



## **MINING AND ITS IMPACT ON TRIBAL'S PEOPLES IN GOA**

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### **ABSTRACT**

*After Post- Liberation of Goa, the state was focused more on economic development which basically to emphasised the growth of GDP. As a result to establishment of Industries, dams, mega projects and mining which led to changes the patterns of land use, water and other natural resources? Availability of these minerals in tribal areas has brought huge changes with the opening of various mining companies. The paper examined the mining and its impact on tribal peoples in Goa.*

**Keywords:** *Mine; Land Right, Displacement, Health, Environment, and Constitutional Mandate.*

### **INTRODUCTION**

For the last many decades the issue of human rights-violation of rights to life and livelihood of tribal peoples' is a central concern. The tribal movement and issues of livelihood revolved around securing their well-defined rights on land and forest resources.

The impact of the changing perspectives regarding to development programmes to affect the livelihood resources of the tribal people. There are the various methods of articulation of collective concerns of tribal people with regard to the promotion and protection of their natural resources based on livelihood.



Most of the Tribal peoples were sacrificed their own rights due to various projects in their own area which resulted in destruction of their livelihood and damage to the environment. More than four decades tribal Rights has been Violated due some project in the tribal area. In earlier, there are large numbers of mining production and its huge mineral wealth is obtained which is mostly found only in tribal areas. The geographical concentration of minerals mostly in indigenous Scheduled areas Qupeem, Sanguem, Darbandora, Bicholim and Sattari Taluka in Goa ,which has often been noted for the concentration of indigenous Population.

Yet, mining policies in Goa have overlooked the existence of tribal people thus the state failed to protect their land and resources. According to the Indian law all minerals found underground is state property on this count alone the tribal rights gets automatically dissolved. The rules framed under the Mining and Minerals (Regulation and Development) Act, 1957, the main law on mining, while providing detailed procedures for a company or individual to obtain permission from the respective state government (and in some cases central government) to search for minerals, but it does not talk about who are victims.

The affected tribal people are not required to be informed or consulted before mining leases are granted by State Government. But there was no mention under any state act of tribal people rights or protection afforded to them under any other procedures or rules framed under state acts. Yet, state had not notified fifth Scheduled area or not shown desire to implement any tribal development policy in Goa. Though the disaggregated data on the number of mines operating in the state or the numbers of tribal people were displaced by such projects, said data does not officially exist as the information is deemed to be politically sensitive as majority of mines are located in the tribal areas.

Historically, mining activation commenced from 1940 in Goa and main chief Source of supply of iron ore magnesium was exported to other country till last few years. The huge numbers of lease were granted to the mine owner by the State for the Purpose of mining Project in area.

In past many decades, the huge number of illegal mining is operating in tribal area and mines are responsible for destroying the natural forest, tribal livelihood and habitation. Due to the deforestation, the adverse causes on environment and tribal people who were living in the vicinity of Bicholim,Sattari, quepem, and sanguem talukas. Most of the tribal people who were depend upon their livelihood on kumari land on forest area and ground nut.

During the colonial period that is the Portuguese regime many mining leases were granted to the private persons including Non-Residents of India. These mining leases were granted by state due to growing demand of iron from China, thus began the mining which rapidly increased in Goa. In South Goa district, most of the tribal people who are residing in the



forest like the village of Colmba including surrounding villages in Quepem and Sanguem Talukas are having rich deposits of Iron Ore.

Prior to liberation of Goa all mining leases were governed by the Portuguese Rule and laws. But soon after the liberation, the process of the Government of India derecognizing and cancelling these leases began for the purpose of bringing these leases under the control and governance of Indian laws such as the mine & minerals (Development and regulation) act 1957. And Rules that followed this Act. Similarly, the Government of Goa legislated the Goa Daman & Diu mining concession (Abolition & declaration as mining houses) act 1987. However, a question arises that when the former law which is the central act is in practice where the issue does arise of legislating. On the later Act and this leaves a lot of doubts for the possibility of protecting the interest of mining companies.

