital point which needs to be looked at more closely. By carrying out interaction with various in-line departments, the team got a sense that some of the key departments have not been included in the DMF. For example, district Pollution Control Board and Labour Welfare Department, which are intricately linked to

Pollution Control Board and Labour Welfare Department miss out on being represented in DMF Trust.

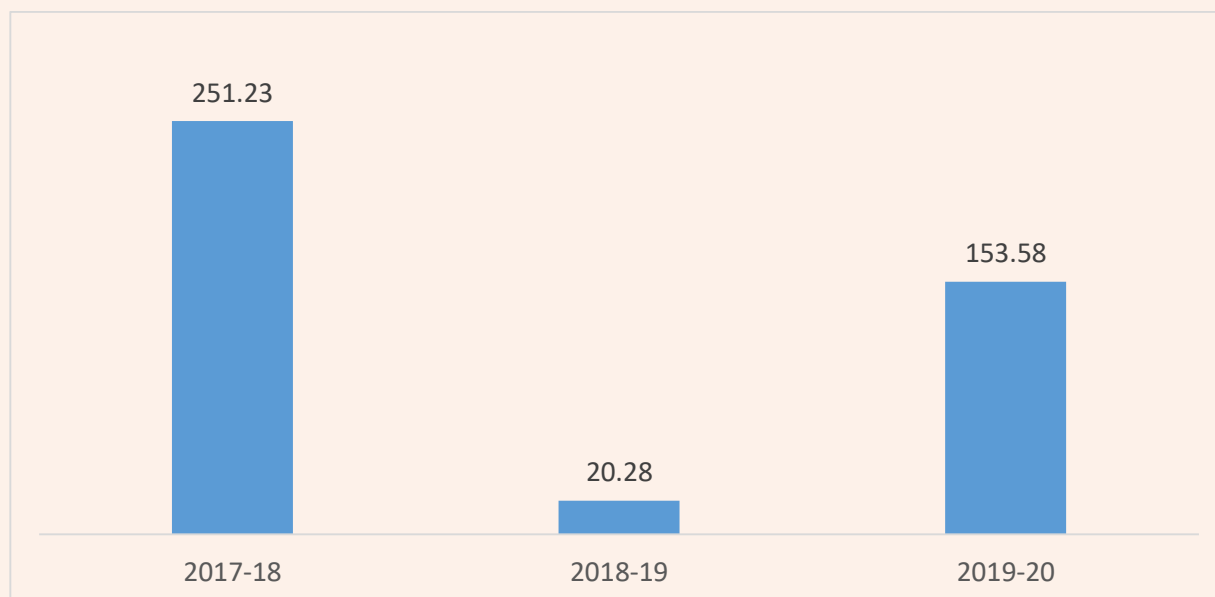
Shouldn't these vital in-line departments be part of DMF Trust?

mining work, remained outside the fold of DMF Trust body in Sonbhadra. Officials in charge of both departments were aware about the presence of DMF Trust and its functional ambit but expressed their helplessness about being kept outside the decision making of the DMF Trust works. Officer in-charge of Pollution Control Board went ahead and discussed how interventions which required fewer financial investments could lead to drastic changes in life of mining affected communities. One such example, shared by the official, pointed out to benefits of installing water sprinklers close to the villages where mining communities resided, could benefit them by allowing the dust particles, arising from mining activities, to settle down quickly. In longer run, such installations could provide the mining communities with a better air to breathe. Yet, none of this could be communicated to the DMF Trust authorities as the Pollution Control Board officer was not a part of DMF Trust meeting and its Managing Committee. Such a situation and narration provokes one to point out the necessities and benefits to be accrued from making certain in-line departments as necessary part of the DMF Trust body calling out for developing a more-effective-and-uniform DMF Trust body across the state.

