

# Illegal Coal Mining in Eastern India: Rethinking Legitimacy and Limits of Justice

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Commonly presented as arising from poor policing and corruption, and as destroying the environmental commons, “illegal” production and marketing of coal is a significant aspect of everyday life in eastern India. Representations of illegality hide unpleasant social realities of the coal mining tracts: poor environmental performance of the state-owned mining sector, social disruption and displacement of communities, and a general decay in the traditional subsistence base. This paper works through the complex layers of mining laws and investigates whether the laws protect the interests of the disadvantaged. It offers a rethinking of what causes and constitutes illegality when a large number of people’s livelihoods depend on this kind of mining.

Illegal mining usually makes sensational news in popular media. News of such mining represents a mix of human-interest stories peppered with (often serious) environmental concerns, shady businesses outside the boundaries of law-making huge profits, and in general, paints a frightful future. Media tell us of those coal “thieves” whose relatives fear to claim the dead bodies of their loved ones who have died in roof collapses, of local politicians preventing the police from enquiring into the cave-ins, of the mafia involvement and the complicity of company or government officials in dishonest dealings in coal, of the threat to the environment from these mines, and the imminent dangers, risks and hazards to our roads and rail tracks that these mines are posing. The accidents, in particular, make excellent stories; and often make it to the front page, especially, if there are large numbers of dead or if the security of our comfortable middle class lives seems to be threatened.

## Unintended Collieries

Illegal mining indeed is a reality of life in the coal-bearing tract stretching from Raniganj in West Bengal westward to Dhanbad-Ranchi-Hazaribagh where the collieries extend into Jharia and North Karanpura areas in Jharkhand. Three subsidiary companies<sup>1</sup> of Coal India (CIL), with different histories and problems are responsible for the mining operations. Illegal mines are found in the older mining areas of Raniganj-Asansol-Dhanbad with more working or abandoned underground mines; it has also expanded rapidly around the large open cut coal mines that have come up in the last decade or so in to the Ranchi-Hazaribagh area. This paper deals with only eastern India, but informed observers say that such mining is common throughout the coal tracts of India. We may call them the “unintended” collieries – the extension of the informal practices, which, according to Harriss-White comprise 88 per cent of India’s economy, into India’s coal mining sector.<sup>2</sup>

Once a furtive activity like the rice-traders in Calcutta’s suburban trains in 1960s, the illegal coal mining now openly inhabits the public space. It is now impossible to drive along any length of the highway from Raniganj region to Ranchi or Hazaribagh towns without encountering evidence of illegal mining in the myriad ant-like processions of ragtag men – “the cyclewallahs” – pushing bicycles laden with sacks of coal weighing over 150 kg.

To query the scale of unintended collieries, I jointly undertook a field survey of the small-scale distribution of illegal coal in eastern India [Lahiri-Dutt and Williams 2005]. The cyclewallahs often cover up to 20-25 km in a day of work and their numbers may well be 2,000 or more on an average day on the roads around the

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edge of the coalfields between Ranchi and Hazaribagh. The survey found that about 2.5 million tonnes of coal was transported by cycles in 2003-04. This amount is equivalent to the production of a reasonably large colliery. Yet, this coal is just the tip of the iceberg; add to this marketing and distribution by the trucks all over the coal-bearing tracts of India, each one of which can carry up to 70 cycles weight of coal, and one can assess the immense size of the black economy. A veteran from the coal industry felt that around 70-80 million tonnes of coal is produced in India annually in addition to the official production figure of about 350 million tonnes.<sup>3</sup> This illegal coal – black, invisible and underground in every sense of these terms – forms a part of an economy that has intricate networks and complex linkages going deep into every aspect of life in the coal producing regions of India.

These unintended collieries pose a challenge to our understanding of the social changes engulfing coal mining (and probably all mineral-bearing) tracts. These mineralised lands since economic reforms have seen a flurry of activities as a result of the enormous demand for energy, minerals and industrial or building materials. Local people have often been unable to take full advantage of the new economy, whereas the environmental organisations have risen in unqualified critique of all kinds of mining, even calling for a “moratorium” on all of mining [see Vaghlikar et al 2003]. In my view, the causes are buried under layers of complexities of outdated colonial laws of land acquisition and state-ownership of coal resources, lack of safeguards and protection of poor people, despicable social and environmental practices by formal mines, the disregard for social impacts by mining engineers and technologists, a continuity of licence ‘raj’ in CIL, and the overall trend informalisation of the economy. Illegal coal mines are an expression, locally, of unjust national mineral laws that fail to ask simple questions such as “who owns the mineral resources, since when and why”, “who controls their use”, and “who is looting and under what circumstances?”. They also speak volumes about the performance of CIL as a mining company that represents the state and its interests. Above all, such collieries and the cycle-borne delivery also reflect several inescapable global trends – in mining, in mineral prices – and indicate a complex future in view of increasing pressure to liberalise the coal mining sector. The possible answers would depend on asking the right questions, and this paper aims to draw attention to the possibility of rethinking India’s mineral resource management and the mining laws through questioning illegitimacy itself.

In dealing with mining in moonlighting mode, the invocation of macroeconomic theories of resource dependency is inadequate to fully explain the phenomenon of illegality. The theories of “resource curse” or “resource war” tend to reduce the complexity of mining livelihoods to a singular element and factor without a political and historical context [see Le Billion 2007; Omeje 2006; Lahiri-Dutt 2005 for more on this line of thought].<sup>4</sup> Conventional understandings of mining-related social change or even the most sophisticated “Environmental Impact Analysis” techniques, are inadequate for developing a socially-sensitive, politically-engaged, historically-informed and locally-embedded understanding of the phenomenon. Clearly, a rethinking is urgently needed; this review would involve challenging the picture of

lawlessness repeatedly painted by the urban-based middle class, a picture that accepts the laws as immutable, and state’s interests as preceding over those of local people. One can then proceed towards revisiting the “commanding heights” philosophy-based coal mining laws and the monopoly that they have given to CIL. In this paper, I have attempted to use a “thick” geographical and historical contextualisation, and avoided citing too many international comparisons.<sup>5</sup> Let us first take a brief look at the informalisation of the economy and illegitimacy in mining in other countries.