As per the provisions contained in rule 24 A (9) of mineral concession rules 1960 which actually provides for the renewal of lease within a specified time period the state Government in contravention of the above provisions granted leases by allowing renewals to the mining lease holder and mining companies thereby violating the interest and rights of those tribal population residing in the concerned leased areas since the time immemorial along with peaceful ownership and possession of their ancestors in perpetuity.

### **Mine and Tribal peoples.**

Very often, the movement from tribal organization to recognition of tribal ownership lands in the state of Goa. This is particularly true that mineral-rich arid lands of the interior and Non-recognition of Tribal peoples interest in their lands; however, it was a long term issue in Goa. There are a number of serious implications from the past to pressurize for the recognition of tribal rights to land in Goa, not just as regards loss of land. Though there is a close relationship between tribal people and nature the interest of resource industries, of course, lie in securing unfettered as far as possible access to land and guaranteeing that access for the longer period. Sometimes, it meant quite heated campaigns against the recognition of tribal rights, not just to the mineral resources or a share in the wealth but tribal rights to control over land.

There is no constructive engagement has so far occurred between tribal people and mining companies. Indeed, the generalization is that the tribal people are always opposed to mining Project which is operating in tribal areas and this project is not for tribal people development. The basic assumption, however, is a reflection of a more complex dynamics involving not just a local tribal community and resource developer, but extending to the fundamental relationship between tribal people and state to the extent, but lack of recognition.



of the rights of tribal people over land. So, the Disputes over the tribal rights to land and resource development can jump from the local to the State level because the questions at the heart of such disputes are fundamental social, environmental, and human rights issues that cut across state economic interests.

The tribal land rights are communal rights which have not only a proprietary aspect but also cultural, social, economical and religious dimensions. The recognizing right on land that the tribal people may continue to operate as distinct societies within the District and Taluka in Goa and that they have the right to do so.

These fundamental rights over traditional lands necessitate a unique and constructive right to negotiate over development on the land and to require governments or developers to obtain consent to land access. Thereby recognition of tribal rights people may want to consider the physical, social, cultural, and economic impacts of mining projects to be developed with tribal interests in mind. The tribal people's rights must be protected over their cultural and ancestral lands to ensure their economic, social and cultural well-being. The Key elements of the tribal people policy provides that development programmes, projects and activities must developed along the fourfold agenda of recognition and protection of tribal ancestral land rights, self-governance, empowerment, cultural integrity, social justice and human rights in Goa .

The important issue must be looked at protecting interest of tribal people as the State has failed to provide protection on tribal's land are some of the most critical issue in Goa. The massive invasion of the mining companies on land resources also resulted in damage to the houses, paddy fields, crops etc. The state government has failed to enforce strictly and appropriately the existing laws in Goa.

During last many decades, tribal people protests, movements, forums, organizations, groups and individual activists addressing issues which are vital for sustenance of livelihood of the deprived. The widespread socio-economic, cultural and political inequalities and disparities make the constitutional right to exercise freedom conditional. Freedom is not just social, economic, cultural and political freedom but also freedom of the poor and powerless to exercise above freedoms. It argues for the need to focus on freedom as vital to development in practice, the 'freedom to exercise freedom' is denied to the vast majority of societies who are underprivileged and discriminated against<sup>1</sup>.

The state's developed new mantra to ensure development by handing over the productive resources to the national, transnational and multinational corporations is based on the underlying philosophy of economic liberalization and globalization of trade which has seen the shift from a 'Tribal welfare state' to a 'tribal Developmental State'<sup>2</sup>. However, from the



historical point of view, the state has denied the local people access and control over the resources, which is vital for the sustenance of their livelihood. The denial of basic needs has brought the tribal directly in confrontation with the state. Which raised the critical issue of loss of livelihood and the ecological threat, opposed big dams, and the people's struggle for land rights-protests/movements by tribal people and also to protect the fertile land, water, forest reserves and mineral resources from unprecedented land grab and land acquisition in the name of development across the state? This has led to an increasing tolerance for the infringement of human rights.

