



Marginality and Its Contestations: A Case of Mining Affected in Goa

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INTRODUCTION

The complexity of the real world often belies academic assumptions of marginality. Within discourses of empowerment and development, the constituents and inhabitants of the margins are often implicitly assumed to be a stable, coherent well-knit group with common concerns and interests. Even though grassroots experiences have more often than not suggested to the contrary, policy driven analysis and prescriptions tend to adopt a homogenous concept of the margin's inhabitants, and the interests and concerns of the marginalized. The present chapter is yet another attempt to challenge this bias with policy driven understandings of margins.

It presents a case study of mining in a village in Goa. This issue of mining in Goa in the recent years has thrown open a lot of questions and propositions bordering on the themes of marginality, contestation and development, particularly among the tribal and the local populations. At one level it borders on the very nature of mining induced developmental process which is premised on extraction, transport and export.

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The discussions and dynamics on mining have often been polarized along development-antidevelopment lines. Those concerned with environment, intergenerational justice, community rights etc., have been branded as the anti-developmental. Big business and state on the other hand have been cast as the champions of development. In this narrative of growth, the state is seen to be legitimately pursuing a policy of encashing its resources i.e., mineral wealth, generating revenues which in turn support welfare. Similarly communities and environmentalists are seen to be in common cause in resisting mining and aligned with pristine views. Within this polarized debate, it is implicitly assumed that the micro-community or village level is merely a microcosm, a miniature version of the macro-positions. This view is strengthened because of the co-habitations and solidarities amongst articulations of community rights and expressions of environmental concerns. This narrative casts the local communities as a homogenous entity that has been marginalized by state and big business.

The case of Mining agitation in Cavrem, a small village in the Quepem Taluka of South Goa, where a group of tribals fought against illegal mining presents a much more complex picture, where marginality created its own contestations. The impact at the micro level was more diffused. On one hand village communities where the impact was felt, wanted a clean and sustainable living habitat which was being devastated by rampant mining, on the other (and at the same time) they needed economic sustenance dependent upon mining as that was the only major occupation that gave returns in the area. This chapter takes a look at mining in Cavrem village in Goa, which in its own small way saw exposition of marginality and contestations within, thereby giving rise to counter narratives. The rest of the chapter profiles this case study and presents some conclusions towards the end. It begins by providing a brief account of role of mining in the contemporary political economy of Goa, before moving on to Cavrem, the site of dispute and then looks at the manner in which the contest ensued across various actors leading up to the present context.

MINING IN GOA: A BACKGROUND

Iron ore mining has always played an important role in shaping the political economy of Goa both during the colonial rule as well as its post-colonial phase. Mining first caught the interest of the Portuguese regime

in the early twentieth century when the demand for iron ore during the inter-war years boomed, particularly from East Asia and Japan. These mining operations were instrumentalized through providing concession leases to private parties, mostly led by big industrial houses in Goa (Goenchimati.org 2017). During the 1940s the total exports of iron ore from Goa amounted to around 30–40 thousand tonnes per annum.

The initial years during Goa's liberation were also witness to a number of debates surrounding the political and linguistic identity of Goa as there was a demand to merge Goa with Maharashtra (due to its vast Marathi Speaking population) on one hand and its existence as a separate state due to its unique identity defined by its colonial heritage and Konkani ethos. The historic opinion poll conducted in Goa in 1967 on the issue of merger finally opined in favour of Goa's future as a separate political unit with a Union territory status. The first chief Minister of Goa, Dayanand Bandodkar, himself a miner, was credited with creating the basis for educational and social infrastructure in the state and his regime saw enactment of a series of legislations that focused on land and tenancy reforms. Bandodkar despite belonging to the Maharashtrawadi Gomnatak Party (MGP), which was a pro merger party ensured that the setback to pro mergerists did not come in the way of his policies of social upliftment and empowerment, and the rise of the 'Bahujans', a group consisting of non *Saraswat* and non-upper class Catholic elites. This period has been seen as a period of gradual awakening of the masses in Goa who were hitherto on the margins of the economic and political life in Goa (Parobo 2015).

The above political transition in Goa also constituted the beginning of a certain economic transition as it marked the beginning of greater engagement of hitherto marginal groups into areas that had been dominated by feudal elites, coming primarily from upper castes. A gradual shift of economic base from mercantile capital led by dominant castes to mining and tourism driven by other castes over the years, defined Goa's political economy transition in the coming decades (Parobo 2017).

