

Joint NGO Submission UPR Fourth Cycle INDIA

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A. International obligations and cooperation with international human rights mechanisms and bodies

Introduction

(1) The submitting main stakeholder “Adivasi Koordination in Germany” (AKD) itself is formed as a network of NGOs based in Germany as well as of individuals.¹ AKD was founded in 1993 and is registered since 2001. AKD works to particularly support Adivasi in getting implemented human rights as well as the provisions guaranteed by the Indian Constitution and pertinent legislation. AKD further evaluates and assess the overall general framework for seeking such rights guaranteed, such as rule of law and governance. AKD has contributed to each of the previous UPR circles (Universal Periodic Review). The co-submitting stakeholders are also networks by themselves.

(2) This report was prepared based on own research together with colleagues and partners in India including further information in the public domain provided by the government, international organizations, media reports, and academic publications. In addition, we consulted experts in Germany via online meetings with special reference to this submission in the years 2021 and 2022.

(3) In its responses to recommendations expressed in previous UPR circles, India has accepted a number of those recommendations. As a general remark at the outset, we note that the Government of India has barely implemented any such accepted ones.²

(4) Thus, this report emphasizes some of the recommendations related to the mandates of the submitting stakeholders and accepted by the government in the previous UPR in 2017. We highlight also genuine legal provisions for Adivasi people and specific circumstances in the North East of India.

A.1 International Standards

(5) International relations are based on main principles such as rule of law and human rights as well as the reliability that States fulfil their legal obligations. In addition, States are expected to comply with their obligations in good faith and, thus, strengthen its contribution towards a rights-based national and international architecture as well.³ Going through the history of the previous UPR circles, we express our doubts that the Indian government is taking the UPR outcomes seriously.

(6) Within the UPR context, State action on international human rights norms and agreements

as well as its statutory obligations require the ratification of core international human rights treaties and the recognition of monitoring procedures. Within the UPR cycles I, II, and III, the Government of India has accepted a number of recommendations related to this topic.⁴ The Compilation of OHCHR will detail those aspects.

(7) Based on our working experience, we are particularly concerned by the government's omissions related to the

(a) **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)** (signed in 1997, no access)⁵ – in part accepted by the Government of India⁶, in part noted;⁷

(b) **International Convention for the Protection of all Persons from Enforced Disappearance (CED)** (signed in 2007, no access) - noted⁸

(c) **Optional Protocols of the core human rights treaties** regarding the complaint procedures (no action at all) – recommendations were noted, none has been accessed;⁹

(d) **Inquiry Procedures** of ratified conventions – such as on CEDAW, CESCRC, CRC, CRPD – none of them were accessed by India and neither recommended to date.

(8) At the level of the **International Labour Organization (ILO)**, we address the **Convention on Indigenous and Tribal Peoples**, 1989 (No. 169) which has not been mentioned in 2017 but is of utmost importance for Adivasi particularly living in mainland India.

(9) In addition, since the UN Declaration the Rights of Indigenous Peoples (UNDRIP) has been adopted by the UN General Assembly in 2007, the provisions there have been developed in all continents as the genuine standard for indigenous peoples' rights, in particular the consultation modus in terms of Free, Prior, and Informed Consent (FPIC). Although the Indian government denies the existence of indigenous peoples within its territory, the evidence fills entire libraries. Our partners insist to be considered correspondingly and, therefore, demand the legal provisions be implemented.

(10) International Cooperation based on human rights instruments contains a number of reporting and monitoring mechanisms as well as complaint procedures. Since 2014, we note a gap in terms of inviting independent UN experts of the Special Procedures although the Indian government accepted the recommendation to respond positively to visit requests by the special procedures of the Human Rights Council.¹⁰ Although India has extended the so-called "standing invitation" to the Special Procedures, the government has not issued any official invitation to a number of these experts since 2018 despite requests, such as the mandate on counter-terrorism (since 2014), freedom of religion (since 2006), freedom of assembly (since 2014), extrajudicial killings (follow-up since 2015), trafficking (since 2010), or violence against women (follow-up since 2016).¹¹

A.1 Recommendations

(11) We recommend the Government of India to:

(a) ratify all international conventions to which it has committed itself ('accepted');¹²

(b) put in place a specific mechanism for implementing accepted recommendations;¹³

(c) ratify core human rights conventions to which India is not yet a State party – such as CAT, CMW, CED as well as the Optional Protocols to each of the core human rights treaties regarding the complaint procedures;¹⁴

(d) issue official invitations to pending requests by Special Procedures, such as on torture, extrajudicial killings, violence against women, anti-terrorism law and its implication on human rights.

(12) We further encourage UN Member States to address international human rights instruments which have not been subject in previous UPR cycles, such as the *Inquiry Procedures* in the framework of certain UN Human Rights Treaties, *ILO Convention 169 (1989) on Indigenous and Tribal Peoples* as well as UNDRIP.

B National human rights framework in view of International Relations

B.1 Adaptation of Legislation

(13) International relations and its architecture depend on international agreements being fulfilled in good faith, in its spirit and letter, and, thus, considering the country's national legislation. Within the human rights instruments, we expect, for instance, that accepted UPR recommendations are fully and consistently adopted and enforced. This means, in general terms, to ratify international human rights treaties or recommendations such as to include torture within the criminal law.

(14) While we applaud that India has accepted recommendations – such as to “Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, Scheduled Castes, Scheduled Tribes and other vulnerable populations” (United States of America)¹⁵ – we observe, that the Government of India has barely transferred such recommendations into national legislation. The impression prevails that the Government of India is smart enough to agree on recommendations addressing critical human rights conventions and procedures but does not implement them.

B.1 Recommendations

(15) We recommend the Government of India to

- a) fulfil international agreements in good faith, in its spirit and letter and transferring the recommendations of UN Treaty Bodoes, UN Special Rapporteurs and including UPR adequately into national legislation;
- b) transfer international safe guards in order to provide adequate protections for members of religious minorities, Scheduled Castes, Scheduled Tribes and other vulnerable populations.

B.2 Cross Cutting Issues

B.2.1 Principle of Non-Discrimination

(16) A key element of the human rights architecture is the principle of non-discrimination, both at the national and international level. India has been a State party to the *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD) since it came into force and acceded to the Convention in 1968. We, therefore, expect all of India's policies to be geared towards enforcing non-discrimination.

