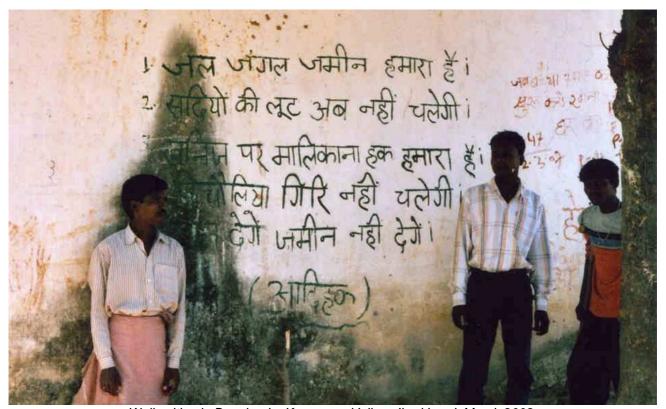
Karanpura Valley TurnOver

Coal Mining, Industries and Human Rights in the Karanpura Valley, Jharkhand



Wall writing in Devalgada, Karanpura Valley, Jharkhand, March 2008

Draft Version, September 2010 (For private circulation only!)

Prepared by

Solidarity Action Research & Information Network International (sarini) in collaboration with

Jharkhand Mines Areas Coordination Committee (JMACC)

(Industries and Human Rights in India Series)

Translation of the wall writing in the title page photo

- 1. Water, forest and land is ours!
- 2. This centuries old loot cannot go any further!
- 3. The ownership of the mineral resources belongs to us!
- 4. With us, there shall be no more of this gigantic corruption!5. We are ready to give our life, but not our land!

Village Devalgada is one the many villages to be completely uprooted by a mega open cast coal mining project in the Karanpura Valley.

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This sarini publication has been prepared in joint effort by her local group in Heidelberg, Germany, Adivasi-Koordination in Germany (reg. soc.), in collaboration withJharkhand Mines Areas Coordination Committee (JMACC), a larger network of selforganisations of the mining affected communities in Jharkhand State.

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The entire publication will primarily be available on internet for continuous update and free download. According to need, up to date printed versions may be prepared by anyone interested. All the parts and additional information on the struggle in the Karanpura Valley can be accessed at:

http://www.karanpuracampaign.com, http://www.Adivasi-Koordination.de.

The Industries and Human Rights in India Series began - inofficially - with a few publications on Rourkela Steel Plant in Orissa (cf. below). It is likely to be continued by future publications with focus one by one on:

- the nuclear technology complex near Jamshedpur in Jharkhand (Uranium Corporation of India Ltd.),
- the bauxite mining complex in Southern Orissa and Eastern A.P. (Utkal Alumina International Ltd., Vedanta, etc.),
- corporate houses like ArcelorMittal, Jindal, POS-CO, Tata, etc. and their mining and industrial projects in different parts of India.

Contributions, cooperation and critique are welcome at sarini-jl@gmx.de.

Earlier publications of sarini:

Jai Adibasi - A political reader on the life and struggles of indigenous peoples in India 150 p., 1994.

Indigenous Peoples in India

61 p., Bhubaneswar 1997.

(sarini Occasional Papers, No. 1)

Jai Jharkhand

126 p., Bhubaneswar 1999.

(sarini Occasional Papers, No. 2)

Adi-dharam. Religious beliefs of the Adivasis of India.

By Ram Dayal Munda

48 p., Bhubaneswar 2000.

(sarini Occasional Papers, No. 3)

Adivasis of Rourkela - Looking back on 50 years of Indo-German economic cooperation

Documents - Interpretations - International Law 184 p., Bhubaneswar 2006.

(sarini Occasional Papers, No. 4)

Rourkela and after - 50 years of industrial deve-

lopment and social responsibility in Indo-German Cooperation

Papers presented in a conference at Königswinter (near Bonn), Germany, 22-24 September, 2006 44 p., Bhubaneswar 2007.

