

# ANNUAL REPORT

2014 - 2015



*Innovations in Community Development....*



## Environics Trust

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## TABLE OF CONTENTS

Table of Contents	2
Message from Managing Trustee	3
About Environics Trust	4
Programs and Reports	5
Participatory Research	5
Beyond Coal: India's Transition to Clean Energy	5
Environmental and ecological footprint including the social impacts Ignored	8
Submission to the Government and Parliamentary Committee	9
Mining Sector: An Overview and Pragmatic Steps in the Current Tribal Context	15
Jharkhand Land Laws	22
Community Based Activities	24
Facilitating the Community Forest Resource claims in Himachal Pradesh	24
Strengthening the mines minerals & PEOPLE Alliance	27
Labour Rights and Decent Work for Marginalized Women Workers	29
Research and Advocacy on Occupational Health	30
Medical Camp for Stone Quarry Workers, Rajasthan	32
Awareness and Follow-Up on Occupational Health around Delhi	33
Research and Medical Aid to asbestos workers in Gujarat and Tracking Asbestos industry victims and government policies	33
Enterprise Development and Servicing	35
Communication	35
Film on Kedarnath Disaster	35
Third National Coal and Thermal Power Gathering, Dumka, Jharkhand	36
mm&P general Assembly	37
"Mobile-izing" Unheard Voices of Aid Recipients	42
Adivasi Swara using mobile phones to improve quality of life in Central Tribal India	45
Financial Statements	46
Independent Auditor's Report	52
Board Members	55
Team	56
Core Working Team	56
Professional Associates	56
Contact Information	57
Organisation Information	58

## MESSAGE FROM MANAGING TRUSTEE

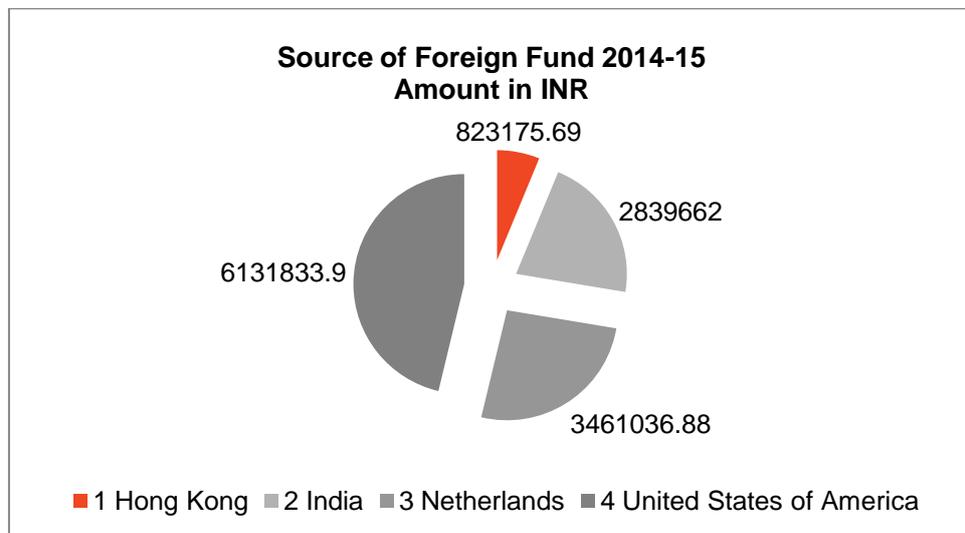
*EnvironicsTrust  
will soon be out of  
its infancy and  
enter its teens*

**Strategic Highlights**

We will be soon entering our teens! Over the dozen years that we have worked we have steadily increased the scale of our activities. A number of diverse activities have led to a wide portfolio of projects. It is time for us to reflect and take our adolescent period into a stage of growth and consolidation.

**Financial Highlights**

Our funding has been diverse and steadily rising. While our old partners continue to support our activities, we have been able to add new donors.

**Operating Highlights**

This year we could work on the community forestry issues in the Himalayas and make significant headway. We also have initiated immediate relief efforts in Kashmir.

**Looking Ahead**

We look forward to a period of deeper research and sustained actions on the ground and also to enable and restructure the operations for bringing in more efficiency.

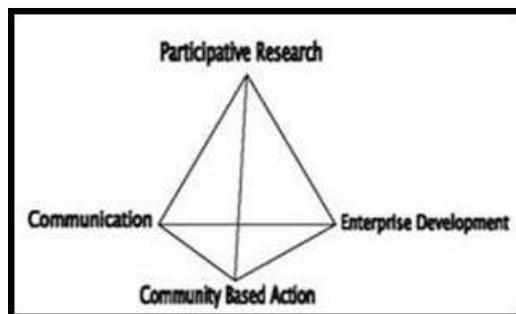
Ramamurthi Sreedhar  
Managing Trustee  
August 1, 2015

## ABOUT ENVIRONICS TRUST

*Our proposition is that “Societies should identify, evolve processes and implement programmes that concurrently address these four attributes at whatever levels and scales the intervention takes place”.*

Environics means the study of the influence of the environment on human behaviour. In its mission to **evolve innovative solutions to the problems of community development** Environics Trust interprets it more comprehensively as the mutual influences of environment and social behaviour.

The design of these innovations are channelled through the processes of **Participative Research**, which enables documentation of existing conditions and the changes aspired; **Community Based Action** to demonstrate the possibility of transforming innovations into a physical and social reality; **Enterprise Development and Servicing** to respond to the current reality of the economic world and identify sustainable entrepreneurial and occupational niches and **Communication** to interface with a larger universe to mutually learn and contribute.



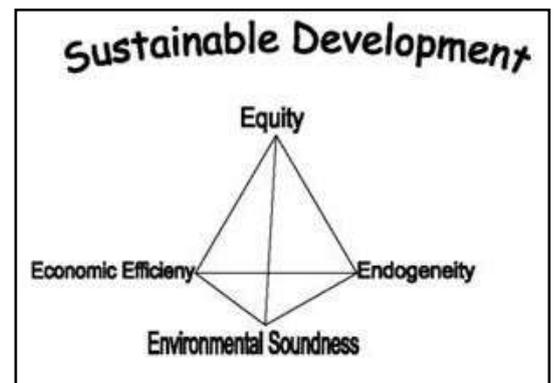
- Participative Research
- Community Based Activities
- Enterprise Development and Servicing
- Communication

Environics Trust reaches out particularly to mountain, mining, coastal and other marginalized communities.

Environics Trust defines a Sustainable Development as the “**set of processes that enables the local and global systems to be in ecological harmony**”.

The four non-orthogonal attributes of sustainable development which are crucial to the state of being in ecological harmony can be described in the form of the state of these attributes.

- Equity and Justice
- Environmental Soundness
- Endogeneity or Self Reliance
- Economic Efficiency.



## PROGRAMS AND REPORTS

## PARTICIPATORY RESEARCH

## BEYOND COAL: INDIA'S TRANSITION TO CLEAN ENERGY

*The report "Beyond Coal: India's Transition to Clean Energy" has been prepared with the financial assistance from European Climate Foundation*

In late August, millions of poor Indians rejoiced on a Supreme Court judgement on the allocation of coal blocks. It was further hoping that the subsequent order which categorically held all, except four, to be illegal. It was a reprieve from forced displacement, loss of livelihoods and a life full of pollution, misery and exploitation.

People hoped that the breathing time given by the Court and a catena of laws passed over the last decade would enable it to highlight the grossly irregularity of the field level operations. It is an undeniable fact that a huge backlog of legacy issues of compensation, resettlement and rehabilitation still exist.

It was also redemption for a number of people who have been crying that the entire direction of development being pursued since the liberalisation has been undermining the basic tenets of the Constitution.

The process of allocation of natural resources to companies has been under the scrutiny of the CAG and the Supreme Court and the spectrum and the coal allocation scams are the latest among over scores of such big and small scams that have peppered the so called "growth story" of India since 1991. In the coal scam alone, CAGs estimates varied between nearly two lakhs to over ten lakh crores of undue gain to companies.

While the CAG is spearheading globally on Environmental Audit, it would be a great service if the CAG also conducts a concurrent audit of the ecological damages and social equity issues and look at the issue from the larger prism of sustainability.

Justice in India, as all over the modern judicial systems, hinges on the questions raised by a petitioner. It then narrows it down to a set of specific legal questions and usually answers in binary and delivers a verdict. Whether it does justice to the cause is a moot question. However in this particular case, since the Article 14 and Article 39 A were invoked at some stage, stewardship demanded that the questions of equity, environmental soundness and self-reliance were also addressed by the court.

The Coal Mines Ordinance promulgated on 24<sup>th</sup> October, exactly a month after the judgment so completely undermines the constitution by legitimising all illegal players. The Government's persistence and bulldozing through two rounds of ordinance and all the political jugglery of various kinds has reinforced the general belief that political parties professing good governance are not aiming at human development but "keeping conflicts to manageable limits". In doing so, they have persisted with and dependent on the oligarchs, just as much as the British used the Zamindars.

The outfall of the scam was a huge debt given by State Institutions to profligate capitalists. The State Bank of India claimed close to Rs 70,000 crores exposures to miners and downstream power projects. The RBI Governor indicated that the top companies were to repay debts of nearly Rs 2,36,000 crores in the last five years and have so far deposited

*As the bidding process has unfolded, it is becoming clearer that crony capitalists can also collude and the transparency is limited to the state and the bidders but not to the community at large who will bear the consequences*

only Rs 31,000 crores. So to save itself the State has to give the same corporate, who have made the financial situation vulnerable, more resources and perhaps more debts, forget the people who would be uprooted.

The tribal and particularly the poor are to face the greatest brunt of all this *en masse* allocations.

The massive number of people who will be displaced for this climate unfriendly ambition is stupendous. In the District of Angul alone over – lakh people will be displaced. These are the original inhabitants and perhaps the first stakeholders. In Jharkhand, the fresh proposals add to a whopping 70,000 families to be displaced for coal mining and related projects. The ordinance which has been brought under the guise of the court order wants that this process of alienation of land to continue, even if the blocks do not get auctioned and does not have even a single line about the fate of these communities.

Making it easier for the defrauders, it says that the new bidder will have all rights and no liabilities. This must be the first ordinance and law in the country where the defrauders are bestowed with rights and the right holders of the local area are being pushed into a corner with no recourse to justice. Even the past sins of these companies are absolved and only those who have a conviction and have been imprisoned for three years will be ineligible, which means all the people who indulged in malpractices are being accommodated by a so-called clean government. It arm twisted and several parties acquiesced to quickly make it a law.

The Supreme Court in Criminal Appeal No 11/2012 wherein the observed that “Since India is a country of great diversity, it is absolutely essential if we wish to keep our country united to have tolerance and equal respect for all communities and sects. It was due to the wisdom of our founding fathers that we have a Constitution which is secular in character, and which caters to the tremendous diversity in our country. Thus it is the Constitution of India which is keeping us together despite all our tremendous diversity, because the Constitution gives equal respect to all communities, sects, lingual and ethnic groups etc. in the country. The Constitution guarantees to all citizens freedom of speech (Article 19), freedom of religion (Article 25), equality (Article 14 to 17), liberty (Article 21) etc.” The ordinance and the rules, which provide no space for the communities, will no doubt, be a cause of lot of restlessness among the communities.

As the bidding process has unfolded, it is becoming clearer that crony capitalists can also collude and the transparency is limited to the state and the bidders but not to the community at large who will bear the consequences. Further, the transfer of environmental and forest clearances without even ensuring that the companies were complying is a mockery of the governance systems.

***...and as Gandhiji once said, “An unjust law is itself a species of violence”***

### **The Immediate Fall Out**

Coal has been a cheap energy choice in the developing world, including India. Over 65% of the electricity is generated by it in this country. Being a widely available fuel mineral and natural resource, the rights have remained with the caretaker Governments to formulate policies which have seen transition from private to public to mix of private and

*The coal scam unearthed and exposed the arbitrariness and exploitation of resource by the corporate-political and bureaucratic nexus and this was highlighted in the Supreme Court's August Judgment (2014), eventually the 204 Coal Blocks were adjudged as arbitrary and illegal*

public coal mines, currently the involvement of private sector has been limited to captive mining for their end use but the new Coal Ordinance indicates that even private companies can also mine commercially. On the contrary, coal mining has high social costs as it occupies large areas, in order to make way for coal but there is no equivalent importance given to the communities and their rights in such areas.

The coal scam unearthed and exposed the arbitrariness and exploitation of resource by the corporate-political and bureaucratic nexus and this was highlighted in the Supreme Court's August Judgment (2014), eventually the 204 Coal Blocks were adjudged as arbitrary and illegal and Supreme Court spared 4 Coal blocks from cancellation (*2 belonging to Sasan UMPP, 1 belonging to SAIL which are producing and 1 belonging to NTPC which will become producing in 2014-15*) and cancelled the rest of them.

The Government brought the new Coal Ordinance by which it would like to reallocate and auction the coal blocks by way of bidding. Coal India produces roughly about 500 million tonnes a year, this production is planned to be doubled by the turn of this decade, merely 6 years countdown to 2020! What this means is either production threshold has to be increased or newer mines within the coal blocks need to be opened as Greenfield mines. The contribution of private sector is the one which would increase substantially.

In addressing the irregularities in allocation of coal mines, the Government itself has arbitrarily adopted the Ordinance route and would like to auction the first set of 74 coal blocks, 42 among these are those which are kept in Schedule II (37 of them are already producing coal blocks i.e. coal mining is underway, rest of the 5 coal blocks are those which are on the verge of starting producing in 2014-15) and other set of 32 coal blocks are those which have been kept in Schedule III (which have to come into production at a later stage or where already the documentary and administrative processes have begun but pending and a considerable expenditure has been incurred in the end use plant) and these would be those blocks where auction will take place if the companies are having an end usage for coal utilization or for captive use. The Government has kept the liberty to add or replace any other coal blocks to these Schedules specified in the Ordinance. Schedule I is where the Government company or Corporation or JV with State will bid for auction and will have the right to mine coal for own consumption or sale.

In the said rules, Rule 11(7) indicates the norms for allotment of coal blocks which have no where mentioned the social obligation of the prior allottee or settlement of obligation before these blocks are notified for auction or allocation.

Also a notice has also been issued to prior allottees to figure out the intrinsic value of coal blocks (74 coal blocks; 42 in Schedule I and 32 in Schedule II). It has called for information from prior allottees on Geological reports, Mine working and closure plans, production details, Status of land and infrastructure and acquisition status, Status of R&R, Other investments, capital and operating costs, manpower details etc.