(17) India does not recognize the jurisdiction of CERD on caste-based discrimination although the UN Committee (on the Elimination of All Forms of Racial Discrimination) has a clear stand. In accordance with CERD General Recommendation No. 29 (2002), discrimination based on “work and descent” includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights. Thus;

discrimination based on the ground of caste is fully covered by article 1 of CERD. In August 2021, the Committee sent a List of Issues¹⁶ to the Indian government requesting information on a number of issues related to Adivasi¹⁷, *Scheduled Castes* (Dalits) and other vulnerable groups.

(18) Within this understanding, several UN Member States raised the issue of (non-) discrimination during the UPR cycle in May 2017 with a mixed response by the Government of India:

(a) States in slightly differing wording recommended to fight against discrimination, exclusion, dehumanization, stigmatization and violence suffered by scheduled castes, or to ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes and other vulnerable populations, or to repeal the norms that discriminate against castes - accepted¹⁸

(b) States also urged the Government of India to step up efforts against caste-based violence, discrimination and prejudice, including by eradicating all forms of caste-based discrimination in the educational system, or to intensify efforts to guarantee equality and non-discrimination in line with India's international obligations - noted¹⁹

(19) We acknowledge that India has amended its laws to more stringently punish atrocities against persons belonging to the *Scheduled Castes* and *Scheduled Tribes*. For instance, the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989* was amended effective in January 2016, to allow for the establishment of special courts for the speedy trial of cases. However, discrimination obviously continues. The current Union Government is exacerbating the situations by pointing against Indian citizens who do not follow the strict behaviour of *Hindutva* rules, for instance, on food, dress code, social ranking, caste hierchies.

B.2.1 Recommendation

(20) We therefore recommend that the recommendations are consistently implemented and non-discrimination legislation shall be fully set up in accordance with CERD.

B.2.2 Development

(21) The norms on international human rights are relatively neutral to the kind of development but they request a rights-based fundament and, in particular, to guarantee that different options or alternatives to mainstream development approaches can be articulated. In the context of India, such an approach entails not only freedom of speech and assembly but substantial guarantees on land rights, freedom on religion and belief, education, health, or a social and natural environment which does not systemically undermine children's free choice to determine their own future. All these guarantees are particularly relevant when international cooperation is agreed between India and third countries or the European Union – inter alia on renewable energy or climate adaptation – which will affect territorial rights of Adivasi people.

(22) In accordance with ILO Convention 169 (1989), Adivasi peoples in India are rights holders in this respect. We know that India does not acknowledge the term 'indigenous peoples' and is therefore reluctant to ratify ILO 169. Nevertheless, under the term of '*Scheduled Tribes*', there are about 700 hundred Adivasi communities (according to the latest census of 2011) who are in fact subject to the provisions of ILO 169.

B.2.2 Recommendations

(23) We therefore recommend with the view to Adivasi communities in India that the Government of India in accordance with CERD as well as with ILO 169 will:

- (a) fully respect and implement the collective and individual right of ownership, collective or individual, of members of Adivasi (tribal) communities over the lands traditionally occupied by them;
- (b) protect the right of Adivasi peoples to decide their own priorities for the process of development and to take into consideration their lives, beliefs, institutions, spiritual well-being, and lands they inhabit or control;
- (c) recognize and protect the social, cultural, religious and spiritual values and practices of Adivasi peoples, in particular, when development projects planned by the government threaten to harm these rights;
- (d) guarantee a consultation process, through appropriate procedures such as the Free, Prior and Informed Consent (FPIC), and in particular through Adivasi institutions;
- (e) ensure that children from *Scheduled Tribes* enjoy their right to education without discrimination, including information on steps taken to save their ecological environment;
- (f) emerge with legislation for business and investors which reflects the provisions of the *UN Guiding Principles on Business and Human Rights* with a special view on local communities and guarantees for an appropriate redress for people affected.²⁰

B.2.3 Climate Change

(24) We acknowledge that India is alert to the problem of global warming and the need to incorporate environmental sustainability in its development policies. For instance, the government had articulated its belief in taking an ethical and people-centred approach to climate change by espousing the principles of climate justice.

(25) In his reports, the UN Special Rapporteur on human rights and the environment stated that "*climate change threatens the full enjoyment of a wide range of rights*". The failure to prevent human rights violations caused by climate change and the failure to mobilize the maximum available resources, constitute a breach of these obligations. India is a main global emitter of greenhouse gases due to the energy sector which is predominantly based on the use of coal. Its extraction alone has a devastating effect on entire regions. In public, the Government of India strives for an ambitious policy on climate neutral development while the government has extended coal mining in States such as Jharkhand and Chhattisgarh. This is not only contrary to the government's wording but to international agreements such as the Paris Declaration of 2015 too.

(26) In terms of human rights, and in view of the international cooperation sought by the Indian government, there are some essential obligations and responsibilities of States and other duty-bearers (including businesses) to be considered for climate change-related agreements, policies, and actions. It must be ensured that climate change mitigation and adaptation efforts are adequate, sufficiently ambitious, non-discriminatory and otherwise compliant with human rights obligations.

B.2.3 Recommendations

- (27) We simply repeat two recommendations referred to the topic to the UPR in May 2017:
- (a) provide access to clean and modern energy to all its people and develop climate-friendly green cities,
 - (b) continue implementing its international commitments to achieve its nationally determined contributions under the Paris Agreement of 2015.²¹

B.2.4 Human Rights Defenders

(28) Human rights defenders (HRDs) in India face a large range of attacks and harassment from state and non-state actors alike, including killing, physical assault, arbitrary detention, threats and judicial harassment. Counterterrorism laws such as the Unlawful Activities (Prevention) Act of 1967 (UAPA) and its amendment 2019), for instance, are instrumentalized to arbitrarily detain opponents, dissidents and human rights defenders.²² The Government of India supported Zambia's recommendation (161.116) to improve prison conditions.

(29) The arbitrary governance towards HRDs does not only affect the situation in the country but also severely hampers international cooperation. From a legal perspective, the Government of India is wrong to argue that the activities of HRDs should exclusively comply with the domestic legal framework. Obviously, HRDs have to follow the national laws while the reference for activities of them is also the international human rights framework. Otherwise, any restriction on freedoms would automatically silence HRDs.