### Informalisation and Illegitimacy in Mining

Illegal mining is prevalent throughout the mineral-bearing tracts of the developing world. *Martinez-Castillo* (1999: 31) has described such mining as “traditional” and “informal”, resulting from a range of pressures: “the economic crisis, urban unemployment in the cities, poverty in the agricultural areas and the violence that prevailed in the 1980s gave rise to a growing social phenomena – individual, family or collective migration to zones other than the place of origin, searching for safety and economic survival”. The use and extraction of minerals by different means such as digging, panning, sorting and amalgamation comprise an integral part of the vast informal economy on which little or no official data exists. In terms of sheer numbers, these people are not insignificant; a recent estimate of the World Bank suggests that over 20 million people in the world depend on mineral resource extraction for their living, a figure that is immensely more than those employed by the large and formal mining industries [CASM 2005]. Indeed, employment in the formal mining sector has been steadily declining, whereas the numbers in informal mining have increased manifold [ILO 2002]. A significant amount of minerals are produced this way, and can often account for a greater segment of a country’s mineral production. For example, the informal mining generated up to 65 per cent of Peru’s gold production in 2005-06. The representations of those engaged in informal mining vary: they are known as the wildcat ‘Garimpeiros’ in Brazilian Amazonia, the ‘Galampseys’ in Ghana, ‘Barranquillas’ in Bolivia, ‘Ninjas’ in Mongolia, and the ‘Gurandils’ (literally, “those who jump from cliff to cliff”) or *PETIS* (acronym for “those mining without licence” in Bahasa Indonesian) in Indonesia. Only sparse data is available on China but according to experts, the number of people engaged could reach 15-16 million, if cheap industrial minerals such as sand, stone and gravels are included.<sup>6</sup>

Whereas some countries might have a long artisanal tradition of mining, in most contemporary cases, informalisation of mining can be related to increasing poverty in rural areas that bear minerals or gem stones. International decision-making circles have now developed a nuanced understanding that this kind of mining is “a poverty issue which must be addressed by a comprehensive approach” [CASM 2005: 22]. As people enter the informal mining sector as an alternative or supplement to subsistence agriculture, families may have marginally better access to cash incomes for the maintenance of their livelihoods. Hilson and Potter (2005) noted that the policies associated with the Structural Adjustment Programme of Ghana has fuelled the uncontrolled growth of poverty-driven gold mining and have further marginalised its

impoverished participants. However, in almost all ex-colonial countries the legal framework is such that minerals are owned only by the states. Consequently, throughout the third world, the phenomenon of illegal mining is increasing and greater numbers are taking up this profession. For example, in Mongolia, a semi-desert country and one of the last frontiers of human settlement, the number of Ninja miners increased from 10,000 to 1,00,000 between 2000 and 2004 [MBDA 2003]. This represented around 20 per cent of the rural workforce [ILO 2006]. During the same time, the Mongolian government has aggressively wooed foreign mining capital. As the major mining companies entered the fray, the ninja miners were pushed into more marginalised environments, panning for gold in harsh wintry cold often only at night to avoid being caught by the police [Appel 2004].

Historically, we have seen such “rush” conditions in the Americas and Australia; although the early gold rushes in these countries of white settlement are now glorified as heroic elements of the colonial frontier economy. By contrast, in the third world countries, the lawless chaos envisioned in “contemporary rushes” has emphasised the illegality of such mining and suggested curse and war theorisations.<sup>7</sup> Sierra Leone is the most remarkable case where the illegal mining of diamonds had funded warring rebel groups. However, attention to the pure economics of mineral revenues in isolation, leaving aside questions of justice and political ecology can give impressions that all conflicts over resources are because of the minerals as such, making them the problem, and eroding our historic understanding of resources as nature’s endowments. For example, the Central Intelligence Agency described the leaking of petroleum from oil pipelines by “militant impoverished ethnic groups” in Nigeria – an “archetypal oil nation” – as violent expressions of conflict. Summoning a broad “resource war” in this case, according to Watts (2004), draws attention away from the fact that the different ethnic groups have consistently tried to expand their access to and control over resource revenues occurring within their territories and have resisted the governmental control over resources that is rooted in the colonial history of the country.

### Of Small Mines and Major Minerals

To explore the question of legitimacy in Indian coal mining, let us first turn to the legal or regulatory framework of coal (and other minerals) in India, and the licensing and policing systems. We will then go on to examine how responsive our legal and political structures have been to the social and economic issues arising in mining regions. This section shows how coal, the mineral itself, is categorised as a major mineral, and then mines and mining are classified into different categories according to size.<sup>8</sup> In this classical and seemingly watertight classificatory mode, there is no space left for small mining of a major mineral such as coal. But first let us obtain a snapshot view of mines classification in India.

The Mines and Minerals (Regulation and Development (MMRD)) Act of 1957 is the principal legislation governing mineral prospecting, exploration and mining, besides the Indian Mines Act of 1952 which is primarily meant for labour welfare and safety and health issues. According to MMRD, a “mine” means any excavation where any operation for the purpose of searching for or

obtaining minerals has been carried on and includes many other specific activities and operations. “Minerals” according to this act means all substances which can be obtained from the earth by a variety of mining, digging, drilling, etc, and includes mineral oils, which in turn include natural gas and petroleum. The MMRD Act and any other mining development plans are guided by the overall National Mineral Policy (NMP)<sup>9</sup> first outlined by the government of India in 1993, and then revised in 2002. The objectives of the NMP are primarily “mineral development” through explorations of “mineral wealth” in the land and off-shore areas, to develop the wealth taking into account the national and strategic considerations, and ensure their adequate supply and best use. The NMP is meant to promote the mineral industry as well as research, training and development in minerals, keeping in view the present needs and future requirements, but with minimal adverse effects on forest, environment and ecology, and to ensure safety and health of all concerned.

These objectives can raise a few important questions. First, if the ordering of the objectives reflect the priorities of the state, then where does one place the interests and well-being of ordinary people who fail to get a mention except in their being a part of the “all concerned”. Second, where, in this policy, does the state place the possibility and the need for undertaking assessments and mitigations of social impacts? Third, how does the state consider the governance, and regulation of the mineral producers including voluntary regulation? Finally, where do we place the informal mines and how do we deal with the phenomenon of illegitimacy under the current laws? According to Chakravorty (2002), an expert on small mines, such mines together constitute about 88 per cent of the reported mines producing about 10 per cent of the total value of mineral production of the country.