(sarini Occasional Papers, No. 5)

Treasure in the hills - Episodes of tribal life & tribal ethos in Orissa. By Nabor Soreng.

80 p., Bhubaneswar 2008.

(sarini Occasional Papers, No. 6)

50 Years an More Struggle for Justice at Rourkela Proceedings of the Convention of Displaced Persons at Kalunga (near Rourkela), 6-7 March, 2010. 48+9 p., Bhubaneswar 2010

(sarini Occasional Papers, No. 7)





Short text on this publication

The Karanpura Valley is crossing from west to east through the southern parts of District Hazaribagh of Jharkhand - a mineral rich state of the Indian Union. Now there are plans for a number of mega industrial projects in the Valley: open cast coal mining, thermal power generation, steel plants, etc. – that is: in a very fertile agricultural area once considered as "rice bowl" of the State and entire India.

There will be huge profits - or economic "turnover" - for the state and the corporations. From the other perspective, the Valley will be more or less completely dug up - or literally "turned over". These mining and industrial projects will destroy in a very large scale not only fertile land but also the livelyhood resources, the social fabric and the culture of the people living there.

A closer look into the history of industrialisation in India (but not alone there) reveals that big industrial projects, nearly by routine, have very badly affected the local population – especially when they belonged to the indigenous and other disprivileged communities who are traditionally dependant on land. With the land, they lose the base of their economic, social and cultural life. Their ancestral lands are lost for ever and destroyed beyond repair. Such fundamental loss can never be compensated by resettlement and rehabilitation methods as practiced so far. And: many resettlement and rehabilitation programmes are found inadequate in design and implementation!

Other regions in Jharkhand like the lower Damodar Valley have already been destroyed in this manner. Now the same is in store for the Karanpura Valley, which forms part of the upper Damodar Valley. And the Karanpura Valley – as were the other parts - is inhabited largely by Adivasi communities which are the indigenous peoples of India.

Our perspective

Destruction of valuable agricultural land, water courses, livelihoods and cultures of people for profits from coal production and heavy industries at a time of global awareness about climate change cannot be accepted any longer. Such misconceived projects call for publicity and intervention.

In this perspective, we are trying to document and analyse some of the recent developments in the Karan-pura Valley. In doing this, we clearly take sides with those people whose concerns are least reflected in the project plans and their implementation.

This is not just a humanitarian approach. The affected people – mostly belonging to indigenous and other traditionally disprivileged communities – not merely deserve charity. THEY HAVE RIGHTS: to the land, to the resources, to a fair share in the nation's progress, and to a life in dignity.

It is the duty of the state to respect, protect and fulfil these rights. It is the duty of the corporations to respect the laws, the democratic order and their own corporate social obligations. And it is the duty of every citizen to take a pro-active role in order to ensure the state's and corporate bodies' proper functioning in this regard.

We support the affected people in their struggle through publicity and through appeals to the responsible administration and the corporations. We uphold the constitutional rights and the fundamental human rights of each and every person, and especially of the disprivileged communities.

And we do this explicitly under the right of "Freedom of Expression", in close collaboration with the affected people, who have been denied this throughout history...

Abbreviations and explanations

andolan [Hindi] a (political) movement

buffer zone a 10 km wide stretch of land surrounding the core zone of a mining project

chowk village square or town square

coal, types of Coke is used in the production of industrial iron as an indicator for a chemical process

called reduction and for its relatively high heating value.

(Coking is a way to upgrade the coal, produced in coalmines. It is

produced at a temperature of 1000°C leading to a fusion of the solid carbon

and the remaining ashes.)