(ii) Funds Accrued in DMF Trust

As being a mineral-rich district of Uttar Pradesh, deposits in Sonbhadra's DMF Trust account for a major portion of total DMF Trust money collected in the state since 2017. The cumulative accrual in the DMF Trust funds, from 2017 till 2020, sums up to be INR 425 Cr., which is almost 62% of the total amount collected in Uttar Pradesh (INR 683 Cr.). The maximum amount collected in the DMF Trust was recorded in the period 2017-18, which was INR 251.23 Cr. The

amount declined sharply in 2018-19 and then witnessed a sudden spike in collection for the year 2019-20.³⁰²



(iii) Utilization of DMF Trust Funds

Table 4.67 - Expenditure from DMF Trust Funds per Priority Area in 2018-19³⁰³

S. No.	Theme	Number of Proposed Projects	Proposed Amounts(in lakhs)	Released Amount(in lakhs)
1.	Drinking Water	187	9567.06	4547.61
2.	Environment	4	98.61	76.11
3.	Health	4	91.33	66.18
4.	Education	20	16.62	16.62
5.	CC Roads	5	4703.50	2351.75
6.	Electrification	593	717.50	358.75
7.	Other Works	1	717.50	358.75
8.	Total	814	16999.65	8880.00

While one needs to appreciate the idea behind DMF Trust funds seeing the huge sums collected in it per year but having said that there appears to be a lack of documentation available/uploaded online with regard to the usage of the DMF Funds by the competent authorities. For example, key documents like approval of an ‘Annual Action Plan’ or ‘Annual Budget’, Annual Report with the audited accounts of DMF were nowhere to be found in public domain. The only reporting on expenditure from DMF Trust funds comes from a presentation

³⁰² PMKKKY District Dashboard

³⁰³ Ibid. District Mineral Foundation Trust, Sonbhadra, UP

made by ex-DM and Collector of Sonbhadra, Shri Amit Kumar Singh, in 2019.³⁰⁴ The following table highlights this expenditure according to priority areas.

Although the expenditure seems to cover areas marked as high priority and other priority areas, even though not in 60%-40% ratio, the real question which remained for one to investigate further was how many of them were directly beneficial for the mine workers and their families. While the projects taken under head of Drinking Water do seem to benefit the mine workers but the project remained incomplete till November 2019. Under the priority sector of Electrification, the major work undertaken was to provide street-lights on Varanasi-Shaktinagar highway that which serves as the main route of communication of trucks filled with mineral going-out or coming-in the region.³⁰⁵ A major section of money spent under electrification was done for this purpose that has hardly any bearing on the lives of mine workers and their families. Similarly, the projects undertaken through the head of education were installation of Smart Classes in 20 schools of Sonbhadra, in collaboration with Shiv Nadar Foundation, leaving one amused about the purpose of Smart Classes when children keep dropping out of schools as discussed in previous section. A total of INR 12.47 lakhs was spent on the purpose from the INR 16.62 lakhs allocated under the priority areas.³⁰⁶ The works of DMF Trust in Sonbhadra district have focused on projects that have a non-recurrent expenditure thus leading to sanctioning and carrying out of majorly infrastructural projects. To undertake projects which have potentialities of recurring expenditure remains, as understood in discussion with DMF Trust authorities, out of the functional scope of DMF Trust process. A major reason for such decisions comes from simplicity in getting such non-recurrent projects passed during the district audit during the financial year.

Among the significant allocation for work, DMF funds have been utilized for Anpara Water Pipeline project carrying a vision of supplying piped water to households in mining regions.³⁰⁷ Construction work on the project has been going on since 2018 and would see a completion in 2022.³⁰⁸ Towards the end of 2020, the project also came in sync with the *Har Ghar Nal Yojana* launched by the Central Government under which INR 5,000 Cr. rupees was allocated for completing the work in districts of Mirzapur and Sonbhadra.³⁰⁹ Another interesting project undertaken through the DMF Trust in Sonbhadra was construction of a blood-bank in the district headquarter Robertsganj. As shared by a concerned official looking after DMF Trust

³⁰⁴ District Mineral Foundation Trust, Sonbhadra, UP. Available at: [https://mines.gov.in/writereaddata/UploadFile/DMFSonbhadra\(UP\)18012019.pdf](https://mines.gov.in/writereaddata/UploadFile/DMFSonbhadra(UP)18012019.pdf) [Last Accessed on: October 5, 2021]

³⁰⁵ Ibid. District Mineral Foundation Trust, Sonbhadra, UP, Slide No. 18.

³⁰⁶ Ibid. District Mineral Foundation Trust, Sonbhadra, UP, Slide No. 16

³⁰⁷ Ibid. District Mineral Foundation Trust, Sonbhadra, UP, Slide 7.

³⁰⁸ Ibid. District Mineral Foundation Trust, Sonbhadra, UP.