The 'Development in tribal areas is not only about building roads and buildings but also about the operationalisation of equity, social justice and people's sovereignty over their resources. While everyone talks of peace, genuine peace cannot mean acquiescence in an exploitative and unjust social order, but rather it should be the result of a movement for equity and social justice<sup>3</sup>.

In Goa there is more Challenge for tribal people's right for protection of their own land. The mining leases are the consequent threat of large-scale displacement and loss of livelihood. The monetary compensation given is not adequate to cover the extent of loss of livelihood, lands with its produce, as well as the traditional habitat they are accustomed to; instead, the tribal need alternative lands of the same quantum they are losing.

### **Displacement and Tribal people**

The tribal people are living in the hilly areas in the different parts of the taluka in the state. The magnitude of human rights violation of tribal people due to displacement for the purpose of mining or any other project which was affecting the life of tribal people in Goa. The tribal people namely Gawada, Kunabi, & Velip communities were one of the poorest and most backward communities in the state of Goa. It has always been suffering from extreme poverty and the State & central Government has just neglected them' in terms of economic sphere due to the unequal allocation of fund for their development in Goa. Thus, today the state of Goa is fast emerging as growing local economy and as a result developers are looking for direct investment from multinational development projects, which violate the rights of the tribal people in Goa.

The welfare state has been guaranteed to protect the rights and improve the situation of the tribal people which has not been able to fulfill its pledge. Even in some cases, due to the advent of liberalized force the state is trying to make a shift from its welfare model to a purely capitalistic path of development and moulding all its policies of development in consonance with the needs of the market forces.





Some kind of legislation is forcing the tribal people to leave their traditional rights of community (common property) resources and minor forest produces. In course of time, their lands and forests area became the property of the state. In other words, nature turned into property. As a result, their livelihood is under threat. Instead of improving the socio-economic conditions of these indigenous poor groups, the government has worsened their conditions, displaced them from their natural habitation and destroyed the whole bondage of social cohesion and togetherness. They have been deprived of their rights to life and livelihood.

Sometime the Human Rights underlined that the most destructive and prevalent abuses of indigenous rights are a direct consequence of development strategies that fail to respect the fundamental rights of self-determination. The result has been the elimination and removal of natural resources, waters, wild life, forests and food supplies from indigenous land either through commercial exploitation or incompatible land use, the degradation of natural environment, removal of indigenous people from their lands, and their displacement or pre-emption from the use of their lands by outsiders.

The pursuit of development adversely affected the indigenous people causing deprivation, displacement and devastation, and drastically altered the relationship of the tribes with the natural environment and the resources lying there in, which invariably led to the 'disempowerment of the tribes'.

During the last many decades the magnitude of indigenous people are displacements caused by development and the increasing construction of development projects of dam and mining Projects which consistently displaced a vast number of indigenous people. These development projects include dams, mines, industrial establishments and hotels though some of them have been resettled partially.

A large number of indigenous communities are suffering on account of more and more land alienation and dispossession from natural resources. The indigenous people are frequently exploited, discriminated, displaced and oppressed. The village has the productive land which was a collective source of livelihood of indigenous people. The displacement not only evicts the indigenous people from the land and destroys their livelihood and employment opportunities but also adversely affects the human rights of the indigenous. As a result of deprivation of the land their lives are affected because these groups of the indigenous people who were dependent on land, indirectly lose also their right to life or existence, security, employment and also their livelihood opportunities which are their basic Human Rights. Thus, these indigenous people have been subjected to various kinds of socio-economic exploitation by these settlers in their own land.



According to the universal Human Rights declaration everyone has the right to life, liberty and security. Under the heading of economic, social and cultural rights, all governments are expected to try progressively to improve the living conditions of their citizens. But the forced displacement have created major socio-economic risks, and problems like landlessness, joblessness, homelessness, loss of access to common property, social discrimination, loss of access to community services, violation of human rights and also loss of educational opportunities. The Rights Related to Culture is guaranteed in the Universal Declaration of Human Rights 1948 which recognizes the “right to culture” and the Article 15 of the International Covenant on Economic, Social and Cultural Rights 1966 also recognizes the right of everyone to take part in the cultural life. Article 27 of the International Covenant on Civil and Political Rights 1966<sup>4</sup> recognizes the cultural rights of minorities, which is more relevant for indigenous people.