After liberation, the operations by the erstwhile mining companies continued as the sector became one of the prominent sectors by way of providing revenue to Goa government. Mining activity in Goa during these early years was stratified into two clear groups, with there being a clear distinction between mining lease-holders, mostly private industrial houses and workers who were directly engaged in extraction. There was no intermediary class as most of the lease-owners themselves owned the ancillary

operations such as transportation, valuation and shipping related to mining. As such, there is not much evidence of major friction and contestation at this stage. The scale and intensity of mining as it was carried out in Goa during the early years of liberation therefore did not lead to any visible friction or contradiction in so far as mining activities were concerned.

The total exports of iron ore from Goa, increased to 14 million tonnes in 1985. As a result, even as the state underwent a phase of rapid economic and political transformation in the years subsequent to liberation, mining as a source of economic activity continued as a mainstay of Goan economy. In terms of political transition, Goa saw another change with the attainment of full-fledged statehood in 1987, which was essentially premised on the Konkani linguistic identity of the state. Statehood also brought to the state greater powers and the flexibility to enact legislations which were specific to the requirements of the state.

A significant legislation, the Goa, Daman and Diu Mining Concessions (Abolition) Act 1987, was passed just preceding statehood. This converted all mining concessions granted earlier to be treated as mining leases as per the 1957 Mines and Minerals Act of Government of India, bringing mining in Goa, under the purview of the Union law for common good.

In economic realm, in addition to mining, tourism gradually emerged as a sector which opened up new possibilities and avenues for employment and revenue generation. This happened as Goa opened up to the world as an idyllic place that brought together an experience of a mix of European and Indian influences, originally by the hippies of the 1960s and 1970s generation and later by the high-end local and global tourists who saw it as an exotic destination.

1990s onwards Goa has seen rapid change on account of a very different trajectory it took in terms of its economic orientation and impact (Trichur 2015). A state which was for a long time more premised on its internal political economy impulses saw a greater penetration of the external political economy forces as it came to be popularly visualized as a global destination not only for tourism, but also as a place to stay. With the opening up of Indian economy and the ensuing expansion of the middle class, service sector bordering on tourism and real estate started becoming the prime magnets for Goa as an investment for big capital. For the years 2011–2012 to 2015–2016, share of primary sector in state GDP declined from 24.15 to 9.49%, whereas that for secondary sector declined from 48.05 to 42.70% and that of the service sector increased significantly from 30.57 to 47.81% (Government of Goa 2016).

Clearly a significant amount of domestic and external capital was now moving into Goa, in the services sector and indirectly the market for land was bound to experience increasing proportions.

Last couple of decades, has seen a dramatic transition in terms of the scale, intensity and the social context in which mining operated in Goa. The total exports of iron ore from Goa reached nearly 38 million tonnes in 2012 during the boom period (Xavier et al. 2013). A new dimension was added to the mining sector with the drastic increase in demand for iron ore from China, on account of its construction and infrastructural boom. This particular phase saw Goa emerging as a premier destination for the low grade iron ore and at one point of time accounted for nearly 60% of the total iron ore exports from India. In the year 2010–2011, iron ore exports from Goa reached an all time high of 54.45 million tonnes of which 47.23 metric tonnes was of Goan origin and the rest was sourced from neighbouring states of Karnataka and Maharashtra. Of this 48.93 metric tonnes was purchased by China alone, amounting to around 90% of total exports (*Business Standard* 2013).

As mining became a hugely profitable enterprise, new actors started getting involved. Some of these new actors were involved in ancillary activities related to mining such as transportation, trucking. Ancillary activities themselves had expanded significantly with huge growth in mining and necessitated the entry of new players. In addition, many new players became the ‘new extractors’ who mined in areas which had not been leased for mining and thus came under the ambit of illegal miners. These new extractors called themselves ‘contractors’ and not mine owners or lessees and were not covered under the 1987 Act, which did not account for such a nomenclature. The contractors engaged in buying of new land for mining and purchase of old mines. They owned extraction and mining machinery. Many of them were having powerful political connections across the ruling and opposition parties in Goa.

