

# Tribal Displacement in Mining Centric Zones in Jharkhand: A Need for Policy Interventions to Protect the Rights of Tribal People

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## ABSTRACT

This study delves into the pressing issue of tribal displacement in mining-centric zones in the state of Jharkhand, India, with a focus on formulating policy interventions to safeguard the rights and well-being of tribal communities. Using secondary data from various sources, including governmental reports, academic publications, and research databases, this research provides a comprehensive analysis of the socioeconomic, environmental, and cultural implications of mining activities on indigenous populations. Through a meticulous examination of secondary data, this study reveals the multifaceted impact of mining activities on tribal livelihoods, including loss of land, disruptions in traditional means of livelihood, and increased vulnerability to poverty. Additionally, it highlights the environmental degradation resulting from mining operations, such as deforestation, biodiversity loss, and water contamination, exacerbating the already precarious living conditions of tribal communities.

The findings underscore the urgent need for policy interventions that prioritise the protection of tribal rights and promote sustainable development in mining-centric zones. By analyzing existing policies, legal frameworks, and socio-economic indicators, this research identifies gaps in the current approach and proposes evidence-based policy recommendations.

This study serves as a crucial resource for policymakers, researchers, and advocates, shedding light on the challenges faced by tribal communities in mining-centric zones of Jharkhand.

**Keywords:** Tribal Displacement, Mining, Sustainable Development, Inclusivity, Land Rights.

## INTRODUCTION

Across the globe, the thrumming engines of mining operations play a vital role in economic stability. They churn out valuable resources, generate significant financial resources, and create job opportunities that fuel the growth of various sectors, ultimately propelling nation's economic progress. However, this progress often comes at a cost, the well-being of regional populations, particularly those with deep ties to the land – the very communities whose territories hold the coveted resources. In the case of Jharkhand, India, a state renowned for its mineral wealth, this becomes a particularly pressing concern.

Jharkhand, aptly nicknamed the "forest kingdom," is home to a rich tapestry of tribal communities whose lives have been intricately woven with the land for generations. Their cultural identity and very existence are deeply rooted in the natural world. Here, the rivers, forests, and fertile soil are not just resources – they are the

lifeblood of their traditions, their sustenance, and the very foundation of their social fabric. Yet, the very resources that contribute to national progress threaten the future of these communities. The exploitation of valuable materials raises critical questions about the long-term consequences for these indigenous populations. While mining activities may offer a glimmer of hope through potential employment opportunities, the reality for local populations can be far bleaker. The lack of readily available jobs and the specialized skill sets required often leave them on the periphery of this economic boom. Furthermore, the health and safety risks associated with mining operations pose a significant threat to the well-being of these communities. The environmental impact of mining in these ecologically fragile regions is equally concerning. The relentless activities disrupt the delicate balance of the ecosystem, diminishing vital resources crucial for the survival of indigenous populations. Deforestation and the subsequent loss of biodiversity are inevitable consequences, leaving behind a scarred landscape. The detrimental effects on nearby water sources and air quality further endanger public health and conservation efforts, while soil deterioration threatens the communities' traditional livelihoods and food security.

To fully comprehend the impact of mining on these tribal populations, we must delve deeper than just economic considerations. The cultural implications are just as profound, if not more so. The disruption of social bonds within these communities and the potential loss of ancient wisdom passed down through generations are significant concerns. Land rights, intricately tied to tribal identity, are further challenged by mining activities, exacerbating existing issues and jeopardizing the very foundation of their cultural heritage.

It is within this complex tapestry of economic progress, environmental degradation, and cultural anxieties that we must seek a path forward. By taking a holistic approach, we can begin to understand the true cost of mining on Jharkhand's tribal communities. Only then can we explore implementable measures to reduce the negative consequences and promote sustainable progress that respects both the needs of development and the traditions of these deeply rooted communities.

### **Objective of The Study**

The main objective of this research is to comprehensively understand the multifaceted impact of mining activities on the lives of tribal communities residing in Jharkhand, India. We aim to achieve this by examining how these mining projects reshape various aspects of tribal life. By fostering collaborative efforts among policymakers, mining companies, and local tribal communities, we envision a future where economic development is inclusive and sustainable. This collaborative approach will prioritise tackling challenges faced by tribal people due to mining.

To achieve this, our research will delve into raising awareness regarding the diverse and far-reaching consequences of mining on tribal communities. A key outcome of this study is to equip decision-makers – including those in mining corporations, tribal communities themselves, and government officials – with valuable insights. This knowledge will empower them to formulate responsible mining practices that safeguard the well-being of tribal people. These practices will focus on upholding legal protections for tribal rights and ensuring the preservation of their ethnic heritage. Our investigation will extensively examine how mining disrupts the daily routines and social fabric of tribal communities in the region.

### **These are the research questions that this paper is trying to answer:**

Q1. Impacts on various aspects of society - cultural, resource use patterns, job creation/destruction, environmental detriment - emerge via mining operations that target tribes living in Jharkhand?

Q2. What are the laws governing the mining sector of Jharkhand whilst focusing on their implications on local tribes?

Q3. To reduce negative impacts on local communities; how have governments and mining organizations responded in Jharkhand?

## LITERATURE REVIEW

### Mineral Composition

*Among the richest mining areas globally, Jharkhand boasts 29% of India's coal assets and 40% of its mineral resources. Because of its copious mineral reserves, mining and mineral extraction remain the leading industries within this state. FY21 data shows aggregate non-fuel mineral output valued at \$1.38 billion. (Jharkhand, 2017)*

Encompassing 27.3%, coal, alongside 26% iron ore, 18.5% copper ore, uranium, mica, bauxite, granite, limestone, silver, graphite, magnetite, and dolomite—amongst other valuable minerals—are located throughout Jharkhand's terrain. Conveniently located within India where they are crafted by master artisans, coking coal, uranium, and pyrite originate solely from the realms of

Jharkhand. Positioned just behind Kerala with regards to overall hematite iron ore resources, Jharkhand makes up around 25.7%. (About Jharkhand, n.d.)