³⁰⁹ Financial Express. *PM Modi launches water supply project worth Rs 5,000 crore for UP's Mirzapur, Sonbhadra, details here.* November 22, 2020. Available At:

<https://www.financialexpress.com/infrastructure/pm-modi-launches-water-supply-project-worth-rs-5000-crore-for-ups-mirzapur-sonbhadra-details-here/2133836/> [Last Accessed on: October 5, 2021].

during the visit to the field, the necessity of such a blood bank was felt due to numerous deaths during pregnancy on account of excessive blood loss. The official shared that as on date, the blood bank has made a significant impact in making blood readily available in such situations thus contributing in saving lives of individuals residing in mining regions. According to the official, other physical infrastructure projects carried out by the Trust pertain to renovating Anganwadi Centres, school buildings and concrete roads across the districts. During the financial year of 2018-19, the DMF Trust was reported to have sanctioned INR 898.67 lakh rupees for constructing a 3.10 km concrete road from Khanna Camp to Daala Billi Marg. But unfortunately, the concrete road runs between stone crusher sites on either side of it and miles away from any mine workers habitation. Also, the concrete road, which was constructed during 2018-19 has seen a quick deterioration from continuous movement of heavy-vehicles carrying in stone blocks and carrying out crushed stones. Today, the road lies in a battered state making it difficult to comprehend the amount invested in it and its effectiveness for the mining families.

“So, after getting irritated that no money from DMF Trust funds were being utilized for 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 also get a panchayat building constructed for you from the money if you wish. I was taken aback and replied with a firm no.”

- Interaction with an elected representative from Panchayat, Sonbhadra

During discussion with the concerned official, the team learnt that some expenditure from DMF was made towards purchasing the weighing scale for Anganwadis as the district was facing shortage of funds for purchase of weighing scales. Such instances reflect on good practices where the immediate needs were made through DMF for a High Priority Area like Welfare of women and children.

Comprehension of DMF Trust functioning should be done in a holistic purview.

Can DMF Trust funds be used in forwarding additional benefits when overall budget for social schemes goes down?

The only available updated data with respect to district wise fund collection and utilization report for Uttar Pradesh, retrieved from Lok Sabha, Unstarred Question No 2212³¹⁰ can be seen in table 4.68.

³¹⁰ Lok Sabha Unstarred Question No. 2212 Answered On 04.03.2020; Available at: <http://164.100.24.220/loksabhaquestions/annex/173/AU2212.pdf> ; Last Accessed on: October 5, 2021

Table 4.68 - District wise Fund Collection & Utilization Report for Sonbhadra (as on January 2020)

Name of District	Fund Collection (in Cr.)	Fund Utilization (in Cr.)
Sonbhadra	419.14	147.73
Total (Uttar Pradesh)	636.09	179.37

Source: <http://164.100.24.220/loksabhaquestions/annex/173/AU2212.pdf>

According to FICCI, mining is the key to **India's double-digit growth** rate

But ...

what about the people affected by mining?

1

FOR
The welfare and development of -

- i) affected people
- ii) affected areas

HOW?
Through a Fund created under the DMF Trust

"The object of the District Mineral Foundation shall be to work for the interest and benefit of persons, and areas affected by mining related operations in such manner as may be prescribed by the State Government."

Section 9(B), Mines and Minerals (Development and Regulation) Amendment Act 2015.

CONTRIBUTION FROM MINING COMPANIES



>

DMF TRUST FUND



>

COMMUNITIES AFFECTED BY MINING














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CHAPTER 4

WHERE DO WE GO FROM HERE?

Throughout the course of this report, there have been points to stop and ponder upon for the bare reason of making demands from the State and other concerned authorities for initiating steps to redress the adversities faced by the mining communities and communities residing near mining areas with a focus on children's rights. While the onus of strengthening the applicability of the DMF Trust lies with the State, the role of civil society organisations and individuals cannot be undermined. In light of this a set of possible recommendations have been laid out to initiate a dialogue over ways to enhance the efficacy of the DMF Trust.

1. Lack of awareness

Neither the community nor many officials belonging to different line departments are aware of the DMF Trust and its composition, including the need to ensure their representation in the Trust's Governing Council. Most are not aware what proposals can be sanctioned by the DMF Trust and what is the process for applying or submitting proposals to get any project sanctioned. In the community, generally people do not know what works have been carried out with the DMF Trust funds.

Awareness is the key to making any project or scheme implementable and this is an area that requires investment.

