University Of Calgary
Faculty of Law

Law 703: Legal Research and Methodology

ANNOTATED BIBLIOGRAPHY
(Work In Progress)

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Annotated Bibliography

INTRODUCTION

Following is the annotated bibliography of my proposed research paper and it is still an ongoing process. It includes primary and secondary material related to my proposed research question. Thirteen annotations have been done for the purpose of Law 703 course work.

Topic of my major research paper is “Sand Mining In India: A Call For Change”. The question sort to be answered in my research paper is whether sand should evolve as a major mineral, bringing protection against illegal mining directly under federal government?

LEGISLATION

• Mines And Minerals (Development And Regulations) Act, 1957.

• Constitution Act 1950.

• Minerals Concessions Rules, 1960.


SECONDARY MATERIAL: MONOGRAPHS

The author of the book has worked under Indian Bureau of Mines a National Organization under Indian Government for more than three decades. He has served various capacities administering different statutes on development, regulation and conservation of minerals and metals. This book is helpful to anyone intending to explore environmental legislations of India. Mainly, the book is divided into seven parts. Sixth part of the book talks about Mineral Conservation And Mines Safety providing various regimes governing mining in India. This chapter introduces readers to different policies and rules regulating major and minor minerals and regime protecting against environment degradation by mining. Although, various amendments have been done in the last decade but the chapter provides a base for understanding the legal mining structure in India.

As per my research, this chapter provides an insight to relevant legal instruments governing mining and the different regulations governing both the mineral categories. The intended audiences for the book are scholars, researchers, students and mining companies.

• Singh, OP. *Mining Environment Problems and Remedies* (New Delhi: Regency publications, 2005).

SECONDARY SOURCE: NEWSPAPER AND MAGAZINE


Satinder Bhatia is a professor at The Indian Institute of Foreign Trade, New Delhi. This article is not envisioned as an academic article but instead is an opinion on the legal issues related to Sand mining in India. The article recommends the alterations that should be brought for regulating sand mining in India. It summarizes that the state governments have taken various steps to curtail illegal sand mining but it still prevails.
It summits that how sand mining might be handled by the Union government by taking the control over it.

This article is useful for my research as major essence of the article is similar to the recommendation made in my proposal for evolution of sand as a major mineral. This article is written for both scholars and researchers.


SECONDARY MATERIAL: OTHERS


This article is extremely educational for someone willing to gain knowledge about the judicial interpretations given to Article 21, expanding the scope of the right to life. The author has summarized all the different interpretations ushered by various decided cases. Right to Clean Environment have been held to fall within the preview of Article 21.

The given piece of work could be used to explain that how illegal sand mining is violating the fundamental right to life of every individual. Illegal sand mining comes under the preview of Article 21 as the article provides for the protection against environment degradation caused due to illegitimate use of sand. The targeted audiences for the article could be students, legal practitioners and scholars.

- “Environmental Clearance Confusion Leads To A Spurt In Illegal Mining, India” (22 November 2014), online: Coastal Care <http://www.coastalcare.org>.

The referred article precisely summits importance of sand in the construction industry. The article talks about the increase in number of
cases of illegal sand mining in some states, as a result of ban imposed on sand mining. Each order passed now for the license for sand mining, required a prior environmental clearance for all the projects irrespective of their size. On the contrary, this has given way to illegal activities being conducted. States have demanded for decentralization of such an order and it has been stated that there has been more illegal mining because the miners are unable to obtain renewal licences. Also another reason for increasing illegal mining being stated is the increasing gap between demand and supply.

The article provides an insight to steps taken by government and the rejoinder situations, after the steps have been initiated for the curtailment of illegal sand mining. The suitable readers for this work could be legal practitioners, scholars and researchers.

- “Site visit to ascertain the factual position of illegal sand mining in Gautam Budh Nagar, Uttar Pradesh”, online: India Environment Portal Knowledge For change <http://admin.indiaenvironmentportal.org.in/files/file/Final%20Site%20visit%20report%20of%20Gautam%20Budh%20Nagar.pdf>.

The present report provides a list of observations prepared by a legal committee comprising three government officials acting on the orders of the Ministry of Environment and Forest. The observations were made after visiting sites in the Gautam Budh district of the Uttar Pradesh. The paper highlights the sand mining scenario in the state of Uttar Pradesh. The legal report included various illegal activities being practiced within the state. Various different damages caused to nearby rivers by such illegal activities have also been stated.

The article is useful for my research because along with the regimes covering illegal mining it lays down directions given by High Court and the Supreme Court of India for prohibiting illegal sand mining. Such directions will be incorporated in my paper for a complete understanding of initiatives taken by the judiciary to prevent illegal mining. The suitable readers for the report are researchers, academics and legal practitioners.