(30) The responsibility for abiding by international standards lies with the Indian government who is to be held accountable on protecting the rights and fundamental freedoms of HRDs, such as on the rights of Dalits, Adivasi communities, women. The government has to ensure prompt, thorough and impartial investigations on violations committed against those HRDs. Furthermore, perpetrators are to be prosecuted on a systematic basis, so that fair and effective remedies are available to victims, including in order to obtain reparation and compensation.

(31) In 2017, two recommendations are explicitly related to this topic. Ireland had urged India during the interactive dialogue to review the Foreign Contribution (Regulation) Act (FCRA) and to pay special attention to HRDs working on minority and children's rights:

- (a) enact a law for the protection of human rights defenders – noted;
- (b) amend the Foreign Contribution (Regulation) Act to ensure the right to freedom of association, which includes the ability of civil society organizations to access foreign funding, and protect human rights defenders effectively against harassment and intimidation – noted.²³

B.2.4 Recommendations

(32) We recommend that India:

- (a) may guarantee the free and unhindered work of HRDs who in concept adhere to the law although not necessarily always in the government's preferred manner;
- (b) may revise the amended Foreign Contribution (Regulation) Act in 2020 and restore an unhindered access to foreign funds which is irreplaceable for independent human rights activities that require a great commitment of time and personnel.

C Implementation of human rights

C.1 North East India

(33) The North East India, comprising the States of Assam, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura, Meghalaya and Sikkim has been afflicted with an armed conflict situation where various indigenous peoples in the region strive for varying forms of self-determination, ranging from limited autonomy and self-governance to exercise of the right to

self-determination.

C.1.1 Armed Forces Special Powers Act, 1958

(34) The Government of India responded to the self-determination and political movements in the region by military means and imposed several emergency and security legislations to control these movements. The Armed Forces Special Powers Act, 1958 (AFSPA) is one of the most draconian piece of emergency legislation imposed in North East India. Further, the UAPA, the National Security Act 1980 and its amendment in 2019, the National Investigation Agency Act and its amendment in 2019, the Code of Criminal Procedure, 1973 are other legislations applied across the region alongside with AFSPA. They all share the same feature: to silence rather the dissent of civil society than effectively combatting insurgency.

(35) AFSPA has led to an enormous number of civilian victims through extra judicial execution or sexual harassment of women, facilitated by the immunity provided by the act. Most recently, in December 4, 2021, 14 civilians including 6 coal mine laborers were indiscriminately shot and killed by the 21 Special Para Commando of the Indian Army at Oting village in Mon District of Nagaland where AFSPA is under operation. The Union Home Ministry and the Union Ministry of Defense have constantly refused to grant prosecution sanction to punish army officials involved in such severe human rights violations. The impunity of the perpetrators remains a serious matter of concern.

(36) AFSPA had been subject to previous UPR cycles as well as at least 16 UN Treaty Bodies and Special Rapporteurs.²⁴ AFSPA should have been applied only to disturbed areas in order to deal with insurgency while AFSPA is known for providing impunity for perpetrators in uniform. Since years, a number of international human rights institutions and experts have concluded that AFSPA is not congruent with international human rights law and, thus, has to be repealed – most recently CERD in August 2021.²⁵

(37) In May 2017, three recommendations related to AFSPA:

- (a) deepen the respect about principles of proportionality and necessity for armed forces and police - accepted;
- (b) revise AFSPA to bring it into compliance with the obligations under the ICCPR with a view to fighting impunity - noted;
- (c) repeal AFSPA and the Public Safety Act and take credible actions to end the prevailing culture of impunity in “Indian-Occupied Kashmir” - noted;
- (d) take the necessary steps to ensure that all operations of intelligence agencies are monitored by an independent oversight mechanism - noted.²⁶

C.1.1 Recommendation

(38) In accordance with international human rights law, we recommend to repeal AFSPA entirely.

C.1.2 Citizen Amendment Bill

(39) On December 11, 2019, the National Parliament passed amendments to the Citizenship Act (1955) that allows citizenship for migrants on the basis of religion. Migrants who have acceded India before 2015 fleeing from Afghanistan, Bangladesh and Pakistan and who are affiliated with Hinduism, Sikhism, Buddhism, Jainism, Parsiism or Christianity can become Indian citizens if the person has been resident in India for six years (instead of regular mandatory 11 years) while Muslims not.²⁷ The amendment bill uses religion as a criterion for

Indian citizenship running against secular principles of the Indian Constitution.²⁸ The amendment bill is in addition discriminatory against Muslim people and breaches the provision of CERD.

C.1.2 Recommendation

(40) In accordance with international human rights law, we recommend to repeal the Citizenship Amendment Bill.

C.1.3 Extractive Industries / Oil and Gas

(41) Extraction of natural resources in North East India, such as minerals, oil and gas, has been pursued destructively against the local population since *India's Act East Policy* was started. India's market liberalization encouraged foreign direct investment (FDI) by increasing the maximum limit on share of foreign capital into joint ventures from 40 to 51 percent with 100 percent foreign equity permitted in priority sectors like oil and gas.²⁹ Various energy projects, in particular large dams, have been pursued across the rivers in North East India. The social and environmental impacts by these projects made local communities and indigenous peoples suffering human rights violations – among the enforced displacement, denial of land rights, undue consultation and breaching the principles of FPIC. For some, their survival is threatened.

(42) In particular, the Oil industry and its companies such as Oil India Limited (OIL), the Asian Oilfield Survey Limited, Oil and Natural Gas Corporation (ONGC), Jubilant Energy, Vedanta Oil or Alphageo have explored and drilled oil from across North East India:³⁰ Assam,³¹ Tripura,³² Arunachal Pradesh,³³ Nagaland,³⁴ Manipur,³⁵ Mizoram,³⁶ and Meghalaya.³⁷ The oil is mostly explored in a rather hostile manner towards local communities omitting in particular consultation rights.

(43) The introduction of government policies like the *North East Hydrocarbon Vision 2030* (2016) further facilitated oil exploration in the region.³⁸ The *Oilfields (Regulation and Development) Act, 1948* conferred exclusive right to the Government of India on oil exploration while accountability mechanisms are ineffective or not working at all. There are no reports of oil companies investigated and prosecuted by State agencies for social impacts, environmental damage, or human rights violations.