The informal mines comprise a repository of the poorest people toiling at the lowest wages in the worst security, health and safety conditions, and which come nearest to the subject of my discussion. Here one must remember that whatever the size, all mines in India come under a plethora of government rules and regulations – the MMRD Act, Mines Act, Forest Act, Environment Act. The Minerals Conservation and Development Rules (MCDR) (1988) divides all minerals into “major” and “minor”, and rests the responsibility of mining the major minerals (such as coal) with the state. The Indian Bureau of Mines (IBM), working under the MMRD Act identified, according to Rule 42 of MCDR, 1988, further two categories: A or B category mines, determined on the basis of labour employment and the standard of mechanical equipment used.

Whereas the “minor” minerals are defined by MMRD Act as “building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the central government may, by notification in the official gazette, declare to be a minor mineral”, there is some confusion regarding the definition of B class mines.<sup>10</sup> The outstanding feature in this definition is scale: small production, small capital investment, labour intensiveness, shallow nature of deposits and low technology deployment. Thus, some of the coal mining operations on privately owned land would come under this category of mining. On the other hand, some labour-intensive underground collieries of the Eastern Coal Fields (ECL) could also qualify as

“small” mines. Clearly, the current policies and regulations on the mining of minerals are not built to deal with the complex realities of informal or illegal mining and attempts to simplify mines, mining and minerals.

It is worse when mines are classified according to production amounts only; the National Institute of Small Mines (NISM) defined the categories of mines in India according to their production.<sup>11</sup> It is clear that the legal definitions hinge upon “size” factor. The size of operation determines the duration of a mine; however, for an economic activity like mining with close social linkages, such legal definitions are not helpful because they give the impression that a large colliery is just a scaled-up version of a small quarry. This reductionist concept uses the popular language of scale classification and obscures the unity or diversity of mining practices or linkages across scales. As large or the formal processes tend to appear as the only acceptable forms of mineral extraction, processing and use, those practices that cannot be fitted within the categories tend to be rejected and illegitimised.

Clearly, the existing laws are neither comprehensive nor adequate to handle the informal mining sub-sector, part of which is licensed but part of which is illegal, part of which has a long artisanal tradition extending back into pre-colonial days and part of which has been an offshoot of recent developments in mineral tracts. The illegal miners cannot lobby for recognition, and the current laws offer very few practical possibilities for them to mine coal legally, a situation that has resulted in serious consequences for the well-being of local populations and the environment.

### Coal: Only for the Big Boys

Under the amended Coal Mines (Nationalisation) Act, 1993, only two groups are eligible to mine coal: a central or state government company or corporation and “a person to whom a sub-lease has been granted by the above mentioned government company or corporation having a coal mining lease, subject to the conditions that the coal reserves covered by the sub-lease are in isolated small pockets or are not sufficient for scientific and economic development in a coordinated manner and that the coal produced by the sub-lessee will not be required to be transported by rail” [GoI nd]. The rule is unambiguous: there is clearly no space for individual operators for mining coal. CIL, established in the euphoric and heady days of nationalisation in early 1970s, has the full responsibility of mining coal, the ownership of which is vested in the state. Consequently, over the years, CIL has come to represent the quintessential “greater common good”.

The decision-making on the mineral resources in India has been characterised so far by a preponderance of engineers, geologists and bureaucrats, with politicians claiming they represent the entirety of “people’s interests”.<sup>12</sup> The governance of coal resources is vested almost entirely with CIL. The Coal Mines (Nationalisation) Amendment Bill, 2000 allows state governments or undertakings to mine coal from smaller deposits only if CIL provides a certificate of no intention to mine – another vestige of licence raj times. The ministry of coal (MOC) has awarded CIL a near-monopoly, giving rise to a highly institutionalised, hierarchical and tight bureaucratic control over India’s coal resources. An opening of the coal sector to genuine competition – attempted

by the World Bank and hinted by the Planning Commission report – will not necessarily solve its problems. The point I want to make is that there is a need for policymakers to connect to social realities in mining areas and explore how to keep the wealth generated from mining within the region, how to benefit people from mining expansion, how to make laws that do not render people and their livelihoods illegitimate. Till 1993 or so, jobs were being given as compensation for land, but with increasing mechanisation and preference for open cut mining technologies, the number of available jobs have dwindled. At the same time, large projects have necessitated resettlement and rehabilitation (R & R) policy – first in 1994 and revised in 2000 – but “income restoration” as envisaged in the policy has primarily meant insecure jobs with contractors and some form of assistance towards non-land based self-employment.

### Social Impacts

In spite of ministry of environment and forest controls, the CIL subsidiaries have vandalised the environment with little or no concern for the social implications. Environmental degradation associated with new mining projects has had serious social consequences: decay in forest-based livelihoods, crumbling social order, declining farming and shift of the peasantry from farm-based to livelihoods, to say nothing of physical relocation or displacement by mining. Even without environmental degradation, large mining projects are well known internationally to have caused significant social changes with serious implications for the livelihoods of local communities. Yet this is an area that seems to be remained beyond the periphery of the mineral governance in India. Social impacts in India are particularly associated with new mining expansion. Rao (2005) noted that displacement from traditional occupations has forced people into scavenging in Jharkhand. The neglect of social and cultural issues around minerals and mining has created a space for extreme leftist or Maoist movements – as observed by Chandra Bhusan, the associate director of Centre for Science and Environment in the dialogue on mining held by them in New Delhi in April 2007. Chandra showed that India’s mineralised tracts are co-terminus with “conflict zones”. Company officials, bureaucrats and technical experts including mining engineers have not sincerely engaged with the social issues, including the fact that the legal instruments are of colonial vintage, anti-poor, and are unable to deal with contemporary realities.<sup>13</sup>

Civil society groups have also adopted peaceful paths to use existing control mechanisms, such as public interest litigation (PIL), to bring justice to local people. These include the PIL filed by Haradhan Roy of Colliery Mazdoor Sabha which went to the Supreme Court against poor environmental care by ECL. The non-governmental organisation (NGO) concern for the environment is understandable given that the current legal framework allows for at least some amount of concern. In the absence of legal measures for social care, such as social impact assessments made by social scientists, or community engagement systems, resettlement and rehabilitation policies and practices have become the main plank of action by NGOs to give voice to local people and attempt to seek justice.<sup>14</sup> The complaint made by

Chhotanagpur Adivasi Seba Samiti (CASS) to the inspection panel of the World Bank on Parej East open cut project against poor social concern provides an example. Parej East was one of the 25 projects funded by the World Bank under its Coal Sector Rehabilitation Project.<sup>15</sup> However, although the panel lashed the bank management and CIL, both remained unresponsive [Lahiri-Dutt and Herbert 2004]. Even these measures have been largely unable to take up social issues in useful ways or claim mineral resource rights for landowners.