### Exploitation of minerals

*Jharkhand is currently experiencing significant industrialization and growth, with coal mining dominating the landscape. Coal mining began in Dhanbad in the 19th century, and the Tata Iron and Steel Company was founded in Jamshedpur in the Singhbhum district in 1907. Coal India, a subsidiary corporation, manages 494 mines and 15 coal treatment facilities, with yearly coal output growing almost four times to around 305 mt. Over 60% of this is expected to come from open-pit mining. Massive programs are being carried out in cooperation with global leaders to harness Jharkhand's coal coffers (Areeparampil, 1996).*

Iron ore mining began in the Singhbhum region around the turn of the century, with Jamda, Noamundi, Chiria, Manoharpur, Kiriburu, and Meghahatuburu being major centres of large-scale extraction. About 40% of India's iron ore product comes from these mines, and the region's mica belt produces 71% of the world's high-quality distance mica (Lahiri-Dutt et al., 2012). The Koderma Reserved Forest Area is the focal point of mining operations, with Chatkari, Domchanch, and Dhab being major cities for mica production. Kyanite, an essential refractory material in the iron and sword sector, is primarily set up in the Singhbhum quarter, potentially generating foreign currency. The region has experienced significant urbanization due to increased mining and manufacturing operations.

### Mining-related displacement in Jharkhand

Mining-related displacement in Jharkhand has been a significant issue in the region, as indigenous communities have historically resisted foreign domination and were marginally incorporated into their native land. This has led to more frequent land deterioration, greater air, water, and sound contamination hazards, negatively impacting local farmers and causing significant economic harm. The key flaw of displacement is the loss of land/home ownership among those affected (Areeparampil, 1996).

In Jharkhand, minerals tend to concentrate within specific areas, such as the Damodar Basin, which boasts profound coal reserves, the "non-fuel mineral repository," Singhbhum, and the world's largest deposit of premium quality kyanite (Areeparampil, 1996).

However, the region also has widespread poverty, with the native populations in Jharkhand being classified as "Adivasis" and characterized by their steadfast commitment to upholding their ancestral ways of life. Societies thrive under jointly held land ownership, fostering collaboration through consensus-based decisionmaking and an equitable social structure.

Jharkhand's preponderance of these communities has made them highly susceptible to environmental degradation through industrial extraction methods, resulting in disproportionate damage relative to their size. About 10% to 15% of current inhabitants are transplanted individuals attracted by the prospect of wealth

creation (*Areeparampil, 1996*). The indigenous people of Jharkhand have fought against foreign exploiters throughout their history, referred to as "Dikus," who have gradually pushed them out of a leading position.

### **Relegation And Land Disaffection**

The Jharkhand region has experienced significant land disaffection and relocation among indigenous people, who have been forced to leave their homes to work as contract or click labourers in slipup kilns and gravestone chases in various locations. The mining sector, particularly coal assiduity, is one of the main factors in this displacement. Large swaths of the Damodar Valley's coal-bearing regions have been preliminarily bought by private companies, sometimes through deception, and converted into wasteland by careless mining. Coal India Limited (CIL) and its related businesses have been given responsibility for mining coal in the area, and these companies are buying up large land parcels and displacing a large number of families (*Sharan, 2005*) (*Oskarsson, 2018*).

The expansion of mining operations in the area has led to the encroachment on indigenous people's homes and subsequent eviction. The Damodar Valley Corporation (DVC) has pulled 93,874 people from 84,140 acres of land in 305 communities, with 37,320 of these acres used for husbandry. The relocation of 4,251 homes, of which 2,074 belonged to ST, was caused by the accession of 32,567.71 acres of land for the Rourkela sword plant, mines, and Mandira levee (*Areeparampil, 1996*).

The growth of the artificial-civic sector has also led to the movement of indigenous people to other areas in search of work. The indigenous people have been driven out of their niche by stranger emigrants, either deliberately or intentionally. The share of STs and SCs in the area fell from 58.54 percent in 1931 to 47.38 percent in 1991, and the chance of STs alone fell from 54.08 percent in 1931 to 42.28 percent in 1991 (*LahiriDutt et al., 2012*).

*Pervasively, displacement takes place across various contexts. Economic expansion's unintended consequence: pushing marginalized groups into precarious circumstances via eviction/displacement. One may cogently ponder whether the end justifies such significant means in the case of these economic development projects. Essentially, politics drive growth and upheaval resulting from reevaluated choices made. A testament to the power dynamics between various groups, development and displacement highlight how strong ones may compel the less fortunate to bear heavy burdens* (*Kaushal, 2009*).

Large-scale projects have been found to redistribute resources from underprivileged segments of society to more well-off groups rather than alleviating socioeconomic disparities in India's development trajectory. Indigenous individuals become the unfortunate casualties of mega projects, experiencing no advantages despite the development they bring. As a development project expands in scope, the extent of centralized control likewise grows. Centralization tends to favour those with wealth, expansive property holdings, technical adeptness, administrative prowess, and political clout (*Mohanty, 2005*).

In conclusion, the Jharkhand region has experienced significant land disaffection and relocation due to the mining sector, mining operations, and the influx of outlanders. The displacement of indigenous people and the impact of these factors on their lives and livelihoods have led to a devastating situation for the region.

### **—Looking at Individual Tribes**

The Asuras, a tribe with 7,783 members, have been living in the plateau region of Jharkhand since ancient times. They are known for their expertise in extracting iron from ore and constructing residential structures, dating back to the Mahabharat war. However, their number has decreased due to the increasing demand for development and the exploitation of people and natural wealth in Jharkhand through colonized and capitalist methods (*In The Land Of Asurs, 2022*).

On the other hand, Oraons, a Dravidian speaking tribe, represents the largest indigenous group of Jharkhand, with a population of nearly 19.6% of the total population (*Sarma, n.d.*). The rapid expansion of industries and

mines has led to the displacement of people, particularly the Schedule Tribe population of Singhbhum. The STs population also experienced a decline, from 54.08% in 1931 to 42.28% in 1991 (*Areeparampil, 1996*). This decline was observed even in Dhanbad, Hazaribagh, and Ranchi during the same time period, credited to the rapid growth of immigrants. The story of Vishnu Ganju highlights the treachery being conducted by mining companies to acquire land, leading to the loss of land for mining, coal exploitation, and fulfilling the state's commitment to an industry. Although the government has implemented various legislations to safeguard the rights of tribal people in Jharkhand, only time will tell how successful they have been in safeguarding their rights (*Lahiri-Dutt et al., 2012*).

