

Mining and conservation displace adivasis in Panna, India

The adivasi communities in Panna district in Madhya Pradesh are losing their access to safe drinking water, food, medicine and other produce from the forest due to increasing mining activities and the establishment of wildlife reserves. They are evicted from their villages and left with few other options than to work in the same mines that are destroying their traditional livelihoods. Through persistent advocacy by Keystone Foundation, Dhaatri Resource Centre for Women and Children and local partner Prithvi Trust, small steps forward are taken in protecting the rights of the adivasi to sustainable livelihoods and a clean environment.

The state of Madhya Pradesh in central India is one of the country's least developed states. A third of the population are adivasis, the original inhabitants of the area who have historically been marginalised by a highly feudal system that continues up to today. As a result, landlessness and illiteracy are very high. While poverty rates in India are around 30% on average, 55% of the adivasis in Madhya Pradesh live below the poverty line¹. 60% of their children are undernourished². The state is rich in mineral resources and holds the largest reserves of diamond and copper in the country. Nearly a third of Madhya Pradesh is covered by forest, which is increasingly converted either for mining purposes or to establish wildlife reserves. The main sources of

livelihood for the adivasi communities have been subsistence farming and collecting forest produce. Their poverty and landlessness, however, increasingly make them dependent on working as day labourers in the diamond and stone mines, where working conditions are inhumane and their rights are persistently violated.

THE IMPACTS OF MINING ON WOMEN AND CHILDREN

Keystone Foundation and Dhaatri Resource Centre for Women and Children support local partner organisation Prithvi Trust in 10 villages (around 6200 people) in Panna district that are highly impacted by the mining activities. According to the figures of the Ministry of Mines, there are two licensed diamond mines in

Panna district and 101 stone quarries. In reality, however, it appears that another 700 illegal diamond mines and 500 stone quarries are operational. The government auctions leases for stone mining, which are allotted without an environmental clearance process. Sanitation and water logging issues in the diamond and stone mining sites pose an environmental hazard to local villages and their cattle. Often both legal and illegal mines end up closing without any environmental clean-up or land restoration, leaving behind large open and dangerous pits. ►

NOTES

¹ UNDP, Madhya Pradesh Human Development Report, 2007

² ibid

► Most of the mines where the adivasi work are illegal. The small-scale investors operate without formal contracts in terms of environmental or technical accountability. Labour is hired on a daily wage basis without registration or insurance coverage. People work for long hours and without any safety precautions taken. Accidents are common, but there is no support from the mine owners or contractors for injuries or occupational illnesses. Many mine workers suffer from the lung disease silicosis.

The impact on women and children merits special attention. First of all, women workers face all the same occupational hardship and risks as men do, but receive only half their wage (Rs. 100 or approximately €1.35 per day). Secondly, women are forced to bring their infants and children to the mine sites as there is no support for child care. Frequently the children go without food all day, play in the mine pits and consume contaminated water. In India the Mines Act prescribes access for workers and their children to crèches, toilets, safe drinking water and shelter, but none of this is available at the mining sites in Panna. Thirdly, child labour is common in the stone quarries and diamond mines. Children start working from the age of 5 or 6. According to government statistics, 9730 children aged 5 to 14 years³ work in the mines in Panna. However, the estimates by our field partner reveal much higher numbers. In fact, adolescent boys and girls often are the main breadwinners as their parents suffer from silicosis and other occupational illnesses. Many children are addicted to substances in order to cope with the physical stress of working in the mines for long hours. Fourthly, studies reveal that adivasi women who have been evicted from ►



Tigers displace adivasi communities in Panna

There are 11 National Parks and 11 Wildlife Sanctuaries in Madhya Pradesh, mostly located in adivasi regions. In the name of protecting the environment and wildlife, adivasi villages have been evicted from their original habitat. This also happened with the Panna Tiger Reserve. Villagers are no longer permitted to enter the forest to collect firewood, to graze their cattle or to collect forest products. Meanwhile, officials turn a blind eye to the illegal mining that is taking place inside the buffer zone of the Panna Tiger Reserve. Many adivasi communities have been coaxed to give consent to relocation on verbal and false promises of better facilities and monetary benefits. Once evicted, they are faced with the challenges of finding new housing, sources of livelihood, access to water and firewood, education and medical facilities. The government does not provide any of this; monetary compensation for the evicted villages is considered the end of all State responsibility. The result is that many adivasi end up as seasonal labour migrants, social cohesion breaks down, and only elderly persons who have no physical ability to migrate remain in the relocated villages.