*The Supreme Court in its September 2014 order reiterated the fact that these “consequence proceedings” are intended to correct the wrong done by the Union of India;*

The state wise distribution of these 74 coal blocks is mentioned in the table below;

No.	State	Schedule Coal Blocks I	Schedule Coal blocks II	State Total
1	Jharkhand	5	13	8
2	Chhattisgarh	9	6	5
3	Maharashtra	0	3	3
	West Bengal	1	0	0
5	Madhya Pradesh	6	3	9
6	Orissa	1	7	8
7	Arunachal Pradesh	1	0	1
	TOTAL	42	32	74

#### ENVIRONMENTAL AND ECOLOGICAL FOOTPRINT INCLUDING THE SOCIAL IMPACTS IGNORED

1. During the transition both new player and the prior allottee are eligible for bidding in auction as per the conditions stipulated in the Ordinance. As coal mining has a huge footprint of unfulfilled social obligations, including aggressive use of Coal Bearing Act which is currently exempted from the new LARR Act, 2014 and thereby lacks detailed scrutiny; compensation, displacement, resettlement and rehabilitation, pollution and secluded habitations are few common issues which are left out.
2. Although details have been sought from prior allottees regarding status of Resettlement and Rehabilitation, it is unlikely that the pending issues of R&R will find any resolution due to poor track record in resettlement and rehabilitation by the State, PSUs, and private parties. By merely calling for details through a notice but not mentioning in the rules about fulfillment of social obligations prior to auction or allocation has undoubtedly revealed only economic interests, the authority may find an intrinsic value of coal blocks and may pass the buck to the new bidder or allottee rather than first settling the issues.
3. While starting the allocation process afresh, the pressing issues in coal mining areas need to be addressed upfront and it should not merely be transferring of rights and obligations from the prior allottee to the new allottee and even if the prior allottee is eligible by depositing the suggested levy or adjudged a successful bidder it does not make him shielded from the pending obligations. There is no surety in the ordinance.
4. The economic thrust provided by the new Government in terms of rapid Urbanisation & Industrialisation (Industrial Corridors and Smart Cities), Manufacturing zones will require energy security to push the economic agenda and it hints at maximizing coal production with only a promise of tough penalties to self regulate the environmental harms which seems unrealistic with weaker regulation while avoiding the local and impacted people.

5. It is also a concern that 12 coal blocks among Schedule II and III are facing CBI's scrutiny and the government has also taken liberty in proposing them for auction and allocation.

The Supreme Court in its September 2014 order reiterated the fact that these "consequence proceedings" are intended to correct the wrong done by the Union of India; these proceedings look to the future in that by highlighting the wrong, it is expected that the Government will not deal with the natural resources that belong to the country as if they belong to a few individuals who can fritter them away at their sweet will. But the Coal Mines (Special Provisions) Ordinance 2014 overlooked the wrong done by illegal and arbitrary allocations by ignoring the costs people have paid and their future still looks bleak.

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#### SUBMISSION TO THE GOVERNMENT AND PARLIAMENTARY COMMITTEE

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*The submission was made on behalf of the mines, minerals and People (mm&P) alliance*

A submission was made on the implementation of THE COAL MINES (SPECIAL PROVISIONS) ORDINANCE, 2014; NO. 5 OF 2014 (the ordinance) promulgated on the 21st of October 2014 and the Draft Rules issued on 19th November 2014 on **behalf of mines minerals and PEOPLE (mm&P) an alliance of over 180 mining affected communities and support groups and National Coal and Thermal Power Gatherings, a process which is looking at the human and environmental costs of coal mining and thermal power projects.** *The submission states that*

1. The numbers of affected people are so large and wide-spread and are unaware of the implications of the auctions proposed by this ordinance which will completely deny their fundamental rights. Further, "It must now be regarded as well-settled law where a person who has suffered a legal wrong or a legal injury or whose legal right or legally protected interest is violated, is unable to approach the court on account of some disability or it is not practicable for him to move the court for some other sufficient reasons, such as his socially or economically disadvantaged position, some other person can invoke the assistance of the court for the purpose of providing judicial redress to the person wronged or injured, so that the legal wrong or injury caused to such person does not go unredressed and justice is done to him." (1981) Supp. SCC 87.
2. The *ordinance is inconsistent* with Article 13 {Laws inconsistent with or in derogation of the fundamental rights}. All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void. The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void. In this article, unless the context otherwise required, "**law**" **includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;**
3. The ordinance clearly favours specific segment of the society without providing Article 14 {Equality before law}; The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

4. The ordinance also undermines the Article 21 {Protection of life and personal liberty}, which states “No person shall be deprived of his life or personal liberty except according to procedure established by law.”
5. In *State of Gujarat vs Mirzapur Moti Kureshi Kasab Jamat & others*, AIR 2006 SC 212, the Supreme Court held “the interest of general public (public interest) is of a wide import covering public order, public health, public security, morals, economic welfare of the community, and the objects mentioned in Part IV of the Constitution (i.e. Directive Principles of State Policy)”. The following Articles contain the Directive principles of State Policy: 39. Certain principles of policy to be followed by the State.—The State shall, in particular, direct its policy towards securing— (a) that the citizens, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (d) that there is equal pay for equal work for both men and women; (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. The ordinance particularly violates the sub sections (b) and (c) at a very fundamental level and does not support the cause of people who have been displaced or likely to be displaced. The current process is in direct violation of these basic tenets.
6. The importance and contentious nature of Land has been highlighted in the Approach to the 12<sup>th</sup> Plan as follows:

*“5.24 Rapid growth is only possible if a part of land which is currently used for agricultural purposes, or degraded forest land can be made available for building much needed infrastructure, establishing new industrial units, undertaking mining and accommodating the inevitable expansion of urban settlements. The questions that arise are: how is the land that is needed for these activities to be obtained, how are the existing owners of the land or those dependent on it for their livelihood to be compensated and how are the nation’s interests in preserving food security to be protected? The past two decades have seen all these issues become highly contentious.*

*“5.25 These problems have arisen in large part because the legal framework under which land has been acquired is outdated. It is based on the principle of ‘eminent domain’ under which the State can forcibly acquire land for a public purpose at prices which do not reflect the market price nor provide any premium to reflect the fact that the acquisition is forcible. Where the acquisition is of forest land, which is not owned by tribals but on which the tribals have traditional usufructuary rights, the tribal communities have often not been consulted as is required under PESA and the displacement of tribal population has not been accompanied by well-planned resettlement and rehabilitation programmes. Independent estimates place the number of people displaced following development projects over the last sixty years at 60 million, and only a third of these are estimated to have been resettled in a planned manner. Most of these people are the rural poor without any assets, marginal farmers, poor fisher-folk and quarry workers. Around 40.0 per cent of those displaced belonged to Adivasis and 20.0 per cent to Dalits. Given that 90.0 per cent of our coal, more than 50.0 per cent of*

*most minerals and most prospective dam sites are in Adivasi regions, there is likely to be continuing contention over issues of land acquisition in these areas, inhabited by some of our most deprived people.*

*5.26 The way forward is to move away from the colonial perspective of treating people as 'subjects', which is inherent in the doctrine of eminent domain, towards a vision of citizens, whose rights are guaranteed under the Constitution. Recognising that all the land needed for development cannot be obtained in a purely voluntary manner, there is need for a fair land acquisition law which resorts to compulsory acquisition only where it is unavoidable and provides fair competition, and also ensures that Resettlement and Rehabilitation (R&R) of dislocated persons is built into the legislation. R&R provisions must be made mandatory and not reduced to what they have become, conditionalities without consequences. It also requires an unequivocal commitment to imaginatively exploring ways of rebuilding the livelihoods of those adversely affected by development projects."*

The position of the Government to its avowed objectives and approach are diametrically opposed to what is being followed in the ordinance, which seeks to through

"21. (1) All existing land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in relation to Schedule I coal mines, shall continue in respect of such areas of land in accordance with the provisions of the said Act. (2) All such areas of land which are not subject matter of land acquisition proceedings, in relation to the coal mines, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 may be proceeded with by the Central Government in terms of the Coal Bearing Areas (Acquisition and Development) Act, 1957. (3) The State Governments which have initiated land acquisition proceedings under provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and all such lands which are also subject matter of the said Act in respect of Schedule I coal mines, shall—(a) not transfer any land to the prior allottees which have been acquired under the said Act; (b) continue the land acquisition proceedings till the appointed date; (c) for such Schedule I coal mines which have not vested in the successful bidder or the allottee, as the case may be, by the appointed date, continue the land acquisition proceedings for and on behalf of the Central Government; (d) upon the vesting or the allotment, as the case may be, after the appointed date, continue such land acquisition proceedings on behalf of the successful bidder or the allottee".

Thus the ordinance neither provides for any provision for resolving issues of resettlement and rehabilitation but confers all rights and immunities to the bidders. The process of continuation of land acquisition proceedings on behalf of the Central Government places the community in a compromised situation. The Coal Bearing Areas Act which was exempt under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act, with a statement that within a period of 12 months these exempt laws would also be brought under these provisions is being subverted by specifying the use of CBA Act.

7. Such a process of rapid allocation through whatever mechanism violates the Article 40 of the Constitution which states by providing no alternative for the communities to enable "40. Organisation of Village Panchayats. — The State shall take steps to

organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.”

8. In *Shrilekha Vidyarthi vs. State of UP* (1991) 1 SCC 212, Court unequivocally rejected the argument based on the theory of absolute discretion of the administrative authorities and immunity of their action from judicial review and observed: "It can no longer be doubted at this point of time that Article of the Constitution of India applies also to matters of Governmental policy and if the policy or any action of the government, even in contractual matters, fails to satisfy the test of reasonableness, it would be unconstitutional." Similar reasoning was rendered in *Ramana Dayaram Shetty vs. The International Airport Authority of India* (1979) 3 SCR 1014 and in *Col. A.S. Sangwan vs. Union of India* (1980) Supp SCC 559. Hence, it was submitted that judicial review of Government policies is permissible if it does not satisfy the test of reasonableness and against the public interest. Although, as asserted by the respondents herein that it is not the prima facie jurisdiction of this Court to examine what constitutes as "public purpose" or not however, as per judicial precedents in *Kasturi Lal Lakshmi Reddy* (supra) and other case laws as stated above, this Court is duty bound to interfere whenever the Government acts in a manner, which is unreasonable and contrary to public interest. In succinct, the Government cannot act in a manner, which would benefit a private party at the cost of the State; such an action would be both unreasonable and contrary to public interest.
  9. Therefore we contest the preamble to the ordinance which in its nature of intent states: *AND WHEREAS it is expedient in **public interest** for the Central Government to take immediate action to allocate coal mines to successful bidders and allottees keeping in view the energy security of the country and to minimise any impact on core sectors such as steel, cement and power utilities, which are vital for the development of the nation; AND WHEREAS the Central Government considers it necessary to prescribe the conditions to rationalise the coal sector for mining operations, consumption and sale having regard to the **coordinated and scientific development and utilisation of coal resources** consistent with the growing requirement of the country; AND WHEREAS Parliament is competent to legislate under entry 54 of List I of the Seventh Schedule to the Constitution for regulation of mines and mineral development to the extent to which such regulation and development under the control of Union is declared by Parliament by law to be **expedient in the public interest**;*
  10. The section defining mine infrastructure is sweeping - "(j) "mine infrastructure" includes mining infrastructure such as tangible assets used for coal mining operations, being civil works, workshops, immovable coal winning equipment, foundations, embankments, pavements, electrical systems, communication systems, relief centres, site administrative offices, fixed installations, coal handling arrangements, crushing and conveying systems, railway sidings, pits, shafts, inclines, underground transport systems, hauling systems, (except movable equipment unless the same is embedded in land for permanent beneficial enjoyment thereof), land demarcated for afforestation and land for rehabilitation and re-settlement of persons affected by coal mining operations under the relevant law;"
- Such a definition will include several assets which would be of the nature of public utility and vesting rights to the future owners is likely to deprive some of the bonafide existing users such as the local population and therefore should be more specific on the current situation with regard to the illegally allotted block.

11. The role of the body responsible for settling issues of displacement, loss of livelihoods and provision of compensation and is not clarified and is seemingly not a concern at all since, “(n)“prior allottee” means prior allottee of Schedule I coal mines as listed therein who had been allotted coal mines between 1993 and 31st day of March, 2011, whose allotments have been cancelled pursuant to the judgment of the Supreme Court dated the 25th August, 2014 and its order dated 24th September, 2014 including those allotments which may have been de-allocated prior to and during the pendency of the Writ Petition (Criminal) No.120 of 2012; is neither allowed to continue his obligations nor is the new bidder charged of these crucial responsibilities as is clear from the following sections of the ordinance.

“13. Any and all alienations of land and mine infrastructure and creation of any encumbrances of whatsoever nature thereon which relate to Schedule I coal mines, made by any prior allottee after the 25th day of August, 2014 shall be void, save and except any registered security interest and charge over the land and mine infrastructure as registered by a bank or a financial institution or any other secured lender.

14.(1) Notwithstanding anything contained in any other law for the time being in force, no proceedings, orders of attachment, distress, receivership, execution or the like, suits for the recovery of money, enforcement of an security or guarantee (except as otherwise provided for under this Ordinance), prior to the date of commencement of this Ordinance shall lie, or be proceeded further with and no remedies shall be available against the successful bidder, or allottee, as the case may be or against the land and mine infrastructure in respect of Schedule I coal mines. (2)The proceedings as referred to in sub-section (1), shall continue as a personal remedy against the prior allottee but shall not be maintainable or continued against the land or mine infrastructure of Schedule I coal mine or the successful bidder or allottee, pursuant to this Ordinance. (3) Every liability of any prior allottee in relation to a Schedule I coal mine in respect of any period prior to the vesting order or allotment order, shall be the liability of such prior allottee and shall be enforceable against it and not against the successful bidder or allottee or the Central Government.”

Further the ordinance goes on to promulgate,

“(6) For the removal of doubts, it is hereby declared that—

(a) no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a Schedule I coal mine in respect of any period prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be;

(b) no award, decree, attachment or order of any court, tribunal or other authority in relation to any Schedule I coal mine passed prior to the date of commencement of this Ordinance, in relation to the land and mine infrastructure of Schedule I coal mines, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be;

(c) no liability for the contravention of any provision of law for the time being in force, relating to any act or omission prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the successful bidder or allottee or the

Central Government.” Thus it completely absolves all the entities which have or would be beneficiaries of the allocation.

12. Though the ordinance states that with respect to Schedule II mines,

“17. (1) On and from the appointed date, the Central Government or a company owned by the Central Government shall be deemed to have become the lessee or licensee of the State Government in relation to each of the Schedule II coal mines, in respect of which a mining lease or prospecting licence has been granted prior to the date of commencement of this Ordinance, as if a mining lease or prospecting licence in relation to such coal mine had been granted to the Central Government or a company owned by the Central Government and the period of such lease or licence shall be the maximum period for which such lease or licence could have been granted by the State Government under the Mineral Concession Rules, 1960, and thereupon all the rights under such mining lease, including surface, underground and other rights shall be deemed to have been transferred to, and vested in, the Central Government or a company owned by the Central Government.

(2) On the expiry of the term of any lease or licence, referred to in sub-section (1), such lease or licence shall be renewed, by the State Government, in consultation with the Central Government for the maximum period for which such lease or licence can be renewed under the Mineral Concession Rules, 1960.

(3) As it is considered expedient and necessary in the public interest and in view of the difficult situation which has arisen, the powers of the State Government, under the Mines 67 of 1957. and Minerals (Development and Regulation) Act, 1957, to prematurely terminate a prospecting licence or mining lease, shall stand suspended, in relation to Schedule I coal mines, for a period of one year from the date of commencement of this Ordinance or such other period as may be notified by the Central Government” it is totally silent on the responsibilities of resettlement and rehabilitation and other provisions which need to be implemented.