Mining leads to changes in land-use patterns, creating wasteland, and causing physical and occupational displacement of people. EIA reports do present data on the number of people being displaced due to mining, but this data cannot be completely relied upon. Even villagers claim that a larger number of people faced displacement than what is being quoted.

The situation worsens when the displacement of people is unmitigated, resulting in severe economic crisis, social and environmental risks. People often face displacement in places where their acquired skills might not suffice or competition around them becomes stiffer. Social groups that previously existed for these people get dismantled, and their cultural identity is questioned, making it difficult to get help and the risk of violating their human rights persists.

Migration also significantly impacts the larger environment, as vast forests and agricultural lands are cut off, causing significant levels of environmental degradation. Both water and forests are essential for sustaining life on Earth, and further contamination of water can have a greater negative impact than imagined.

Jharkhand's large amount of natural resources and minerals lead to numerous companies and industries intending to acquire land in the state. These industries are set up for mining various resources, such as iron, coal, and uranium, which contribute to the pollution of the atmosphere from mining sites. Uranium mining poses a serious threat to the environment, with the radioactive nature of ore and mill waste making it more hazardous (*Navas R & Prakash, 2021*).

Despite these challenges, the main impact remains on the local population, who are promised jobs but often outsourced to private contractors. Mining continues to pose a threat to the livelihood of people in the state, making it difficult to earn the bare minimum and potentially facing legal consequences for those who want to fulfil their family's needs or earn a livelihood for themselves (*Mining in Jharkhand Threatens Locals in Their Own Land, n.d.*).

## **Indian Legal Framework and Tribal Rights in Jharkhand**

This section delves deeper into the legal framework surrounding tribal rights in Jharkhand, analyzing the interplay between legislation, judicial doctrine, and evolving jurisprudence. It aims to clarify the subjects with the power to regulate these matters and identify potential areas for strengthening protections.

### **Legal framework–**

The Indian Constitution recognizes and protects the rights of tribal communities, particularly in the context of land and resource management. Article 244 (Part X) of the Indian Constitution is concerned with the administration of Scheduled Areas<sup>1</sup> and Scheduled Tribes<sup>2</sup> in India. (*Article 244, n.d.*)

Article 244 is further divided into two subclauses–

1. 244(1) states that the provisions of the Fifth Schedule of the Constitution shall apply to the administration and control of Scheduled Areas and Scheduled Tribes in any state other than the states of Assam, Meghalaya, Tripura, and Mizoram.

●  
a The Fifth Schedule provides for:

- i. Setting up *Tribal Advisory Councils (TACs)* at various levels (state, district, sub-district) consisting of not more than 20 members of whom, 3/4th shall be representatives of the STs in the Legislative assembly of the state, to advise on matters concerning the welfare of Scheduled Tribes.
  - ii. Formation of autonomous district councils or other self-governing bodies in Scheduled Areas.
  - iii. Restriction on the transfer of land belonging to tribals to non-tribals.
  - iv. Regulation of the allotment of land in Scheduled Areas.
  - v. Prohibition of or restriction on the practice of money lending to tribals.
2. 244(2) states that the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.
- The Sixth Schedule contains provisions for setting up Autonomous District Councils (ADCs) in these tribal areas. These ADCs have a certain degree of autonomy in managing their own affairs, such as matters related to inheritance, social customs, village administration, and management of local resources.

The Indian Constitution, particularly Articles 244, sub-clause (1) and Schedule V, empowers the state government of Jharkhand to administer tribal areas. This framework includes the establishment of TACs to advise on matters concerning tribal welfare and development. Additionally, Schedule V restricts the alienation of tribal land and regulates money lending practices to prevent exploitation. However, the effectiveness of these legislative provisions hinges on the state government's commitment to upholding them. In instances where the state prioritizes resource extraction over tribal rights, legal battles often ensue, highlighting the limitations of the current framework.

### **Differences between the Fifth and Sixth schedule of the Constitution**

Fifth Schedule applies to Scheduled Areas in all states except Assam, Meghalaya, Tripura, and Mizoram. These Scheduled Areas are designated by the President of India and typically encompass

<sup>1</sup> Scheduled Areas: These are areas inhabited by a significant tribal population, as specified in the Fifth Schedule of the Constitution. These areas are given special provisions for self-governance and protection of tribal rights.

<sup>2</sup> Scheduled Tribes: These are communities identified as having a distinct culture, traditions, and social organisation. They are given special protection under the Constitution, including reservation in government jobs and educational institutions.

regions with significant tribal populations. While the Sixth Schedule applies specifically to tribal areas in the states of Assam, Meghalaya, Tripura, and Mizoram.

- Fifth Schedule provides a lesser degree of autonomy. It establishes *Tribal Advisory Councils (TACs)* to advise on matters like social welfare, education, economic development, and issues related to land and culture of Scheduled Tribes, but these councils have mostly recommendatory powers.

- Sixth Schedule provides a higher degree of autonomy. It allows for the formation of *Autonomous District Councils (ADCs)* in tribal areas. These ADCs have more substantial legislative, executive, and judicial powers, giving them greater control over local governance.

o The ADCs are responsible for–

- Making laws on specific matters like inheritance, social customs, village administration, and management of local resources.

- Implementing schemes for economic and social development.

–a

- Establishing courts with limited judicial powers to deal with matters under their jurisdiction.

These Constitutional provisions establish a legal framework that recognizes tribal rights and aims to prevent their displacement. However, the effectiveness of this framework in the context of mining-centric zones in Jharkhand remains a subject of debate.

### Judicial Doctrine and the Free, Prior, and Informed Consent (FPIC) Principle:

Despite the Constitutional framework, tribal communities in Jharkhand have faced challenges in protecting their land rights due to mining activities. One key issue is the interpretation of "informed consent" for land acquisition. The landmark case of *Samatha vs. Union of India (1997)* (["Samata Judgement," n.d.](#)) established the principle of free, prior, and informed consent (FPIC) for tribal displacement. This judgement requires authorities to obtain the consent of affected communities based on full disclosure of information regarding the project's impact on their livelihoods and environment. However, subsequent cases like *Niyamgiri Suraksha Samiti vs. Union of India (2013)* ([Niyamgiri: The Story of One of the Biggest Land Conflicts: No Mine Now, but Is It All Fine in Niyamgiri? - The Economic Times, n.d.](#)) highlights the difficulties in ensuring genuine FPIC, particularly with unequal power dynamics between mining companies and tribal communities.