In this context, government also ignored continuing extraction in several mining areas where the leaseholders had ceased to have valid permits. For instance, between 1996 and 2000, ten applications for renewals of leases were received by the government, of which in two cases the delay was condoned and the rest kept ‘under process’ (Firstpost 2014).¹

¹According to an investigative report, there were 32 active mines which had no Clearance from Ministry of Environment and Forests, 18 did not have wild life clearance and 34 did not have air and water clearance. See <http://www.firstpost.com/politics/how-goas-illegal-ore-miners-are-in-league-with-cm-kamat-76437.html>.

The result was a massive devastation and destruction of agricultural fields, water bodies, flora and fauna that existed across the hinterland close to the mining areas. Rampant mining caused air pollution across the path that the truckers took. The ore was transported from the mines to the port through the inland waterways. Ore was shipped on barges through the rivers crisscrossing Goa.

While there had been isolated village level protests against the negative effects of mining across various parts of Goa, a very decisive move was taken against illegal mining with the filing of a Public Interest Litigation in the Supreme Court of India in 2011, which eventually set up a Committee under Justice M. B. Shah to look into illegal mining issues in Goa and other parts of the country. The Committee submitted its report in 2012 citing massive illegalities in extraction, leading to an eventual ban by the Supreme Court on mining in October 2012. (Annexure 1 details a chronology of the mining saga in Goa from the colonial times to the present). Goa is now contemplating amending the 1987 Act so that possibilities of restarting mining can begin and such operations can remain valid till 2037 (Nlsenlaw 2013).²

CAVREM VILLAGE AS A SITE OF CONTESTATION

The Cavrem village, located in the Quepem Taluka in South Goa is predominantly a tribal village with seven *panchayat* (sub-village) wards. 80% of the total population of about 4500 people is tribal (Census of India 2011).³ Mining had been occurring in Cavrem village for several years.

Subsequent to the Supreme Court ban on mining in Goa, the mining companies approached the Bombay High court for a relaxation on the ban allowing them to transport and auction the ore already mined. Cavrem soon emerged as a major site of contestation between the tribals, the corporate mine owners and the state machinery when the tribals

²For Details of the 1987 Act, see <http://www.nlsenlaw.org/wp-content/uploads/2013/08/GOA-DAMAN-AND-DIU-Mining-Concessions-Act-1987.pdf>. It is being argued now that the only way mining can restart in Goa is by bringing in an ordinance and then an amendment to the 1987 act by treating the appointed date to 1987. See 'Change Appointed Date to 1987', *Times of India*, June 29, 2018, <https://timesofindia.indiatimes.com/city/goa/change-appointed-day-in-1987-act-restart-mining/article-show/65181576.cms>.

³See Census of India 2011, http://censusindia.gov.in/2011census/dchb/3002_PART_B_DCHB_SOUTH%20GOA.pdf.

opposed the lifting and transportation of iron ore by the mining companies following this relaxation.

The village already had a history of protest as previously once, the villagers had protested against the damage due to mining and the pollution being caused in the village due to indiscriminate mining and transportation of the ore. A grassroots organization Cavrem Adivasi Bachao Samiti was formed for this purpose. This time, around February 2016, the villagers led by Ravindra Velip, a young *panch*, i.e., elected representative of the village local governance body; asserted that in the garb of existing ore, what was actually being taken away by the mining companies was illegally extracted ore. They had argued that the villagers had reported the matter to the authorities earlier and contended that the mining company was indirectly bypassing the Supreme Court Guidelines. It was argued that the state department of mines and geology had not still evolved a mechanism to efficiently judge the ore and on determining the exact nature of illegality.

At the same time, Ravindra had also been fighting for the rights of tribals to run the mining themselves by proposing a cooperative called Sadhna Multipurpose Cooperative Society. Livelihood sources were meagre in the area and the incomes provided by mining were significant, even though the villagers realized that they were being given a very miniscule share of the local wealth, wealth which they believed was theirs. Curtailed livelihood options made the proposal of the cooperative mining attractive. But the state government had been denying registration of the proposed cooperative through the Registrar for cooperative societies.