13. The ordinance tries to take away the basic right of citizens of seeking judicial recourse by stating “26. No court shall take cognizance of any offence punishable under this Ordinance or any rules made there under except upon complaint in writing made by a person authorised in this behalf by the Central Government or nominated authority or the designated custodian.”
14. The Act also completely undermines the provisions of various other laws and also provides itself with such immunity, “27. The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.”
15. The issue of natural resource allocation and that too in quantities exceeding 25 percent of the known coal reserves of the country and which will change the very geography and demography of large tracts of the country need not be hurried through the route of an ordinance. The implementation of the Act should only begin after a proper bill is placed in the Parliament and debated to identify the pros and cons of the process.
16. The Government seems to be in undue hurry in providing for such sweeping clauses “30. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be

necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance. (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

17. Any process of resource allocation must explicitly include the concerns of the people affected and the implications to long term ecological well-being. In keeping with this Government's thrust on transparency all the details of the blocks being put to auction including the number of people to be displaced, the land and forests that would be lost, status of resettlement and rehabilitation should be available in public domain.
18. In the minimum, the Rules framed should have explicit clauses that ensure the rights of those whose land and natural resources are at stake will be consulted before the blocks are put into auction.
19. In its urgency the Government has published the ordinance and the rules only in English and the time period given is so short that the actual stakeholders are completely in the dark about the future of their land and resources. A concerted effort to provide in vernacular to the communities in the regions where the coal blocks exist will be imperative to ensure communities can participate in the process.
20. It should explicitly ensure that all pending issues of compensation, resettlement and rehabilitation are independently evaluated and specific liability is imposed on the company which will ultimately benefit from the natural resource.

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## MINING SECTOR: AN OVERVIEW AND PRAGMATIC STEPS IN THE CURRENT TRIBAL CONTEXT

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### Introduction

India is endowed with huge resources of many metallic and non-metallic minerals. Since independence in 1947, there has been a rapid growth in the mineral production both in terms of quantity and value. Currently, India produces as many as 87 minerals, which include 4 fuel, 10 metallic, 47 non-metallic, 3 atomic and 23 minor minerals (including building and other materials).

The mining activities are extremely poorly regulated despite the fact that as early as 1948, the founding fathers of the constitution realized this need. During the Constitutional debates, they said as early as in 1948, "Industrialisation has brought in its wake an ever-increasing demand for mineral resources. These resources are non-replenishable and mostly scarce. Proper control over regulation and development of mines and minerals is therefore, a matter of national concern." Today over 80,000 mines operate illegally as against nearly 10,000 legitimate leases. Only a third of the legal mines actually report to the Indian Bureau of Mines, the regulator and only a tenth of them is inspected.

### A Quick Overview

Mining of major minerals was a forte of the Public Sector Undertakings until the nineties when the country embarked on the economic policy of privatization and globalization. New ways are being devised for exploitation of the resources and to hand over wealth of the nation for small short-term gains. The rapidity with which the global interests want to usurp these resources is reflected to the stock markets and it is with an exponential rate that mining is devouring lands and livelihoods of many communities. In the case of coal, the

*The Program on "Mining Sector: An Overview and Pragmatic Steps in the Current Tribal Context" has been conducted with the financial assistance from Oxfam India*

private sector was a key player until it was nationalized in the seventies again to be opened up in the last decade and as of today nearly twenty per cent of the known coal reserves of the country are being handed over to the private sector.

*The reclamation costs are being estimated at least 4 – 6 % of the coal production costs, areas impacted by coal fires are increasingly affecting a large conglomerate of settlements.*

Most mineral resources are co-terminus with Forests and Schedule Areas and mining has become a major source of destruction of the environment and livelihoods of the local communities and has reached alarming proportions. Some key facts:

1. Mining has a low contribution to the economy. GDP from mining has never exceeded 5% of the GDP even after liberalization. In comparison, small and medium enterprises contributed significantly (29%), employing more people and affecting less people.
2. Out of the estimated or known coal reserves of 267 billion tones, 48 billion tonnes, almost one-fifth are allocated to high net worth companies in what is now being debated as the biggest scam around natural resource allocation amounting to illegitimate corporate benefits of over 40 Billion USD.
3. Bauxite mines allotted to companies like ANRAK, NALCO, VEDANTA, and JINDAL could last them for a century. Most of these mining blocks are in the Schedule V areas which have protection under the constitution and by Samata Judgment. The States have circumvented these protections by taking lease by state corporations and entering into JVs with private companies.
4. Mining in several blocks will only begin 5 decades from the date of clearance which is a clear indication of sacrificing resources in one-go and also negating the chance of communities to assert their rights.
5. The input of resources into production stream is huge – e.g. inputs for 1000 kg primary aluminium production requires >5000 kg of bauxite ore, 13,000 litres of fresh water, 27500 litres of sea water, 15,711 kWh of electricity consumption. It clearly depicts that mining of a mineral is not limited to the mineral alone; it is highly intensified resource use of other resources or raw materials.
6. Occupational hazards in mining industry are under reported, unreported and fail to recognize the huge costs at the society level. Underground coal mines result in 1 death for 2.5 mT of coal mined. A huge proportion of coal mine workers suffer from Coal Workers Pneumoconiosis (around 25% of coal workers). Noise pollution (>90dB) is a huge neglected aspect which is increasingly affecting workers as the mines are mechanized and the protective gears do not respond to working conditions or are not appropriately suitable to conditions.
7. The reclamation costs are being estimated at least 4 – 6 % of the coal production costs, areas impacted by coal fires are increasingly affecting a large conglomerate of settlements. With the introduction of coal bed methane i.e. emptying the last residues, the kind of water evacuation is likely to damage land at large scale. Even at micro levels of processing and disposal there is 1 death per 5 mT of Coal input and 1.3 disabling injuries per mT.
8. Villages in the mining regions are getting devoid of drinking water due to increased competitive use of water by industry and mining. It is not mining alone, once we see the downstream industry we realize that huge quantum of water is being gulped by the industry – e.g. it is estimated that this water can serve 300 million populations. On the other hand, the slippages in rural drinking water supply are huge i.e. the overall quantity and quality problem is glaring. 42% of households in villages of India have no electricity where as the industry is consuming the major share of electricity.

9. With heavy mechanization, the labour or employment is decreasing whereas in small scale mining labour norms are flouted both in terms of remuneration as well as provision of facilities.

The impacts are widespread and diverse, and have created socio-economic and cultural impacts over different geographies and ecosystems – from the Western Ghats which is an UNESCO Heritage Site and a Global Biodiversity Hotspot to Stone Quarries of Rajasthan where silicosis is a blight on a huge population still emerging from the cover of denial by the government, and from coal mines in Meghalaya leading to Acid Mine Drainage to beach sands in Kerala causing cancer from radiation. Even constitutionally protected tribal areas Scheduled Areas, (Schedule V and VI), where a large proportion of the mineral wealth of the country rests, have not been spared of this onslaught.

The current trend is to promote more mining and a complex set of factors external as well as internal are driving more investments. India opened up its FDI in mining without any bottlenecks for the investors in 1991. The policies initially aided the State and later, the corporates, as promoter of economic growth and private profitability by rapidly abstracting mineral wealth of the country. Various actors have invested into the sector, including national and international companies, banks, equity funds, and also “round-tripping” of illegal funds etc. It is now predicted to almost doubling its current size within the next 15 years. The irony is while the mining is being promoted, there is no polluters pay principle in practice which is building a huge cost towards environment. The regulatory regime is in place but these are again skewed by executive decisions to promote investments. Moreover monitoring is not effective thus leading to lowest compliance. The push is to change government policies and make them favourable to industry, thus the mining companies and the State are equally alienated from the host communities. The financial transactions are very opaque, with investments banks which are large in number channelizing funds which is difficult to track. The whole issue of capital mobility and its role in expanding mining is still poorly understood.

Ecosystems are getting disturbed beyond their resilience, like the river ecosystem is getting hugely affected, so is the wildlife corridors. The interrelationship between governance of a welfare state and mining is marred by huge gaps and strange complicated structures. The glaring anachronism in terms of neglect of mapping human, botanical, zoological and atmospheric resources is huge; the result of which is these overlying resources are not accounted and treated as overburden by companies and government. Thereby the whole process is damaging the huge potential of community and undermining the wealth of the ecosystem.

By and large in the mining operation and investment world, the key beneficiaries are investors, banks, owners, politicians and contractors, consultants and even reclaimers. The cost is being paid by local communities, workers, environment, ecosystem and small investors.

#### **Evolution of Current Policy and Law**

The first Industrial Policy Resolution adopted in 1948 codified the national policy in respect of mines and minerals. Mining sector also received due attention in the second 'Industrial Policy Statement' issued in 1956. As a follow-up measure to Industrial Policy Resolution of 1956, the Mines Minerals Regulation and Development Act 1948 (MMRD) was repealed

*The new law enacted which is to serve as the basis for responsible extraction of the country's natural resources largely set aside the earlier efforts and brought in changes which are largely making it easier for continuing mining and ignored the concerns of the people. Moreover to initiate mining in future, this law as with the law on coal moves to an auction regime*

and MMRD Act 1957 was enacted. Under this Act the Mineral Concession Rules 1960 and the Mineral Conservation and Development Rules 1958 (MCDR) were issued. The new Industrial policy in 1991 oriented towards market liberalisation.

The National Mineral Policy 1993 was an exercise to keep the mineral sector tuned to the restructuring measures adopted in the trade and fiscal sectors. The new Mineral Policy declared in March 1993, has made a radical departure from the earlier policies by throwing open the mineral sector to private companies and by allowing equity participation by foreign companies in joint venture in mining promoted by Indian Companies. Further Amendments in MMRD Act, 1957 in 1999 was brought in to reflect the changed emphasis on "development" rather than "regulation" and was amended to MMDR Act.

The slow pace of Foreign Direct Investments (FDI) in the mining sector even five years after the liberalization of the investment regime, the lack of enthusiasm for investment in prospecting shown by the domestic private sector, and the lack of resources with public sector agencies meant that the sector was unable to significantly contribute to growth. During the Mid-term Appraisal of the 10th Plan in the Planning Commission, it was observed that the 1993 policy had not been able to achieve the aim of encouraging the flow of private investment and introduction of high end technology for exploration and mining because of procedural delays, etc. A need for review of NMP, 1993 with a High Level Committee on National Mineral to review the situation led to the National Mineral Policy (NMP), 2008, which confers lot more concessions to investors while also expressing the need for environmental and social safeguards.

The Mines and Minerals (Development and Regulation) Amendment Act, 2015 received the assent of the President on the 26th March, 2015 that replaces the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 concludes the long and protracted process of consensus-building on the legal framework. The new law enacted which is to serve as the basis for responsible extraction of the country's natural resources largely set aside the earlier efforts and brought in changes which are largely making it easier for continuing mining and ignored the concerns of the people. Moreover to initiate mining in future, this law as with the law on coal moves to an auction regime.

A number of clauses are of crucial concern:

- While the 1957 Act permitted up to 10 sq km as limit for mining acquired by one lease which could then be increased to cover additional area through one or more licenses or leases, the 2015 Bill amends this provision and allows the central government to increase the area limits for mining.
- The 1957 Act provided for a mining lease for a maximum of 30 years and a minimum of 20 years that could be renewed for 20 years. Under the Bill, the lease period for coal and lignite remains unchanged. For all minerals other than coal, lignite and atomic minerals, mining leases shall be granted for a period of 50 years. All mining leases granted for such minerals before the Bill, shall be valid for 50 years.
- Important aspects related to 'affected persons' and 'reasonable compensation' are loosely defined.
- There is no mention of informed consent of the affected community in the Bill.

*We recognize that the minerals will be ours forever if we restrain mining but the wealth of the soil and other biota and the rich heritage of the communities will be lost forever if we mine the minerals below them.*

### **Need for Concurrent Changes in Laws Affecting Workers**

The provisions regarding working conditions and workers are covered by the Mines Act 1951 which is also being reviewed. Surveys conducted in few selected mines recently by Directorate General of Mines Safety show that a significant number of persons employed in the mines are suffering from occupational diseases including Silicosis, Coal Workers' Pneumoconiosis, Noise Induced Hearing Loss, etc. Because of the acute shortage of Occupational Health Inspectors, a complete picture of the occupational health status in mines is not available. Moreover, the persons employed in mines are exposed to number of hazards at workplace which adversely affect their health. Some of the important ones are dust, noise, vibrations, heat, humidity etc.

The long-term programmes in every sector of the economy in India are still governed by and large by the Plan Programmes. Occupational Safety and Health at workplaces has been declared a priority area for formulation of activities in the XII five year plan, the Planning Commission had set up a Working Group on Occupational Safety and Health (OSH) under the chairmanship of Secretary, Ministry of Labour and Employment. The report concludes on the existing situation "In spite of many initiatives, the standards of safety in mines have not yet reached to a worldwide accepted norm of Zero Harm at Workplace. Further, there are periodic occurrences of disasters in coal mines.

This calls for fresh initiatives with use of modern technologies and tools, scientific data acquisition, analysis and formulation of action plans on each identified thrust areas, proper implementation and effective monitoring of results. In the area of statutory enforcement, result based inspections and enquiries, compliance tracking system and on-line monitoring of processes are proposed to be undertaken through various plan schemes proposed during the XII Five Year Plan.

However all these so called measures being taken up as a priority will not be having much implications until the Mines Act is made more stringent and companies and government agencies are held accountable.

### **Towards a Way Ahead**

Mining is one of the most environmentally and socially destructive economic activity. It has a low contribution to the GDP but the conflict it engenders is enormous and widespread. Our country today has the dubious distinction of having illegal mines significantly outnumbering the legal mines. The future should usher in an era of Mineral Development with regional development as the focus rather than the current attitude of exploiting minerals for mere profit. We recognize that the minerals will be ours forever if we restrain mining but the wealth of the soil and other biota and the rich heritage of the communities will be lost forever if we mine the minerals below them. Mechanisms like paying the Net Present Value, compensation, resettlement and rehabilitation do not reflect the true long term value of the ecosystem services which the terrain and the plant and animal resources provide nor does it do justice to local communities. The future must make these important elements in the design.

Some of these aspects are indicated here;

1. *Rationalising and regularization of the on-going mining activities on a war footing;*

The unacceptable situation of illegal mining must be put to an end. Irrational exploitation of differing grades of ores for short term gains has to be restrained. Illegal mining of minor-minerals particularly of river-bed across the country have been destroying the river systems and needs urgent attention. This calls for a total moratorium on new leases and ensuring “zero-tolerance”.

2. *Increasing investments on exploration of all resources and have a detailed map before embarking on deeper exploration and even in that process especially through non-invasive technologies and augmenting the reserves both on-land and within our exclusive economic zone in the oceans;*

Exploration investment in the country is abysmally low and does not even constitute two per cent of the global exploration investments and needs to be raised significantly.

There are very little resources going into developing new exploration methods. While our EEZ extends to 200 km from the coast, current investments are restricted only to search for oil and gas and disturbing the near shore environment.

3. *Enhancing the efficiency of the mining activities and generating more resources from “brown-field” expansion rather than opening up new “green-field” areas;*

Small pocket deposits in forested regions are being opened up creating patchiness and larger impact on the forest corridors while efficiency improvements and expansion of existing deposits are being neglected. This has to be a high priority.

4. *Enabling and emphasizing on local value addition and restricting export of minerals;*

Though every state government talks about value addition, in the name of lack of technology or that mining is a stand-alone industry important minerals are being exported with very little benefit to the state or the communities. Value addition must be the norm rather than as an exception.

5. *Developing a widespread understanding of the strategic value of different minerals and ensuring conservation of requisite quantities of such minerals;*

The strategic value of various minerals must be recognized and specific efforts must be made to conserve minerals essential for the country’s future. Minerals such as bauxite, titanium, several heavy metals which will be crucial for future development of materials need to be assessed for our long term needs rather than for profits to corporates in the current period.