Another challenge lies in the potential violation of Schedule V provisions during land acquisition for mining projects. The case of *Padam Kumar Jain vs The Union Of India Through The Ministry of Mines and Steel (2016)* exemplifies this concern. The Court directed the government to strictly comply with Schedule V regulations when acquiring tribal land for mining activities. This underscores the importance of upholding these safeguards. ([Padam Kumar Jain vs The Union Of India Through The Ministry ... on 6 October, 2016, n.d.](#)) Jurisprudence and the Role of the National Green Tribunal (NGT):

While the National Green Tribunal (NGT) primarily focuses on environmental protection, its judgments can indirectly impact tribal rights in Jharkhand. For instance, *Pradeep Kumar Singh Vs State of Jharkhand & Others (May 2023)* the order of the National Green Tribunal regarding stone and sand mining in hills of

Gadaun, Sahibganj district, Jharkhand addressed environmental damage caused by mining activities in the Gadaunhills. ([Http://Www.Indiaenvironmentportal.Org.in/Content/475114/Order-of-the-National-Green-Tribunal-Regarding-Stone-and-Sand-Mining-in-Hills-of-Gadaun-Sahebganj-District-Jharkhand22052023/, n.d.](http://www.indiaenvironmentportal.org.in/content/475114/order-of-the-national-green-tribunal-regarding-stone-and-sand-mining-in-hills-of-gadaun-sahebganj-district-jharkhand22052023/)) The NGT, upon considering a joint committee report, issued directions to the Jharkhand government for corrective measures. This case exemplifies the NGT's potential to hold authorities accountable for environmental violations associated with mining projects, which can have a cascading effect on tribal communities residing in those areas. The degradation of ecological resources due to unsustainable mining practices can disrupt their traditional way of life and livelihoods.

This focus on environmental protection by the NGT offers valuable comparative insights with other cases, such as those related to rat-hole mining in Meghalaya. Though geographically distinct, both scenarios share common concerns about environmental degradation caused by mining activities. While the Meghalaya case might have focused on specific environmental issues like air and water pollution due to rat-hole mining, the underlying concern is similar - the impact on local communities who depend on those resources.

### Mining Laws

Jharkhand has a framework of central and state-specific laws governing mining activities. Here's a breakdown of some key legislations:

Central Law:

*The Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act):* This central act lays the foundation for regulating mining activities across India. ([The Mines and Minerals \(Regulation and Development\) Act 1957 | Official Website of Department Revenue, Rehabilitation and Disaster Management, Government of Punjab, India, n.d.](#))

- Key features:
  - Part (4-8): It lays down the framework for granting prospecting licenses (exploration) and mining leases for extracting minerals.
  - Part (9): The Act mandates mining companies to pay royalties to the government based on the type and quantity of minerals extracted.
  - Part (13): The Central Government has authority over the allocation of major mineral concessions through auctions or renewals.
  - Part (15): State governments manage minor minerals and can frame their own rules within the broad framework of the Act.
  - Part (17): It includes provisions for conservation of mineral resources and prevention of illegal mining.
  - Part (21): It primarily deals with provisions of penalties if laws are infringed.
  - Part (23C): It relates to the power of the State Government to make rules for preventing illegal mining, transportation and storage of minerals.

#### —Misuse of the MMDR Act

Despite its regulations, the MMDR Act has faced criticism regarding its exploitation by mining companies. Here are some common methods:

- Discretionary allocation of mining leases: Prior to 2015, mining leases were primarily granted through a discretionary process, leading to allegations of favoritism and corruption.
  - *Shah Brothers vs Union of India (2019)*: This involved allegations of a mining company enjoying undue favoritism from government officials. The company challenged a hefty penalty for violating mining norms but faced accusations of misleading the court. This highlights potential collusion to circumvent regulations. (*SHAH BROTHERS Vs. UNION OF INDIA, n.d.*)
- Renewal of Leases: Companies might exploit loopholes to get mining leases renewed at throwaway prices, hindering fair competition through auctions.
  - *Goa Mining Lease Renewal Case (2014)*: The Supreme Court cancelled 88 mining leases in Odisha due to irregularities in the renewal process and violation of environmental norms. ([Supreme Court Quashes 88 Mining Leases Renewed in Goa - The Hindu, n.d.](#))
- Under-reporting of Mineral Extraction: Companies might under-report the actual quantity of minerals extracted to pay lower royalties.
  - *Odisha Mining Scam (2012)*: A Comptroller and Auditor General (CAG) report exposed extensive illegal mining in Odisha, causing significant environmental damage and loss of revenue through royalty evasion of Rs 1414.30 Cr (approx. \$0.5 billion, 2012 rate) to the state of Odisha. ([CAG Audit Points out Loss of Mining Revenue in Odisha, n.d.](#))
- Environmental Violations: Mining companies may disregard mandated environmental safeguards to minimize costs, leading to pollution and ecological damage.
  - *Sand Mining Mafia's* have become omnipresent and specific cases are coming in the limelight from almost all the states more so from— Rajasthan, Tamil Nadu, Bihar, West U.P. and Maharashtra, illegal sand

mining across various Indian states has become a major concern, causing environmental degradation and impacting river ecosystems. These activities often involve powerful individuals or groups bypassing regulations. (Yadav, 2023) (Bliss, n.d.) (*Crackdown on Sand Mafia: ED Raids across Tamil Nadu over Money Laundering, Tax Evasion*, n.d.)

- **Collusion in Auctions:** There have been allegations of collusion between companies during auctions, resulting in uncompetitive pricing and limited participation.
- **Land Acquisition Issues:** The displacement of local communities due to mining activities without proper compensation or rehabilitation plans is a major concern.