During one of the standoffs between the transporter and the villagers, the police picked up Ravindra and four other villagers and they were taken to the Sada Sub jail and were allegedly blindfolded and attacked during the night of 23 March 2016 (Digital Goa 2016). He was released on bail the following morning. This created uproar among the villagers and the groups that had been associated with him. Rainbow warriors, the NGO with which Ravindra had been working, set up a fact finding committee consisting of Goa based eminent human rights lawyer Nandita Haksar, Law Professor at NALSAR Amita Dhinda and John Fernandes from the NGO. The team promptly took up the case and gathered the facts. The team found significant evidence of assault on Velip and noted that the jail authorities had not responded appropriately to the cries of the victim as the incident happened. It concluded by putting up the following seven demands:

1. An independent enquiry should be ordered into why the police failed to register an FIR in violation of the provisions of the Criminal Procedure Code.
2. A 12-point charter of demands of the United Tribal Association Alliance should be accepted.
3. Village panchayats must be given full powers to oversee the mining operations to ensure there are no illegalities in the process.
4. Justice demands that Ravindra Velip be given adequate compensation by the prison authorities for failure to protect him while he was in custody.
5. In consonance with the fundamental rights enshrined in the Indian Constitution, especially Article 14 read with Article 19(1)(c), which makes the right to form associations and cooperative society a fundamental right, the Caurem Cooperative society should not only be registered immediately but the government must offer all help to make it a success.
6. The State Commission for SC/ST could play a more pro-active role in ensuring the tribal peoples of Goa get social-economic and political justice.
7. Lastly, we would like to recommend to the mining companies that they follow the Ten Principles of United Nations Global Compact (Haksar 2016).

While the matter did raise a lot of concerns in the civil society and the media, the state response was lackadaisical. The initial response of the jail authorities was that the attack did not take place in the jail. The findings of the internal enquiry ordered by the Inspector General of prisons were kept confidential. The Chief Minister further ordered another magisterial enquiry citing discrepancies between the versions of the victim and the report of the Inspector General. The repeated demands of the victim and his supporters that a First Information Report be filed with the police complaining about the attack, was denied. Despite the pointers to who could be behind the attack, the authorities had not even initiated a preliminary enquiry.

Within this stalemate of a situation, events took a very interesting turn, with the involvement of the Chief Minister of Goa. An attempt was made to facilitate a resolution of the dispute relating to transportation by the Chief Minister when he personally came for a meeting between the villagers and the company officials. The meeting took place three

weeks after the assault incident at Cavrem village. The meeting though, instead of exploring the possibility of a resolution, turned into an exercise of mutual accusation. In a startling and dramatic revelation, the representative of the Fomento Group, the company involved in mining at Goa, accused that Ravindra had been involved with extortion and that an amount of Rs. 23 lakhs had been paid to him as a bribe in 2012.

Stung by the charge, Ravindra held a public meeting at Azad Maidan, a huge meeting ground in Panjim town, Goa, the venue of many a popular protests and clarified to the media that the payment made was actually in lieu of the damage suffered by Cavrem farmers in their fields due to rampant mining that had been going on in their village. He also showed the proof of the transactions which had been done in his current account and said the same had been transferred to 167 villagers at a rate of Rs. 5000 each. The villagers present also acknowledged the same. It was pointed out that the said transfer, far from being an extortion, was an award decided by the Additional Collector, South Goa, Mr Prasanna Acharya, who had subsequently become Director, Mines and Geology Department (Goanews 2016).

Thus Cavrem village became a site for contestation at a point of time, when the power of the state was at full play. While there could have been perhaps a mechanism whereby the state could have acted as a fair arbiter by giving due consideration to the needs and concerns of the tribal communities, it was found lacking in addressing some of the most genuine demands of the tribals and the marginalized groups. The press too after the initial attention that was given to the issue, relegated the story to the margins as other similar issues happening in other parts got greater attention. Urban Goa demonstrated a general apathy to what was actually going on in the hinterland.

There were however a couple of notable developments that did take place which brought Ravindra and his village into the news again. The following year proved to be a mixed bag for him and his group on various counts. At one level, he tried his hand at electoral politics, by contesting for the legislative assembly election from the Sanguem constituency, of which his village was a part. He had secured a ticket or nomination from the Aam Aadmi Party, which was widely perceived as a people friendly party. This was not the first time a tribal leader from grassroots was making an attempt at state level electoral politics. But the 2016 assault case had made the contest significant in the press's point of view. However, this significance was lost on the voters. Ravindra came a

distant fifth in the total votes polled (India.com 2017).⁴ The voters of Sanguem had a different preference, even as they rejected both the sitting MLA of Bharatiya Janata Party and the Congress candidate, they opted for an independent candidate, Prasad Gaonkar by a fairly good margin.