6. *Ensuring strict compliance of all the environmental, social and labour laws governing mining activities and several environmental, social and labour laws are constantly violated in several mining contexts.*

The laws should be made convergent with proper oversight authorities. The blight of occupational diseases such as asbestosis and silicosis must be eliminated.

7. *Enabling evolution of economic opportunities not dependent on mining.*

The long term consequences of climate change and strategic future mineral availability should form the key consideration in the development of minerals. It is important to recognize that mineral bearing areas do not suffer from the classic situation of “resource curse” which is seen across the globe. In order to do this effort must be made to identify economic opportunities which are not dependent on mining.

**Pragmatic Steps in the Current Tribal Context**

While the larger questions are addressed, the current situation in the tribal belt calls for specific and pragmatic steps so that the benefits of the current model of mining can be actually reached to the communities. These emerge from the specific provisions of law and can be implemented without any major changes currently but would require integration of various activities currently performed by various agencies. The key opportunity lies in working with the State Governments in incorporating these aspects in the Rules and Procedures of the District Mineral Foundation.

- **Skilling Tribals in Mining Area**

Continuous de-skilling of the tribals is seen from the fact that majority of them become migrant labourers. Their past skills and knowledge have very little significance in their new contexts and mechanisms to either use their skills in a profitable manner or to acquire skills required to excel in the changed context are completely lacking. Therefore a focussed attempt at developing skills at various levels from policy, management and operational and implementation levels are required. This will necessitate a very detailed research on the mining areas, the perspective plans of the industries in the area, the level of current skills and demands. Mechanisms need to be evolved to ensure that these opportunities can be accessed by the local communities.

A number of opportunities do exist in these areas. A set of activities can emerge from the regulatory requirements themselves and in goods and services required for the mining and industrial activities. Several other opportunities can be based on local resources and strengthening and channelizing existing skills.

- **Dealing with legacy and existing issues**

Among the major impediments in mining is the sense of betrayal and abandonment by the tribals. Unless this feeling is assuaged, the new initiatives will be met with suspicion. Therefore in each mining area extensive survey of the past displacement and the status of those communities should be undertaken and wherever it is immediately feasible to provide relief and proper rehabilitation. There are several sites across the mining and tribal belt where this investment and the concern being exhibited to those who have been deprived in the past will be a good model for communities to experience. This will be a good baseline for the future activities and the efforts can be measured in terms of the long term impacts and specific actions needed. Since this is a sensitive task and may involve raising expectations among the tribals, this exercise needs to be conducted by an independent third party. Since the law now provides for sustained availability of financial resources, these could be systematically addressed.

- Dealing with Illegal Mining

The state and centre must announce a “zero-tolerance” policy. It must be mandatory for every village official to immediately notify any mining activity in their jurisdiction. The State must ensure support to the local officials in strictly controlling this menace. In areas where it is rampant special multi-agency cells should be created. Creating even a small production sharing or ownership basis for local communities can lead to a greater participation of people in controlling this menace. Revenues and penalties collected and vehicles seized must be brought into the revenues of the concerned District Mineral Foundation.

- Strict Enforcement of Mining and Environmental Laws

So far the compliance is based on the reports of the company and meagre assessment by the State Pollution Control Boards. The density of stations and the quality of monitoring leaves much to be desired. Creating awareness in the tribal communities on the laws and the compliance conditions, the monitoring process itself is important and can provide a number of opportunities for gainful occupation of the local youth.

Environmental monitoring units can be established across the regions with locally trained people for conducting assessments and maintaining ambient records. A number of such centres can be useful in monitoring water quality, soil chemistry and other such analysis that is periodically required by the community and the local administration. Such local data inputs with satellite based monitoring will provide an excellent basis for identifying critical areas and methods to tackle them.

- Enabling Cooperatives and Local Enterprises

The new law provides for creation of District Mineral Foundation which will have a contribution of up to 100 percent of the royalties paid to the state. The judicious use of these resources in participatory development and enabling cooperatives and local enterprises which are sustainable will go a long way in reversing the resource curse.

### **A Reflection**

The real change has to be in the development paradigm. We need greater information exchange and relationships with the communities to evolve this new paradigm. It is indeed a long way to go for the transformation we are seeking!

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## **JHARKHAND LAND LAWS**

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### **Santhal Parganas Tenancy Act, 1949**

The Santhal Parganas Tenancy Act was formed in 1949 to frame laws relating to landlords and tenants in the Santhal Parganas region. It extends to the whole of Santhal Parganas divisions comprising of Dumka, Sahibganj, Godda, Deoghar and Pakur.

Prior to 1949, there was no codified law of tenancy. Most of the tenancy laws were derived from customary laws, Record-of-rights, duties of each village and decisions of civil and revenue courts. This Act helped in codifying laws relating to exchange of raiyat (tenant)

lands, subletting of raiyati holdings, rate of landlord's fees on transfer, right of raiyats relating to tanks and water reservoir, grazing land and jaherthan and rights of raiyats on trees grown on his lands.

**Important provisions:**

1. Rights of Raiyat in Respect of Use of Land: Sections 13, 15, 16, 17 and 18 of the Act give rights to raiyats in respect of use of land.
  - a. Section 13 states that a raiyat may use the land in his holding in any manner which is authorized by local usage or custom and which does not materially impair the value of the land or render it unfit for the purpose of cultivation.
  - b. Section 15 provides rights to a raiyat to manufacture bricks and tiles on his holding, free of any royalty or other charges for domestic or agricultural purposes of himself and his family.
  - c. Section 16 gives a raiyat rights to construct bandhs, ahars, tanks, wells, water reservoirs and channels on his own holding for the requirement for drinking or other domestic use and irrigation purposes. The raiyat can also enjoy the fish and other produce from such water reservoirs for free of charge.
  - d. Under Section 17, a raiyat may plant trees, orchards, bamboos and lac or rear silk cocoon on any land in his holding. He may cut, fell and appropriate trees and bamboos, except mahua trees, standing on his land. Flowers, fruits and other products of such trees may be appropriated by the raiyat.
  - e. Under Section 18, a raiyat may construct kutchha or pucca buildings for domestic or agricultural purposes of himself and his family on his holding of the land.
  
2. Transfer of Raiyat's Rights: Section 20 of the Act attempts to prevent raiyat's rights on his land holding from getting transferred. Section 20(1) states "no transfer by a raiyat of his right in his holding or any portion thereof, by sale, gift, mortgage, will, lease or any other contract or agreement, express or implied, shall be valid unless the right to transfer has been recorded in the record-of-rights, and then only to the extent to which such right is so recorded".

Section 20(2) protects the right of aboriginal raiyat on his holding. It provides "no right of an aboriginal raiyat in his holding or any portion thereof which is transferable shall be transferred in any manner to anyone but a bona fide cultivating aboriginal raiyat of the pargana or taluk or tabba in which the holding is situated".

Section 20(5) of the Act gives powers to the Deputy Commissioner to evict a non-aboriginal transferee from the land belonging to an aboriginal raiyat, which is in contravention of Sub-section 2. The Deputy Commissioner may evict the transferee from an aboriginal raiyat's land without paying compensation and restore it to the transferor or in case the transferor or his heir is unavailable, then resettle it to another raiyat belonging to the Scheduled Tribes.
  
3. Section 24A makes the registration of a transfer of homestead or any portion of it mandatory. If a raiyat transfers his homestead by sale, gift, will or exchange, the transferee must register such transfer in the office of the landlord of the village.
  
4. Acquisition of land: If any landlord of village intends to acquire holding or part of the holding of any raiyat, he may apply to the Deputy Commissioner for sanction to acquire

such land. The purpose of the acquisition may be for purposes of erecting buildings or for any religious, educational or charitable purposes, or for mining, manufacture, or irrigation, horticulture, agricultural improvements or giving effect to any national policy of the Government. The Deputy Commissioner may after due inquiries on the purpose for which the land is sought. He may also ask the raiyat or other interested persons to file objections for such an acquisition.

### **Chhotanagpur Tenancy Act 1908**

The Act, which extends to the North Chotanagpur, South Chotanagpur and Palamau divisions, aims to protect the traditional lands of tribals in Jharkhand. The Act is placed in the Ninth Schedule and hence, is beyond judicial review.

The Act classifies different tenants as tenure-holders, raiyats and Mundari Khunt-kattidars. It explains tenure-holder as a person who has acquired land-holding from the proprietor for the purpose of collecting rents or bringing it under cultivation by establishing tenants. While raiyat is a person who has acquired land for cultivation, Mundari Khunt-kattidar is someone who has acquired a right to hold jungle land for cultivation.

#### **Important provisions:**

1. An occupancy-raiyat (a raiyat who has the right to occupy land held by him) has the right to use land to manufacture bricks or tiles, excavation of tanks or digging of wells to provide supply of water, and erection of buildings for domestic or agricultural purposes. The raiyat may also plant trees and bamboos, appropriate flowers, fruits and other products of any trees, rear lac and cocoons on trees (Sections 21 and 21A).
2. Under Section 22, an occupancy-raiyat may not be evicted from his holding he has impaired the value of the land or broken a condition under the terms of contract between himself and his landlord.
3. Under Section 46, a raiyat belonging from Scheduled Tribes (ST), Scheduled Castes (SC) or Other Backwards Castes (OBC) may transfer his land to a member of ST, SC or OBC only after attaining permission from Deputy Commissioner.
4. If a landlord desires to acquire tenure or holding of land, he may apply to the Deputy Commissioner for such an acquisition. The Deputy Commissioner shall conduct an inquiry into the purpose of acquisition, authorize the land acquisition and determine the compensation to the tenant (Section 50).

## **COMMUNITY BASED ACTIVITIES**

### **FACILITATING THE COMMUNITY FOREST RESOURCE CLAIMS IN HIMACHAL PRADESH**

#### **Context**

Government policy formulation and implementation in the federal structure of the Country is not a smooth task and the same was seen happening with the acceptance and implementation of Forest Rights Act in the state of Himachal Pradesh. The context of tribal

*This program is being conducted with the financial assistance from Foundation for ecological security (FES)*

forest dwellers and other forest dwellers is distinguished in the Act for recognition of claims but the State Government took a stand that all rights have been settled long ago and some token work was initiated in the tribal districts leaving the context of other forest dwellers untouched. This is when Himalaya Niti Abhiyan took the onus along with Environics Trust to challenge this understanding and moved ahead to began consultations with the communities, government and experts to take the route or process to embed the very understanding of the Act in letter and spirit. One of the important conscious decisions of the team was that Community Forest Rights will be taken up in the process which makes communities understand the importance and collective assessment of their dependence on resources surrounding them. It is nearly a year that the process has moved deep into the communities in 6 districts and slowly the Government is also beginning to accept lack of capacity building of officials, understanding of the Act and how they are legally bound to implement the Act. This has resulted in engagement with the Government at all the tiers of local self governance.

### **Process & Learning's**

It has been an important phase in terms of juxtaposing Government's development paradigm and risks to communities dependent on resources which could be sacrificed and for those who have already lost once should take this as an outstanding chance to regain some grounds.

The step wise process is as follows;

1. **Selection of area (In the first step the selection process of the area for the implementation of the project) in the selection process following areas were selected for undertaking activities:**
  - Displaced communities of Bhakhra Dam
  - Communities living inside and dependent on National Park and Sanctuaries area
  - Communities living inside the forest sanctuaries
  - Tribal communities – Gujjar and Gaddi's
  - Pastoral communities other than Gaddi and Gujjars
  - Communities highly dependent on forest Resources – DPF & PF
2. **Selection of field facilitators:** After the selection of the area the team selection was the major task for which the robust selection process has been carried out and selected a team for the implementation of the project.
3. **Interaction with State Government**
  - Meeting with Chief Minister on FRA implementation and difficulties communities are facing at village level
  - Meeting with Forest Minister and Panchayati Raj Minister to speed up the process of FRA Implementation
4. **Interaction with State Administration**
  - Meeting with Chief Secretary to speed up the process of FRA implementation – Issue of letter for the SLMC meeting and setting of agenda of SLMC
  - Meeting with Director Tribal Department
  - Meeting with Secretary Forest, Revenue and Panchayati Raj
5. **Interaction at DLC, SDLC Level (Orientation workshops)**
  - Orientation workshops of District Administration –DLC members – Kangra, Kullu, Chamba, Sirmour,

- Orientation workshops of SDLC – Baijnath, Kangra, Chowari, Chamba, Banjar
6. **Training program at Development Block Level**
    - Orientation workshops
      - Panchayat Secretaries of Jhanduta, Sinhunta, Chowari, Chamba,
      - Forest Guard and Patwari's – Baijnath, Bhawarna, Kangra, Sinhunta forest sub divisions
      - PI and BDO's of Kangra, Jhndaduta, Chamba, Baijnath, Banjar
      - DFO & RO of Kangra, Chamba, Baijnath, Palampur & Banjar
  7. **Facilitation at Gram Sabha level for the formation of FRC's**
    - Total habitation covered in the FRC – 1152
  8. **Process at field level on FRA implementation (FRC's and Gram Sabha's members)**
    - Orientation workshops on filing the claims – Form B and Form C
    - Collection of Supportive documents
    - Training on the developing forest maps to file the community claims
    - Filing of claims
  9. **Dialogue with SDLC by FRC on Claim process**
    - The process of filing the claims begins with the filling of claims form A, B, C as per the claimants' category.
  10. **Approval of FRA Claim forms by SDLC: (Claim Form A, B, C forms for the filing of claims by the communities)**
    - Forms category
      - For Individual claims – Form A
      - For Community claims – Form B
      - Claims on Management and conservation – Form C

#### **Collection of the supporting documents from the SDLC and allied departments**

- Supplementary documents and Maps
  - Copy of waz- bul- Arz
  - Forest working plan
  - Compartment history of Forest
  - Revenue settlement
  - Jamabandi
  - Map of forest to be claim under any category
11. **Identification of area to be claimed for different use – Forest Map Village wise**
    - Training and facilitation process for the formation of FRC's and record keeping
    - Dialogue establishment with SLMC, DLC, SDLC and their training on the FRA implementation process
    - Training of the Panchayat representatives, Panchayat secretaries, Revenue department and Forest department field staff and official regarding the implementation of the Forest Right Act 2006 and exclusive role of the departments
    - Collection of the supporting documents for the filing of claims
    - Training of filing the CFR to the FRC's and Gram Sabha members
    - 150 habitation filed their CFR claims and rest are in pipeline and will be filed very soon

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## STRENGTHENING THE MINES MINERALS & PEOPLE ALLIANCE

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*The project has been conducted with the financial assistance from Oxfam India*

The project involved strengthening of mm&P alliance in a common framework of learning and strengthening their knowledge and skills on natural resource utilisation and community involvement. The ground realities have been changing rapidly as the Governments are more than eager to roll out economic development agenda, providing greater concessions to the corporate. Minerals have been one of the prime components of natural wealth and mining affects communities and they are associated with the alliance. mm&P and its members have engaged themselves in constructive discussions on legislative changes, building their capacities and organising their communities.

With the advent of Parliamentary elections and dissolution of 15<sup>th</sup> Lok Sabha, MMDR bill lapsed which got re-introduced in a new shape in November 2014. The secretariat was invited to give oral presentation to the Union Minister, Secretary and his team. In December 2014, following detailed discussions at mm&P Executive Council meeting, written submissions were provided on the proposed MMDR Bill 2014. Coal – a fuel mineral remained in limelight due to Coal Scam and subsequent cancellation of allotments by the Supreme Court of India. A new ordinance and law was promulgated and despite very little time for response, mm&P provided a detailed written input to the Government. A note was prepared on the missing links as far as auctioning is concerned given the weak governance structures and submitted to the Ministry of Coal (Nominated Authority).