High ash medium coal can be converted into coke with a medium efficiency. Non-coking coal is a type of poor-quality coal which cannot be upgraded to

coke, its efficiency is too low.

crore 10,000,000 (= 1,000 lakhs)

DC District Collector

DSP Deputy Superintendent of Police gair mazurwa land land held under customary tenure

GM General Manager HLDS households lakh 1,00,000

LRDC Land Records Deputy Commissioner MOEF Ministry of Environment and Forests

MTPA / mty million tons per annum / million tons per year

OCP Open Cast Project

rayati land revenue land held in private ownership

SC/ST Scheduled Castes/Scheduled Tribes; the administrative term for the "outcast" and

"tribal" communities who call themselves "Dalit" (lit. "the oppressed") and "Adivasi"

(lit. "original inhabitant", the indigenous peoples of India)

SDO Sub-Divisional Officer SPCB State Pollution Control Board

UGP Underground Project

WB World Bank

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Policies and State Sector Responsibilities

(under preparation)

Land Acquisition Act of 1894

National Rehabilitation and Resettlement Policy, 2007

Jharkhand Rehabilitation and Resettlement Policy, 2008

Coal India Ltd. and Central Coalfields Ltd.

National Thermal Power Corporation

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Abhijeet Group

EMTA Corp.

Jayaswal Neco Corp.

Monnet Ispat Ltd.

Tata Group

Outlook on the future

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Constitution of India, 1950

PESA Act, 1996

Samata Judgement 1997

Right to Information Act, 2005

Forest Rights Act, 2006

International Human Rights Law

UN Declaration on the Rights of Indigenous Peoples, adopted 2007

Visual Documentation

File name: KVTO-VisualDocumentation.pdf

Downloadable from: http://www.karanpuracampaign.com, http://www.Adivasi-Koordination.de)

1. Industrialisation in socio-political and historical perspective

1.0. Introduction

Industrial progress implies availability of raw materials, energy, water, land and man power. But it also changes the social and cultural relations of the people in a big way. If truly meant for the progress of ALL, the approach to industrial development must be considerate and organised in a democratic and equitable manner in order to prevent - or at least minimise - the negative implications for certain sections of the population.

Next to nothing of this has been happening in the last two centuries of industrial development in India. In the beginning of the industrialisation process, India was under colonial rule. Colonial economy, by definition, is exactly the opposite of an equitable, democratic and sustainable economy. The colonial system itself was super-imposed on the older - still flourishing - castebased and feudal economies. When India attained Independence, modernisation and industrialisation were pushed through by the new rulers as a new religion. From the late 1980s, it was deregulation and economic "liberalisation theology", and soon after the globalised market economy. Today, we are encountering the combined impact of casteism, feudalism, colonialism, modernism and global relations, and it may aptly be termed as neo-colonialism, which becomes manifest specifically in the growth of industries.

Significantly, the struggle for liberation from the colonial system started much earlier than official history would record it, i.e. with the foundation of the Indian National Congress in 1885. Rather it was in that section of Indian society which had been suffering most throughout history under caste-based discrimination as well as the feudal order: the indigenous or tribal communities. When they saw their forests, lands and waters being grabbed by the colonial powers in coalition with the traditional casteist and feudal exploiters, they rose in rebellion. This started already in the 18th century, continued through the 19th century and even after India attained Independence in 1947, this struggle continues till date.

1.1. India today

India is rich in mineral resources: iron ore, bauxite, chromium, coal, but also the higher rated minerals like copper and manganese. And there are also oil and natural gas deposits. These, along with the ever growing demands for energy, are the major parameters for India's industrial growth, which - within the last two decades - has landed India among the top 20 industrial nations of the world. In contrast to this, on the scale of "human development" (Human Development Index) India in 2009 is only on rank 134 (of 182). About half of the Indian population are starving and living below the poverty line, i.e. earning less then two US Dollars a day.