(44) Even severe impacts seldom cover the headlines in media. An exception of that rule occurred from May 27 till November 15, 2020. A major blowout released natural gas and crude oil uncontrolled at the Baghjan Oilfield of Oil India Limited (OIL) in Tinsukia district, Assam after reported failure of the pressure control systems.³⁹ A massive fire broke out on June 09, 2020, causing panic among communities, besides worsening air, water, and soil pollution around the drilling site.

(45) The blowout and fire claimed three human lives, including that of a young engineer and two firemen of OIL. Most of the families in and around the blowout site have lost their primary sources of livelihood. Nearly 95 per cent of the 12,000 people that inhabit the 12 adjoining villages of the wetland are directly dependent on its bio-resources for their livelihood. Nearly 3,000 families were displaced and around 11,000 residents were housed in shelters set up in schools amidst the COVID-19 pandemic.⁴⁰

(46) The oil spill further affected local tea gardens in surrounding oil spill area. As many as 1,610 families with around 3,000 people were affected and evacuated due to the spill. The oil spill flowed up to a radius up to 5 km and the condensate mostly falled on tea gardens, banana

trees and betel nut trees near DSNP. The blowout destroyed paddy fields which are not able to be cultivated since 2020. The Baghjan blowout led to loss of an estimated 55 per cent of the biodiversity in the affected Dibru-Saikhowa landscape. As many as 1,632 hectares of wetland, 523 ha of grassland, 172 ha of area covering rivers and streams, and 213 ha of forest were damaged.⁴¹

(47) The OIL Company contracted experts from Singapore based Alert Disaster Control to control the oil spill. Seeking help by OIL from foreign countries indicates the lack of technical capacity of the OIL Company and administrative lacunas⁴² as well to handle major oil spills and to clean up contaminations. Affected communities were forced to suffer for months from contaminations of their land and livelihood sources. The Baghjan incident is not the first oil spill and environmental contamination in Assam. Earlier in February 2020, a blast at the oil pipeline of OIL had set Assam's Burhi Dihing River on fire in Naharkatia town.

(48) OIL started their drilling for oil and gas without safeguard measures and failed to conduct environmental assessment, social and economic impact assessment, health, and cumulative impact assessment. Article 48A, 51-A (g), 21 of the constitution of India mandate for obligation of protection of environment, duties of each citizen to protect environment and insure the Right to Life. We believe that OIL intentionally neglected the consultation with Gram Panchayat members and other stake holder due to the highly risks of the project. The government omitted its international obligation due to ICCPR, ICSECR, UNDRIP and the Guidelines of the Working Group of Business and Human Right, ILO Convention 169.

(49) Considering the exemplary facts in Manipur, we further conclude that oil exploration and drilling will intensify militarization and human rights violations, both to advance corporate interest and to subdue community assertion for their rights. As expressed in series of community consultations and resolutions, there are clear worries that AFSPA in Manipur will be reinforced to facilitate corporate expropriation of our land and resources in Manipur.

C.1.3 Recommendations on oil exploration and mining

(50) The Government and pertinent companies should:

- a) rehabilitate and compensate the villagers impacted by oil exploration and to preferentially restore their livelihood, and to clean up the village areas, water bodies and air contaminated;
- b) be held accountable for social impacts and irreparable loss of biodiversity. An investigation should be pursued to prosecute responsible officials;
- c) stop further oil exploration and drilling in Eco-sensitive and fragile biodiversity zones in Assam and across India's North East.

C.1.4 Extractive Industries / Mining

(51) Mining activities in North East India also show a large variety of negative impacts on people, environment, weather and climate conditions. The North East is confirmed to possess considerable mineral reserves.⁴³ The *National Mineral Policy* 1993 was formed to support India's economic liberalization, supported by the *National Mineral Exploration Policy* (NMEP) in 2016, and followed by the amended *National Mineral Policy* in 2019 in order to encourage the private sector to take up exploration. Since 1991, the regulation for foreign investment has consistently been eased to make it investor-friendly.⁴⁴ No cumulative impact assessments have ever been conducted either.

(52) The *Geological Survey of India* (GSI) has estimated that the mineral reserves of the North East worth more than Rs 10 lakh crore.⁴⁵ A total of 1642.64 million tons of coal is

estimated for the three States of Meghalaya,⁴⁶ Assam,⁴⁷ Arunachal Pradesh⁴⁸ plus Nagaland.⁴⁹ The region has a limestone reserve of 10108 million tons mostly in Meghalaya⁵⁰ and Assam. Uranium deposits have been confirmed in Meghalaya, Arunachal Pradesh, and Assam. The exploration in Meghalaya triggered a huge public outcry fearing that people and environment would be contaminated. Though the drilling sites there were left overnight, unattended radioactive slurry and other radioactive remnants of mining remained and affect till today local and indigenous communities.⁵¹ In Tripura, the mineral resources are mainly glass sands, limestone, plastic clay, and hard rock while the single most important resources are oil and natural gas.⁵² Manipur is rich in reserves of chromite, nickel, copper, limestone, and platinum group of elements.⁵³

(53) We are particularly concerned on the non-recognition and violations of the rights of indigenous peoples. The mining push in North East failed to recognize their rights on land and resources as well as on a proper consultation in the framework of FPIC. The MoUs contracted with mining companies by the governments were without consultation of the communities and concealed details of these MoUs referring to adverse effects of the mining processes – for instance, the Khasi people on uranium mining in Meghalaya and who never have given their consent. In the same way, the State governments of Manipur failed to properly consult indigenous peoples on their plans and mining operations and the potential impacts on their lives and environment.⁵⁴ The MoUs were signed without informing the people of the land on details neither the pertinent (environmental) impact assessments (EIA) were adequately conducted.

(54) One of the direct and substantial impacts of mining across North East is the loss or arbitrary⁵⁵ omission or transfer of land and forest, which are the source of livelihood, culture and traditions of indigenous peoples.⁵⁶ A second impact relates to the undermining of traditional customary institutions and constitutional provisions.⁵⁷ A third relevant impact relates to the deforestation and destruction of biodiversity, still the most substantial livelihood of the local communities affected. Limestone mining is frequently using heavy explosive materials blasting entire hills.⁵⁸ The blasting have resulted in environmental alterations such as drying up spring water and adversely affecting drinking water resources. Water usually available to the local residents from the springs and from inside holes and caves in the hilly terrain have stopped flowing, causing water shortages.

