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Coal mining regulations hit Article 371A wall in Nagaland

The State has 45 coal mining licence holders across five districts

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An open pit coal mining site in Tiru valley of Wokha district, in the northeastern Nagaland. File | Photo Credit: AP

GUWAHATI Article 371A of the Constitution of India has been the major hurdle in the Nagaland government's efforts to regulate small-scale illegal coal mining activities in the State.



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Specific to Nagaland, Article 371A has special provisions guaranteeing the protection of land and its resources apart from the Naga customary law and procedure.

The coalition government headed by Chief Minister Neiphiu Rio has been under pressure to regulate coal mining activities after **six miners died in an explosion** in a rat-hole mine near Ruchyan village in the Wokha district on January 25.

On February 27, Mr. Rio and Deputy Chief Minister T.R. Zeliang told the Nagaland Assembly that Article 371A had impeded ensuring scientific mining of coal across five districts in the State.

These five districts are Longleng, Mokokchung, Mon, Tuensang, and Wokha. According to the State's Geology and Mining Department, 45 coal mining licence holders operate in these districts.

Raising the issue during the second day of the Assembly's budget session, National People's Party MLA Nuklutoshi Longkumer said numerous illegal and unscientific coal mining operations were posing a serious threat to human and environmental health in Nagaland.

The Chief Minister agreed but attributed the difficulty in making these mines accountable to the special Constitutional provisions for the State and the prevalent land-holding system giving ownership to the community.

"Reclaiming mined areas has become important. Contractors and businesspersons conducting mining activities should bear the responsibility for land reclamation by filling up the rat-hole mines and planting trees rather than leaving it barren," he said.

He added the department concerned should be holding contractors violating mining guidelines accountable.

Mr. Zeliang also said the unique land rights conferred under Article 371A have made regulating illegal coal mining activities more challenging. "Residents in coal-bearing areas depend on illegal mining for sustenance and they need to be educated on the adverse effects of such activities," he said.

Rat-hole mining allowed

Data from Nagaland's Geology and Mining Department say the State has 492.68 million tonnes of coal reserves but dispersed erratically and inconsistently in small pockets spread over a large area.

Nagaland's coal mining policy, first notified in 2006, allows rat-hole mining as the coal deposits are too scattered for large-scale and coordinated operations. Leases called small pocket deposit licences are awarded to individuals.

According to the Geology and Mining Department's Principal Secretary, Himato Zhimomi, rat-hole mining can be undertaken only with the consent of the departments concerned, including that of Forest and Environment.

"Small Pocket Deposit Licence may be granted only to individual landowners for undertaking rat-hole mining and shall not be granted to any company. The licence period shall not exceed 1 (one) year, where the intended mining area does not exceed 2 (two) hectares, and annual coal production does not exceed 1,000 tonnes per annum and heavy machinery is not used for extraction," Section 6.4(ii) of the Nagaland Coal Policy (First Amendment) of 2014 says.

Officials claimed the State government awarded several rat-hole mining leases with proper forest and environment clearances and definite mining plans. This has not stopped people from operating such mines illegally.