However, there was good news on another equally important front. After a full five years of struggle for getting the cooperative registered and various petitions to the court to that effect, Ravindra managed to get the Sadhna Multipurpose Cooperative Society registered as a cooperative society with the state government in May 2017. This was as much a moral victory as it was a legal one as the state government had been denying permission for a long time on the basis that Mining could not come under Cooperatives. The State had argued that the Minerals Act itself would need to be amended for this purpose. The Court disagreed and paved the way for the registering a cooperative that could also pursue mining. The first objective of the Society needs a special mention:

With due regard to the first four objects of the society, to engage in mining activities such as taking leases, operating the mining leases, employing persons and equipments for the mining activities, transportation, processing, beneficiation, use, sale and export of the ore, to take part in auctions and other government processes related to mining, to ensure that mining affected people are compensated adequately, and that all mining affected lands and waters are rehabilitated and restored. (Targetgoa, n.d.)⁵

While certainly this can be seen as a major victory for Cavrem villagers and their supporters, the road to sustainable and cooperative mining is still too far, as the history of mining struggle in Goa has shown. Political and corporate nexus is still too deep to be broken by one such stroke. However some very recent developments relating to mining in Goa may prove to be beneficial to the idea in the long run.

In another landmark judgment the Supreme Court, based on a writ petition filed by Goa Foundation, against the Goa government decision to renew leases of existing companies to mine, 88 mining leases were cancelled. It was pointed out that the government could only give fresh

⁴<http://www.india.com/assembly-election-2017/goa/sanguem/>.

⁵[http://www.targetgoa.in/goabuzz/ravindra-velip-kickstarts-co-operative-mining-in-goa/](http://www.targetgoa.in/goabuzz/ravindra-velip-kickstarts-co-operative-mining-in-go/).

leases rather than give another opportunity to those who had indulged in illegal extraction in the first place.

This has been a landmark decision as it sought to regulate mining as per the norms and law. However it also triggered anxieties with regard to the future of mining once all existing activities ceased on 15 March 2018. One wondered what would happen if through auction, national level players entered the scene and 50 year leases were granted to them.

It was however certain that all mining dependent would be affected. There are also estimated 50,000 people directly or indirectly related to mining sector in Goa, who were bound to get affected when mining operations come to a stop (Mongabay 2018). Because of closure of mining and global price reduction, share of mining in Goa's total GDP had come to down from 18% to 4% and the contribution to royalty is down to Rs. 2 billion in 2018.

ANALYZING MARGINALITY: PERCEPTIONS FROM THE FIELD

Against the backdrop of the above narrative and to explore deeply the undercurrents of marginality, a field visit was undertaken to Cavrem Pirla in the month of July 2018, to understand how people perceived themselves after the mining ban, and their reactions to the developments following the Cavrem agitation and the road ahead.

It was quite apparent that the most affected were the labourers and workers involved in onsite activities relating to mining, extraction and transportation. Bulk of this group was constituted by the tribals and, for them mining related work had become the only means of sustenance and survival as they had not seen any other potential area of employment. Lesser educational attainments also prevented them from considering other occupations. Moreover, mining boom had created an eco system in the village whereby the mining companies on account of the profits that they generated were able to involve themselves in several social, educational and religious activities which kept the village folk look up to them as partners. It is significant to note here that the villagers did not perceive the state as a major benefactor.⁶

Nearly all of these villagers were unanimous in their view that mining should be restarted and a complete ban on mining would lead to

⁶Interview with villagers at the Maina ward in the CavremPirlaPanchayat, 22 July 2018.

deepening marginalization as alternative avenues to these people were not available. This group also was open to the idea of mining to be initiated on a 'cooperative model' as proposed by Velip, but said that the benefits should be distributed equally. Some of these villagers were apprehensive that the new leaders would misuse their popularity and seek personal gains at a later stage.