India has more than 160 million citizens clubbed together under the administrative term "Scheduled Castes", which comprises the lowest castes and socalled casteless communities earlier named as "Untouchables", but who proudly call themselves "Dalits", literally meaning "the oppressed". A considerable number of them, however, would more reasonably be counted in the category of indigenous peoples. And there are also more than 80 million citizens genuinely belonging to more than 300 different indigenous communities, in administration named as "Scheduled Tribes". In addition to their clan or tribe names, most of these indigenous peoples proudly call themselves "Adivasis", literally meaning "original inhabitants". They mostly follow social, cultural, economic and political traditions that are distinctly different from those of the Dalit communities and the mainstream or dominant society (see below).

It is these two large segments of Indian society who have been toiling very hard throughout history, but who have been discriminated, cheated and exploited and abused and never received the due share for their sweat labour or for being forced to give up their land for the nation's progress. Even today, the majority of India's starving and poor people belong to these communities.

1.2. Adivasis/indigenous peoples, their relationship with land ... and the state

For indigenous peoples, the land on which they live is not just a commodity that can be given away or exploited. It has a special meaning for them. Their foreparents have made the land habitable and cultivable, and it is their blood and sweat which has made the land fertile. The bones or ashes of the ancestors that are buried in the land further strengthen the sacred relationship of the community with their territory (the worship of ancestors itself is a distinctive feature of indigenous civilisations). The earth and the natural environment, the plants, the animals and the humans are all part of the creation, and entrusted to coexist harmoniously. This includes the future generations. The cultural and religious practices are also symbols of their relationship with the land as well as of the strength and unity of the group. With this as their basic world view, indigenous peoples, in general, do not have a concept of private ownership of land.

Already the British colonial rulers in India were forced by several uprisings to concede special agreements or even laws on land like the Chhota Nagpur Tenancy Act of 1908 (for Jharkhand) and others. In independent India, the Constitution of 1950 has explicit provisions in favour of the members of the "scheduled castes" and "scheduled tribes" (as Dalits and Adivasis are called in the formal, administrative language), including their

land rights. Later on, amendments, special laws/acts and even court rulings were added as legal instruments to affirm and enforce the rights of these communities. International law such as ILO Conventions 107 and 169 explicitly acknowledge the traditional land rights.

However, under the principle of "eminent domain", it is in the state's power to expropriate land and property even without the consent of the original owner. The legal base for this is the Land Acquisition Act, 1894 of colonial heritage. This is what happens for the purposes of mining and industrialisation, or "for the growth of the nation" as it is said sometimes, in spite of the above-mentioned protective legislations. (Detailed discussion of constitutional and legal provisions in Appendix D)

1.3. "Green field industries" – who pays?

The state (and also the corporations) might consider their land consuming activities as development. But for the people of the land it is not development but destruction. At best, the people on this land receive a meagre compensation, but they are never rehabilitated in a comprehensive manner which would include the economic, social, cultural and political aspects of their life.

The tragedy is that most of the mineral and other natural resources required for the industries are found in the remote areas which have been the homelands of indigenous communities. They were able to sustain there for centuries, outside and isolated from the mainstream life. But now, with the growing energy demands and industrial production, this land is required for exploiting the coal and other mineral resources, and this now - cynically enough – is called "green field industries". This sounds nice –like concern for environment. However, in the mining and industrial projects there is practically no concern for the livelihood and for a self-determined future of these communities, rather they are considered as obstacles that stand in the way of the nation's progress.

The people know that there is no place where they could go, where they would be welcome and would be able to, if not improve, then at least maintain their previous standard of living. They know this from their personal experience of the last 100 years. And so they are not prepared to give up easily, but stand up in protest. They demand that their rights as the original inhabitants of the land be respected, and at least a fair share of the profits made from the resources underground. This struggle has become specifically accentuated in the states of Jharkhand, Orissa and Chhattisgarh, all of them have large indigenous populations.