The MMDR Act has undergone amendments in 2015 and 2021 to address some of the concerns mentioned above. The 2015 amendment introduced auctioning as the primary mode for granting mining leases, aiming for greater transparency and competition. The effectiveness of these amendments in curbing misuse remains a topic of ongoing debate.

This act governs the rules for mining of major minerals and thus the central government has the sole jurisdiction over them. The state government's jurisdiction is limited to minor minerals.

Indian law defines minerals under the *Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act)*. The Act itself doesn't provide a specific definition of "major minerals" and "minor minerals."

Here's how the categorization works:

- **Major Minerals:**
  - The MMDR Act lists specific minerals in the First Schedule, which are considered major minerals. These include minerals like coal, lignite, iron ore, uranium, bauxite, limestone, and manganese ore.
  - In essence, any mineral not explicitly listed as a minor mineral fall under the category of major minerals.
- **Minor Minerals:**
  - The Act defines minor minerals in Section 3(e) as:
    - Building stones
    - Gravel
    - Ordinary clay
    - Ordinary sand (excluding sand used for specific purposes)
  - Additionally, the Central Government can declare any other mineral as a minor mineral through notification in the Official Gazette. This expands the list of minor minerals beyond the initial definition.

**Jharkhand Specific Laws:**

- *Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017:* These rules aim to curb illegal mining practices in the state. They define procedures for registering mineral dealers, obtaining transport permits (challans), and penalties for violations.
  - Chapter II defines illegal mining practices like excavation without a valid permit, exceeding permitted limits, or mining in prohibited areas.

- o Chapter III outlines the registration process for mineral dealers. o Chapter IV details penalties for such offences.
- o Chapter V mandates the use of transport challans for mineral movement.
- *Jharkhand Mineral Dealers Rules, 2007*: This regulation governs mineral dealers within Jharkhand. It mandates obtaining a dealer registration certificate, procedures for transporting minerals, and maintaining relevant documents for royalty payments.
- *Jharkhand Minor Mineral (Auction) Rules, 2017*: This law deals with the auction process for minor minerals in the state. It defines what constitutes minor minerals, establishes procedures for evidence of mineral content, and lays down auction regulations.
- *Jharkhand Panchayat Raj Act, 2000 (JPRA)*: This act, though not directly related to mining, holds significance concerning tribal rights. The Panchayati Raj system empowers Gram Sabhas (village councils) with decision-making authority over natural resources. However, the JPRA's alignment with the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) regarding tribal control over resources is a point of ongoing debate.
- *The Forests Rights Act, 2006 (FRA)*: This act recognizes the rights of forest-dwelling communities over forest land. Mining activities in forest areas may require consent from these communities under the FRA.

Jharkhand Department of Mines and Geology ([Department of Mines and Geology, Government of Jharkhand, n.d.](#)) is responsible for administering mining-related laws and regulations within the state.

### Misuse of Mining Laws in Jharkhand

Despite legal frameworks in place, there have been concerns about misuse by mining companies in Jharkhand.

#### Areas of Misuse:

- Illegal Mining persists despite the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017. There are multiple reasons which *inter alia* include– Collusion with officials to bypass regulations, mining in ecologically sensitive areas or exceeding permitted limits and operating without valid licenses or permits.
  - *Bhowra Colliery collapse, June 2023*: An illegal mine in Jharkhand's Bhowra colliery area collapsed, leading to the loss of multiple lives. ([Illegal Mine Collapse Claims Multiple Lives In Jharkhand's Bhowra Colliery, n.d.](#))
- Environmental violations are common, Companies disregard environmental safeguards mandated by the law, leading to pollution of air, water, and soil, deforestation and loss of biodiversity and improper disposal of mining waste.
- The Jharkhand Panchayat Raj Act (JPRA) mandates consultation with Gram Sabhas in Schedule V areas (tribal regions). However, companies fail to adequately consult with local communities before and during mining operations leading to displacement of communities without proper compensation or rehabilitation.
  - “Six people have been killed and at least nine seriously injured after police opened fire on farmers protesting land acquisition in Hazaribagh district of Jharkhand. The farmers were protesting land acquisition by the Centre-owned National Thermal Power Corporation for a coal mining project in Brakagaon”. ([Six](#)

### *Killed in Jharkhand after Police Fire at Farmers Protesting Land Acquisition, n.d.)*

– Niyamgiri mining tussle: In 2013, 12 Gram Sabhas in the two districts, where the indigenous Dongria Kondhs reside, voted against mining in the region. The Kondhs consider Niyamgiri as central to their lives, worshipping it as a deity. Thus, they opposed bauxite mining by a joint venture between OMC and UK-based

Vedanta Group. (*Odisha Mining Corporation's Fresh Attempt to Mine Niyamgiri, n.d.)*)

- Under-reporting of production if highly prevalent, companies under-report the amount of minerals extracted to minimize royalty payments owed to the state.

### Land Acquisition

India has a couple of key legislations dealing with land acquisition for mining purposes–

1. *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and*

*Resettlement Act, 2013 (Right to Fair Compensation Act):* This statute succeeded the Land Acquisition Act of 1894. Now, this is the primary legislation for land acquisition in India, and it also applies to mining. It requires equitable compensation for landowners, openness in the acquisition process, and rehabilitation and relocation plans for people displaced by the project. The terms of this Bill do not apply to acquisitions under 16 existing laws, including the Special Economic Zones Act of 2005, the Atomic Energy Act of 1962, the Railways Act of 1989, and so on. (*Garg, 2021)(The*

*Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013, n.d.)*

2. *The Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act):* While the MMDR Act itself doesn't handle land acquisition, it empowers state governments to grant mineral concessions (under Chapter III & IV). The land for these concessions is then acquired either through the *Right to Fair Compensation Act* (mentioned above) or through agreements with landowners.