(55) The open cast mining of chromium in the Singcha–Gamnon area, for instance, is going to eliminate vegetation, destroy the genetic soil profile, destroy wildlife habitats and alter land uses. The chromite deposits are located in the forests inhabited by tribal peoples. The mining areas in Manipur are known for receiving heavy rainfall throughout the year, making the land more vulnerable to contamination by chromite mine run-offs. It affects rivers such as Rangazak and Challou and pristine rivulets flowing through the region and joining rivers such as Maklang, Tuyung, and Chammu. Mining disrupts resources upon which people depend on for their subsistence and generates conflicts.

(56) Mining companies are involved in illegal mining throughout the North East. The Government of India and State governments seem to have no effective mechanism in place to check the corresponding and mostly known mining areas. Indeed, it is not a matter of information as sometimes the facts are publicly acknowledged, such as by the report of the *Public Accounts Committee* (PAC)⁵⁹, or the bans by the Nation Green Tribunal (NGT).⁶⁰ Mining companies are the source of human rights violations while remaining unaccountable due to administrations do not act properly or even breach their own rules.⁶¹ Such as, for instance, indigenous communities cannot resort to legal mechanisms seeking their rights.

(57) Other relevant legislation on mining and resource exploration even fails to recognize

indigenous rights over their land, forest, and resources – such as the principal act governing mining in India, the *Mines and Minerals (Development and Regulation) Act* (MMDRA) of 1957. In addition, the *Mining and Minerals (Development and Regulation) Amendment Bill 2015*, (November 29, 2015) accorded more thrust to the Government of India on mining of major minerals and conferred more privileges to mining companies but not to the affected people.

(58) Mining activities across North East are closely associated with militarized areas under AFSPA. HRDs promoting peoples' rights and challenging violations by mining companies are attacked. Such as Ms. Agnes Kharshiing and Ms. Amita Sangma, who campaigned against illegal mining in Meghalaya were critically injured after they were attacked by a group of 30 to 40 people at Shohshrieh village in East Jaintia Hills district, Meghalaya on November 8, 2018⁶². Till date, she has not recovered fully since.

C.1.4 Recommendations on Mining

(59) Mining has been pursued in North East without recognizing the rights of indigenous peoples, violating, among others, Article 1 (2) of ICCPR as well as the provisions guaranteed by ICESCR. Therefore, we recommend that the Government of India should:

- a) set up special committees at national as well as on State level in order to effectively monitor the recommendations made by UN Treaty Bodies, UN Special Procedures, UPR and with a special view on AFSPA;
- b) issue sanction orders by the Union Ministry of Defence in order to allow investigations against members of the Indian Army who are involved into crimes under AFSPA such as extrajudicial execution. Such judicial investigations started since 2012 but without any prosecution followed;
- c) to establish an independent, credible and impartial investigation headed by a retired Judge from a High Court or Supreme Court to investigate the extrajudicial execution of 14 civilians in Oting village in Mon District of Nagaland on December 4, 2021 by the Indian Army;
- d) extend an invitation for the Special Rapporteurs on Extrajudicial Execution, Counter Terrorism, Violence Against Women in order to organize follow up visits;
- e) repeal the Citizenship Amendment Bill of 2019 due to its infringement with international law;
- f) ensure safe guard measures for the protections of lives, land, and environment;
- g) provide compensation and rehabilitation for communities and people affected by disasters due to oil spilling or mining activities, i.e. the villagers affected by the Baghjan Oil blow on 27 May 2020 in Assam;
- h) refrain from pursuing any kind of exploration without recognizing community rights and taking their consent in accordance with FPIC;
- i) review – or better: repeal – the North East Hydrocarbon Vision 2030 and similar programs and also ensure compliance of such programs with human rights standards;
- j) stop all forms of mining in indigenous peoples land without recognizing peoples' rights over their land and further to guarantee FPIC of indigenous communities in North East.

¹ See www.aktivasi-koordinasi.de

² See A/HRC/36/10, A/HRC/36/10/Add.1, A/HRC/21/10/Add.1.

³ See the Vienna Convention on the Law of Treaties (1969), Vienna Convention on succession of States in respect of treaties (1978), and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (1986).