A second category consisting of relatively well off and educated villagers, who were entrenched in the ancillary activities relating to mining such as transportation, truck-ownership, trading, machine repair etc., agreed that mining should restart without any further delay with due checks and balances so that the illegalities could be nipped in the bud. Several of these people had also taken part in the 'Goa People for Mining' agitation that had highlighted the plight of those affected by the mining ban in the state capital. Though some of them had been able to shift their economic base away from mining to other activities such as small business, quarrying, trading etc., they appeared vehemently opposed to the idea of cooperative mining as they felt it would only serve the interest of a few who at some point had been the beneficiaries of the mining companies themselves. This group consisted primarily of educated tribals as well as the upper caste Desais, who are the next major group in the village ward.

Ravindra Velip himself, spoke of the uncertainty surrounding the proposal of cooperative mining in view of the latest ban that the Supreme Court had put in and mentioned that in the meanwhile, the cooperative would continue to work on other areas that would bring in revenue to the villagers, such as horticulture, small scale entrepreneurship among the village youth.⁷

According to the views of a leading industrialist who had a major stake in mining in the area, the activity had always been 'cooperative' with there being an unwritten compact between companies and villagers, where the former worked in a variety of activities in the village that would enhance social and economic profile of the village as well as give them fair returns through employment generation. The technological advancements in mining were potentially making it a knowledge intensive activity and less labour intensive, he cautioned.⁸

⁷Interview with RavindraVelip at Cavrem village, 22 July 2018.

⁸Conversation with a prominent mine owner in April 2018.

Thus, the margins of mining in Cavrem, as perhaps in rest of Goa, were severely contested. The margins were fractured along different interests and could be grouped as follows.

- Labourers/workers who were involved in onsite activities relating to mining and extraction and transportation using physical labour and their dependents.
- Supervisors/contractors/truck owners who were better off and qualified and literate as compared to the other segment.
- Migrant labour coming from across the state, particularly during those times when mining activity was at its peak.
- It was difficult to get any feedback from the migrant labourers as most of them had moved on to other places and activities in search of alternative livelihoods.

The fractures and contestations in the margins, found resonance even within state policy towards the mining dependent people after the ban was imposed. State government initiated a debt relief scheme for people who had borrowed from recognized banks across the mining sector. The number of beneficiaries who are truck owners far exceeds that of the unemployed in the mining sector (6379 and 49 respectively in 2016–2017), the disbursements from 2013 to 2014 have remained constant for the former and has steeply declined for the latter (Government of Goa 2017).⁹ This indicates that truck-owners have benefitted more from the government disbursements than the workers in the mining areas.

One therefore sees in Goa the prevalence of a contestation within the marginal, where the notions of dominant and the marginal is a bit diffused and do not exhibit a clear binary. There appear to be layers of contestations and hierarchies within. Within these layers, there are points of convergences about resumption of mining as that is seen as the only solution for regaining economic vitality. At the same time, there are differences over how to resume mining given the way the courts, governments and corporate entities have entrenched themselves in a complicated manner on the issue.

⁹For further details, see Economic Survey, 2016–17 Government of Goa, p. 91.

The chapter thus argues that the nature of debate around marginalization created its own contestations and it should not be seen as a binary, but a process of constant reclamation and recovery. The current dynamics of mining makes the tribals inhabiting the area a mere cog in the wheel of the mining cycle, where they occur simply as an instrument rather than a beneficiary. The costs often outweigh the benefits that accrue out of the ancillary opportunities that mining throws up for these tribals, leaving bulk of benefits to the owners of the mine leases as well as the (sub) contractors.

The issue of closure of mining in Goa in 2012 following the Supreme Court direction on illegal mining thus had a multiple impact on the tiny state having a bearing on diverse sections that got affected by the ban. While at the macro level, it was seen as impacting the state revenue, mining being one of the two prime sources of income in Goa apart from tourism and employment as there was a significant proportion of population directly or indirectly dependent on mining- labourers, transporters, barge-owners, and commercial establishments in the mining region. This created a situation of 'contested marginalization' where people started envisaging alternative modes of mining, which could be more participatory and less predatory.

The counter-narrative that was attempted by the tribals for both keeping a check on rampant excessive mining and alternatives modes to extraction and sale speaks of new possibilities where ecological sustenance and distributive gain can both be attempted. After preparing a biodiversity/forest rights documentation of the village and proposing cooperative mining through a tribal cooperative society; it pitted the Panchayat against the local M.L.A., saw the state unleashing its power on the agitating villagers by arbitrary arrest and human rights violation, a failed attempt by the tribal leaders to try the electoral route to power and an eventual though still nascent victory in the form of cooperative society getting registered.