3. *The Coal Bearing Areas (Acquisition and Development) Act, 1957 (CBA Act):* This Act applies specifically to acquiring land for government companies involved in coal mining. It outlines the process for declaring the intent to acquire land, exploration/prospecting, and the acquisition itself. (*Ministry of Coal, Government of India, n.d.)*)

### **Role of Gram Sabha in the Mining Sector**

o According to the *Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA)*, before any land is bought for a development design in a fifth schedule area, the Gram Sabha must be consulted. In agreement with PESA sections 4(k) and 4(1), the Gram Sabha must authorize any plans for minor minerals or concessions for the transaction-grounded exploitation of minor minerals. The process for copping land in Schedule V zones was further outlined in a Gol directive from November 11, 1998 (*Sahoo, 2015)*.

o In Jharkhand, still, numerous duty and mining inspectors do not appear to be apprehensive of this regulation. They have made the decision not to abide by these rules even though they have been repeatedly brought to their scrutiny, both in the case of small and important minerals.

It's important to note that the Land Acquisition (Mines) Act, 1885, is still in the books, but it mainly deals with compensation for existing mine owners if the land above their mines is acquired, not the acquisition process itself.

## Misuse of Land Acquisition Laws

While the land acquisition laws were legislated with the intention to have provisions for protecting the interests of local communities, but unfortunately, there have been numerous instances where these laws have been misused, causing detriment to the local communities of Jharkhand. Communities often aren't adequately consulted or informed about the long-term impact of mining on their land and way of life. This lack of consent and transparency leads to displacement and loss of traditional livelihoods. Compensation offered for acquired land is mostly insufficient, and rehabilitation programs are poorly implemented, leaving communities worse off than before.

In Jharkhand, clandestine pressure by business personnel and state authorities as well as the use of state force have been hallmarks of land acquisition by private corporations. Gram Sabhas frequently lacks knowledge of land acquisition strategies. Villagers are frequently defrauded by middlemen who negotiate commercial deals. Court lawsuits are brought against activists to deter them from mobilizing opposition to forced evictions or forced land sales. When protestors attempted to get sale paperwork through the Right to Information Act, the court frequently refused access (*Lahiri-Dutt et al., 2012*).

*Bauxite mining project by Vedanta Ltd, 2010*: A dozen villages protested and passed a unanimous referendum against the project and ultimately the environment ministry cancelled stage II forest clearance of Vedanta Ltd. (*Tribals in Orissa's Niyamgiri Hills Reject Vedanta's Bauxite Mining Project, 2013*)(Sethi, 2014)

*Gehla coal mine, Latehar district, Jharkhand*: The extension of the Gehla coal mine in Latehar district displaced the Particularly Vulnerable Tribal Group, the Paharia community. They lost access to forests crucial for their survival and faced inadequate compensation and resettlement measures. (*Bureau, 2023*) (*Standard, 2023*)

– *Jindal Steel and Power Limited (JSPL) project*: The acquisition of land for the Jindal Steel and Power Limited (JSPL) project faced accusations of manipulated consent from villagers. The promised rehabilitation package failed to provide alternative land for agricultural activities, impacting their primary source of income. (*Villages Protest Forest Acquisition, n.d.*)

## Compensation

India's mining laws don't directly determine compensation for land acquired for mining projects. However, the process is guided by a combination of legislation and judicial pronouncements. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Right to Fair Compensation Act) is the primary act governing land acquisition in India, including for mining purposes. It mandates fair compensation based on market value and factors like location, purpose of acquisition, and potential for development.

### **Process of Determining Compensation:**

1. **Market Value:** The Right to Fair Compensation Act uses market value as the base for compensation. This is typically determined by the collector (government official) based on recent land transactions in the area.
2. **Multiplier:** The Act allows applying a multiplier to the market value to account for factors like project impact and potential development. The specific multiplier is determined by the state government.
3. **Additional Compensation:** Apart from market value, the Act also mandates compensation for things like standing crops or structures on the land.

Court rulings have further shaped how compensation is decided. For instance, some judgments have emphasized including the value of minerals present on the land in the compensation amount.

### Challenges and Discrepancies:

1. Accurately determining market value, especially in rural areas, always turns out challenging. There's a lack of comparable land transactions, leading to underestimation of the land's worth.
2. Discrepancies in Multipliers, different state governments follow varying multipliers, leading to discrepancies in compensation across regions.
3. There are also concerns about transparency in the land acquisition process, including how compensation quantities are really determined. Townies claim that despite their requests for information, no one would tell them how the calculation is carried out. The impoverished and ignorant peasants cannot go through the lengthy process needed to raise complaints regarding the compensation quantum (*Sharan, 2005*). Thus, the displaced people are forced to accept whatever compensation they admit in reality.

*The fact that these bills only admit the damage incurred by people who are directly affected by the mines is another significant debit. They fail to consider the loss of communities that depend on the timber, landless workers, traditional handicrafts, men, women, and small peasants who make a living by raising dairy creatures. Additionally, communities' customary land rights are not recognized, even though they have lived on the property undocumented for many generations (Sundar, 2005).*

The phrase "adequate compensation" becomes more politicized as opposition to coal projects grows as businesses raise their cash offerings. The majority of private businesses holding mining block allotments in Barkagaon started to offer amounts ranging from Rs (1-5) lakh or \$ (3,000- 18,000) per acre after the National Thermal Power Corporation increased its offer. These arbitrary choices are causing conflict within village communities. Many people refuse to sell their lands despite higher offers because they understand that a onetime financial payment would not make up for the long-term loss of their means of subsistence. The belief that compensation does not match the financial benefits from marketing the coal is another factor contributing to the *opposition's persistence. This emphasizes the need to find a more socially just method of benefit distribution (Lahiri-Dutt et al., 2012).*

### Resettlement

Rehabilitative measures aren't covered by legislation or public policy. This develops into a sober reflection on the condition of affairs in our nation, where development enterprises have resulted in the relegation of at least 30 million people since independence, of which 40% are tribals. Both two countries and three have legislation governing recuperation. Even though megaprojects have resulted in the relegation of at least 6.88 percent of the population in Jharkhand, there are none (*Ekka, 2000*). Again, 41% of them are STS, while the remaining 14% are SCs. The remainder is largely made up of residents of other underdeveloped pastoral areas. This likely explains why our country's lawmakers haven't tried to close this major gap in the legislation (*Areeparampil, 1996*). The two public sector businesses that have created their own resettlement and recuperation (R&R) plans are Coal India (CIL) and NTPC. The idea of "land for land" has been proposed by CIL as the stylish plan for recuperation, particularly for Adivasi people, still they've not yet put it into practice (*Sahoo, 2015*).