- ⁴ The source of India's position to all following references on 'acceptance' or 'taking note' is UN document A/HRC/36/10/Add.1.
- ⁵ According to the status of ratification at OHCHR, <https://indicators.ohchr.org/>.
- ⁶ Recommended inter alia by Australia, Botswana, Bulgaria, Burkina Faso, Chile, Czech Republic, Denmark, Greece, Guatemala, Indonesia, Israel, Italy, Lebanon, Montenegro, Mozambique, Norway, Republic of Korea, Russian Federation, South Africa, Sweden, USA [paras. 161.5-161.9, 161.11], [161.16-161.22].
- ⁷ Recommended inter alia by Portugal 161.10], Germany, Japan, Ireland [161.12-161.14], Estonia [161.23], Turkey, Madagascar, Senegal [161.23-161.27].
- ⁸ Recommended by Burkina Faso [161.31], Greece [161.30], Japan [161.13], Kazakhstan [161.15], Ukraine [161.30], Sierra Leone [161.29].
- ⁹ Recommended by Estonia, Portugal, Guatemala [161.1-161.3, 161.10, 161.23], Germany [161.12], Ireland [161.14], Australia [161.12].
- ¹⁰ Recommended by Latvia [161.45].
- ¹¹ See <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=IND&Lang=en>.
- ¹² See also recommendation by Madagascar [161.41].
- ¹³ See recommendations by Uganda [161.46], Ivory Coast [161.47].
- ¹⁴ See recommendations by the Philippines [161.42], Ivory Coast [161.43].
- ¹⁵ Recommended by USA [161.72]; see further 161.99: Prevent and pursue through appropriate judicial means all violent acts against religious and tribal minorities, Dalits and lower castes (Holy See); 161.100: Strengthen efforts for the prevention of cases of intercommunal violence (Russian Federation).
- ¹⁶ Document CERD/C/IND/QPR/20-21.
- ¹⁷ Indigenous peoples, *Scheduled Tribes*.
- ¹⁸ Recommended by Argentina [161.82], France [161.83], Germany [161.155], Holy See [161.99 + 161.189], Kyrgyzstan [161.215], Peru [161.81], USA [161.72].
- ¹⁹ Recommended by Ireland [161.71], Czech Republic [161.101], Bahrain [161.152].
- ²⁰ Recommendation by Uganda: "Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards" [161.90].
- ²¹ Both recommended by United Arab Emirates [161.92, 161.93].
- ²² See the exemplary case on Bhima-Koregaon and Stan Swamy at <https://thewire.in/rights/bhima-koregaon-violence-four-different-theories-but-no-justice-in-sight>.
- ²³ Recommended a) by Latvia [161.134] and b) by Germany [161.135].
- ²⁴ Such as the previous UN High Commissioner for Human Rights, Navanethem Pillay, Special Rapporteurs on HRDs, torture, extrajudicial executions, violence against women, freedom of association, counterterrorism, or arbitrary detention or Treaty Bodies such as CERD under the Early Warning Mechanism, CRC, ICCPR, ICSECR, or CEDAW.
- ²⁵ CERD, List of Issues, document CERD/C/IND/QPR/20-21.
- ²⁶ Recommended by Peru [161.96], Switzerland [161.97], Pakistan [161.248], Liechtenstein [161.146].
- ²⁷ <https://scroll.in/article/944852/explainer-how-exactly-does-india-s-citizenship-amendment-bill-discriminate-against-muslims>.
- ²⁸ Articles 13, 14, 15, 16 and 21 which guarantee the right to equality, equality before the law and non-discriminatory treatment by the Indian State.
- ²⁹ *Daily Excelsior*, 3 March 2017; <http://www.dailyexcelsior.com/economic-liberalization-india/>.
- ³⁰ North East India is confirmed to possess oil deposits in two primary oil basins: Upper Assam Shelf and Assam-Arakan Basin. The basins cover an area of 116,000 km² and contain prognosticated hydrocarbon resources estimated around 5,040 Million Metric Tonne (MMT), out of which 2,224 MMT (44%) has been established so far.
- ³¹ Oil exploration in **Assam** has started already in British times. The Government maintained that around 90% of the Upper Assam Shelf has been explored and current production of oil and gas is mainly from this basin, whereas only 10% of the Assam-Arakan fold belt, covering Tripura, Manipur and Nagaland has only been explored. Additional, new oil areas, including in Karbi Anglong has been explored for oil by various oil companies such as Canoro, Jubilant Oil and Gas Pvt Ltd, Oil India Limited etc. Most of the oil refineries are also located in Assam, such as the Numaligarh Oil Refinery.
- ³² Oil in **Tripura** is mostly explored by Vedanta Limited, a private sector oil and natural gas exploration company, started exploration along with Oil and Natural Gas Corporation Limited (ONGC) and North Eastern Electric Power Corporation Limited (NEEPCO). ONGC started drilling in Tripura way back in 1962. Later in 2012, ONGC set up a joint venture with Government of Tripura – ONGC Tripura Power Company and launched a 726.6 MW thermal power project at Palatana in Gomati district. The NEEPCO has also set up two gas thermal power projects at Manarchak in Sepahijala district and RK Nagar in West Tripura. ONGC is investing Rs. 3,200 crore to drill around 115 wells across eight oil and gas fields in Tripura. The company said in an application to the environment ministry the proposed 115 development drilling locations intends to further develop the Agartala Dome, Baramura, Kunjaban, Konaban, Manikyanagar, Sundalbari and Sonamura Fields in Sipahijala, West Tripura, North Tripura and Gomati districts of Tripura State. ONGC's gas production from Tripura increased 2.62 per cent to 1, 174 Million Standard Cubic Meter during the April-December period of 2019. *The Indian Express*, 2 January 2019; Private sector oil and natural gas explorer Vedanta to start exploration in

Tripura; <https://indianexpress.com/article/north-east-india/private-sector-oil-and-natural-gas-explorer-vedanta-to-start-exploration-in-tripura-5520240/>; <https://energy.economictimes.indiatimes.com/news/oil-and-gas/ongc-to-invest-rs-3200-crore-to-drill-115-wells-across-eight-fields-in-tripura/73575074>.

³³ Oil is explored in **Arunachal Pradesh** by Vedanta Limited in three exploration blocks since 2020 and is spread across 74.4 km² of an area in the districts of Changlang, Tirap and West Siang.

³⁴ Oil in **Nagaland** is explored by ONGC in Wakha area and had caused massive environmental damage and social impacts. There is continued efforts to drill oil from various parts of Nagaland. The efforts to drill had caused much resentment and opposition from various tribes, such as the Lotha who will be affected. The South Korean Company, Korea Gas Corporation (KOGAS) along with Green Energy and Samsung C&T from the same country are preparing to invest in Nagaland in October 2017 in partnership with *Petroleum* Authority of Thailand (PTTT), an oil company of Thailand and Kaashi Vishweshwara Minerals (KVM) Private Ltd based in India.

³⁵ Oil in **Manipur** is explored by various multinational oil companies such as the Jubilant Energy Private Limited, Oil India Limited and Tullow Oils. The Government of India, through its Ministry of Petroleum and Natural Gas, granted license to Jubilant Oil and Gas Private Limited (JOGPL), a Holland based company, for exploration and drilling works² in two oil blocks in Manipur in the Jiribam, Tamenglong, and Churachandpur districts of Manipur; see Signing of PSC for AA-ONN-2009/2 Under NELP-VIII, <http://www.dghindia.org/nelpviiiiblock.aspx>.

The Government of India signed the “Production Sharing Contract” (PSC) on July 19, 2010 at New Delhi with JOGPL for onland oil block in Manipur, codenamed AA-ONN-2009/1 and AA-ONN-2009/2 without informing and taking consent of the indigenous peoples of Manipur.

The oil exploration by Alpha Geo Company and Asian Oil Fields in Manipur commenced without taking peoples’ consent in the year 2011, 2012 and again in 2017. The oil companies have failed to provide relevant information related to oil exploration. People are not aware of the conditions laid down in the agreements with the Government, and on how the people in Manipur would benefit from oil exploration. It is reported that oil companies tried to misinform and seek NOCs from villagers in Tamenglong and Churachandpur by bribing leaders and even using some of the armed opposition groups. In other case, the village traditional decision making processes are undermined.

Manipur falls in two of the World’s Biodiversity Hotspot, the Eastern Himalaya Biodiversity Hotspot and Indo-Burma Hotspot, that explains the rich biodiversity in Manipur. The oil survey related blasting and direct oil exploration will impact the Loktak Wetlands Ecosystem, Barak River system and other eco-sensitive areas of Manipur.