### **Tribal health and Environment.**

The link between Human Rights and the environment has been explicitly recognized at the international level in the 1972 Stockholm declaration 35 (a) of the preamble of the 1982 world charter for nature which also acknowledge the material existence depends on the natural 36 neither Stockholm declaration nor the world charter for nature is legally binding but they are important statements of policy to guide the action of state and to support indigenous people in seeking influence on government action at the national level.

The protection of environment is essential in order to protect fundamental human rights such as rights to life, food, water, health, fresh air, property and culture which depend on the convention of the ecological integrity with legal rights to healthy environment. The international environmental law can be used as mechanism for economic respect of human rights and their protection.

Human rights provide to live with healthy environment, but generally state does not provide facility for the development of indigenous peoples is an important issue in advancement of the Society. In order that might be necessary to have standard for environment. The indigenous people who are depend on the natural resources to satisfy their individual needs may demand a higher level of environmental protection than other sections of the society who sees also those land and reserves as basis for economic development.

While using substantial human rights to protect the environment the indigenous people have fought to protect their interest on their land and territories through legal action to enforce their substantial human rights. The right to life is the most fundamental human right and is guaranteed by Human Right instrument. Under, Article 3 of the 1948 Universal declaration on human right states that everyone has the right to life. The international covenant on



political right 1966 states, in article 6 that every human being has inherited right to life and this right shall be protected by law. It also stated in various convention and covenant that No person shall be arbitrarily deprived of his life<sup>5</sup>.

In Goa, mining activities are going on hill side which is also seriously affecting the overall health of the tribal people. The contaminated water has been linked to slain deceases, respiratory system demanding within short the total shut down of the mines. Mining is Exploitation of the vast mineral resources in order to meet the growing requirement that has been a major economic activity contributing significantly to the country's industrial development and export trade.

It is also responsible for the administration of the Mines and Minerals (Development and Regulation) Act, 1957 in respect of all mines and minerals other than coal, natural gas and petroleum. The mining activities which affect the environment are generally very destructive anti-environment activities. It is one of the main causes of deforestation. Mining projects also affect environment pollution which contaminates all living organisms within the body of water and ultimately the indigenous people who depend on their economic livelihood. Many indigenous people who cannot afford to go to a doctor, or who live in a village where a doctor is not accessible, and very often not treated for their illnesses. If the water is contaminated, the indigenous people cannot use it for drinking bathing, cooking, or washing their clothes

As the environmental Pollution causes the indigenous people who are residing in mining area may suffer from lung diseases which may cause by breathing in silica dust, is another grim reality in the area. In Such circumstance the State should provide medical help to the indigenous victims, and if it is not done than in future the indigenous people will become victims of deadly diseases like tuberculosis and asbestosis.

Sometime the Ecology may Chang due to Pollution and there have been severe ecological changes due to illegal mining and certain species of animals and living things have been disappeared. The Medicinal plants from the area do not grow anymore and the entire pattern of rain will be changed in the district of South Goa. In past, the entire area surrounding the mining activities is denuded of greenery and has no agricultural activities. So, going ahead with the open-caste mining always result in huge environmental impact which would "drastically alter" the region's water supply, affecting both ecological systems of indigenous communities in area as it has already polluted local rivers, damaged crops and disrupted the lives of the local indigenous peoples .

The Tribal people living in area close to the mining activities are suffering devastating effects on their health, the crops and their livelihood from the pollution caused by the mining





activities. In addition to this, the indigenous people's health is being deeply affected as a result of the pollution from the mines, with men suffering from respiratory diseases and lung cancer. Along with the threat to the livelihood of the indigenous people, there is also the threat to their lives. The danger caused to indigenous people's healthy life is due to mining and industrial Pollution. The mining is the major cause for pollution of water and damage to the houses during the activities of blasting and explosion in mining and ultimately occurrence of the displacement of tribal villagers for the purpose of mining.

