

Resettlement and Rehabilitation of People for Mining

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I. Importance Of Mining

Bauxite ore is the world's primary source of aluminium. The ore must first be chemically processed to produce alumina. Alumina is then smelting using an electrolysis process to product pure aluminium metal ... The ore is acquired through environmentally responsible strip-mining operations.

Bauxite is a very important aluminium ore therefore, it is very important is used in cement, chemical, face makeup, soda cans, dish washers, siding for houses, and other aluminium products also glass cutting tools.



So as per the day to day life bauxite is important for many aspects. The bauxite is then mined using excavators or loaders to load the bauxite onto haul trucks and transported to the crusher.

Advantages of bauxite mining:

- Provision of well paid employment under conditions that comply with accepted labour standards.
- Provision of education and training programmes.
- Development of local industries and businesses
- Investment in local schools and hospitals, roads and other infrastructure
- Provision of compensation for those disadvantaged or displaced by operations
- Federal state and municipal tax payments.
- Mining can help us to supply of important resources.
- Mining is for many products of our daily life.
- Employment opportunities for many poor people on our planet.
- Can help poor regions to develop and to progress
- These benefits includes low-cost, reliable electricity and the materials necessary to build our homes, schools, hospitals, roads, highways, bridges and airports.

- Mining can help us to assure the supply with important resources.
- Mining is necessary for many products of our daily life.
- Mining may help to increase the economic growth of the country.
- Mining can help poor regions to develop and to progress

Disadvantages of mining:

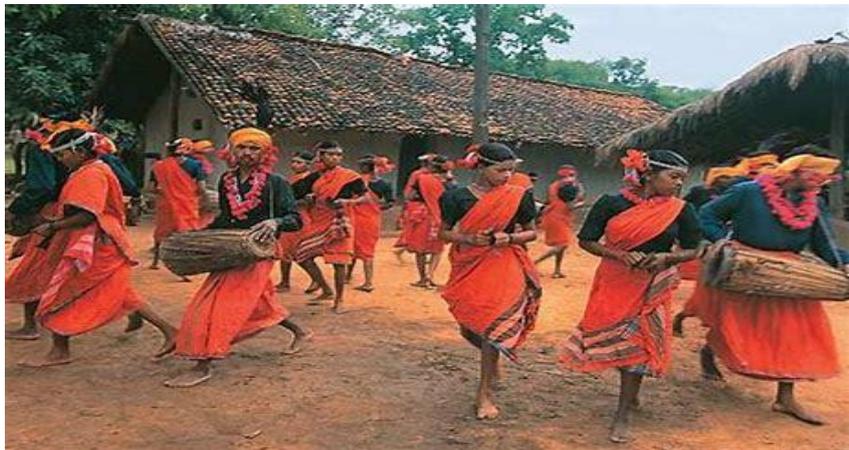
- Mining leads to soil pollution.
- Deforestation.
- Mining implies the destruction of habitats.
- Mining can be dangerous
- Insufficient regulation regrading mining.

II. Introduction of tribal community of mining place

The Dangaria Kondha or Dongria Kondh people are members of the Kondhs. They are located in the Niyamgiri hills in the state of Odisha (formerly Orissa) in India. They sustain themselves from the resources of the Niyamgiri forests, practising horticulture and shifting cultivation.

Khonds are a tribal community in India. Traditionally hunter-gatherers, they are divided into the hill-dwelling Khonds and plain-dwelling Khonds for census purposes.

Royal descendants of the mountain God. The Niyamgiri hill range in Odisha state, eastern India, is home to the Dongria Kondh tribe. Niyamgiri is an area of densely forested hills, deep gorges and cascading streams.



The Niyamgiri hill range in Odisha state, eastern India, is home to the Dongria Kondh tribe. Niyamgiri is an area of densely forested hills, deep gorges and cascading streams.

The kondh settlement structure is linear , arranged in rows of Houses. The alignment of Kondh villages in relation to the shrine of earth goddess and sun god is same everywhere. The shrines dedicated to the two deities are found centrally located within the settlement placed lineally between two rows of houses.

What is resettlement:

Resettlement is the process of moving people to a different place to live, because they are no longer allowed to stay in the area where they used to live. Only refugees are eligible for resettlement abroad.

A Resettlement Action Plan (RAP) is a document drafted by the sponsor or other parties responsible for resettlement (such as government agencies), specifying the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities.

"Resettlement Policy Framework (RPF)" is a document similar to a RAP carried out. when the exact physical and/or economic displacement is unknown due to the. nature (existence of multiple components or sub-projects) and/or stage of. development of the project.

A planning document that describes what will be done to address the direct social and economic impacts associated with involuntary displacement. This term is applicable where the project affected persons are less than 200.