³⁶ Oil in **Mizoram** is explored by three foreign exploration firms France's Geopetrol International Inc, Ukraine's Naftogaz and Cyprus' Suntera Resources Ltd among six companies. The two blocks spread over an area of 5,922 km² are located in southern Mizoram and opened for exploration of hydrocarbons. The exploration and drilling works also involves major disasters that had unleashed colossal environmental crisis, social impact and human rights violations; The Hindustan Times, March 12, 2007, Mizoram to be Kuwait of northeast.

³⁷ The Oil India Limited (OIL) has discovered a massive gas reserve in Meghalaya’s East Khasi Hills district. The OIL has reportedly discovered a thermogenic gas reserve that has a high content of methane. The discovery of the gas reserve has been made at Dholai Malai village in Meghalaya’s East Khasi Hills district. Dholai Malai village is located close to the India-Bangladesh border. Notably, a gas field is located on the Bangladesh side near the border; October 12, 2020, <https://nenow.in/north-east-news/meghalaya/meghalaya-gas-reserve-discovered-by-oil-in-east-khasi-hills.html>.

³⁸ The vision seeks to increase exploration from the unexplored areas of NE India and outlined to invest Rs. 1,30,000 crore in 15 years to explore and drill oil and gas and to create infrastructures in North East.

³⁹ The Baghjan’s well No. 5 is a gas-producing well in Tinsukia district, operating since 2006, at a distance of 900 meters from the Dibru-Saikhowa National Park. The well produces around 80,000 standard meters³ per day of gas from a depth of 3,870 meters.

⁴⁰ See “Report on Damages to Environment, Biodiversity, Wildlife, Forest & Ecology on account of Blowout and Explosion at OIL Well number BGN-5, Baghjan, Tinsukia” (<https://www.indiaspend.com/wp-content/uploads/2020/09/Bhagjan-report1.pdf>). The probe panel, set up by the Assam government, has cautioned that “crop grown on contaminated soil may appear to be normal and healthy in appearance, but might be internally, accumulating harmful chemicals. Such crop on consumption would pose serious risk of cancer amongst the consuming population. See also *The Hindu*, <https://www.thehindu.com/news/national/other-states/foreign-experts-seek-to-leave-baghjan-site/article32132065.ece>.

⁴¹ Further, there are adverse effect on biodiversity of the two eco-sensitive zone of Maguri-Motapung wetland, part of the eco-sensitive zone of the Dibru-Saikhowa National Park (DSNP), home to at least 36 species of mammals including feral horses and at least 382 species of birds. Three animals listed under Schedule I of the Wildlife (Protection) Act, 1972, and more than 29,000 scheduled and unscheduled wild animals and organisms also perished in it. Report on Baghjan blowout says it may take more than 10 years for even a partial recovery of the destruction caused to the landscape.

⁴² The National Green Tribunal (NGT) has directed the Environment Ministry, Oil India Limited (OIL) and two other entities to explain how the proposed drilling of seven oil wells in an eastern Assam’s Dibru-Saikhowa

National Park was permitted. The NGT directive on July 20 investigated the environment clearance to OIL on May 11 for drilling in the Dibru-Saikhowa National Park in violation of a Supreme Court order of September 2017. The NGT's Eastern Zone Bench also took note that OIL did not carry out a biodiversity assessment study for the seven-well exploratory drilling project besides failing to conduct a public hearing as mandated by the Environment Impact Assessment (EIA) Notification of 2006. The Report on Baghjan blowout says (see footnote 40) it may take more than 10 years for even a partial recovery of the destruction caused to the landscape. There are more than 200 wells in the region.

⁴³ See Indian Government looks to the north-east as mining in Goa struggles. Mining Technology at <https://www.mining-technology.com/news/indian-government-looks-to-the-north-east-as-mining-in-go-a-struggles/> and *Daily Excelsior* at www.dailyexcelsior.com/economic-liberalization-india/.

⁴⁴ See <https://www.investindia.gov.in/foreign-direct-investment>.

⁴⁵ *The Sentinel*, November 15, 2018.

⁴⁶ Mining in **Meghalaya** further means a vast deposit of coal at an estimated reserve of 564 million tons and a limestone reserve of 4147 million tons. The limestone is explored by *Lafarge*, a French Multinational Mining company at the East Khasi Hills district with the support of the *Asian Development Bank*, and *World Bank* with massive social and environmental impacts. At least nine cement manufacturing plants (*Adhunik Cement, Amrit Cement Industries, Cement Manufacturing Company, Cosmos Cement, Green Valley Industries, Goldstone Cement, Hills Cement, JUD Cements, Meghalaya Cement*) operate in Meghalaya, seven on forest land. The waste of cement factories and coal mining pollutes the Likh River, a part of the livelihood of the people (*Press Trust of India*, May 13, 2020). There are also has 5.88 million tons of bauxite.

⁴⁷ In **Assam**, the *Oil and Natural Gas Corporation* stated in 2009 that it stumbled upon a reserve of uranium while carrying out exploration work in an oilfield (*The Hindu*, November 14, 2009) <https://www.thehindu.com/business/ONGC-finds-uranium-reserve-in-Assam/article16892025.ece>). Additional belts of uranium ore were found in Karbi Anglong district in 2010 (*The Assam Tribune*, September 15, 2010, <https://assamtribune.com/uranium-ore-discovered-in-karbi-anglong>). Mining in Assam comprises also a coal reserve of about 371 million tons. The production rate of crude oil is estimated at 4.80 mm tons per annum. Coal mining especially in *Dehing Patkai Wildlife Sanctuary* and in adjacent areas of *Kaziranga National Park* led to controversy and wide objections of the local communities. Coal mining by the *North-Eastern Coalfields (NECF)*, a branch of the government-run *Coal India Ltd (CIL)*, inside Assam's *Dehing Patkai Elephant Reserve* was granted approval by the *National Board for Wildlife (NBWL)*, Ministry of Environment, Forest and Climate Change, on 24 April 2020. The mining had caused contestations, petitions in ordinary courts as well as at the *National Green Tribunal*. The Assam Government signed a Memorandum of Understanding (MoU) with the Government of the Sakhalin Region (Russian Federation) on Trade-Economic, Scientific-Technical and Humanitarian Cooperation 2018 to cooperate in coal mining, trade and investment (*NE Now News*, May 26, 2018). This will intensify the mining efforts in Assam.