### **CIL's Monopoly in the Context of Global Changes**

The Indian coal industry currently occupies the third position in the world, mining about 400 mtpy with the US second at about 1,100 mtpy and China by far the largest at 2,400 mtpy in 2006. Within the country, coal mining is seen largely as equivalent to national interest, a crucial means for achieving economic growth and industrialisation and for meeting the rising aspirations or the comforts of urban residents; indeed nearly 60 per cent of our electricity is from coal. Outside of the country, India's coal mining industry is perceived as highly inefficient in terms of productivity: the mining cost of coal in India is 35 per cent higher than other coal exporting countries such as Australia, Indonesia and South Africa, the cost of mining is not recovered by coal sales, and poor productivity (about 3 tonnes/manshift as compared to 12,000 in Australia).

State ownership of coal mining in India is important because it can put a significant amount of control over the volatile nature of mineral sector revenues and prevent booms and slumps from occurring at intervals. It was presumed at the time of nationalisation that state ownership would effectively modify the negative roles played by the innumerable "private" owners, but the role of the state-owned company in the post-liberalisation economic context has not been quite clarified. Currently, we have a volatile combination of rising coal demand, rising coal prices in the international market (in response to which the ministry of coal (MOC) has deregulated the coal pricing), of interested multinational companies (MNCs) attempting to invest in India (only sub-contracts are being given out at present to such large international companies such as Thiess, although several other companies are waiting behind the wings). Rethinking illegitimacy becomes important at this crucial juncture of India's coal industry.

To deal with the challenges facing the Indian coal mining industry, we need a greater awareness of the changes in the extractive industries sector elsewhere in the world, mainly in the "mining countries" (a major part of whose gross domestic product (GDP) comes from mining and minerals) such as Australia, Papua New Guinea and Canada. The challenge of mining coal stems from the fact of nearly 500 million or more people thirsting for access to electricity. No matter what the NGOs believe, coal mining will keep playing a major part in satisfying the demand for electricity for the foreseeable future. Coal consumption in the country is expected to reach somewhere between 800 and 2,000 mtpy by 2030 [the different crystal ball gazers are IEA 2006; Grover and Chandra 2006; Reuters 2007]. There are obvious global implications concerning climate change and the Kyoto

Protocol, enhanced imports and investments by Indian companies in coal mining in other countries. The implication on the ground is a definite increase in informal collieries which will continue to meet the demands of small, local consumers.

### **Social Licence to Operate**

Let me come back to the changes that are occurring in the global minerals industry, which provides the "big picture", the backdrop within which to evaluate CIL's performance as a company. Increased and concerted global efforts have been underway since 1998 beginning with the formation of Global Mining Initiative (GMI) and the subsequent design of Mines, Minerals and Sustainable Development (MMSD) project supported by nine major mining companies. The International Council for Mining and Metals (ICMM) has been established as an industry peak body and the recently completed Extractive Industries Review (EIR) findings have led to the Extractive Industries Transparency Initiative (EITI), although the World Bank has not been fully supportive of all these initiatives. These processes were the direct responses to the increasing charges of environmental destruction and the irresponsibility of mining projects to care the social and cultural changes caused by them around their areas of operation. These global processes have forced some of the global mining companies to accept that legal compliance alone is not enough; they also need a "social licence to operate" in developing countries where mining has been "breaking new grounds" [see MMSD 2002].<sup>16</sup> The main objective was trust building; the MMSD report noted (2003: 5-6): The mining and minerals industry faces some of the most difficult challenges of any industrial sector – and is currently distrusted by many of the people it deals with day to day. It has been failing to convince some of its constituents and stakeholders that it has the "social licence to operate" in many parts of the world, based on the many expectations of its potential contributions.

The Bougainville rebellion in Papua New Guinea has now achieved a mythical status in mining lore; poor attention to community development and engagement with the landowners there caused the closing down of a large copper mine [see Filer 1990]. Such examples are available closer home: the Phulbari coal mine project in Bangladesh was shelved in 2006 because of community agitations for alternative livelihoods. Yet the mining industry – unused to examining the complexities in social relations and territorially embedded nature of communities – has remained insensitive to the validity of increasing resentment against mining projects. For the mining engineers who make almost all plans, the mining project itself assumes great importance, subsuming people into disposable "overburdens" of mining operations.<sup>17</sup> This is exemplified by the views of an ex-director of Indian School of Mines, Bannerjee, who in a 2004 article even suggested the erection of boundary walls around the entire leased land after acquiring it a la urban gated community style. In the absence of a nuanced understanding of the society within which the mine operates, CIL falls back upon the legal system and the rationale that "The Land Acquisition (LA) Act or the Coal Bearing Areas (CBA) Act does not provide any assistance for" the local people affected by mining. Mining areas are characterised by heightened

cash flows, influx of migrants, rapid urbanisation and the formation of new social alliances. Unused to analysing and addressing these social changes, mine planners complain: “not all people who live in communities occupying or using land required by the mine are land-owners” and resent that these people often “provide the leadership to those opposed to the land acquisition programmes”.

As compared to this “social blindness”, the global mining industry is changing its approach, at least at the level of policy, language and organisational processes. Many corporate policies now explicitly address broader social justice objectives, local and indigenous employment, security and human rights, sustainable livelihoods, culture and heritage, the need for undertaking social impact assessments, ethical procurement and stakeholder and/or community consultation [Kemp et al 2006: 391-92]. Many international mining companies now regularly hire social scientists, anthropologists and even gender specialists, for advising on good practice of integrated management of social and environmental issues around their mine sites.

### Illegal Coal and Illegal Mining

It is important to differentiate between illegal mining of coal and the illegal marketing and distribution of illegally (or even legally) mined coal. Not all illegal coal is illegally mined. Often legally mined coal may “fall off the back of truck”, is thrown out of rail wagons, or sourced by scavenging from mines and/or sale dumps,<sup>18</sup> and can become illegal. Before prescribing any measure, one needs to remember that there are in fact two separate (but not unrelated) aspects of the “black” coal business: illegal mines and mining (without licence) and illegal marketing/distribution of coal. Neither are the two entirely homogeneous, nor do they have similar histories and organisational structures.