- “Grains of Despair: Sand Mining in India”, online: Centre of Science and Environment <http://www.cseindia.org/>.
This article explains the growing demand of sand in the construction industry. It highlights the issues and causes of failure of sand mining regulatory mechanisms in the various states of India such as Tamil Nadu, Madras, Uttar Pradesh, Maharashtra, Kerala, Karnataka, etc. It also includes the basic description of hazardous effects of illegal sand mining on the environment. At the end of the article, a list of present rules and policies of various states has been given. The article concludes that there is a need for an alternate for sand and enacting strict legal measures for preventing illegal sand mining.

The article is relevant to my research as it explains the different reasons for the failure of sand mining mechanism in many of the states. Such reasons for failure will guide me to identify various ambiguities in these regimes. The targeted audience is researchers.


The author is the editor of India Real Time, The Wall Street Journal, India. She has written an interesting piece summarizing the situation of illegal sand mining in India. The article highlights the major issues like major involvement of construction industry into illegal sand mining along with politicians themselves. The pressure of demand of sand for the development of infrastructure has been stated as a major reason for growing illegal sand mining. Light has been thrown on the punishments, which are lined down for illegal mining.

The article is useful for my research because it recognizes the involvement of politicians themselves into illegal sand mining, which is one of the concerns in my research paper for evolving sand as a major mineral. It recognize the importance of degree of punishments necessary. Practitioners, researchers and academics could be the suitable readers for this article.


Kiran Pereira is a public speaker, writer and a research consultant who specializes in water issues. She describes a case study explaining the lack of knowledge about importance of sand as a mineral. She has clearly listed the finding from the case study and has recognized various different reasons backing illegal sand mining. This case study is good source of knowledge for researchers.

It is being referred for undertaking my research because it recognized the involvement of politicians in illegal sand mining. Further, the case study also stated that no complaints against such illegal activities are registered because the wrong doers create threat in the minds of people living nearby those areas where these activities are executed.


This is a very interesting article based on an incident where a woman from the state of Kerala raised voice against sand mafia. The article depicts the action taken by an individual against the menace of illegal sand mining. Author states that how her complaints have been
ignored and how unfavorable the reaction of the politicians was. The suitable audiences could be researchers.

The article is useful for my research for presenting the actions taken by individual against illegal sand mining and presents an incident showing irresponsible behavior of the regulatory authorities towards illegal mining.


• “Regulation of Minerals”, online: Directorate of Geology and Mining, Govt. of Maharashtra, Nagpur <http://www.mahadgm.gov.in/PDF/REGULATION_OF_MINERALS.pdf>.

  This work elucidates key provisions for regulation of minerals in India. This piece provides detailed information about the various legislations governing major and minor minerals. It provides detailed information about matters concerned to mining such as permits, prospecting licenses, mining period and its renewal.

  The referred work aids in providing an overview of the regulatory provisions governing mining in India. This article is useful to practitioners, academics as well as to researchers.


  The article provides an overview about the sand mining in India and the prevailing illegality in the sector. It explained the importance of sand for protection of environment and how illegal mining is causing a risk to ecosystem. It provides a clear definition of sand mining. The article identified the need to use various other alternatives to sand in order to preserve environment.

  The piece is helpful for providing an introduction to research proposal and understanding the environmental consequences of illegal sand mining. The article seems to be written for academics and researchers.
At the time of writing this article, the first author was a Research Scholar and the second was a Professor in the Department of social science and Agricultural Chemistry of Tamil Nadu agricultural university. The article explains more about the various kinds of impacts of illegal sand mining such as environmental, physical, ecological, etc. It also talks about the importance of sand mining sector to the country and need for restoration of sand.

Despite the fact that the article does not refer to the legal setup of sand mining directly but it is still helpful in recognizing the loopholes and building recommendations. It helps in understanding structure of sand mining. The article also includes the adopted definition of sand mining given by UNEP. Suitable readers for this work are academics and researchers.

The authors of the paper were final year students of the LL.B. program at Christ University, Bangalore, India while writing this paper. In this article the relationship between the demand for sand and its various impacts have been discussed. The growing demand of sand was instigating illegal sand mining and extended upto the level where it started degrading environment. In this paper the authors have attempted to recognize certain alternatives of sand for prevention of illegal sand mining.

Reference to this article can help in forming a strong recommendation to adopt any of the suitable alternatives to sand. Adaptation to such alternatives will help controlling excessive sand mining.