The much talked about historical Land Acquisition Act 1894 was amended, a new Act was enacted in 2014 and amendments to this were brought about in December 2015. While the earlier thrust was to engage more comprehensively with Parliamentarians, all the three legislations could not be passed in the upper house of the Parliament and finally Ordinance route was taken up by the Government. All the three ordinances have a bearing on communities and efforts have been made to keep them abreast of the changes while suggesting Government of the possible alternatives and lapses in the process. The Mining and Coal Bills were eventually passed by both houses of the Parliament, whereas the Land Bill continues to face opposition in the Rajya Sabha (Upper House) and exists as an ordinance which has been repeatedly promulgated to avoid lapsing. Representations were made to the Joint Select Committee of the Parliament which has been duly acknowledged in its report.

The theory of change and strategy has been discussed in the Fifth National General Assembly and was firmed up in the subsequent special EC meeting. Targeting the socio-economic context of mining at the state level linked with illegal mining and financials flowing through the now proposed District Mineral Foundation, the mm&P perspective will be presented to different groups other than the members of the alliance to obtain broader awareness consensus in the states.

*To build capacities of communities, mm&P members in states, enable collective learning on the framework of laws, provisions which are positive and be practiced and implementation of these laws*

- One Day National Workshop on Prisoner Rights was assisted and organised by Santosh Upadhaya mm&P EC Member from 'Bandi Adhikar Manch'. An analytical

database on prisoners was shared and RTI's were filed by Secretariat on Under Trial Scheduled Tribe Prisoners in Jharkhand. Replies have been received from 4 Districts.

- Participated in meeting with Baiga Tribals in Bijadhaap, Chhattisgarh
- Participated in meeting of Santulan Pashan Shala and explored opportunities for dealing with drinking water issues of workers
- Meeting with Advocate members of mm&P in Bangalore to follow-up on Occupational Health case
- Sharing of important provisions or changes suggested in laws and new ordinances like Coal Mines Ordinance 2014, Land Ordinance 2014 and MMDR Bill 2014
- Conduct of the Executive Council Meeting and National General Assembly and election of a new Executive Council
- Conduct of an additional Executive Council meeting of new members
- Organising a programme on the Birsa Munda incarceration day

*Promoting pro people actions by means of engaging more stakeholders, forums and groups*

- Goa Foundation also submitted its suggestions on MMDR Bill 2014 and they were invited to present before the EC about the concept of 'Permanent Fund' that needs a push in all regions, they have prepared one such dossier for Goa
- Participated in a discussion on High Level Committee Report on Environment Laws organised by Legal Initiative on Forest and Environment and proposed changes in EIA notification and allied laws. It was highlighted that mining does more harm as it involves more forest diversion and hence cannot be ignored from Environment, Forests, Wildlife and Forest Rights Act purview.
- Sharing Issues on Mining in the Gathering of Peoples Movements in Dinkia, Odisha

*Establishment of a desk in consultation and partnership with past and present elected people's representatives to link regions and people's voice*

- A database of newly elected MPs was created and bifurcated into two streams a) those who are first time MPs – Statewise b) those MPs from Tribal Constituencies and first time MPs
- Relevant Questions asked during the Parliament Sessions were organised in a tabular format
- Meeting Parliamentarians to figure out right time to hold initial meeting with Tribal MPs. Discussions were held with Sh D.S.Bhuria, Sh Mansukhbhai Vasava (MoS, Tribal Affairs), Sh Tapan Sen (CPI), Sh Tiruchi Siva (DMK)

*Focused debate and closely tracking the lapsed MMDR bill and changes pushed in the newly enacted Land law in January 2014*

- MMDR bill 2014 – oral presentation to Minister of Mines, Discussion in mm&P EC meeting, Submission of Suggestions to Ministry of Mines and following up on the MMDR Ordinance, Bill and eventually the Act
- Land Acquisition Act 2014 – Changes highlighted and circulated to members for reaching out to their respective communities
- Meeting with Parliamentarians on the reintroduced MMDR Bill 2015 in the Parliament and Formation of Select Committee to Report to Parliament by March 18, 2015

*The program on Labour Rights and Decent work for Marginalised women workers was undertaken with the financial support from Asia Monitor Resource Centre (AMRC)*

*In Manjha Village, it was found that the people who have been living near the quarries for more than 15-20 years, do not have their names in the voting list nor do they have any identity cards and their children have not been registered with the aaganwadi. These children are taken by their mothers to the quarries and spend their childhood there.*

## LABOUR RIGHTS AND DECENT WORK FOR MARGINALIZED WOMEN WORKERS

This is a pilot program to understand and encourage women participation in workforce and looking for possible recommendations to tackle the situation. Women form an important and substantial part of the workforce and it is of utmost importance to ensure that their problems are adequately addressed. The program tends

- To understand and improve the condition of women in Panna, Madhya Pradesh, Ahmadabad & Jamnagar, Gujarat and Udaipur, Rajasthan
- To empower them and ensure they lead their own struggle for their rights,
- To strengthen the women leadership in project areas.
- To Enable the women in these areas to form co-operatives and groups where regular meetings can be organized
- To impart knowledge and information regarding various issues and to help them find solutions to their problems.

Area of Work – Women workers from 15 villages in Panna district, workers from Thermal Power plants in Ahmadabad and Jamnagar, Workers from Gujarat Composite Cement Company at Ahmadabad, Mine workers in villages around Udaipur & Dungarpur, Rajasthan.

One women volunteer was deputed in each state, trained on various aspects of advocacy and rights to gather information on issues faced by women in these areas. Information was gathered through informal meetings, surveys and group discussions.

Main source of livelihood for villagers in Madhya Pradesh and Rajasthan was working in stone quarries or mines while in Gujarat they were working in the Thermal power plant or cement plant.

The issues ranged from -

1. Domestic violence and abuse in the community
2. Displacement and Relocation in Panna
3. Low wages – wages lower than men for the same work.
4. Work is hard to get and they are not given skilled work, harassment at work.
5. Problems in availing government schemes
6. Malnutrition and lack of education facilities
7. Health facilities not existent.

Review meetings were held in villages to ascertain the impacts and successes of the program. The program brought clearly that women from different villages, face numerous problems plaguing them ranging from social issues, harassment, economic issues, health issues or education issues. Even though the geographic area and occupations might be different but the problems faced remain the same.

Almost all the women interviewed and met showed an acceptance to join together in the form of a collective or co-operative to fight for their rights and betterment of their lives.

A core group of women needs to be formed collectively in these villages to look into the issues of education, illiteracy, early marriages, miscarriages and health issues etc to take

*Smt Mamta Aadiwasi states that her Father-in-law came to work in these mines from Gunor about 20 years back. Now her husband Bajju also works in the same mines. She has 2 children who are malnourished but they are not registered with the aaganwadi and are not given any nourishing food under government schemes.*

*Smt Raj Kumari aged 30 years also adds that her husband Kallu aged 35 years work in these quarries. She has 5 children, 3 of whom are less than 6 years old but they are not given any food in the aaganwadi. Both the families live in a small shanty on top of the mining waste. They do not have voter id or any other government identity card. Their children play in the same mines where they work are also at risk of contracting*

the lead on awareness and to address the vulnerability seek benefits under the Government and conduct activities to be taken up with least risks. It is of utmost importance that these are tackled at the earliest as they in turn are the root causes for several other issues and need urgent attention. Although the issue of violence and domestic abuse was not highlighted or spoken by the women during meetings, it was clear that this issue exists in a big way. During informal and frank one-on-one discussions, it was accepted that this was a problem which needs to be addressed but the social hierarchy and structures is not allowing these problems to be spoken about in meetings and gatherings.



Various government schemes addressing these issues should be propagated and it needs to be ensured that all the women get the benefit of these schemes. There is a need to document all the available government schemes, their requirements; benefits etc so that awareness on these can be done and ensured that all the eligible families get the benefits.

Simultaneously the work to form cooperative and to start alternative employment opportunities for not only women but also men needs to be formulated so that they can earn a decent and living wage without the harms they face in their current occupations.

These women desire nothing more than decent living.

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## RESEARCH AND ADVOCACY ON OCCUPATIONAL HEALTH

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EnviroNics Trust coordinates the Secretariat of the Asian Network for the Rights of Occupational and Environmental Victims (ANROEV) and the Occupational and Environmental health Network of India (OEHNI).

**Meeting on Hazards of Chemicals in Electronics Industry** – A 3 day meeting on hazards of chemicals in Electronics Industry was organised in San Francisco by ICRT and Good electronics Network. The meeting focused on dealing with the non-availability of information regarding chemicals and also the contractors and suppliers of the big brands and manufacturer. A challenge was issued to the industry to ensure that the entire life cycle of the electronics product was hazards free and that all relevant information was available to the workers and communities. A detailed challenge statement is being prepared. A meeting with the brands and companies was also held in which the challenge was issued to the industry.

**Medical camp for Lung Diseases** – a medical camp was organised for stone quarry workers in Ganj Basoda in Rajasthan in December. Dr Muralidhar and his team were present in the camp and more than 150 workers visited the camp. Some of these workers and their families have been working in the stone quarries for more than 7-8 years and have serious health ailments. Most of the stone quarries in the region are illegal. 67 workers were certified to be suffering from Silicosis. One of the victims found is an 11 year

old boy who is also suffering from severe malnourishment and TB. TB incidence was found to be extremely high among these workers due to unhygienic living conditions. Almost all the worker had started the treatment process and had left it in between due to various reasons. They were informed to continue the medicine for the entire duration to get cured from TB. Nutrition and hygienic living conditions is also being propagated.

**Medical Practitioner's meeting** - The first medical practitioners training was held in Penang from October 12-16, 2014 with more than 20 participants from 8 Asian countries. University of Illinois, Chicago consented to certifying the course structure that was built with the help from faculty from USA, South Africa, Seoul University, Korea and others. The participants were very enthusiastic during the training and especially liked the practical sessions on Spirometry, radiography and audiometry. Field visits to Flour Mill and Sugar Factory were organised to help the doctors realise the importance of understanding the workplace environment to correctly diagnose Occupational Diseases. Analysis of the evaluation forms show that there is a significant improvement in all areas in the skills and understanding of the participants post training. The participants' knowledge of radiography in pneumoconiosis went from 46% to 84% following the training. Disability assessment for occupational lung diseases also showed a large increase with a 25 unit increase in the score. The participants' assessment of their skills in spirometry went from 43% to 82%. Assignments for the course have been sent responses received. Work is continuing to frame an action plan in each participating country with the help of local organisations to keep these participants engaged and help in diagnosis on the ground.



**Occupational Health Training in Kolkata** - Training in occupational health and safety was organised in Kolkata with the help of Workers Initiative in July. More than 30 participants from different unions like Garden Reach Ship building union, paharpur cooling towers majdoor union among others were present. The workers were pleasantly surprised with the training as they had never had such training before and participated with great enthusiasm. The workers shared the various problems they were facing which included provision of clean drinking water, injuries from fall, improper lighting, confined spaces and others. They were informed about the provisions in laws which they can use to improve the situation in the workplaces. They also prepared a hazard map of their work place and identified many hazards. They were then explained about various other hazards which can also be present like noise, chemicals etc. they prepared an action plan which they will use to ensure that the things learned in the training are implemented. The workers also elected a 5 member OSH council which will gather more information and help the workers in different unions and workplaces to implement and improve health and safety. The workers have already

started negotiations with the management to improve the working conditions. Cases of accidents are being dealt as per law with the help of the union and the safety committee.



**OSH Training of Electronics Workers** - training on OSH for electronics women workers was organised near Chennai in February with the help of Cividep (ANROEV Member). This was a follow-up of the earlier workshop that had been organised. A medical camp for these workers was also organised in which some workers reported Noise Induced Hearing Loss. These workers have been advised to be examined by experts and then file claims for compensation

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#### MEDICAL CAMP FOR STONE QUARRY WORKERS, RAJASTHAN

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*Medical camp in Rajasthan was undertaken with the financial support from GGF and expert support from OHSC, Mumbai*

A Medical camp for stone quarry workers was organized in Dungarpur district of Rajasthan with the support of GGF and OHSC. The occasion was also used to disseminate information about the occupational health and the hazards of diseases like Silicosis in the mines and quarries. The workers were also informed about the various legal remedies available to them in case they are suffering from any occupational disease.

More than 150 Mine workers from various villages i.e. Richha, Pal Nithauva, Padara, Devpura, Bharkundi, Karmat, Sarangi, Sabala etc were present in the camp for diagnosis. A team of experts under the supervision of Dr V Muralidhar from Mumbai was present to conduct the camp. The camp was held on 19-20 June 2014. The team filled questionnaires of workers noting all relevant details including occupational history and medical history. Test conducted included Lung Function test, BP monitoring, SPO2 and the Chest X-Ray of the workers were collected. The Chest X-Rays were taken by the team to Mumbai to compare with the standard ILO Chest Radiographs for Pneumoconiosis.

The workers were also informed about the harmful effects of alcohol and tobacco and were encouraged to quit this habit. Importance of hygiene and cleanliness and nutritious food was also advocated as the workers were found to be mal-nourished and suffering from TB.

A visit to the mining area was also conducted to ascertain the working condition in the mines. The workers in these mines are not provided any information about the hazards of work nor are they given any protective equipment. None of the workers are given any ID card or proof of employment. The workers were told about the importance of an ID card and safe working environment. They were also encouraged to come together to form a collective to negotiate wages and working conditions.

In the camp 15 workers were found to be suffering from Silicosis. Further steps for rehabilitation and compensation are being undertaken.

*Medical Van was purchased with financial support from DKS while the running cost was provided by AMRC for one year*

### AWARENESS AND FOLLOW-UP ON OCCUPATIONAL HEALTH AROUND DELHI

Occupational health and safety in the formal and informal occupations remains a matter of serious concern in India. While it inflicts social cost to society, it also demands a responsible role from society as a whole as consumers, co-citizens, workers, industrialists, governments etc in their respective domains of work. The formal sectors of employment provide some leeway in terms of control mechanisms but it is still 'Ground Zero' in the informal sector where contractual, casual and unskilled labour is illiterate and lacks awareness about their occupation and mechanisms to cope up with safe working environment. Environics in 2013 has been able to receive a grant from Directorate of Health Services, Government of Delhi in the form of a 'Patient Transport cum Awareness Vehicle' under their Scheme "Improvement of Medical Facilities to the General Public".



The grant money was transferred in the financial year 2014-15 but the money was sufficient only for the purchase of a Patient Transport Van and refitment of the van with a Gas Kit.

### RESEARCH AND MEDICAL AID TO ASBESTOS WORKERS IN GUJARAT AND TRACKING ASBESTOS INDUSTRY VICTIMS AND GOVERNMENT POLICIES

*The program was conducted with the financial assistance from International ban Asbestos Secretariat (IBAS)*

India is the largest importer of asbestos, according to the United Nations Commodity Trade Statistics Database. Asbestos is primarily imported from Russia, Brazil, Canada and Kazakhstan. Over 90% of it goes into making corrugated roofing sheets that sell for as little as INR 300 (USD 7) and water pipes. More than 300,000 people in India are employed by companies producing the material directly or indirectly. In addition millions of construction workers are using asbestos products during construction activities with little or no protection. An estimated 55,000 workers, unmindful of the lethal effects of asbestos-laden material in the ships, slave for long hours and are exposed to its deadly fibres breaking ships at the Alang Ship breaking yard. There is no data available about number of small and medium scale enterprises using asbestos.