### **Livelihood and Tribal people**

Some mining Project has greatly affected the tribal people their life, environment, livelihood but culture and society are fundamental aspects of tribal existence hence, their maintenance and enhancement is a fundamental human right. The destruction of environment and thereby of the natural resources, is therefore, a violation or leads to the violation of human rights directly by undermining the above aspects of human existence, or indirectly by leading to other violations of human rights, for example through social disruption, conflicts and mining . Conversely, human rights violations of other kinds can lead to environmental destruction. The manifestations of such violations present themselves through a loss of access to clean air and water, loss of access to productive land, loss of food and health security etc. In tribal area huge number of problem due to inadequate water, food, health and sanitation, etc.

The environment has always been the fabric around which life has been woven for the Gawda, Kunbi, Velip and Dhangar tribes. The environment is at the core of aboriginals' life style and the traditional Gawda tribes based on respect for the local territory. The land not only had economic uses, but was also of deep spiritual significance for the Gawda, tribes. As leading historian of Gawda, Kunbi, Velip and Dhangar tribes feel that 'the land and nature do not only gave life, but it was a life unto itself. In modern society, the line between use and exploitation of the land is a fine one but in the state of Goa indigenous people Gawda, Kunbi, Velip and Dhangar Communities, however ensured that their use of the environment did not transgress that line. Most of resources and Culture of tribal people of Gawda, Kunbi, Velip and Dhangar was based on subsistence lifestyle. That is, they are prohibited from hunting and gathered only enough food and resources needed for their immediate survival. Their lives had none of the cultivating or grazing approaches that dominated the thinking of later Aryan and European settlers. The tribal people knew the status and characteristic of plants and ecosystem so intimately that they were able to make an easy, almost sedentary living.

Each tribe was often able to obtain excess to resources native to their own area and trade them for items with tribes from other district at occasional gathering. A Spiritual Environment contained sites of a special nature which were sacred to each individual and



tribe. These were believed to have been the creation and resting places of important ancestors. Thus, the earth and its environment provided lifeblood, with respect to all aspects of it. The environment also seems to have a direction, contribution and input into the personalities and character of each tribal communities. This environment would remain significant throughout the rest of their life.

The delicate of Environmental Balance and traditional societies of tribes has close relationship between forest and nature. The environment was at the crux of their spiritual, economic and social lives .Their lives were delicately balanced with the region in which they lived .There was no exploitation nor could attempts to populate the area to level greater than its resources comfortably handle. The Gawda, Kunbi, Velip and Dhangar has a perceptions of the environment and therefore unique and reflect their ongoing traditional and social values. These perceptions clearly contrast with the emphasis on taming and exploiting the land by Aryan and European settlers in Goa. The tribal people were threaten from deprived of their own livelihood as they are not allowed to cultivate crop on their own land and hence they are protesting and demonstrating against the state Government. Because, their right to life, right to food and right to live with human dignity is violated.

#### **Protection of Rights of Scheduled Tribes under Constitution India.**

The Scheduled tribes are defined in the constitution of India under Articles 366(25). The state, which had been acting as the managing agent of the corporate giants, is deliberately flouting the constitutional provisions of the Panchayats Extension to the Scheduled Areas (PESA) Act, 1996. The Act applies to the areas covered under the fifth schedule of the Constitution of India. The Act clearly prohibits the state to make any law, which would not be in consonance 'with the customary law, social and religious practices, and traditional management practices of community resources'<sup>6</sup>. It further mandates that 'gram sabha or the panchayats at the appropriate level shall be consulted before making the acquisition of land into the scheduled areas for development projects and before resettling or rehabilitating persons affected by such projects in the scheduled areas.

The PESA seeks to provide significant protection to the tribal's in the scheduled areas against arbitrary, discretionary, and motivated action by the state relating to land acquisition and resettlement and rehabilitation package for the project affected people (PAPs). As it has to be mentioned that rehabilitation is not considered a 'right' by the constitution of India and the tribal people have no say in the legitimacy of setting up development projects.