By mapping the journey of the tribal agitators through their experiences of marginalization and the confrontation and contestations that they have within and outside, it can be seen that there is a strong reason for looking at marginality beyond the binary or dominant/marginal or oppressor/oppressed but as a process of constant reclaiming and recovery by multiple interested parties each pursuing their own limited agenda under the unfolding conditions. This is done by building up on the existing proclamations and practices on the right of local and indigenous

groups to devise their own modes of economic development and role of the state in creating an enabling environment for the same as well as corporate interests of the neoliberal era (UN General Assembly 2007).¹⁰

In a situation where there is a case for carrying out mining on a sustainable basis which is designed to meet the capacity and needs of a small state like Goa, therefore there is need for a model that takes care of concerns which are emerging on both the sides. Marginality and its contestation can therefore be addressed if there is a proposal that makes mining sustainable, eco-friendly, based on carrying capacities of the state and also generates considerable employment while ensuring steady revenues, without making the state overtly dependent on the same.

Unfortunately the propositions and models that are going around in Goa at present in spite of their own merits are not in a position to achieve such an outcome that would be favourable to one and all. For example, the state government is not yet open to the idea of taking over mining operations on its own as part of public sector enterprise, as it is the case with some other states in India. Perhaps there is the apprehension that for an activity which has been closely in the private domain for so long, public ownership at a time when the industry is in a state of decline would further burden the state's existing stretched resources. There is also the proposal by Goa Foundation of creating a Gomechi Mati Permanent Fund for intergenerational equity which would keep the earnings out of the mining industry locked in as part of a Fund for future generations. But the proposal does not articulate clearly the operational modalities of actual mining in such a case. The private players on the other hand, are inclined to see labour-intensive mining more as a burden and may opt for more corporatized and technologically driven models if and when a clear policy towards mining is laid.

In such a scenario, the Cooperative model for mining in Goa based on the framework provided by the Cavrem episode, perhaps needs to be given a serious thought. The major merit for the 'cooperative' model stems from the fact that it would be based on a model where stakes are

¹⁰United Nations Declaration on Rights of Indigenous People, Articles 19 and 20 for instance emphasizes on the duty of states to ensure that such people are involved in the decision making on issues that directly affect them and also help them in creating appropriate social, economic and political institutions that help them be secure and free to pursue their developmental needs. http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf.

equally divided among those who are directly affected by mining and they would be at the centre. But such a cooperative will have to be carefully nurtured as a compact that brings together the role of a variety of other players including the industry, civil society, and the state which should modify and fine-tune their respective roles not as competitors, but as facilitators of the process with each sector getting its due. The proposal at this stage is still hypothetical, not having been attempted in this manner anywhere else in India, but might well be the starting point which seeks to reconcile contested marginalities as part of a continuum where there is a cumulative yet gradual benefit to all.

ANNEXURE I

Chronology of Mining Developments in Goa

- September 1906, Mining Concessions given by the then Portuguese Government to private houses in Goa.
- Mines and Minerals (Regulation and Development) Act 1957 passed by the Indian Parliament for regulating and developing minerals in the Union for common good.
- Goa Daman and Diu Mining Concessions (Abolition) Act 1987 abolishes previously granted concessions and seeks conversion to Leases as per the 1957 Act.
- (1980–1990s) 1987 Act challenged by Miners on the grounds of being treated as per the concessionaires, permitted by Supreme Court in 1996 to continue mining with due payment of dead rent to the government from the date of abolition Act.
- 2000–2010—period coinciding with drastic rise in Mining exports from Goa, entry of new players, contractors often bypassing the norms that were established.
- 2011-Public Interest Litigation filed in Supreme Court on cancellation of leases to the Miners engaging in illegal extraction.
- 2011-Supreme Court appoints M. B. Shah Commission to investigate illegal mining in India-Submits report in 2012 citing massive irregularities.
- October 2012: Supreme Court bans mining in 90 leases on Shah Commission findings.
- April 2014: SC lifts ban but imposes annual cap of 20 million tonnes on iron ore output.

- August 2014: Bombay HC directs Goa govt to execute lease deeds.
- August 2015: Mining operations resume in Goa after receipt of all clearances.
- February 2018: SC orders shutdown of all Goa mines after March 15, 2018.

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