Impacts of resettlement on people:

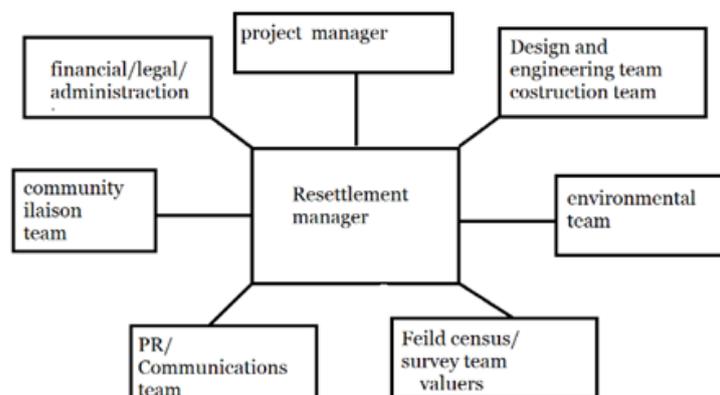
- Land inundation
- Population displacement
- Decreasing carrying capacity of land
- Relocation of cities and towns
- Secondary environmental problem
- Submergence of natural and human relics

- ❖ Income restoration
- ❖ Livelihood restoration
- ❖ Production restoration
- ❖ Regional development
- ❖ Demographic impacts
- ❖ Social changes
- ❖ Participation
- ❖ Statuses and development of vulnerable groups
- ❖ Social services and changes
- ❖ Satisfaction of migrants
- ❖ Social integration

Resettlement levels

- Level-1: No effective resettlement plan and management a system to address human rights issues.
- Level-2: Informal or ad hoc resettlement plan and management system to address human rights issues.
- Level-3: Formal resettlement action plan and management system to address human rights issues aligned with IFC handbook and performance standard 5
- Level-4: Formal resettlement action plan and management system to address human rights issues aligned with IFC handbook and performance standard 5 with some measures to respect child rights
- Level -5: Formal resettlement action plan and management system to address human rights issues aligned with IFC handbook and performance standard 5 with a comprehensive approach to respect and advance child rights.

Frame work for resettlement:



- Legal framework for resettlement
- Executive order 1035 or guidelines for government acquisition of right of way or site location
- Republic Act .No.7279 or the urban development housing act
 - provision for basic services
- Asian development bank's (ADB)safeguard policy statement of 2009
 - resettlements should be voluntary
 - compensation and entitlements for for acquired
 - housing will be calculated at full replacement cost for qualified beneficiaries.

Land acquisition act 2013-

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (also Land Acquisition Act, 2013) is an Act of Indian Parliament that regulates land acquisition and lays down the procedure and rules for granting compensation, rehabilitation and resettlement to the affected persons in India. The Act has provisions to provide fair compensation to those whose land is taken away, brings transparency to the process of acquisition of land to set up factories or buildings, infrastructural projects and assures rehabilitation of those affected.

Sinification of resettlement on communities

- Factors of land conversions
- Environment concerns
- Road widening
- Water irrigation placements, or any administration remedies.

Effective resettlement planning

- ❖ Improved risk management process, throughout the resettlement process
- ❖ Minimized resettlement impacts on project affected people
- ❖ The development of a resettlement action plan
- ❖ Opportunity for improved collaboration with government and civil society
- ❖ Opportunity to build/improved relationships with affected people
- ❖ Opportunity to be change agents and create a positive legacy
- ❖ Alignment with international standards and commitments on resettlement

Case study

Company name: Pioneer Mining Suppliers

Manager: Shahenaz

Place: Odisha

Company type: Bauxite Mining

Goal: Establishing a bauxite mining place located in the Niyamgari hill kandhamal (district) orissa (state)

Basic frame work:

- ❖ Area required :15km(10mils)
- ❖ Cost: 10-15billions US\$
- ❖ Village to be developed into bauxite

Mining: niyamgari hill area Kandhamal district

- ❖ Village which people will be displaced:
Rayagda
- ❖ About the people:

Kondh are a tribal community in India. Traditionally hunter-gatherers, they are divided into the hill-dwelling Khonds and plain-dwelling Khonds for census purposes; all the Khonds identify by their clan and usually hold large tracts of fertile land but still practice hunting, gathering and slash-and-burn agriculture in the forests as a symbol of their connection to and ownership of the forest. Khonds speak the Kui and Kuvi languages and write them in Odia script.

The Khonds are adept land-dwellers, exhibiting greater adaptability to the forest environment. However, due to development interventions in education, medical facilities, irrigation, plantation and so on, they are forced into the modern way of life in many ways. Their traditional life style, customary traits of economy, political organisation, norms, values and world view have been drastically changed over a long period.

