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# CURRENT AFFAIRS

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## ARTICLE 371A AND RAT HOLE MINING IN NAGALAND

This article covers 'Daily Current Affairs' and the topic details of "Article 371A and rat hole mining in Nagaland". This topic is relevant in the "Polity and Governance" section of the UPSC CSE exam.

### WHY IN THE NEWS?

The Nagaland Chief Minister is encountering pressure to regulate coal mining following a tragic incident in which six miners died in an explosion. In Nagaland, Article 371A of the Indian Constitution makes controlling coal mining difficult. This provision, which upholds Naga customary law, hinders the government's efforts to regulate small-scale mining, especially in light of recent fatalities in a rat-hole mine explosion.

### ARTICLE 371A: A BALANCING ACT BETWEEN UNITY AND AUTONOMY IN INDIA

- **Article 371A** of the Indian Constitution, incorporated in 1962 alongside Nagaland's statehood, stands as a unique example of India's multifaceted federalism. In a nation known for its vast cultural and social diversity, **Article 371A carves out a space for distinct legal and cultural autonomy for the state of Nagaland**, demonstrating the central government's commitment to accommodating diverse identities within the framework of national unity.
- The core feature of Article 371A lies in its exemption clause. Unlike other states in India, central laws pertaining to several crucial aspects of Naga life, including:
  1. **Religious and social practices:** This ensures the continued observance of distinct Naga traditions and customs, safeguarding them from potential homogenization under central legislation.
  2. **Customary laws and procedures:** This empowers the Naga people to maintain their own legal system in specific matters, preserving their unique approaches to dispute resolution and governance within the larger Indian legal framework.
  3. **Land ownership and resource management:** This recognizes the unique land ownership structures in Nagaland, where land often holds deep cultural and community significance, and empowers the state to manage its resources in a way that aligns with its specific needs and priorities.
  4. **Administration of civil and criminal justice involving decisions according to Naga customary law:** This provision acknowledges the existence of a parallel legal system in Nagaland, allowing certain legal matters to be settled according to established Naga customary practices.

## IMPORTANCE OF ARTICLE 371A

- However, the application of Article 371A goes beyond cultural preservation. The Nagaland Legislative Assembly holds the power to decide on the applicability of central laws mentioned above, **granting them significant control over areas deeply intertwined with the Naga people's identity and way of life.** This empowers the state to shape its own legislative landscape and tailor its legal framework to the specific needs and aspirations of its citizens.
- While Article 371A is lauded for recognizing Nagaland's distinct cultural heritage and fostering a sense of local self-governance, it has also generated some debate. Some critics argue that the article can **create challenges in implementing development initiatives, as the central government's ability to directly intervene in certain areas is limited.** Others point to potential complexities in navigating two separate legal systems.
- Despite these concerns, Article 371A remains a significant testament to India's evolving federal structure. **It embodies a continuous negotiation between national unity and regional autonomy, demonstrating the country's commitment to respecting the diverse needs and aspirations of its constituent states.** As India continues to navigate its complex federal balance, Article 371A serves as a crucial case study, offering valuable insights into the challenges and opportunities that arise when accommodating unique identities within a unified nation.

## RAT-HOLE MINING: A PERILOUS PRACTICE IN INDIA

- Rat-hole mining, a dangerous and illegal practice prevalent in some parts of India, particularly the state of Meghalaya, involves extracting coal through narrow, horizontal tunnels resembling the burrows of rats. These tunnels, typically only 3-4 feet deep and barely wide enough for a person to crawl through, pose extreme risks to the miners' health and safety.

### TWO IMPORTANT TYPES OF RAT-HOLE MINING ARE:

1. **Side-cutting:** This method involves digging tunnels along the exposed face of a coal seam, usually visible on hillsides. Workers, often forced into cramped positions, use rudimentary tools like pickaxes to extract the coal.
2. **Box-cutting:** This technique involves digging a large pit, usually circular or square in shape, with a minimum width of 5 square meters and depths reaching up to 400 feet. Miners descend into these pits using makeshift cranes or precarious rope-and-bamboo ladders before digging horizontally in various directions from the pit's edge, creating a network of tunnels akin to an octopus's tentacles.

## RAT-HOLE MINING IN NAGALAND

While banned in neighbouring Meghalaya, the status of rat-hole mining in Nagaland is complex. Here's a breakdown:

### LEGALITY:

1. **Permissible with restrictions:** Unlike a complete ban, Nagaland allows rat-hole mining under strict regulations.
2. **Departmental Consent:** Permission requires approvals from various departments, including Geology and Mining and Forest and Environment.

3. **Limited Scope:** Licenses are granted only to individual landowners, excluding companies. These licenses are restricted to:
  - **Duration:** Maximum of 1 year.
  - **Area:** Not exceeding 2 hectares.
  - **Production:** Limited to 1,000 tonnes per year.
  - **Equipment:** Heavy machinery is prohibited.

#### **IMPLICATIONS:**

- The complex situation in Nagaland highlights the challenges of balancing economic needs with safety and environmental concerns.
- Addressing illegal practices requires stricter enforcement of regulations, alongside exploring alternative sustainable mining methods and livelihood options for those involved.

#### **THE DANGERS OF RAT-HOLE MINING ARE NUMEROUS AND WELL-DOCUMENTED:**

1. **Tunnel collapses:** The precarious nature of these narrow tunnels makes them highly susceptible to collapsing, often trapping miners underground.
2. **Suffocation:** Poor ventilation within the tunnels leads to dangerous levels of carbon dioxide and lack of oxygen, posing a significant risk of suffocation.
3. **Water inundation:** The mines are vulnerable to flooding, especially during monsoon season, further endangering the lives of trapped miners.
4. **Health problems:** Miners are constantly exposed to harmful dust and other airborne contaminants, leading to respiratory issues and other health complications.

#### **PRELIMS PRACTISE QUESTION**

**Q1. What is the significance of the Sixth Schedule in the context of tribal autonomy?**

- (a) It guarantees reservation in education
- (b) It ensures political representation in the Lok Sabha
- (c) It grants self-governance and protection of tribal customs
- (d) It provides economic subsidies to tribal communities

**Answer: c**

#### **MAINS PRACTISE QUESTION**

**Q1.** "In spite of adverse environmental impact, coal mining is still inevitable for development". Discuss. (UPSC Mains-2017)

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