Illegal mining takes three main forms in eastern India: small shallow-dug village mines on private land, mining on re-opened abandoned or orphaned government mines, and scavenging on the leasehold land of official operating mines. This is just based on the source; there may not be any major difference in their production amounts. There are also a few “unregistered” mines: those that somehow escaped enlistment during nationalisation and became illegitimate. The lands on which mines are dug illegally are usually privately owned in Raniganj, but in Jharkhand, these are often village commons or ‘gair majurwa’<sup>19</sup> lands. The mines are dug into outcrops exposed at the sides of steep hills or rivers. Coal may be extracted through a series of small open-cut holes, which may extend underground. Alternatively, they may be shallow underground operations, entered via a drift or a shaft to a depth of about 10-15 m, and which can extend for up to 200 m horizontally. Small brickworks – the customers – are located nearby synergistically. Coal is removed by pick-axe by the coal cutter after which loaders put the pickings into metal dishes or baskets carried on the head about 25 kg at a time. Some of these mines can operate throughout the year; others become unstable during monsoons; overall, the rainy season is the slack time as workers tend to take up employment in the fields. Some of these village mines can be extensive, where four or five thousand people work on an average day.

Scavenging from old abandoned mines is another important source of coal. The eastern colliery tracts have a 200 year, poorly documented, history of underground and incline mining. The entire Raniganj-Jharia region is dotted with small abandoned mines, some of them orphaned by mining companies owned by individuals. As collieries were brought under state ownership, no one picked up the bill for rehabilitating the remains of old mines. The shafts of these pits provide ready access to underground leftover coal. More importantly, poor environmental care in rehabilitating the mines encourage scavenging. It is common for CIL subsidiaries to neglect filling up of voids with sand as per regulation [Lahiri-Dutt 1999], and consequently, villagers have ready access to any coal that is left. Breakage of sealed underground mines is quite common, the carbon monoxide present in such abandoned underground colliery often kill those entering to scavenge coal. The “board and pillar” system of coal mining in most underground collieries means that the entire amount of coal can never be lifted and significant amounts of coal is left behind. The company tends to leave a mine as soon as it becomes “uneconomic”, thus leaving the rest for local villagers to scavenge upon thus throwing them into seriously risky jobs. The ecological footprint left by open cut mines is more serious; so far there have been only a few cases of filling up and rehabilitation, re-contouring and revegetation of large pits after mining.

Scavenging can occur in both underground and/or inclines, but assumes great significance in open cast mines. First of all, there are cases like the Samdi and Sangramgarh collieries in Raniganj, both among the oldest collieries of this area, where mining operations have been going on since late 18th century. Sangramgarh is an open cast operation where a 2m thick coal seam near the surface has been left by the ECL, choosing instead to work on the lower, 6m thick layer. This upper, thinner layer of coal has been cut into a maze of honeycomb-like labyrinths, often extending to considerable distance under the surface. Scavenging of small amounts of coal, stealing and pilfering occur regularly from nearly all open cast mines. Poor security in mines, storage and transportation area provides opportunities for scavenging. In working underground mines, this happens from the coal loading area: coal is loaded by head baskets into awaiting trucks. Scavenging during transportation is not only small pilfering, but can also reach significant scale. Coal India also delivers coal to both the local sale dumps located near the mines and big dumps, and pilferage can take place on major highways from long-distance trucks or railway wagons. Trucks are “hijacked” regularly and at times significant amounts of coal can be offloaded from rail wagons.

Though uncommon, there are some cases of oversight by officials in which the existence of some collieries was forgotten during the listing at the time of nationalisation. For example, Pahargora is a mine that did not make it to the official “list” of private collieries to be brought under government ownership. It continues to thrive till today. A similar case was Saltora in the Purulia district of West Bengal.

### Pauperisation in Mining Areas

The significant amount of social and environmental transformation in colliery tracts stems largely from the monopoly of CIL over coal ownership, mining and marketing. The notion that coal is

being utilised for the greater national good by a central, government-owned body which represents people's interests has allowed its painful lack of attention to social impacts of mining coal. The social transformations have come to characterise mining areas: decay of social fabric, changes in power relations, erosion of traditional livelihoods, migration from surrounding regions and rising levels of urbanisation. The social impacts vary according to the physical proximity of the mine, and are felt differently within the society, varying according to gender, class and caste. For example, in Raniganj region between 1971 and 2001, both agricultural land and the representation of peasantry in the workforce have steadily declined even in the non-coliery villages. Women – especially those from poorer, lower caste and adivasi communities – have found themselves more negatively impacted on as a group. In Jharkhand, a process of gradual pauperisation of the local residents has taken place in which the traditional land and water rights have been lost and few of the benefits of mining have accrued to local indigenous communities.

To exemplify my point, let us now focus our attention on a spot on the highway to Ranchi. Amid a procession of cyclewallahs loaded with sacks and bags of coal chunks I meet Nirjal Birhor. I first met Nirjal in his leaf hut some distance away from Hazaribagh town in the early 1980s. At the time, his livelihood continued to be based on hunting and catching animals and making rope from 'chop' creepers, despite the dwindling reserves of the surrounding Chhotanagpur jungles. In the last 20 years, his world has been turned upside down by the advancing coal mines. He has been evicted from his home, and in the absence of the forest resources that had offered him subsistence, has now turned to digging for coal. He describes his living as "coal collection", but to others Nirjal is a petty thief, stealing and delivering stolen coal.

The links between the legal and illegal coal mines go beyond this simple evidence of pauperisation. The mining companies are the largest owners of land in the coal tracts, the prime employer of people and mover of resources. They choose to either overlook the coexistence of illegal mining with their operations, or see it as a law-and-order problem to be dealt by the district administration. To complaints of "theft" from its premises, the bureaucratic reply is usually that the company should look after its own premises and property with its own considerable resources. More often than not, the matter ends after a few exchanges of letters or at best "high level committee" meetings.<sup>20</sup>

In Jharkhand, illegal coal mining has followed the expansion of formal coal mining in recent years. This is primarily due to fact that CBA Act supersedes the non-transferability of tribal land which was a basic protective instrument for poor and indigenous peoples [Bengara 1996]. In Raniganj and Jharia, occupational displacement due to the degradation of cultivable land has caused people to turn to this profitable economic activity. Formal and informal coexist in this part of India; at times the legal collieries have had to adapt their practices at times to the coexistence of illegal mines. In Kharbad colliery in Raniganj, leakage of oxygen into the underground coal seams – caused by locally dug "rat holes" – has caused extensive mine fires. To keep the fire under control Jambad, previously an underground colliery, has now

been turned into an open cast mine, regularly needing hosing to quench the fire.