With the support of International Ban Asbestos Secretariat,

several activities were undertaken to not only identify victims of diseases due to Asbestos but also to liaison with the government and ensure a ban on the use of Asbestos in the Country as soon as possible.

In Gujarat, Maharashtra, West Bengal and Madhya Pradesh, several victims of diseases due to Asbestos were identified. These workers were employed in several different companies which made products ranging from Mining, textiles to Asbestos Cement roof. Many cases of family members being affected due to asbestos dust on the clothes of the worker have also been identified.

33 factories and mines were visited in Gujarat, Maharashtra and Rajasthan. These mines and factories employed roughly 2000 workers and many more workers were indirectly working for these Asbestos manufacturing units. Throughout our trip, the owners displayed a tendency to deny outside world and even workers information regarding the ongoing activities and the hazards inside their premises. They themselves were aware of the dangers of the work they were doing, but these dangers seemed to be kept hidden from the workers deliberately. Even the government officials have declined to disclose information regarding their inspections and have even provided different information regarding these factories when asked by different people. The inspections reports of these factories are more or less only on paper and media reports have highlighted the nexus between the owners and the government agencies. Workers health and safety is always put aside when it comes to profits. Results of Medical tests if conducted are not disclosed to the workers and many a times, it has been found that the tests are not conducted by the doctors as per standards and requirements. These official tests have so far failed to diagnose a single victim which is completely contrary to the camps organized by us. According to owners, it is difficult to even run the factories and make profit then to think about the safety and welfare of the workers. Several factories visited were closed due to various reasons ranging from economic considerations, unavailability of water and labour issues.

A case has been filed against Asbestos mining in the country. The Government of India through various orders had put moratorium on any mining of asbestos in the country citing risk to health of workers. However, despite these orders, several mines were continuing to mine asbestos and the government officials were also not putting an end to this mining. Rather, they were merrily reporting the production in all official documents. There was no clarity as well regarding the number and status of the mines in the country. Following the filing of the case, the state governments have been forced to undertake a comprehensive survey and list out all mines in their jurisdiction and have been ordered to file a mine closure plan for all such mines.

Thermal Power Plants are termed as extremely hazardous workplaces. There are several hazards in each working area in the plant ranging from electrical hazards, dust hazards, physical hazards etc. further, these plants use a large amount of asbestos as insulation in many places. Workers are regularly



exposed to this asbestos during maintenance and cleaning operations. Although these power plants claim that they are no longer using asbestos as insulation, but workers state the contrary. Under the grant, a visit was undertaken to several thermal power plants in Gujarat and Rajasthan to ascertain the working conditions and to identify victims of occupational diseases and in particular diseases due to asbestos. An initial survey has been undertaken in these facilities and workers have expressed a desire for a medical camp which is being planned.

#### ENTERPRISE DEVELOPMENT AND SERVICING

The Gare Taap Upkarm Producer Company Limited formed by the farmers in Raigarh District of Chhattisgarh has requested us to mentor and help them set up renewable energy projects in their villages. Pre-feasibility studies are under way.

Envionics continues to support Biodiversity Conservation India Limited and provides critical inputs in their programmes. Most recently the company has won several accolades for its work on sustainable habitats. Some among them are:

- BBC World News featured ZED homes as part of their worldwide Eco Cities series.
- We are the only Indian company so far to be the Ryutaro Hashimoto Award for sustainable development by IGES, Kanagawa, Japan.
- ZED Earth won the Green Apple Award, UK for Most Environment Friendly Villa Project.
- The Core Net Global Award for Sustainable Leadership, San Diego, was conferred upon ZED.

#### COMMUNICATION

##### FILM ON KEDARNATH DISASTER

The Uttarakhand Tragedy as it is commonly remembered was a reminder of why one should not forget the looming crisis of climate change and equally the rapid development to reap economic benefits in a fragile ecosystem. The motive of this short film titled "Devi Ki Duvidha" was to capture how systems have failed to secure lives and livelihoods, what is the popular perception among people, experts, academicians, disaster affected persons and activists regarding the development regime and disaster response and would there be any chance to correct the course, if reversing it is beyond human control. GGF supported the production of this film in association with Environics Trust and Circa Films. The film was screened during the Askot Arakot Yatra in 2014 and in several other locations including the screenings held in Srinagar in 2015.

### THIRD NATIONAL COAL AND THERMAL POWER GATHERING, DUMKA, JHARKHAND

The Third National Coal and Thermal Power gathering was held at Dumka, Jharkhand on 16-17 October, 2014. R Sreedhar, the Convenor of the National Coal and Thermal Power Gatherings welcomed the participants and briefed them about the ongoing process and the update of the efforts that were ongoing across several states. He warned that the economic growth sought by the State is in such a manner that it will involve lot of displacement, pollution and destruction of natural resources and therefore will never be sustainable. He asked everyone to be more vigilant and seek all official mechanisms to stop destruction and direct the growth in more sustainable pathways. He informed about the growing database on all the coal mines that are slated to be opened and the thermal power plants and how in the coming years we will have all the existing and potential coal mining data.



Munni Hansda, the host in Dumka for Adivasi Ulgulan Manch welcomed the members and informed about the interest locally generated on the meeting and the solidarity sought by the agitators of the Damodar Valley who have been protesting for failure to rehabilitate them over fifty years and sought the house to schedule a visit to the protest site. Environics prepared a brief note on Pachwara the key project under protest.

State Reviews from Jharkhand, Chhattisgarh, Odisha, Madhya Pradesh, West Bengal, Telengana and Gujarat were held which narrate the several stories of hardships being faced by the communities and the steps being undertaken to prevent State atrocities including creation of a producer company in Chhattisgarh

There was an understanding for a need to understand better about the kind of coal being imported and used in the region.

In addition, Sessions were held to better understand the TOR provided for preparation of EIA Reports and various stages in which one could express their concerns and the relevant authorities. Similarly the Formats presented for seeking clearance were explained so that groups could understand the import of such documents.

#### **The Gathering made a Resolution to**

- Demand a CBI enquiry into the police firing in 2008 and withdrawal of all fabricated cases in connection with these protests.
- Utilise the provisions of Scheduled Tribes and Scheduled Caste Atrocities Act, in which due to the efforts of our groups the denial of forest rights has also been included as an offence and a government official can be penalised for the same.
- Demand dropping of all fabricated cases in all the mining areas.
- Effectively use the provisions of RTI to extract maximum information of the projects.
- Improve our knowledge on laws and legal recourse

- Step up work in the 42 coal blocks now to be handed to Coal India Limited and the 74 blocks which are likely to be auctioned.




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#### MM&P GENERAL ASSEMBLY

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The 5<sup>th</sup> General Assembly of mines, minerals & People was held from 27 February to March 1, 2015 at the campus of Anandwan Ashram set up by Baba Amte, Maharogi Sewa Samiti hosted the participants and Dr. Vikas Amte graced the occasion by addressing the audience. A brief summary of participatory and community based works undertaken by the alliance were shared with the participants which included continuous inputs and advocacy on the MMDR bill right from 2010, several training programmes conducted for the alliance members in their regions, bringing people together from the mining regions to discuss coal mining, field report on unwed mothers in Angul, conducting executive council meetings and supporting action research and local events organised by the members. Secretary General urged the members to integrate their efforts to address the menace of mining and more so to bare open the scourge of illegal mining which is rampant in the country. With the changing Governments, social structures tend to adapt to new challenges and therefore mining in its new avatar is posing newer challenges never seen before, like that of auctioning of minerals which is being tried for the first time in the country.

Participant members from the following states attended and participated in the three day convention: Andhra Pradesh, Telangana, West Bengal, Jharkhand, Orissa, Chhattisgarh, Madhya Pradesh, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Maharashtra, Tamil Nadu, Gujarat, Tamil Nadu. In all around 230 participants from these states participated. A session on 'reporting from states' was held where all state representatives spoke about issues in their respective states, many of these pointed the increasing pollution problems, vulnerability to land alienation and increasing menace of mining, especially illegal mining.

Secretary General addressed the participants by saying that we have to reach out to the legislators and other appropriate forums to raise these issues in the Parliament and as mining is going to be even intense now with the auctioning process, the coming years require integrated work.

Milind Pariwakam, a wildlife biologist from Nagpur shared with the participants the relevance of maps and how technology can help in creating evidence based monitoring and compliance. The relevance was to showcase the aerial view of the forests as it presents a different perspective in terms of assessing the forests and reflects upon observational skills that might not be possible while looking from the ground.

Abhhir VP from Amnesty International gave a brief about Amnesty's work in Human Rights activism. They have been working on several issues in several conflict ridden states and one of their team is working on prisoner rights and also working towards human rights defenders. They would like to go to the ground level alongwith their research. They are conducting a workshop in Raigarh in coal mining areas and will reflect upon human rights defenders. They would like to work alongwith mm&P to make their effort reach to the needy persons on the ground.



Rahul Basu, from Goa Foundation spoke about intergenerational equity with respect to natural resources, especially minerals. He presented a case study of Goa's Iron Ore mines to showcase how the state is losing both mineral and revenue from this particular mineral and all the wealth is being amassed by few companies. He laid emphasis on reaching out to state administration in respective states to put across the point of intergenerational equity which has also been also mentioned by the Supreme Court of India in the case of Goa Foundation Vs Union of India & Others. Whether or not mining takes place this issue requires attention and a permanent fund should be created for all minerals so that the future generations have inherent right over the resources or the gains made from exploitation of these resources which are non-distributive in the current regime.

A brief session on coal mining, reserves, auctions and changes made after the promulgation of Coal Mines (Special provisions) Ordinance 2014 was held as many of the participants are from coal regions and the legislation makes drastic changes, among which auctioning is one of the principle change. It was shared that around 18 coal mines have been auctioned so far in the states of Chhattisgarh, Madhya Pradesh, Jharkhand and estimated auction proceeds amount to about 1.35 lakh crores which will be disbursed to respective states. In several countries, there is a mixed system of mineral allocation, i.e. through auction as well as first-in-first-assessed, it is not a choice but requires a mixed system. And experts believe that 'highest bid' wins is not the sole criteria, there has to be a stringent eligibility and quality checks before auctioning like complete information about the locality etc. There is no word about how in transition phase of coal mining the issues of displacement, R&R, compensation would be address, this has given a huge setback to the communities, even there is no address on the environmental quality of these coal blocks. In Liberia, EIA is one of the checks for bid qualifying criteria. Experts also believe that effective design and administration of competitive bidding systems can present enormous challenges in the context of weak institutions?

During the final day, state wise groups were formed to discuss plans for the next 2 years and also propose the name of state executive council member(s) who shall be executive members. 230 participants registered for the General Assembly from 15 states participated. Each state was asked to form groups and choose among themselves executive members for the next two years. The election process was conducted by the returning officer on request by mm&P, Advocate K Srinivas Murthy conducted the process of elections. After this process the following names were finalized by the states;

<b>S.No.</b>	<b>State</b>	<b>Executive Member</b>
1	Madhya Pradesh	Yusuf Beg, Panna
2	Chhattisgarh	Rajesh Tripathy, Raigarh
3	Chhattisgarh	Junas Tirkey, Jashpur
4	Chhattisgarh	Indu Netam, Raipur
5	Uttar Pradesh	Anil Bhadauria, Allahabad
6	Himachal Pradesh	Sant Ram, Mandi
7	Uttarakhand	Ravi Mittal, Dehradun
8	Odisha	Basant Pradhan, Angul
9	Odisha	Deme Oram, Sundergarh
10	Jharkhand	Munni Hansda, Dumka
11	Jharkhand	Bahadur Soren, West Singhbhum
12	Telangana	KV Pratap
13	Andhra Pradesh	Ravi Rebbapragada, Vishakhapatnam
14	Gujarat	Ashok Shrimali, Ahmedabad
15	Gujarat	Kunwarji Bhai
16	Rajasthan	Bansilal Binjana, Jodhpur
17	Rajasthan	Sadhna Meena, Udaipur
18	Bihar	Santosh Upadhayay, Dehri
19	Tamil Nadu	T Thamizhiniyan
20	West Bengal	Swaraj Das, Asansol
21	Maharashtra	Pravin Mote, Chandrapur
22	Delhi	Bipin Kumar Rai

The EC members met at 1 P.M. and conducted election for the post of Chairperson and Secretary General co-opted a women member.

- Ravi Rebbapragda's name was proposed by Santosh Upadhayay seconded by Swaraj Dass for the post of Chairperson. Ravi Rebbapragada was elected as Chairperson.
- Ashok Shrimali's name was proposed by Ravi R seconded by Ravi Mittal for the post of Secretary General. Ashok Shrimali was elected as Secretary General
- Indu Netam was co-opted as women member



The following persons were requested by the Executive Council to be advisors;

- R Sreedhar
- Guman Singh
- Amar Singh Bhai
- T.S.S. Mani
- Anil Choudhary

It was resolved to add one member more from West Bengal and Madhya Pradesh as and when the State delegates meet to elect one more member. Rahul Basu was requested to discuss with Goa Foundation and confirm a member from Goa.

It was also resolved that we hold an EC meeting before June 30th 2015.

It was further resolved that the following Organisations be asked to help the Alliance in various aspects of its work.

1. SRUTI, New Delhi
2. SANTULAN, Pune
3. Goa Foundation, Panaji

The outgoing Chairperson, R Sreedhar welcomed the newly formed Executive Members. He said the effort should be to strive for strengthening, increasing the capacities of members, find new ways of connecting and there are several places we have not been

able to reach out to them, we need to think about this. When we see large scale illegal mining and when we see our outreach, it is too skewed as the mining is widespread.

Ravi Rebbapragada, the new Chairperson addressed the participants. While giving reference to Samata Judgment, he said “there are different strategies one needs to adopt while grounding our process with communities”. We have to respect the local struggles and have to go along with them as required. In the last 16 years of development of alliance several things have changed and accordingly we have to adapt to responding to new challenges. Wherever spaces of people’s struggles are penetration of business interests have grown in the form of spending on local development like CSR. We should always remember law along with struggles and we should not take paperwork or petitions very lightly and always remember to keep receipt. I request all the EC members to strengthen the local struggles and understand their issues.

### **STATE WISE BROAD ISSUES / WORK PLAN**

1. Illegal mining issue is a curse and need to be taken up widely across the states wherever the presence of mm&P members exist and try to expand.
2. Like Goa foundation’s case and permanent fund, it has to be taken up at state level to work out details and lobby with the Governments.
3. Coal mining belt and 5th scheduled area will be focus by study and capacity building programme
4. Legal intervention where necessary at NGT level
5. Lobbying with parliamentarians on issues being faced by communities, legislative affairs
6. Co coordinating with other likeminded networks and organization in the context of new ordinance and bill.
7. Exploring the possibility of formation of State level mm&P network



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## “MOBILE-IZING” UNHEARD VOICES OF AID RECIPIENTS

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We successfully followed through on our original proposal, which was to use mobile phones to simultaneously amplify and advertise the impact of the Indian government in addressing unmet needs of rural citizens. While our original proposal conservatively restricted attention to a single aid program (called NREGA), we found that it was tractable for us to undertake a broader agenda, which focused on the impact of government officials in responding to a wide array of grievances. Our approach was to expand the scope of our prior technology service, called CGNet Swara, which uses an interactive voice response (IVR) system to collect and disseminate reports of grievances (as well as their resolution) from rural citizens.