POPULATION:1,50,275 people

- Male –25,000
- Female-20,000
- Children-10,000
- Teenagers-8,000

Employment:

- Employed:25,000
- Self employed: 2,000
- Agriculture: 15,000
- Other: 1600

Education:12000

- Till 10th:5000
- 10+2:2000
- Degree:5000

Distance from their needs:

- School/college:15km

- Hospital: 18km
- Grocery: within the village
- Farm lands: 5km
- Grazing land: 3km
- Frome city or town: 40km
- Transport facility: 15km
- Water: 3.5kms
- Number of houses: 25,000

Procedure of resettlement and displacement

- The Government should approve the all the legal approvals for the project and should be satisfied of the fact people getting displaced due to acquisition of land. Then the state government will appoint an officer of a higher rank to be the administrator of rehabilitation and resettlement.
- Efforts to avoid and minimise resettlement
- Project impacts and affected populations
- Legal and regulatory framework
- Compensation framework
- Details of replacement housing and the resettlement site
- Plans for livelihood restoration and resettlement assistance
- Budget for the implementation of the RAP
- Schedule for the implementation of the RAP
- Roles and responsibilities
- Participation consultation and engagement plan
- Grievance procedure
- Monitoring and evaluation



Objectives of rehabilitation

- Tribal people should be allowed to live along the lives of their own patterns and others should avoid imposing anything on them.
- They should be provided means to develop their own traditional art and culture in every way.
- Villagers should be given the option of shifting out with others to enable them to live a community based life.
- Removal of poverty should be one of the objectives of rehabilitation.
- The people displaced should get an appropriate share in the fruits of the development. I should say that it is really a good move by ISC to share its profits among the active contributors.
- The displaced people should be given employment opportunities.
- Resettlement should be in the neighborhood of their own environment

➤ If resettlement is not possible in the neighbor area, priority should be given to the development of the irrigation facilities and supply of basic inputs for agriculture, drinking water, wells, grazing ground for the cattle, schools for the children, primary healthcare units and other amenities.

➤ Villagers should be taken into confidence at every stage of implementation of the displacement and they should be educated, through public meetings, discussion about the legalities of the Land Acquisition act and other rehabilitation provisions.

➤ The elderly people of the village should be involved in the decision making.

Tata mining company used methods for resettlement:

○ Promotion of tribe culture centre 'Adim Akhara' comprising of a museum, amphi-theatre, karma-sala & haat etc

○ Provide a platform for network o grass-root organisations engaged in tribal development, strengthen the ethnic cultural practices and advocacy for tribal development.



Inventory of assets and compensation:

- Land
- Houses and associated structures
- Other private physical assets
- Business & commercial assets
- Common property resources
- Infrastructure
- Culture, sacred & historical assets.

Application Acts, Resettlement & rehabilitation:

- Land Acquisition Act 1894 is not valid any more.
- Right to fair compensation, resettlement and rehabilitation act 2013 is in force since 1 January 2014.
- This act exempts the railway act and some other acts from its purview.
- Hence MOR agreed to apply the railway act for land acquisition on these two projects.
- The process started in march 2014
- The railway act says national resettlement and Rebilitation policy 2007 is applicable

Policies followed by tat mining company

- ✓ The government of orissa revised R&R POLICY 2006 has been a step towards addressing the concerns and helpful in winning back the confidence.
- ✓ Continuous engagement with the stakeholders has given insight on the micro-level issues & concerns.
- ✓ Engagement and consultation with project affected people.
- ✓ Communication of the policy to individual families.
- ✓ Counselling the family to be displaced & enabling them envision a better tomorrow.

Restoration and rehabilitation techniques

- The survival o human has now become an important issue to be concentrated, as human faces many threats for his survival too.

Based on the causes, resettlement activities can be broadly grouped into 2 categories

1. Voluntary rehabilitation: due to natural calamities such as political, racial, religious, disturbance, floods....
2. Involuntary rehabilitation: due to construction of various types of developmental projects.



Compensation eligibility

- Holders of land with formal legal rights-Granted/CCROs
- Holders of land under customary ownership.
- Those obtained through transfer of R/O or CCRO
- Those who affected by relocation e.g. hazardous lands.
- Holders of land affected by scheme of regularization.

Principles of compensation

To be legal: It must get approval from the govt. or top management in the organization.

1. To be adequate: Compensation must be sufficient so that needs of the employees are fulfilled substantially.
2. To be motivational: Compensation must increase the level of motivation and job satisfaction of employees.
3. To be equitable: Compensation policy should be declared in such a way so that no discrimination can be observed.

Compensation frame work



Compensation for people:

- Land, Tree, Structure
- Annuity
- Plot at R&R site
- Establishment Assistance
- Incentives
- Ex-gratia

- Cash in lieu of employment
- LIVELIHOOD OPTION
- Employment & Capacity Building
- Vendor – Development Scheme.

COMPENSATION PRINCIPLES

- Compensation based on legal systems of host countries
- In many cases, compensation covers only for loss of assets

Compensation framework

The objectives, legal and policy framework has been set out in accordance with the Resettlement Framework to ensure that all affected entities receive the appropriate assistance, compensation and access to project planning in a timely manner to enable them to maintain a level of well-being, which is at least equivalent to or better than what it would have been without the project.

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