The links are also evident in a subtle tolerance of illegal coal mining – both from private lands and scavenging from official mines and small-scale transport and distribution of illegal coal by company officials and district administrations. The metropolitan-based media has been concerned in recent years about the possibility of subsidence of the main railway track passing through the region. Concern on the part of the district administration and the subsidiary company of CIL is usually determined by the degree of media exposure received by major accidents. District collectors view the problem of illegal coal mining as one of law and order, yet avoid taking direct responsibility for preventing theft from company-owned land. They also tend to ignore the larger operations on privately owned land as long as the owners maintain peace with local power structures. Police officials tend to vary in their views regarding illegal coal; the district superintendent of police often tries to control the larger operations, both mining and truck transportation, but tends to ignore the cyclewallahs. Mine managers also appear to be fully aware of the exact locations of large illegal operations.

Understanding these perceptions is important before giving out a prescription. For example, according to a journalist based in Hazaribagh, both large-scale (by trucks) and small-scale transportation (by cycles) occur in a centrally controlled manner that resembles the illegal 'satta' (gambling) business, run by the underground kingpins in the big cities. Although the mafia's omnipresence is noted by everyone in the coalbelt, in my view, the mafia operations comprise a different – I emphasise not necessarily unconnected – system of production and distribution of coal than that performed by the cyclewallahs. In my interviews with coal cyclewallahs, it was clear that the mafia-controlled system of illegal coal transport operates in trucks. Part of the problem also lies in how coal is marketed by CIL: coal is not freely sold to small and domestic consumers, and the entire coal-producing region in eastern India does not have a single distribution depot to cater to small and domestic consumers. Factories use coal by obtaining "linkage" from the mining companies. Often, a local coal-based industry-owner applies to the central government for a grant of coal to fire its furnaces. Till recently, this permission paper was rather hard to obtain and might require multiple bribes at various levels. Once granted, these permission papers can be repeatedly used to obtain tax-free coal from sale dumps of the Central Coalfields (CCL) even though the industry may have subsequently shut down and is only a front. In interviewing the cyclewallahs, we repeatedly asked whether their supplies were meant for fixed customers or not. Local chimney 'bhattas' or brick kilns can be major consumers of this coal throughout the dry months. In most cases, the cyclewallahs are itinerant sellers, selling coal to local chimney bhattas or brick kilns and even smaller consumers like individual homes. Thus a fundamental reason for delivery of coal by bicycle in the coalfields is lack of any regular delivery system to small local users. In the eastern parts, up until the 1960s, the urban households situated around the coalfields cooked with coal. Small coal dumps were established and licensed within a town, the coal being delivered by truck or rail. When

liquid fuels (LPG and kerosene) became routinely available, use of coal in the middle class households was phased out in their favour. Being demand-driven in this case, the coal supply-chain extended as far as Kolkata or beyond.

### Regulation, Regularisation or Revisiting the Laws

As the district administrations in Burdwan, Dhanbad and Hazaribagh set up committees to control and curb illegal coal mining, the main debates centre upon the options of regulation, regularisation and formalisation. Regulation would mean total blockade of all illegal mining – on private lands, operational and abandoned mines. A mine manager even suggested that the entire upper 20 feet layer of coal be razed as a preventive measure. As noted earlier, policing has so far been the preferred choice for CIL and its subsidiaries, although responsibility remains a thorny issue.

The possibility of regularisation has been discussed recently in the Raniganj fields of West Bengal, where it has been proposed to bring the local illegal mines under a cooperative management of sorts. This is not new; in Indonesia, Soekarno's government recognised the long artisanal tradition of mining and created space for them in "People's Mines" which are allowed to operate at their low production levels. In people-friendly China, such village cooperative mines have existed in designated areas. However, responses to West Bengal government's proposal so far have been unenthusiastic. The proposal, although the best available so far, is also unrealistic; cooperatives could include only the "illegal mines on privately owned land". Cooperativism would also not challenge the exploitative production structures within these mines, perpetrate inequalities within and reinforce existing production relations in the absence of a good understanding of how the labour supply works. The important area of scavenging, pilferage and such other sourcing of coal – often involving the poorest of the poor – would then receive the main policing attention. With coal prices rising and demand soaring, the opportunity cost of illegal mining would remain favourable to the diggers. Blocking the top end – restricting market access or certification – would also not help under the dualistic market situation in which small consumers predominate and large-scale sales is centrally controlled by CIL. Above all, isolated measures targeted at stopping illegal mining would not work as long as the state and its representative – CIL – are not perceived as fair and efficient.

In my view, neither regulation nor regularisation would be possible unless the current legal framework around minerals is changed. However, the views expressed by the high level committee of Planning Commission which devoted a full sub-section on the implications of illegal mining, although suggesting many changes focuses on the revenue losses to the state and suggests (2006, p 131) that "for checking illegal mining there can be no substitute for improved standards of governance". In my view, the existing mineral ownership and land acquisition laws are antiquated and unresponsive to concepts of social justice, and the regulatory system itself is in need of change to respond to the emerging social reality.

This need for changing the regulatory system can even be seen through a purely economic lens. As noted before, rising prices in the international market, and the recent deregulation of coal

prices within India means that coal prices will be in the near future on an upward swing. The demand is arising from the domestic sector as much as from small industries, not only the urbanising classes demanding coal but in many parts of eastern India degrading forests forcing even the villagers to use coal instead of conventional biomass fuels. Besides rising demand and prices, the other driving forces are the complete alteration of society and degradation of the environment – both of which are forcing people to turn to illegal coal mining for a living.

On the larger, industrial scene, India will turn increasingly towards imports of coal. We simply will not be able to mine enough coal to meet the kind of demand that has been forecast. Indeed, India currently imports 35mt coal largely from Australia and Indonesia [ICRA 2006]. An example of this new trend of Indian capital moving out of the country in search of securing coal sources is Tata Power's recent purchase of Bumi Resources, an Indonesian coal company with mining leases in eastern Kalimantan.

I envisage that in future the Indian coal industry will operate in three distinct layers (instead of the current formal-informal binary). The three layers will be comprised a top globalised sector, where multinational companies will enter to operate in different garbs and Indian companies will secure coal from abroad for their industries and power plants; a middle tier of CIL changing its modus operandi only marginally or refusing to change quickly enough, and a lower tier of unstoppable local private entrepreneurs investing and making money at the cost of poor people's labour, yet providing a critical livelihood base for the masses and thus playing an important social role.