The state never consults on the type of development people desire, thus violating the right to decide their own priorities as a part of right to development as an inalienable human right. The obvious question here comes is that if democracy is of the people, by the people and for



the people; all development projects should have been carried out with the consent of the people. The local administration in the region in league with the company does not seem to have any respect for and commitment to the rule of law, which it is supposed to uphold.

Under the Constitution of India, special responsibility is cast on the state for the 'welfare and advancement of scheduled tribe' and for 'peace and good government' in the areas under fifth schedule, so declared by the president of India. It is apparent that the successive governors of Goa since the year 2007 have failed in discharging their Constitutional duty to protect the tribal's in the fifth schedule area. Thus, primarily due to the inaction in the higher echelons of constitutional authorities and mockery of the rule of law by the local administration, the tribal's have been subject to various kinds of exploitation and violence.

In India articles 21 of the constitution of India ,right to pollution free environment which are the second major development has been the jurisprudence arising from certain remarkable judicial pronouncements in recent years in India, more specially relating to Article 21 of the Constitution dealing with 'the right to life'. If one is asked which is the most important of all the articles in the Indian Constitution, one can only say - Article 21, which says no persons shall be deprived of his life and liberty – which is the guiding light of India constitution. All other articles are subservient to this. In other words all articles have been formulated for keeping up this theme song of the Indian Constitution 'life and liberty 'no person not just a citizen no person in India shall be deprived of life and liberty. On the other hand mining projects' adversely affects to the environment and livelihood of the tribal people and therefore it is require that the government must cancel agreements with mining companies, and make provision for adequate rehabilitation for tribal's who have lost their livelihood and ancestral lands due to these projects. It is not included as a mere platitude because over the years this article, which was a throbbing article, which was the most dynamic of all articles gathered flesh and with the help of Article 21 - the life and liberty of individuals are protected”.

In Article 21 there is celebrity provision of the Indian Constitution and occupies a unique place as a fundamental right for the people of India. It protects the life and personal liberty. It envisages and aims that no person shall be deprived of his life or personal liberty except to a procedure established by law. Here, right to life includes right to health, right to food, right to pollution free environment, etc. In simple words, Article 21 provides an inbuilt guarantee to a person for right to live with human dignity. But on account of high degree of corruption in public administration, nexus between the mining mafia and the government authorities this important right to life is denied to the tribal's of forest areas.

### **Suggestion and Conclusion**



The tribal communities have a lot of experience of marginalization in Goa. The Marginalization of tribal communities is a product of colonization as a result of colonialism, tribal communities lost their land, were forced into interior forest areas, lost their sources of income, and after post liberation were excluded from their constitutional benefits. Additionally, tribal communities not only lost their culture and values through forced assimilation but lost their rights on land and Natural resources.

Today the tribal communities continue to be marginalized from society due to the developmental practices and policies. The tribal communities insecure under the state administration as there is no rule of law for them, instead draconian laws to be obeyed alike slaves. The State which is expected to bring development has not only worsened the conditions of the tribal population and caused a great damage to the environment, and social networking of the people but also denied their human rights to live including livelihood and sustenance, culture, land, common property resources, employment and participation.

The state government's prime duty is to look after the welfare and protection of the Indigenous people. It is observed that any model of development without such concern creates or adds to widespread inequalities in society, erodes traditional sources of livelihood, uproots people from their community way of life into atomized individuals pitted against each other in an opportunistic economic system, creates a consumer culture resulting in a depletion of natural resources, increases economic dependence and reduces political autonomy of host society. The acquisition of tribal land for bauxite production has evicted them from their homestead and deprived them of a decent living, which can be marked by the widespread poverty.

Thus, developmental projects have impoverished and brutally violated the basic human rights of the people in the tribal areas. The Goa government did not initiate any conciliatory move to build confidence between the project affected peoples and the government. Instead, it had been acting as the managing agent of the corporate giants who are setting up bauxite mines and alumina plants. In order to protect the interest of the private companies, it has unleashed injustice on the innocent tribal people. Although, it tried to bring of socio-economic upliftment of the tribal people and never tried to make it compatible with the humanistic goals.

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