⁴⁸ Mining in **Arunachal Pradesh** means at the one hand Uranium exploration in Aalo of West Siang district at a depth of about 619 meters from the ground level in the valley of Mechuka (*The Hindustan Times* (March 20, 2021), India carrying out uranium exploration in Arunachal Pradesh; <https://www.hindustantimes.com/india-news/india-carrying-out-uranium-exploration-in-arunachal-pradesh-101616247926295.html>; *The Organiser* (March 17, 2021) <https://www.organiser.org/uranium-reserves-found-in-arunachal-pradesh,-just-three-kilometers-from-indo-china-border-701.html>). Additional resources are lithium, helium and Rare Earth elements (*Economic Times*, August 21, 2021, <https://economictimes.indiatimes.com/news/india/exploration-results-showing-deposits-of-uranium-lithium-helium-and-rare-earth-elements-in-arunachal-pradesh/articleshow/85419507.cms>). On the other hand, graphite is found with an estimated reserve of 703 million tons, Dolomite low-grade deposit with 58 million tons reserve in Dedza and 185 million tons reserve in Rupa area. The GSI's 2013 report showed Arunachal Pradesh sits on 43 per cent of the country's graphite resources in India (*The Hindu*, May 15, 2019).

⁴⁹ **Nagaland** has rich deposits of coal, oil and gas and is confirmed to possess Nickel, Copper, Gold, limestone, and other platinum group of elements. Nagaland is estimated to have a prognostic reserve of about 316.41 million tons of coal (*NDTV*, January 7, 2019, <https://www.ndtv.com/india-news/nagaland-bans-illegal-coal-mining-1974127>) and additional coal reserves of 1,054 tons in Tuensang, Mon, Wokha, Longleng and Mokokchung districts. The Nagaland government signed a Memorandum of Understanding with Bangalore based *Trident Mineral Resources Pvt Ltd* in February 2008 to explore the border districts of Tuensang, Kiphire and Phek (*The Economic Times*, February 1, 2008, <https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/nagaland-govt-signs-mou-with-trident-mineral-resources/articleshow/2748333.cms?from=mdr>). The project will cover an area of 1,850 km² at the Pokphur and Zephuhu blocks. Another MoU to set up a mega cement plant at Laluri in Phek district. A report released in the Nagaland State assembly in 2019 showed that out of 49 running coal mining units 44 units operated without permission.

⁵⁰ The Atomic Minerals Directorate (AMD) undertook uranium surveys in **Meghalaya** in early 1970s. Eight years later in 1984, sandstone-type uranium deposits were discovered at Domiasiat in the South West Khasi Hills district. Another uranium deposit at Wahkyn in West Khasi Hills district was discovered in 1994. Following the

discovery, the Uranium Council of India Limited (UCIL) started drilling in the state for exploratory mining in 1991.

⁵¹ *The Federal* (November 2, 2020), <https://thefederal.com/states/north-east/uranium-nightmare-returns-to-haunt-residents-of-meghalayas-south-west-khasi-hills-district/>.

⁵² District Survey Report, Government of Tripura, October, 2018, <file:///C:/Users/MANGAN~1/AppData/Local/Temp/west.pdf>.

⁵³ The GSI estimates around 20 million metric tons of limestone deposits in Ukhrul and Kamjong Districts and at Tengenoupal and Chandel Districts. The *Indian Bureau of Mines* indicated 2013 that Manipur has 6.66 metric tons of chromite resources in the same districts (*Economic and Political Weekly*, Vol. 49, Issue No. 25, June 21, 2014). In 2017, in total 39 MoUs were signed, primarily on Chromium and limestone mining (*The Indian Express*, November 22, 2017, <http://www.newindianexpress.com/pti-news/2017/nov/22/39-mous-inked-at-north-east-summit-manipur-cm-1708472.html>, see also Vide letter No. D (5)-96/IND/2008 dated 8/3/2018).

⁵⁴ such as transfer of land, raw materials, water and affecting forest, agricultural land.

⁵⁵ For instance, at limestone mining by Lafarge in Meghalaya affecting Khasi people in the Shella region. The mining operations led to destruction of community forest and agriculture land, muck and chemical laden waters in rivers undermined the fishing of the communities (*North East Now*, 2020, <https://nenow.in/north-east-news/assam/dihing-patkai-coal-mining-how-many-pandemics-do-we-need-to-care-for-nature.html>).

⁵⁶ Including lethal results, such as the mining tragedy in January 2019 (*The Week*, <https://www.theweek.in/news/india/2019/01/17/meghalaya-mine-tragedy-one-body-detected-recovery-underway-says-navy.html>, or *The Print*, December 21, 2018).

⁵⁷ Sometimes, the EIAs failed to even mention the settlement and livelihood of tribal and other indigenous communities in the mining area; for instance in the case of RAMCO in Singcha-Gamnon vis-a-vis the Tangkhul and the Kuki tribes, both recognized and hence needing special consideration. Similarly, the mining plan by Gulf Resources in Kwatha Village failed to recognize communities' rights over their land and resources. Also the government's mining plan in Manipur sidelined the Hill Area Committee (HAC) under Article 371 of the Indian Constitution.

⁵⁸ See the exemplary case of Shella by Lafarge in Meghalaya above.

⁵⁹ See e.g. <https://www.eastmojo.com/nagaland/2021/03/03/nagaland-no-mechanism-in-place-to-check-coal-mines/>.

⁶⁰ See e.g. <https://www.livemint.com/news/india/coal-mining-leases-granted-in-meghalaya-after-seven-years-of-ban-11632500191125.html>.

⁶¹ There is a clear set of rules for obtaining environmental clearances for industrial and infrastructure related projects (Environmental Impact Assessment Notification of 1994, EIA). The Ministry of Environment and Forest (MoEF) is mandated to carry out an appraisal, scoping and screening of projects, conduct public consultations with local communities affected by projects and to prepare a report. Mining projects that are ecologically destructive and running against legal provisions for potentially affected people should not be permitted – such as the Forest Rights Act, 2006 (FRA), or the Fifth and Sixth Schedules of the Constitution. The MoEF is also supposed to conduct post-project monitoring.

⁶² See https://www.business-standard.com/article/current-affairs/crude-oil-coming-out-of-ground-in-few-villages-in-meghalaya-congress-mla-121031001348_1.html.

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