### Working Conditions

The mines legislation has largely detailed regulations to guarantee the safety, health, and favourable working circumstances of mine workers. Indeed, while numerous of the large mines follow these regulations, whether it be an iron ore mine or a gravestone chase, the lower miners do not. Poor working circumstances include lengthy hours, no motherliness or casual leave, no insurance content, no health installations, and earnings that are indeed lower than the state government's minimal pay envelope (*Sundar, 2005*). There have been reports of frequent sexual importunity of womanish workers in the several gravestone clinchers in the Chandil neighbourhood of the Singhbhum east quarter. In this place, ladies work the night hours as well. Workers who are killed in accidents or suffer major injuries don't get any compensation for their losses. Mine inspectors,

police, and even croakers conspire with the owners of the mines to prevent other instances like this from being discovered, investigated, or remedied (*Areeparampil, 1996*). The families of slain workers feel frightened to confirm the identities of the deceased since doing so may result in them being falsely accused by the authorities (*Streamline the Unsafe Mines in Jharkhand | AICCTU, n.d.*).

Numerous workers suffer severe injuries in mine accidents on a frequent basis and fail to get adequate checkups which make their lives miserable which in turn increases their out-of-pocket expenditure.

### **Workplace Health**

Occupational health is generally overlooked or undervalued. Examples of employees suffering from ailments including silicosis are regularly featured in media publications. Prolonged exposure to silica can lead to a severe pulmonary condition known as silicosis (*Raj, 2022*).

Natural abnormalities, neonatal deaths, robotic revocations, malice, skin problems, etc. are relatively common among the workers, their families, and the townies living near to the mines in Jadugoda, according to exploration conducted by multitudinous public and transnational NGO (*Sonowal & Jojo, 2003*). Still, the company's administration, which reports directly to the infinitesimal energy department, has always angrily disputed the actuality of similar issues.

Felonious negligence is demonstrated by the commercial operation's turndown to honour that long-term exposure to low-cure radiation might affect natural diseases, ails, and other conditions including cancer (*Jharkhand, 2021*) Also, the business is operating in violation of several public and transnational safety norms, placing the uninstructed townies at serious health peril (*Sundar, 2005*).

### **METHODOLOGY**

This research paper applied the qualitative method of research which essentially means gathering and assessing non-numerical data for instance in this study we analyzed the secondary data which is available about and around the topic under consideration. The qualitative method helped us gain insights and provided us with in-depth knowledge in a holistic manner.

By studying and analyzing several types of sources, including research papers, newspapers articles, journals, reports, and institutional theses, we were able to thoroughly examine different areas relevant to the paper. We largely sourced our materials from Jstor, Google Scholar, Outlook, Down-to-earth, TheHindu and the Indian Constitution, six reputed and credible sources.

As a first step, we created a basic outline of sub-topics to cover in the study before analysing the data. As we delved further into the sources, our insight grew, and new sub-topics emerged as key elements of the topic. With careful attention, we documented all the relevant insights and information. Filtering out any irrelevant details, we organized them after aligning them according to our research objectives. For the legal aspects, we primarily referred to the Indian constitution and various cases surrounding the mining sector in India and Jharkhand to be specific. Then we discussed among ourselves to get better conceptual clarity and drew interpretations in a dispassionate manner and largely driven by the information we collected.

After writing down all the important information we started organizing our paper and lastly, based on the information we went through, we drew our conclusions and results.

## FINDINGS AND RESULTS

### Mining Effects

The native population of Jharkhand has a close relationship with their environment, which has led to various environmental issues such as noise pollution, air, water, and land damage. The extensive mining and related operations in the region have led to significant detriment to the land coffers, including the destruction of indigenous agrarian fields and timbers (*Ambagudia, 2010*). Underground mining conditioning, particularly those involving coal, has made shells dangerous, challenging the redirection of roadways and the moving of several townships.

Over 0.36 million hectares (16.9%) of the 2.13 million hectares of land in India where coal is set up have been harmed due to former coal mining conditioning. The coal mining industry was acknowledged as a substantial contributor to environmental decline due to the destruction of more than 75 sq km of land in the 1980s (*Areeparampil, 1996*).

The expansive mining conditioning in the area has negatively impacted the groundwater table in several regions, leading to a sharp decline in the water force from the wells of neighbouring agreements. The area's subterranean aqueducts and aqueducts have been oppressively defiled by backwaters released from mine operations. Fish and submarine species in the area have suffered due to significant water pollution brought on by acid mine drainage, liquid backwaters from coal running installations, colliery shops, and mine spots, and suspended patches from coal washeries. The Damodar swash, which supplies the utmost of the area's water, is the most weakened swash in India, with several enterprises along its banks contributing scrap to it. A disquisition of the region revealed that each day, roughly 40 tonnes of fine coal were being discharged into the Damodar from a single coal washery. The Damodar, which the Santal lines regard as a sacred swash, resembles a sewage channel shrunk and filled with sludge and trash and emitting foul scents.

Serious pollution is also present in the region's other important gutters, such as the Karo swash in west Singhbhum, and the Subarnarekha, which exhibits a distinct and important unsafe form of pollution. Radioactive and chemically tainted wastes are forced into the water that millions of people who live along the banks of these gutters must drink (*Badar, n.d.*).

Significant air pollution is produced in the area by mining and affiliated conditioning, including open cast chases, coal washeries, thermal power shops, coke-roaster installations, cement manufacturers, and fertiliser shops. The multiplier effect of mining in promoting urbanization and industrialization has further exacerbated these issues.