2. Access to Data

The data relating to accrual of funds and its utilization through the DMF Trust remains scantily available in public domain. At present, the two sources of generating data on the DMF Trust activities remain the National Dashboard on DMF Trust and PMKKKY managed by the Ministry of Mines along with the Project Status update brought out on a monthly basis by the Central Government. On both these platforms, the problem with data ranges from a complete absence to inconsistencies and absence of a time reference. The provision of circulating Annual Reports, Audit Reports, Minutes of Meetings conducted by the DMF Trusts in public domain, as mandated by the MMDR Amendment Act 2015 must be strictly adhered to. When data is made time-periods and expenditure as per priority areas.

3. People's representation in DMF Trusts

Due to the existing inequalities and resultant power dynamics, mine workers and affected communities often find it difficult to initiate any conversation with the mine owners regarding the issues affecting them. They are scared to voice their concerns as their

livelihood depends on the mine owners. Some engage in litigation as a measure of last resort, but much of it can be avoided as the cost of litigation is a heavy burden on all parties. Therefore, to ensure effective communication and open channels of dialogue, community leaders should be empowered and given adequate representation in the District Mineral Foundations. Efforts should be made to facilitate conversations between all interest groups, especially to ensure that voices of the marginalized are heard and they are able to access their entitlements.

Reflecting upon the provisions laid down in law to safeguard the vital presence of communities affected by mining activities – both in terms of numbers of representation and accommodating diversity – one can see an overpopulated representation of district administration officials. The situation pushes one to ask if the voice of affected communities would ever find space within the decision-making process in the DMF Trust. It is with such an understanding that criticality of raising demand for justified and proportionate representation of people affected by mining needs to be put up.

4. Proper and optimal utilization of Funds for the benefit of affected communities and their children

As has been raised time and again across the country, a major concern arises with respect to significant amounts of money remaining under-spent from the total funds accrued in the DMF Trust. Seen in the second chapter, as of September 2020, close to 45% of the DMF Trust funds remained unutilized. In cases where data remains available on the expenditure of the DMF Trust funds, a pattern of mis-spending also comes through. A common feature that holds water across the country, including all districts discussed and researched in the project, is about an over-excessive expenditure on physical infrastructure as compared to negligible expenditure on priority areas like education, health, drinking water and welfare of women and children. During visits to the six districts covered in this study it was found that most DMF Trusts are inclined to spend on infrastructure than on programmes. Spending patterns of DMF Trusts also shows the same. Some of the examples of use of DMF Trust funds to fill gaps in programmes, be it in terms of service delivery or human resources should show the way to putting the funds to judicious use and enhancing efficacy of the DMF Trusts.

It therefore becomes imperative to find ways to streamline planning and processing of funds on programmatic interventions can bring the desired change in the lives of the affected communities and their children and multiply the benefits accruing to the mining companies and country from the growth in business and national progress. It cannot be denied that countries that do not invest adequately in their human resources and ecology cannot sustain the fruits of development for long.

According to the current structure and procedure for allocation of DMF Trust funds, a proposal needs to be shared with the DMF Trust officials, who review and approve the same. Though in some districts the DMF Trust officials emphasise that the proposal should come from the Panchayat Pradhan, or the Child Development Project Officer or the head of the respective department, field visit to Uttar Pradesh's Sonbhadra district revealed that the DMF Trust officials accept proposals from NGOs as well. Examples from Kabirdham and Korba also suggest the same. It is pertinent to note here that ultimately the objective of the DMF Trust Fund is to better the lives of the mining workers and the community affected by mining activities. Therefore, any effort that creates such pathways where the mining community can access the DMFT funds smoothly is commendable. Discourse should be initiated to explore if and how affected people can individually or collectively submit proposals to the DMF Trust.

During visits to the six districts covered in this study it was found that most DMF Trusts are inclined to spend on infrastructure than on programmes. Spending patterns of DMF Trusts also shows the same. Some of the examples of use of DMF Trust funds to fill gaps in programmes, be it in terms of service delivery or human resources should show the way to putting the funds to judicious use and enhancing efficacy of the DMF Trusts.

5. Annual District Needs Assessment

To channelize the DMFT fund constructively and streamline its utilization, an annual district needs assessment should be carried out through external agencies. For example, a simple assessment of how many children are out of school in the affected communities can lead to organizing an enrollment camp in the said district. Similarly, an assessment of community level child protection mechanisms and help identify where the need lies and how can such structures be strengthened.