Some noteworthy achievements were as follows:

*The report “Mobile-izing” Unheard Voices of Aid Recipients has been prepared with the financial assistance from Bill and Melinda Gates foundation*

- CGNet Swara published **3,283 reports** from **1,389 contributors**. All reports originated from an audio message, though they are also viewable at <http://cgnetswara.org/> with a textual summary by our moderators. (Note that only a fraction of these reports are grievances; they also represent news, songs, and other cultural content.)
- There were **175 impact cases**: grievances that were resolved as a result of a report on CGNet Swara. All impact cases are highlighted on our website at <http://cgnetswara.org/impact>.
- There were **260,035 calls** (spanning **29,951 users**) to CGNet Swara. Most of these users were calling to listen to other reports, as opposed to recording their own stories. Since the impact cases were also highlighted on the service, this means that we disseminated the success of government programs to many thousands of people.
- About **2,000 reporters were trained** mostly in 3-day workshops.
- A traveling dance, drama, and puppetry troupe (the “Yatra”) **visited 330 tribal villages**, spreading awareness of CGNet Swara by bringing it to the doorstep of rural communities.
- The impact of CGNet Swara was rigorously studied by our collaborators at Microsoft Research India, resulting in a **peer-reviewed publication** at the conference on Information and Communication Technologies and Development (ICTD 2015). (Bill Gates spoke at this conference in 2009.) The full citation is “M. Marathe, J. O’Neill, P. Pain, and W. Thies, *Revisiting CGNet Swara and its Impact in Rural India*, ICTD 2015”.

To give more context for what the 175 impact cases really mean, we provide a detailed narrative surrounding one particular impact. This narrative evolved from field interviews conducted by researchers at Microsoft.

In July, 2014, CGNet received a report (<http://cgnetswara.org/index.php?id=37266>) from an adivasi bricklayer in Gadhvayi village, Madhya Pradesh, saying that cholera was spreading through the village and three people had died in the last ten days. After the outbreak, village members sought help from the village ASHA as well as an appointed medical officer. However, the ASHA fled the village once cholera started to spread, and the medical officer was unresponsive. The people in the village felt helpless. The government had never sent ambulances or doctors, citing the remote location and the lack of good roads. At the time of the post on CGNet Swara, this story had not been picked up by any newspaper or TV channel.

Our moderator team received this story late at night (12 AM) and immediately released it. Local field champions were notified and immediately called the chief medical officer of the district, as well as the district collector.

Ten days after the original report, a social worker from the village recorded an impact post (<http://cgnetswara.org/index.php?id=37644>), thanking CGNet Swara “for saving our lives”. It reported that the chief medical officer and a team of doctors had visited the village the day after the post appeared on CGNet. The team brought medical supplies and stayed for a week. The chief medical officer later confirmed to us that the ASHA had left because cholera had broken out in the Dalit (low caste) quarters. The chief medical officer fired both the ASHA as well as the medical officer for the village. We visited the village a few weeks later and found that the spread of cholera had stopped. While some patients were still recovering, no new cases were reported.

Re-tracing the steps that led to impact, the chief medical officer said, “I got a few phone calls and I immediately rushed to send help.” This case illustrates how CGNet Swara can combat corruption by bringing key issues to the direct attention of senior officials. It also engenders hope in rural areas that government officials are willing and able to respond to their problems.

To understand the other impacts that were reported via CGNet Swara, researchers at Microsoft performed a content analysis of 202 impact cases (this included 27 impacts that fell outside the period of the grant).

The posts represent impact in many areas of life. For example, there are numerous cases where calls to CGNet Swara are credited with payment of overdue wages; resumption of mid-day meals in schools; provision of denied ration cards; repair of broken hand pumps; and other important issues. One report tells the story of an officer who took a bribe of Rs. 99,000 (USD 3,300) from 33 Baiga adivasis. Upon hearing the report on CGNet, the officer not only returned the bribe but recorded his own post to apologize.

All impact cases were also tagged by topic area. The most common tags were food (12% of posts), education (11%), money (10%), labor (9%), and sanitation (7%). Reports also focused on problems with NREGA wages (7%), mid-day meals in schools (5%), roads (5%), hand pumps (4%), rations (4%), land (3%) and forests (2%).

Geographically, impact posts originated from the states of Madhya Pradesh (MP), Chhattisgarh (CG), Odisha, Jharkhand, Andhra Pradesh, Uttar Pradesh, Rajasthan and Bihar. MP had the highest number of reported impact stories (41%), followed by CG at 37%.

While the resolution of grievances is an important part of CGNet Swara’s impact, we discovered numerous other ways in which the service has personal impact on people. To understand this impact, researchers at Microsoft conducted a three-month inquiry, using a mixed-methods approach that includes 70 interviews with contributors, listeners, moderators, journalists, officials, and other actors, as well as two focus groups and a 9-day field immersion.

*CGNet Swara can combat corruption by bringing key issues to the direct attention of senior officials. It also engenders hope in rural areas that government officials are willing and able to respond to their problems.*

The following are example categories of impact that emerged as a result of this study. As we don't have space for a detailed discussion here, we supply only an illustrative quote for each category. Please refer to the ICTD 2015 publication for a more detailed discussion.

- **Having a voice, feeling heard.** Many of CGNet's posts originate from typically unheard and powerless sections of society. Using CGNet Swara, they gained a voice of their own. One contributor said, *"It gives us a voice that we didn't have before. It's a rendition of the issues we face and it portrays our issues through our voice. It's what we want to say. We aren't often given this chance."*
- **Artistic, cultural and other forms of expression.** The importance of having a voice was wider than news and grievances. Some contributors exclusively post songs or poems, because along with mainstream media, mainstream culture also marginalizes the same constituency of people. One contributor said, *"Where else will be go with songs of this kind? No other media is interested. I think CGNet's greatest influence is not just the issues it solves but the fact that it also gives us a space to record these cultural items. It's becoming a repertoire of our culture."*
- **Enabling journalists and officials to discover issues.** A journalist said that CGNet keeps him "rooted" and highlights "real issues" that are not reported elsewhere and could benefit from publicity in mainstream press. Likewise, an official said *"I listen to CGNet about issues that concern areas under my jurisdiction. I think it's a very good service that goes deep into areas where collecting information is hard. It helps us reach places that don't feature on our radar."*
- **Connecting tribal communities to each other.** Several respondents said that they benefited by hearing posts from other tribal areas on CGNet. For example, one contributor said, *"Adivasis from different parts of the country get to listen to issues Adivasis face in other parts of India and realize that they share the same problems. It proves to be a great learning experience as well. When they hear, for example, about land grabbing or human rights abuses they can take a lesson and become more careful about protecting themselves."*
- **Source of inspiration, confidence, and agency.** Hearing that other people's grievances get resolved gives people the confidence that they too can change things. One contributor said, *"To me its biggest impact has been managing to convince people that they can solve their problems. All it takes is the ability to pick up your phone and make that call."* Another contributor says that CGNet helps to *"do things we would never endeavor to do, helps us achieve things that we wouldn't have imagined earlier."*

*One contributor said, "It gives us a voice that we didn't have before. It's a rendition of the issues we face and it portrays our issues through our voice. It's what we want to say. We aren't often given this chance."*

### Challenges

The core model of CGNet Swara has been working very effectively. The challenges that are faced are related to bringing the service to a greater scale. The following are three obstacles to scaling the service, and how we are addressing them in current and future work:

1. **Promoting awareness in remote areas.** While most services focus on gaining participation in dense urban areas, CGNet Swara focuses on remote and marginalized

groups from tribal areas. Often these Adivasi people speak only tribal languages, and are distrustful of outsiders, who have failed to deliver on many promises over the years.

Recognizing that broadcast media would never engender the trust and uptake needed for the service to succeed, we decided to embrace a high-touch model in which our message is taken straight to the doorstep of rural communities via the traveling Yatra. This approach is neither easy nor cheap, but we believe there is no substitute for face-to-face contact in achieving meaningful social change. We continue to seek and develop methods to spread that Yatra's message as far as possible while keeping within our resource constraints.

2. **Moderation and follow-up.** Soliciting usage of the IVR system is only one small part of the CGNet Swara ecosystem. The real impact relies on the human elements: a team of moderators invites, improves, and fact-checks the incoming messages, while a team of field workers lobbies government officials to resolve the issues raised. During the time period of this grant, we scaled the moderator team from a few people to eight full-time members, and built a network of volunteers to help with follow-up in various locales.

For us to amplify CGNet Swara's impact, we will need to amplify the size and effectiveness of this team even more. We are experimenting with ways to coordinate large numbers of volunteers to help with both moderation and follow-up. For example, callers to the IVR service can help with some moderation tasks, by helping to categorize posts or to flag ones that deserve more attention. Also, our website can be enhanced with more capabilities for urban volunteers to help coordinate follow-up with officials.

3. **Low-cost dissemination of content.** Our reliance on ordinary phone calls enables CGNet Swara to be highly accessible across all of India. However, phone calls are a relatively expensive way to broadcast information, especially when users are listening to the same content.

To reduce costs in the future, we are actively exploring collaborations with medium-wave radio stations, including All India Radio, which would enable large-scale dissemination of our content at much lower cost. We have also built a mobile application for Android phones, which enables audio to be transferred over mobile Internet as opposed to voice calls, saving up to a factor of 10. The application also enables files to be saved locally and shared peer-to-peer (free of cost) using Bluetooth and SD card sharing.

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#### AADIVASI SWARA USING MOBILE PHONES TO IMPROVE QUALITY OF LIFE IN CENTRAL TRIBAL INDIA

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*The program was undertaken with the financial assistance from the MacArthur Foundation*

This project emerged from EnviroNics Trust's learning from the earlier projects: "Voice for the Verbal – Steps towards Enabling Technology Appropriation by Adivasis" and "Mobilizing Unheard Voices of Aid Recipients" using the CGNet platform.

This programme funded by MacArthur Foundation aimed to deepen the programme in Hindi and expand to a similar platform in a tribal language (Gondi).

Gonds are the second largest adivasi community in India. But there are no communication platforms of any type for this huge community. There are no newspapers, magazine, radio or TV in the language. Even state run All India Radio does not broadcast a single news bulletin in Gondi language.

Adivasi Swara has been an experiment in that direction where we can bring Indian administration and Gondi speaking community closer to each other. This oral platform will facilitate increased flow of information about Government schemes about their welfare to the Gond community. Administration will also get better feedback direct from the community through this two way communication platform.

The core objective of this project was to build a community around Adivasi Swara: a mobile phone platform that enables increased communication by connecting urban concerned citizens and rural concerned citizens. Our proposal had four separate components:

- 1) The technology platform (already established in prior work) on which we were dependent
- 2) A traveling drama and puppetry troupe, the “Yatra”, that encourages tribal communities to actively engage with this experiment,
- 3) A moderator team, fluent in tribal languages, that reviews, fact-checks, and releases recordings on the platform, and 4) a traveling “action team” that interfaces with the government and spurs journalists, officials, and concerned citizens to follow-up on reports

The key distinctions in this phase of the programme, apart from introducing a tribal language interface, is the use of “Yatra” (cultural tour) as a tool to reach out to areas here before unreached and establishment of a dedicated action team to systematically pursue the grievances. A collaborative effort with the Government will be established by seeking officials to announce through the platform details of programmes, policies and entitlements.

## FINANCIAL STATEMENTS

Environics Trust is registered at Delhi under the Indian trust Act 1882 as a not-for-profit organisation with the registration number 2201

Environics Trust follows the financial year from 01<sup>st</sup> April to 31<sup>st</sup> March. Statement of Accounts, audited by a qualified and registered Chartered Accountant, is submitted to the concerned departments in India as per the statutory requirements.

All donations received by Environics Trust from donors from outside India are received as per the FCRA (Foreign Contributions Regulation Act) guidelines. Section 6(i) of the FCRA inter alia provides that an organisation registered under the FCRA shall intimate to the Central Government in India the amount, source and the manner in which such foreign contributions is received and the purpose for and the manner in which such contributions is utilised. These foreign contributions are to be received only through a particular registered and designated bank. For any information on the same, please contact Director Finance, Environics Trust, 177 Neb Sarai, New Delhi-110068; Email – [vanithasree@yahoo.co.in](mailto:vanithasree@yahoo.co.in)

The Details of funds received and utilised as per the audited Accounts of the Financial year 2014-2015 are as below

<b>ENVIRONICS TRUST</b>			
<b>BALANCE SHEET AS ON 31st MARCH - 2015</b>			
<b>LIABILITIES</b>	<b>Amount (INR)</b>	<b>ASSETS</b>	<b>Amount (INR)</b>
Capital	7526770.65	<b>Fixed Assets - As per Annexure-B</b>	1007902.00
Less:-		<b>CURRENT ASSETS</b>	
<b>Excess Expenditure Over Income</b>	-643163.11	Salary Advance	21000.00
	6883607.54	Advance for project Expenses	45500.00
<b>Sundry Creditors for Expenses - As per Annexure-A</b>		<b>As per Annexure-C</b>	
<b>Salaries Payable</b>		Cash in Hand	370.00
	297000.00	Cash At Bank A/c 017101006263	687099.86
		Cash At Bank A/c – 017101006864 (FCRA)	5418735.68
<b>TOTAL</b>	<b>7180607.54</b>	<b>TOTAL</b>	<b>7180607.54</b>

For Environics Trust

For B. Rattan & Associates  
(Chartered Accountants)

-sd-

-sd-

**R.Sreedhar**  
(Managing Trustee)

**B.K. Karn**  
(Partner)

Membership No.094790

Date: 15.09.2015  
Place: - New Delhi

<b>ENVIRONICS TRUST</b>			
<b>Receipt and Payment Account As On 31st MARCH - 2015</b>			
<b>RECEIPT</b>	<b>AMOUNT (INR)</b>	<b>PAYMENT</b>	<b>AMOUNT (INR)</b>
Opening Balance:-			
<b>Cash at Bank-FCRA A/c no 017101006864</b>	5683528.79	<b>Administration &amp; Office Expenses</b>	
<b>Cash at Bank- General A/c no. 017101006263</b>	1044920.86	General Expenses	4328.00
<b>Travel</b>	15133.00	Newspaper & Periodicals	7754.00
<b>Bank Interest</b>	195974.00	Repairs & Maintenance	18560.00
		<b>Communication:-</b>	
		Postage	1600.00
		Telephone	5825.00
<b>FCRA Receipts</b>		<b>FCRA Payments</b>	
FES	684600.00	FES	1557572.00
European Climate Fund	3117560.00	Bill & Melinda Gates Foundation	4192020.31
Global Green Grants	64130.00	European Climate Fund	2133093.64
AMRC Project	348664.73	Global Green Grants	190021.00
AMRC Coordinator	359944.49	AMRC Project	384057.73
Oxfam India	2000000.00	AMRC Coordinator	352049.57
ET IBAS	305150.00	AMRC-OHP Delhi	116965.00
AMRC-OHP Delhi	116965.00	ET IBAS	585150.00
Mac Arthur Foundation	6069089.50	Oxfam India	2787262.24
		Mac Arthur Foundation	626036.34
		<b>Professional Costs</b>	
		Salaries	291000.00
		Audit Expenses	242210.00
		Honorarium	2700.00