As things stand now, it is difficult to predict the respective shares of these segments, but my guess is that in terms of numbers and livelihoods involved, this lowest tier will play such an important role that there will be a forced rethinking of our legal framework for mineral resource governance.

### Limits of Justice

The high level committee on National Mineral Policy (2006) actually agrees with this point of view albeit indirectly. Although the report unabashedly intends to open up the minerals sector to foreign investors, it also notes in critiquing the NMP, that (2006, p 20) "the issue of compensation for local tribal populations as a primary charge on the minerals extracted from their land needs to be built into the policy and given primacy along with the issues of deforestation, pollution, and other disturbances caused in the ecology by mining activity". Quite rightly it points out the various defects in existing legal framework, particularly the lack of clarity and transparency (on such issues as the basis for grant or denial of concessions), conflicting laws at the federal and state levels (such as that of states imposing additional cess/taxes on top of royalties) that give a confusing picture to investors, and cumbersome and time-consuming procedures of obtaining a mining lease. In adopting a path of prescribing procedural complexities it explored how a "single window" system could be formed and suggested that coordination-cum-empowered committees should be set up at the state and central government levels to hasten the decisions on applications.<sup>21</sup> However, it frames the issue of local community in terms of corporate social



responsibility<sup>22</sup> (CSR) which is again a neoliberal jargon term. It also contradicts itself in noting that “with a soft state apparatus amounting to a virtual absence of mining policies” will lead to greater illegal and unregulated mining, but for all practical purposes suggests a retreat of the state.

### Effects of Privatisation

We are now passing through a volatile time when the nationalised coal mining industry will undoubtedly, eventually, undergo divestment, and the monopoly of CIL will break. How will we then deal with the hundreds and thousands of people making a living from illegal mining of coal? Unless we understand this as a livelihood, and accept the rights of people over mineral resources, we will neither be able to strengthen our democracy nor uplift the enormous numbers languishing and threatening our economic prosperity. For this, more robust and socially informed mineral resource laws need to be developed based on an agreed set of broad principles. The foremost of these principles would be respect for the rights and interests of all those involved. With our poor track record of policing the environmental performance, it is dangerous to invite either foreign investment or open up the coal sector to private investment. The key question in this stage is, can the foreign investors rely on national governments to look after the interests of local communities, or should they do it themselves through CSR? The other question then would be, is legal reform the best approach or will the empty rhetoric of CSR be proven effective in India? Other, liberalising developing countries that have opened up their minerals sector have banked on the CSR largesse, with significant resources and attention being devoted to developing comprehensive CSR policies within companies and nationally seeing corporations as vehicles of good governance and sustainable development. For example, in Indonesia receiving CSR awards has become an attractive deal for mine managers. Describing this as the “gift of the market” in South Africa, Rajak (2007) notes most mining companies now have a package of policies covering various areas which fall under the broad spectrum of CSR or socio-economic development (SED). CIL, molded over the years of its existence into the philanthropic paternalism, remains far away from such measures. Given the history of small-scale entrepreneurship in Indian coal sector, it will be impossible to expect anything but a mushrooming of small coal mining leases in an open market scenario.

Moreover, the current laws are focused only on mitigating the negative impacts of mining on the environment and people. Instead, we need to frame policies and laws that can deliver sustainable benefits for local, regional and even global communities. This can be achieved only if the laws emphasise the need for a more participatory and inclusive approach at the process level that mining companies can adopt. As things stand now, we are far away from establishing such processes. First of all, we need to learn more about the production organisation of “illegal” mines, as well as the marketing chains and chains through which legally mined coal may be illegally distributed. It is also necessary to know the extent of involvement of coal smugglers and mafia and the level at which they operate. It is crucial to identify the stakeholders of this black economy, and the linkages between the

formal and informal coal mining sectors also need to be understood to identify the social, political and economic forces driving these unintended collieries.

A revisit of the laws surrounding mineral resource extraction in India would thus involve a fuller understanding of the role of the community in local economies, to provide access to resources to local people, and to integrate community interests in mine management plans. Access to the land and its natural resources and food security are at the centre of illegal coal mining. If the coal resources of India are truly vested in national interest, they must help us to build and live in a society where opportunities and benefits are equal for everyone.

The other urgent needs include the protection of common pool resources that help poor communities survive in rural economies in colliery tracts and to find ways to vest the power to co-manage the minerals with the local communities. If we can develop working arrangements for joint forest management or integrated water resource management systems, we can also start a rethinking process in India to create a situation where some form of co-management of collieries can be effectively developed.

### Rights of Local Citizens

We need to accept local and indigenous communities as equal and integral citizens, to acknowledge their rights over local natural resources, to develop the society also according to their needs as different from the dominant mining-urban-industrial economic form; and to find ways of decision-making in which they can take equal part. In India, especially in mining regions, people such as Nirjal are somehow tolerated, and planning is done for them, according to what the engineers think is best for them.

It is also important that a wide debate takes place, between social scientists, planners, international agencies and civil society, on the issue of justice in coal mining areas. To find a socially just and forward-looking resolution, and to make sure that an apparently “modern” but equally authoritarian, restrictive “planning” does not get imposed to “control” the “problem”, which will also enable the growth of Indian society, is a challenge which has yet to be solved.

Illegal coal mining provides an important entry point to a public debate on rights over mineral resources – one that is of far more significant than that might appear to be the case at first sight. Collectively the debate implicitly involves the lives, livelihoods, and futures of a significant number of people straddling the mineral-rich tracts of all developing countries. This is not only a large population, but is also amongst the poorest and most exploited in the region. Our mainstream society has avoided accepting the poor and disadvantaged as an integral part, isolating them, and flaunting the environmental impacts of illegal mining a major cause of concern. It is important that we first of all question the limits of justice. Notions of legitimate and illegitimate (economic) practices are grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community. As the formal coal industry continues to isolate and exclude local communities from the formal economy, poor peasants and others can assert their rights.