NOTE

³ Dhaatri Resource Centre, HAQ Centre for Child Rights, Samata, 2010, India's Childhood in the Pits.

▶ their land and whose families are now working in the mines face anxiety, depression and high levels of stress. Since many men are suffering from silicosis and alcoholism, the burden of mine labour and of relocating and rebuilding their villages largely falls on the women.

RESPONSE BY CIVIL SOCIETY TO PERSISTENT VIOLATION OF THE LAW

Adivasi communities in Panna district are losing their livelihood sources as the mining operations destroy natural resources and water bodies and make land unfit for farming. This situation goes against a range of safeguards in the Indian Constitution that protect the rights of adivasis and their natural resources. It also is a violation of the Forest Rights Act of 2006 and of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which India is signatory to. The terrible working conditions in the mines are a direct violation of legal provisions such as the labour rights included in the Mines Act (specifying wages, work safety, accident benefits and insurance, etc.), the Unorganised Workers' Social Security Act 2008 that provides women with basic human rights protection at the workplace, and the Equal Remuneration Act of 1976 that lays down equal pay for equal work for all genders. All these Acts are deliberately ignored by the mining companies and contractors in Panna district. And last but not least, also the Indian national laws and procedures for environmental protection and sustainable extraction as laid down in the Environmental Protection Act 1986 and the MMDR Amendment Act 2010 and 2015 are not applied.

The nexus between the feudal powers in Madhya Pradesh state and the 'mining mafia' are so strong that it is very difficult for local communities to protest or defend and protect their environment and lands. Local partner

Prithvi Trust has nevertheless booked a few first successes through tireless campaigning and advocacy. First, in 2015 the National Green Tribunal ordered the closure of illegal diamond mines in Panna district. The extent to which this order is implemented, and the consequences for workers who lose their source of income once again, will be closely monitored. Second, Prithvi Trust successfully supported 13 families from one village to claim formal title deeds to their lands under the Forest Rights Act of 2006. Thirdly, the National Commission for Human Rights, upon a complaint filed by Prithvi Trust, ordered for monetary compensation to victims of silicosis. Of the hundreds of silicosis cases identified, only 3 widows have received compensation so far. The process of evidence building, medical certification and making claims to the ministry proves very complicated.

Meanwhile, the evicted adivasi communities continue to be supported through different strategies and activities, including:

- training by Keystone Foundation and Dhaatri of the team of Prithvi on issues of gender rights and mining and forest rights
- facilitating a dialogue between the communities and the district administration on the issue of eviction and people's rights
- filing a public interest litigation at the High Court of Panna from the angle of the violation of the Forest Rights Act
- strengthening the women's capacities to protest and build collective pressure to place their demands with the government
- putting pressure on local administration for addressing the cases of malnutrition among women and children
- using the local media to expose the violations of adivasi rights

- filing for compensation of silicosis victims and follow up with the National Human Rights Commission and the local labour department and district administration
- survey and action for eradication of child labour and facilitating children being admitted into government schools
- documentation of impacts of mining and the National Park on women through interns and research students
- reviewing the work of the human rights defenders and strengthening their capacities to advocate at local level and represent the problems of women and children with local administration

However, national and local governments as well as the companies involved will need to take their responsibility to improve the situation of the adivasi. If not, the rights of people in the Panna district, notably the Right to Food, Water and a Healthy Environment, will sadly remain theoretical. This case also highlights the need to align conservation policies with inclusive development and human rights. In India Keystone, Dhaatri and their partners will continue to hold this dialogue with affected communities, civil society and the State.

This case summary is developed as part of the Upholding Human Rights: Bridging the Gender- Environment Divide project by ActionAid Netherlands, ActionAid Kenya, ActionAid South Africa, Both ENDS Netherlands (Project Coordinator), Centre for International Environmental Law (CIEL) based in Washington DC and Geneva, and India-based organisations Dhaatri (Adivasi Resource Centre for Women and Children) and Keystone Foundation.

See also

www.bothends.org/HRG

www.bothends.org/Upholding-human-rights

For more information about this case, visit Dhaatri online (www.dhaatri.org) or contact Annelieke Douma (a.douma@bothends.org).

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