### Concern with Livelihood

*The issue of employment is yet another pivotal one raised by abandoned mines. Communities that had been in the region for a long time before the mines arrived lost their traditional means of subsistence to the mines. They gradationally entered the mining assiduity, but after 30 or 40 times the mines closed, leaving them with nothing. They do not have any land or work (Areeparampil,1996). Living cases of this type of development are the Dalit communities who live in the CCL recuperation spots close to Giridih city. They're suitable to live now by entering the shadowy grottoes that the CCL business left before and booby-trapping what little coal is still within while risking their lives at every turn. They're a small link in a veritably long network of 'illegal' coal miners, vehicles, and merchandisers that are dispersed across the colliery belt of Jharkhand and West Bengal and give for the energy requirements of the vast maturity of the region's impoverished and lower middle class residents. In these covert mines, accidents happen all the time. A rough estimate puts the periodic death risk from these accidents at 200. The Jharkhand tribal people are suffering from premature mortality, disease, eviction, and joblessness as a result of the exploitation of bauxite among other*

The mines in Jharkhand are located largely in the traditional habitats of the tribes and have *minerals (Jharkhand Tribals Suffer Amid State's Bounteous Riches, 2022)*. been looked upon as the resources of the

entire country. Tribal areas produce almost all of the country's mineral resources, such as coal, mica, bauxite, and other minerals. They have been exploited in the name of national interest, unfortunately by extinguishing the rights of the scheduled tribes, and by paying nominal monetary compensation only for land. Tribal communities have quite often had their habitats and homelands fragmented, their cultures disrupted, and their communities shattered, and they have been converted from owners of the resources within well-knit contented communities to individual wage earners in urban agglomerates with uncertain futures and threatened existences (*Dash & Priyadarshini, 2016*).

Since tribal land is mostly non-transferable and the land markets are underdeveloped, the cost of acquiring land in tribal areas is extremely low. The rate of compensation is, hence, inadequate, usually based on national market value. The subsequent value of the land after implementation of the project is big but is never taken into consideration.

Large-scale mining and allied activities have caused severe damage to the land resources of the tribal areas. The agricultural lands along with forests belonging to the tribal people have been completely wasted because of haphazard mining. Underground mining operations, especially of coal, have created unsafe surface conditions in many areas, warranting the diversion of roads, railway lines, etc., and the shifting of a number of townships (*Areeparampil, 1996*).

### **Cultural Impact on Tribals due to Mining**

The mining industry in Jharkhand has the potential to be a major source of economic development for the state. However, it is important to ensure that the benefits of mining are shared equitably with tribal communities, and that the cultural impacts of mining are minimized. The living conditions of tribals displaced by mining- their private and cultural spaces, infrastructure facilities, protection from social customs, etc.- have seriously negatively impacted, reducing them into helpless situations (*Xaxa, 1999*). The resettled tribals of bauxite, coal, iron ore mines in Jharkhand are crammed into badly constructed, grumpy living spaces, which are absolutely not decent, have no proper water supply, toilets, electricity, open spaces, poor drainage, etc., and is a totally ugly contrast to their earlier traditional settlements (*Areeparampil, 1996*). The tribals in these resettled colonies have no facilities for bathing or toilets as the open fields and forests have disappeared. Neither does the new system provide them with space for recreational or socializing needs. The inflow of nontribal populations and the loss of economic status for the tribals brought in degrading social customs. While the custom of bride price is followed among traditional tribal communities, it has shifted to Hindu systems of dowry, extravagant marriage ceremonies, etc. Human rights violations on women miners or women affected by mining have shockingly increased, actively encouraged by state and corporate powers.

### **Government Initiatives for Tribal Lives**

The Government of Jharkhand has taken a number of measures to lessen the detrimental effects of mining on tribal lives in the state. These measures include: The Forest Rights Act of 2006 which gives tribal communities the right to own and manage their traditional forest lands. This has helped to protect tribal communities from the loss of land due to mining. Secondly, The Mineral Concession Rules of 2016, which require mining companies to obtain the consent of tribal communities before acquiring land for mining. They also require mining companies to take steps to protect the environment and to provide compensation to tribal communities for the loss of their land and resources. The third is, The Jharkhand State Pollution Control Board in which the board is responsible for monitoring and controlling pollution from mining operations. The board has taken a number of steps to reduce pollution from mining, such as setting emission standards for mining companies and conducting regular inspections of mining sites. Fourthly, The Jharkhand State Mineral Development Corporation is responsible for developing and promoting mining in the state. The corporation has a number of programs to promote sustainable mining and to minimise the environmental and social impacts of mining (*Areeparampil, 1996*). However, more needs to be done to ensure that the benefits of mining are shared equitably with tribal communities and that the cultural impacts of mining are minimised.

## CONCLUSION

Despite the fact that mining is good for a nation's economic indicators, both in terms of its own economic impact and the value of its output to other businesses, it nearly invariably has negative environmental effects and eventually health effects. One of the most important disadvantages of mining is the health risks and decline in the health of those living nearby. People's diet and health are directly impacted by being uprooted from their homes and denied access to woods.

According to the study, this transformation had a significant negative impact on grazing areas for domestic animals as well as forest resources and agricultural lands. Wastelands also steadily increased and agricultural lands lost their fertility. In terms of health, there were several additional health-related problems including a noticeable increase in lung infection cases in the communities around mines.

By examining these integral aspects of society, we may understand how mining affects the tribal population in Jharkhand - everything from natural surroundings to health are intertwined. With frequent interruptions due to mining endeavours, the traditional lifestyle of native tribes faces annihilation, bringing about irreparable losses to their cultural heritage and social cohesion. Natural features including rivers, woodlands, and agricultural lands get exhausted due to mineral excavations; these changes gravely disturb neighbouring territories along with native populations. Expanding mining operations lead to hazardous residuals contaminating habitat and poisoning humans who consume them directly or indirectly through food chains.

Harmful emissions released during mining processes endanger not just native populations but all living things around them due to the rippling aftereffects in the surrounding area. Detrimental physical effects degrade the land, endangering cultivable areas and wildlife habitats alike. Mineral extraction pollutants jeopardise nearby territories and wildlife, worsening environmental degradation.

Pollutants emanating from mining operations frequently lead to breathing difficulties and dermatological problems alongside other adverse health impacts. Intersocietal confrontations arise whenever tribal populaces contend against mineral extraction endeavours, triggering legal redress alongside other unforeseen aftermaths. Indifference toward these risks inevitably translates into maltreatment of native residents due to restricted policymaking authority inside this marketplace.

Comprehensive approaches like community involvement, eco-friendly mining strategies, legal protections for native peoples' rights, and redress for damaged groups help mitigate impacts. Pursuing sustainable development while protecting traditional practices and ecology proves challenging in Jharkhand ongoing endeavour.

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