		Salary Advance	21000.00
		<b>Project operational cost</b>	
		J&K Flood Relief	50000.00
		Sunlight Trust	200000.00
		Insurance	130082.00
		Bank Interest	168.00
		<b>Closing Balances:-</b>	
		Cash in Hand	370.00
		Cash at Bank A/c 017101006263	687099.86
		Cash at Bank A/c 017101006864	5418735.68
<b>TOTAL</b>	<b>20005660.37</b>	<b>TOTAL</b>	<b>20005660.37</b>

For Environics Trust

For B. Rattan &amp; Associates

(Chartered Accountants)

-sd-

-sd-

**R.Sreedhar**  
(Managing Trustee)

**B.K. Karn**  
(Partner)

Membership No.094790

Date: 15.09.2015

Place: - New Delhi

<b>ENVIRONICS TRUST</b>				
<b>Income and Expenditure Account As On 31st MARCH - 2015</b>				
<b>PARTICULARS</b>		<b>AMOUNT</b>	<b>PARTICULARS</b>	<b>AMOUNT</b>
<b>FCRA Payments</b>			<b>FCRA Receipts</b>	
Foundation for Ecological Security	1557572.00		Foundation for Ecological Security	684600.00
Bill & Melinda Gates Foundation	4192020.31		European Climate Fund	3117560.00
European Climate Fund	2133093.64		Global Green Grants	64130.00
Global Green Grants	190021.00		AMRC -Women Development Programme	348664.73
AMRC -Women Development Programme	384057.73		AMRC Coordinator	359944.49
AMRC Coordinator	352049.57		Oxfam India	2000000.00
AMRC-OHP Delhi	116965.00		ET IBAS	305150.00
ET IBAS	585150.00		AMRC-OHP Delhi	116965.00
Oxfam India	2787262.24		Mac Arthur Foundation	6069089.50
Mac Arthur Foundation	626036.34			
		<b>12924227.83</b>		
			Bank Interest	195974.00
<b>Professional Costs</b>				
J&K Flood Relief	99567.00		Excess of Expenditure Over Income	643163.11
Sunlight Trust	200000.00			
		<b>299567.00</b>		
<b>Administration &amp; Office Expenses</b>				
Salaries &	201582.00			

Insurance				
Honorarium	2700.00			
Repairs & Maintenance	18560.00			
Telephone	5825.00			
Postage	1600.00			
Audit Expenses	242210.00			
		<b>472477.00</b>		
<b>Miscellaneous Expenses</b>				
General Expenses	4328.00			
Newspaper & Periodicals	7754.00			
TDS Written off	13967.00			
Bank Charges	168.00			
		<b>26217.00</b>		
<b>Depreciation for the year</b>		<b>182752.00</b>		
<b>TOTAL</b>		<b>13905240.83</b>	<b>TOTAL</b>	<b>13905240.83</b>

For Environics Trust

For B. Rattan &amp; Associates

(Chartered Accountants)

-sd-

-sd-

R.Sreedhar

B.K. Karn

(Managing Trustee)

(Partner)

Membership No.094790

Date: 15.09.2015

Place: - New Delhi

The reports along with all other statutory documents can also be found on our website

[www.environicsindia.in](http://www.environicsindia.in)

## INDEPENDENT AUDITOR'S REPORT

FORM NO. 3CB

[See rule 6G(1)(b)]

**Audit report under section 44AB of the Income -tax Act 1961,  
in the case of a person referred to in clause (b) of sub - rule (1) of rule 6G**

1. I have examined the balance sheet as on, 31st March 2015 and the Income and expenditure account for the period beginning from 2014-04-01 to ending on 2015-03-31, attached herewith, of Environics Trust, Khasra Number 177, Shokeen Market, Main IGNOU Road, Neb Sarai, New Delhi-68 AAA TE1210E [Mention name and address of the assessee with permanent account number]
2. I certify that the balance sheet and the Income and expenditure account are in agreement with the books of account maintained at the head office at Khasra Number 177, Shokeen Market, Main IGNOU Road, Neb Sarai, New Delhi-68 and 0 branches.
3. (a) I report the following observations/comments/discrepancies/inconsistencies; if any:  
(b) Subject to above, -  
(A) I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.  
(B) In my opinion, proper books of account have been kept by the head office and branches of the assessee so far as appears from my examination of the books.  
(C) In my opinion and to the best of my information and according to the explanations given to me, the said accounts, read with notes thereon, if any, give a true and fair view  
(i) in the case of the balance sheet, of the state of the affairs of the assessee as at 31st March 2015; and  
(ii) in the case of the income and expenditure account of the surplus of the assessee for the year ended on that date.
4. The statement of particulars required to be furnished under section 44AB is annexed herewith in Form No.3CD.
5. In my opinion and to the best of my information and according to explanations given to me, the particulars given in the said Form No.3 CD are true and correct subject to following observations/qualifications, if any:

S.No	Qualification Type	Observations/ Qualification
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Place: New Delhi

Date: 18/09/2015

Name

Membership Number

FRN(Firm Registration Number)

Address

-Sd -

**BISHAMVER KUMAR KARN****094790****011798N****F-27A First Floor, Gali No 30, Madhu Vihar, New Delhi-110092**

FORM NO. 10B  
[ See rule 17B]

Audit report under section 12A(b) of the Income-tax Act, 1961, in the case of charitable or religious trusts or institutions

I have examined the balance sheet of **ENVIRONICS TRUST**, **AAATE1210E** [name and PAN of the trust or institution] as at **31/03/2015** and the Profit and loss account for the year ended on that date which are in agreement with the books of account maintained by the said trust or institution.

I have obtained all the information and explanations which to the best of my knowledge and belief were necessary for the purposes of the audit. In my opinion, proper books of account have been kept by the head office and the branches of the abovenamed trust visited by me so far as appears from my examination of the books, and proper Returns adequate for the purposes of audit have been received from branches not visited by me, subject to the comments given below:

In my opinion and to the best of my information, and according to information given to me, the said accounts give a true and fair view-

- (i) in the case of the balance sheet, of the state of affairs of the above named trust as at **31/03/2015** and  
(ii) in the case of the profit and loss account, of the profit or loss of its accounting year ending on **31/03/2015**

The prescribed particulars are annexed hereto.

Place **NEW DELHI**  
Date **30/09/2015**

Name **B K KARN**  
Membership Number **094790**  
FRN (Firm Registration Number) **011798N**  
Address **E-27A, Gali No.30, Madhu Vihar, Delhi-110092**

ANNEXURE  
Statement of particulars

I. APPLICATION OF INCOME FOR CHARITABLE OR RELIGIOUS PURPOSES

1.	Amount of income of the previous year applied to charitable or religious purposes in India during that year ( ₹ )		13905241
2.	Whether the trust has exercised the option under clause (2) of the Explanation to section 11(1) ? If so, the details of the amount of income deemed to have been applied to charitable or religious purposes in India during the previous year ( ₹ )	No	
3.	Amount of income accumulated or set apart for application to charitable or religious purposes, to the extent it does not exceed 15 per cent of the income derived from property held under trust wholly for such purposes. ( ₹ )	Not Applicable	
4.	Amount of income eligible for exemption under section 11(1)(c) (Give details)	Yes	
		Details	Amount(₹)
		Charitable Purposeds	13905241
5.	Amount of income, in addition to the amount referred to in item 3 above, accumulated or set apart for specified purposes under section 11(2) ( ₹ )		
6.	Whether the amount of income mentioned in item 5 above has been invested or deposited in the manner laid down in section 11(2)(b) ? If so, the details thereof.	Yes Bank A/c	
7.	Whether any part of the income in respect of which an option was exercised under clause (2) of the Explanation to section 11(1) in any earlier year is deemed to be income of the previous year under section 11(1B) ? If so, the details thereof ( ₹ )	No	
8.	Whether, during the previous year, any part of income accumulated or set apart for specified purposes under section 11(2) in any earlier year-		
	(a) has been applied for purposes other than charitable or religious purposes or has ceased to be accumulated or set apart for application thereto, or	No	
	(b) has ceased to remain invested in any security referred to in section 11(2)(b)(i) or deposited in any account referred to in section 11(2)(b)(ii) or section 11(2)(b)(iii), or	No	

(c)	has not been utilised for purposes for which it was accumulated or set apart during the period for which it was to be accumulated or set apart, or in the year immediately following the expiry thereof? If so, the details thereof	No
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**II. APPLICATION OR USE OF INCOME OR PROPERTY FOR THE BENEFIT OF PERSONS REFERRED TO IN SECTION 13(3)**

1.	Whether any part of the income or property of the trust was lent, or continues to be lent, in the previous year to any person referred to in section 13(3) (hereinafter referred to in this Annexure as such person)? If so, give details of the amount, rate of interest charged and the nature of security, if any.	No
2.	Whether any part of the income or property of the trust was made, or continued to be made, available for the use of any such person during the previous year? If so, give details of the property and the amount of rent or compensation charged, if any.	No
3.	Whether any payment was made to any such person during the previous year by way of salary, allowance or otherwise? If so, give details	No
4.	Whether the services of the trust were made available to any such person during the previous year? If so, give details thereof together with remuneration or compensation received, if any	No
5.	Whether any share, security or other property was purchased by or on behalf of the trust during the previous year from any such person? If so, give details thereof together with the consideration paid	No
6.	Whether any share, security or other property was sold by or on behalf of the trust during the previous year to any such person? If so, give details thereof together with the consideration received	No
7.	Whether any income or property of the trust was diverted during the previous year in favour of any such person? If so, give details thereof together with the amount of income or value of property so diverted	No
8.	Whether the income or property of the trust was used or applied during the previous year for the benefit of any such person in any other manner? If so, give details	No

**III. INVESTMENTS HELD AT ANY TIME DURING THE PREVIOUS YEAR(S) IN CONCERNS IN WHICH PERSONS REFERRED TO IN SECTION 13(3) HAVE A SUBSTANTIAL INTEREST**

S. No	Name and address of the concern	Where the concern is a company, number and class of shares held	Nominal value of the investment(₹)	Income from the investment(₹)	Whether the amount in col. 4 exceeded 5 per cent of the capital of the concern during the previous year-say, Yes/No
Total					

Place **NEW DELHI**  
Date **30/09/2015**

Name  
Membership Number  
FRN (Firm Registration Number)  
Address

**B K KARN**  
**094790**  
**011798N**  
**F-27A, Gali No.30, Madhu Vihar**  
**, Delhi-110092**

Form Filing Details	
Revision/Original	Original

**BOARD MEMBERS****Name – R. Sreedhar**

Post – Managing Trustee

Gender - Male

R.Sreedhar is a Geologist from University of Roorkee (1979) IIT Roorkee. After his Masters he was researching on mineralogy and petrology at the Department of Metallurgy. He was selected to work with all the major national exploration organizations. He worked with mainstream exploration organisations, Atomic Minerals Divisions, Department of Atomic Energy and later with Oil and Natural Gas Corporation Ltd. In 1985 he moved out to begin working with communities on environmental and alternate technology issues, establishing the Environmental Systems Branch of Development Alternatives, New Delhi.

He has been actively involved in institutional and network development, research, implementation of alternate technologies and providing techno-legal support for Human Rights and Environmental Litigations. Over the past three decades, he co-founded and nurtured several groups and institutions broadly addressing issues of community development - TARU ('91) - a leading Development Research group, the Indian Network on Ethics and Climate Change ('94) – amongst the oldest network on Climate Change in India, the BCIL ('95)– country's biggest green building company, mines minerals and PEOPLE ('99) – the largest alliance of mining affected communities, Environics Trust ('03) the EIA Resource and Response Centre ('08) and the Mojolab Foundation (2012).

Currently he is the Managing Trustee of the Trust; Chairperson of mm&P; Mentor at BCIL and an Advisor to the CSR Centre of Excellence at MEC, Mysore University.

**Name: Nishant Alag**

Post: President

Gender: Male

Nishant Alag studied the discipline of planning - graduated with Urban and Regional Planning from GNDU, Amritsar and post graduated in Environmental Planner from the Centre for Environmental Planning and Technology Ahmadabad. The initial period of travelling and working in the Himalayas over a variety of issues provided a much required need to look at similar contexts in other geographical regions. He has been working for over a decade on issues of community based planning and information management. He has contributed extensively to environmental impact review and trained communities on issues of mining and environmental legislation.

**TEAM****CORE WORKING TEAM**

- Ramamurthi Sreedhar, Earth Scientist, Institutional Development
- Nishant Alag, Environmental Planner
- S.Vanitha, Finance and Rural Enterprises
- Mohit Gupta, Occupational Health and Information Management
- C.R.Gunasekhar, Independent Consultant, Behavioural Studies
- B.P. Yadav, Web Designer & Developer
- Pooja Gupta, Research Associate
- Rahul Kumar Dodi, Research Associate
- Simant Piyush, Research Associate
- Neelam Yadav, Research Associate
- Yousuf Beg, Community Organisation
- Sandeep Minhas, Natural Resource Management
- Vijay Singh Chauhan, Mechanical and Hydro-power Installations
- Ravi Mittal, Field Studies and Administrative Interface
- Dr Ramesh Pant, Prof B.D.Nagchoudhuri Fellow on Environmental Management
- Neeraj Doshi, Finance and Governance
- Neetu Thakur, Librarian
- Shashi Nandan Kishore, Office Management
- Vinod Kumar, Office Management
- Bostam Barman, Transport and Logistics

**PROFESSIONAL ASSOCIATES**

- Chandrasekhar Hariharan, Economics, Journalism, Enterprise Development
- Hem Gairola, Coordinator, Himalayan Community Forestry Centre
- Prof Vir Singh, GB Pant Agricultural University
- Ritwick Dutta, Advocate and Environmental Activist, LIFE, New Delhi
- Siddharath Sah, Advocate, Uttaranchal High Court, Nainital
- Govindanand Semwal, Governance and Village Enterprises
- Mukesh Ray, Climate Change
- Nikki Nirvikalpa, Film Maker, Circa Films
- C.Sriram, Director, Creative Creations, Chennai
- R.Ganesh, Microbiologist, Hyderabad
- Puneet Kishor, GIS and Community Commons

CONTACT INFORMATION



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[www.environicsindia.in](http://www.environicsindia.in)

**ORGANISATION INFORMATION**

Environics Trust is a not for profit research and community development organisation and an enabling institution established in 2003.

Environics conducts participatory research on issues of environment and human behaviour and uses these outcomes for innovative community development programmes.

Environics anchors several networks and partnerships. Environics is a co-founder and promoter of the mines minerals and PEOPLE alliance (mm&P), the Indian Network on Ethics and Climate Change (INECC), the EIA Resource and Response Centre (eRc) and the Occupational and Environmental Health Network of India (OEHNI). Environics promotes and mentors environmentally sound enterprises and among these is the Biodiversity Conservation India Limited (BCIL), the largest Sustainable Built environment enterprise in India.

Environics provides research and evaluatory services to International, National, State and Local Institutions.

Environics works directly with marginalised communities such as those in the mountain regions, tribals and communities adversely affected by mining and industrialisation. Environics utilizes various forums and platforms to reach out to communities.

Environics is an observer member of UNFCCC; Founder Members of the Editorial Board of the world's largest community and mining portal [www.minesandcommunities.org](http://www.minesandcommunities.org) and a member of the Asian TNC Research Network. Environics is currently co-hosts the Secretariat for The Access Initiative Coalition (TAI), and coordinates the work of OEHNI.