## NOTES

- 1 These are Eastern Coalfields, Bharat Coking Coal (BCL) and Central Coalfields (CCL).
- 2 The term 'Unintended Colleries' is inspired by Jai Sen's 'Unintended Cities' article and is gratefully acknowledged.
- 3 For example, Meghalaya is a "fifth schedule" state in Indian north-east, implying that mineral resources there belong to local landowners. However, coal, which is abundant there, is classified as a "major mineral" meaning that technically it can only be mined by the state or major players. Consequently, the 30,000 or so engaged in coal mining in Meghalaya fall in a vacuum of non-legal space.
- 4 For example, the Movement for the Emancipation of the Niger Delta (MEND) from January 2006 kidnapped and ransomed over 50 workers, blew up pipelines, overran offshore rigs, killed Nigerian soldiers, declaring a "war on Shell". Their demands were restitution for the environmental damage wrought by the oil industry, greater control over oil revenues for local government and development aid to improve living conditions. Watts (2004) had previously showed how the bureaucratic and government control over the oil resources of Niger delta have actually impoverished people to a great extent.
- 5 Diamonds in Africa are the best example; seen widely as a "rebel's best friend" [Buhang and Rod 2006], and now preserved for eternity by Leonardo de Caprio film, *Blood Diamond*.
- 6 Personal communication, with Shen Li, an authority on ASM in China and also the head of CASM China Network. See [http://www.casmsite.org/regional\\_CASM-China.htm](http://www.casmsite.org/regional_CASM-China.htm)
- 7 I do not contribute to the positivist theories of resource conflict, resource curse and resource wars that prophesie doom and gloom in developing countries, demonise the rightful needs and livelihoods of poor people, and prescribe top-down measures such as conflict management [see Lahiri-Dutt 2006].
- 8 Such size-based classification to govern natural resources has been a hall mark of India. Forest products were similarly classified into major and minor.
- 9 Available from <http://mines.nic.in/nmp.htm> accessed on August 2, 2007.
- 10 Sahu (1992) describes them as "those whose production, or excavation quantity is limited in tonnage and not very large, mostly manually operated and sometimes employing machines to small capacity. Such mining activities are usually confined to deposits which are shallow in depth and small in extent".
- 11 Small-scale up to 0.1 million tonnes per year (mtpy), medium from 0.1 to 0.5 mtpy, and large-scale being over 0.5 mtpy.
- 12 A statement in the March 1993 National Mineral Policy of the government of India exemplifies the utopian world that those in power inhabit: "Small and isolated deposits of minerals are scattered all over the country. These often lend themselves to economic exploitation through small-scale mining with modest demand on capital expenditure and short lead-time, they also provide employment opportunities for the local population. Efforts will be made to promote small-scale mining of small deposits in a scientific and efficient manner while safeguarding vital environmental and ecological imperatives. In grant of mineral concessions for small deposits in scheduled areas, preference shall be given to the scheduled tribes". In a scoping study on small mines and quarries, excepting a few rare cases, I did not find any small quarry that is in reality owned by an indigenous person, although many such mines operate on tribal lands, especially throughout Jharkhand-Chhotanagpur belt.
- 13 CIL is aware of its poor social performance, but either bundles social issues with the environmental ones or cannot include the social issues within the current compliance regime that has little or no social content. Consequently, the Coal Sector Rehabilitation Project was split in November 1995 in an agreement between the government of India and CIL to separate the environmental and social components. Apparently, it was meant to assist CIL in the implementation of high priority environmental and social mitigation programmes, while providing the Gol with the time to take the necessary legal steps for the implementation of reforms.
- 14 The Samatha judgment (dated July 11, 1997) is an exception in which the Supreme Court accepted the right to compensation of local populations, not only in cash through usual relief and rehabilitation packages, but also to a fuller life.
- 15 The panel report found several instances of non-compliance on the part of the Bank with its policy on involuntary resettlement, particularly during the project preparation and appraisal phases, and with its policies concerning environmental assessment, consultation and disclosure of information and timely provision of land titles to resettled persons. The panel also found that the resettlement action plan for Parej East provided for the payment of a subsistence allowance

which has not been paid to eligible families. The World Bank Management in response proposed to the government of India that it would provide additional support to address this shortcoming. The government of India noted that this allowance was not included in 12 other resettlement action plans prepared under Coal India's corporate resettlement and rehabilitation policy and was reluctant to establish precedence.

- 16 A social licence fundamentally changes the manner in which mining companies do business. Put simply, it implies that a means will exist for society to monitor and measure a project, and company performance throughout the mining life cycle. It is an extra-legal, abstract and ethereal concept that is largely outside the "core business" of mining. It has been defined as "the recognition and acceptance of a company's contribution to the community in which it operates, moving beyond meeting basic legal requirements towards developing and maintaining the constructive stakeholder relationships necessary for business to be sustainable. Overall, it comes from striving for relationships based on honesty and mutual respect" [DITR 2006].
- 17 An example from Bannerjee (2004: 8) would be sufficient to exemplify this tunnel vision: "As Coal India, already suffering from a load of surplus labour, could not offer so many jobs to the land oustees as demanded, a large number of dissatisfied land oustees were formed and many CIL projects started facing land acquisition problems. Many mines have not been able to advance in the way it was planned, many others had to resort to muffled or controlled blasting and many new projects were delayed and the economic impact of these disruptions were enormous".
- 18 Sale dumps are depots where the mining companies store their coal after digging it out from different collieries. These are also distribution points for legal coal. Therefore, these are spots from where trucks leave with "linkage" papers to their destinations.
- 19 'Gair majurwa' literally means "deedless land", that is, land that is not officially recorded and has no legal ownership. Those living or cultivating such land may have de facto ownership, although such customary ownership is not recognised by the law when the company takes over land for mining.
- 20 Consider this. In its letter No 9627-P dated September 20, 1999 the superintendent of police of Burdwan district wrote to the chief managing director of ECL: "The response of the ECL authority in mentioning that the responsibility and authority in curbing down anti-social activity rests with the district administration and state police being true but the ECL authority should also not avoid its responsibility of guarding its property lying abandoned in open especially when ECL is provided with over 1,000 armed central industrial security force personnel and over 5,500 security personnel. Nearly 1,700 guns/revolvers are available with the security staff also". Note the accurate numbers mentioned but the overall reluctance to share the responsibility of tackling the problem.
- 21 The report refers to the submission by one mining company that it had to pass through 77 desks taking a minimum of 485 days.
- 22 Rajak (2007: 2-3) has made a scathing critique of CSR: "Corporate Social Responsibility claims a radical break with the legacy of corporate philanthropy - charity replaced by the technocratic rationalism of 'responsible competitiveness' and 'sustainable development', while stakeholder engagement and participation take the place of the mine manager's paternalism. ...CSR claims the capacity to change the way in which business itself is done. It asserts the happy coincidence of economic imperative and moral injunction - the convergence of economic value and ethical values. It does so by drawing on a powerful paradigm of social investment through partnership."

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