1.4. The Jharkhand situation

The larger Jharkhand region (including adjoining districts of West Bengal, Orissa and Chhattisgarh)

contains huge reserves of coal, iron ore, mica, bauxite and limestone, and considerable reserves of copper, manganese, dolomite, fireclay, kaolin, kyanite, chromite, and the minerals required for the nuclear technology processes. In 1775 the first coal mining industry of this region was established in Raniganj (Bardhaman District, West Bengal). The opening of coal mining in the Dhanbad area in the second half of the 19th century and the establishment of the Tata Iron and Steel Company in Jamshedpur in 1907 marked the beginning of the large scale destruction of forests and the exploitation of mineral resources and industrial development in this area.

The industrial landscape of Jharkhand has undergone considerable change in last few decades, mainly around Jamshedpur, Rourkela, Ranchi, Bokaro and the coal mining areas of Dhanbad and Ramgarh. With the intensification of mining and manufacturing activities, especially after Independence, this region has registered a phenomenal growth in urbanisation. From less than two per cent at the beginning of the 20th century the urban population has grown to 22.24 per cent in 2001. The number of towns in the region increased from eight in 1872 to 152 plus 11 cities or "urban agglomerations" in 2001. The Jharia region, for example, previously had a forest cover of 65 per cent, today it is a mere 5 per cent.

The urban centres are chiefly concentrated in the river basins of the Damodar and Subarnarekha which are the two main mining and manufacturing zones of the region. The industrial complexes in Jharkhand, located mostly in the Adivasi and backward areas, are considered as peaks of excellence for the nation. But for the local communities they have spelled disaster.

1.5. People's protest

In the coal sector in the Jharkhand area alone, there are a number of protest movements going on against recent mining projects, e.g.:

- in Pakur District against a captive coal mining project of the Punjab State Electricity Board/ PANEM (which was at its peak in 2004),
- in Dumka District against two power plant projects by Jindal and Calcutta Electric Supply
 Corporation (CESC) of the RPG Group (with
 massive protests in December 2008 and brutal
 police repression which killed several people);
- in the Karanpura valley (southern part of Hazaribag District and adjoining districts) against a whole range of new coal, thermal and steel projects by CCL, NTPC and a number of private companies (cf. Appendix A for the details).

In other industrial sectors, there are a number of people's movements claiming ownership of the land to be used for industrial plants and of the resources to be mined, or at least struggling to obtain the minimum benefits of equitable compensation and rehabilitation:

- In Ranchi District where ArcelorMittal and Jindal want to construct major steel plants, and Hindalco an aluminium smelter plant;
- in West Singbhum District and (newly carved out Kharsawan-Seraikela District), where Tata and Jindal are proposing steel projects;
- West Singbhum District and the adjoining districts
 of the neighbouring state of Orissa are full of iron
 ore, which is being extracted by national and
 international companies with little consideration
 over social, economic and environmental impacts
 for the local population which is mainly Adivasi;
- in East Singbhum District close to Jamshedpur, where Uranium Corporation of India Ltd (UCIL) is running and expanding its operations in the nuclear technology sector;
- in the western districts of Jharkhand, namely Palamu and Gumla, bauxite is being extracted which is the raw material for the production of aluminium.

More or less similar conditions prevail in "Greater Jharkhand", i.e. the adjoining areas of the neighbouring states to the west (Chhattisgarh), to the south (Orissa), and to the east (West Bengal), where mineral resources are being extracted and industrial plants are coming up in large scale. This kind of industrial development hardly matches with the requirements of the local populations, rather it destroys their economic, social, cultural and political life. And in the process, unfortunately, violations of their human rights are occurring only too frequently:

- In Sundargarh District, Orissa, Rourkela Steel Plant was constructed in the 1950s with German assistance. Till date a large number of people displaced then are not properly rehabilitated and compensated. (Details available from www.adivasi-koordination.de and in publications "Adivasis of Rourkela", 2006, and "Rourkela and after", 2006).
- In Jajpur District, Orissa, where already an industrial centre had been established by the state, Tata's project for a steel plant at Kalinganagar provoked massive resistance by the local Adivasi population. The protests culminated, when, on January 2, 2006, at least 13 Adivasi demonstrators were killed and many more injured by police bullets and land mines planted in the steel plant compound. (Details available from www.adivasi-koordination.de). Again during the first months of 2010, the state government and the Tata corporation tried to push through this project against the protests of the local people, and in the confrontation many protesters were injured and a few even killed.
- In West Midnapur District of West Bengal, Jindal Steel Works proposes to construct a steel plant on Adivasi land which would be termed a "Special Economic Zone" (SEZ). Massive local protests led to violent clashes in November 2008. A few people were killed and a number arrested. By summer 2009, this has escalated to an open war between security forces and Maoist guerrilla who took hold in this area.

2. The Karanpura Valley situation

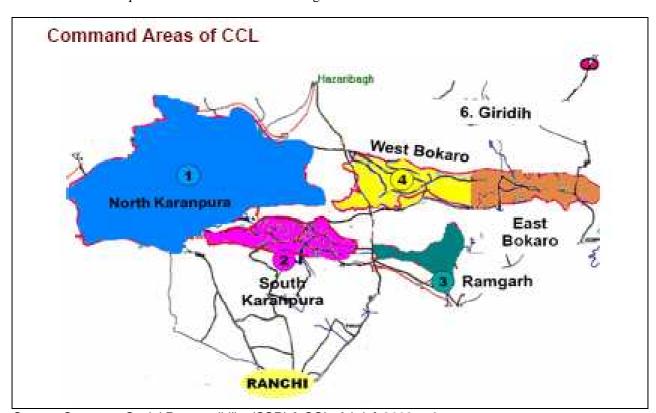
2.0. Brief on coal mining in Jharkhand

Approximately 51 billion tons, or 27 per cent of the India's coal reserves lie in Jharkhand. The mining operations in this region are done by Central Coalfields Ltd (CCL) which is a subsidiary of Coal India Ltd., a public sector company. Geographically, CCL spreads over Palamau, Chatra, Hazaribagh, Ranchi, Bokaro and Giridih districts.

CCL has 69 collieries or mines in operation and 5 coal washeries that are productive and contribute to the state's income, 30 mining projects, 20 non-mining projects and one washery under development construction. CCL headquarters is at Ranchi. The existing

manpower of CCL is 92,816 which includes 3,313 executives.

The command area of CCL comprises of 11 coalfields: Giridih, East Bokaro, West Bokaro, Ramgarh, North Karanpura, South Karanpura, Daltonganj, Auranga, Hutar, Jayanti and Sherghati. The total area of these coalfields is approximately 2,700 sq.kms, however, only 1,750 sq.kms is amenable for coal mining. Each coalfield is divided into Area Offices, under the charge of a General Manager, with a number of projects under him. There is a Project Officer responsible for each project.



Source: Corporate Social Responsibility (CSR) & CCL: A brief, 2008, p.3

In the CCL mines, in 1990-1991, 82.8 per cent of the mining was open cast, which will increase further. In contrast to underground mining, this requires less man power and allows mechanisation of the work in a big scale. The land use in open cast mining, however, is considerable, most of it being forest and agriculture land: Requirement of land for open cast mines will vary with reserves of coal per unit area, stripping ratio, the type of excavating equipment and the method of dumping wastes.

In an open cast mine in CCL, with a reserve of 345 mt and designed to produce about 10 million tonnes per year, the area of land assessed to be required is about 1,602 ha for quarries and the rest of a total of 2,281 ha for magazines, colony, industrial site etc. This works out to about 7 ha per million tones of reserves. It is estimated that 11.18 sq kms of land is occupied by external dumps (CMPDIL publications, 1989). All of CCL's new projects in the last decade in the East and West Bokaro coalfields, Ramgarh and North Karanpura, are open cast mines.

2.1. Significance of the Karanpura coalfields

The Karanpura coalfields embrace the core Karanpura Valley but also extend well beyond it. They cover 1,230 sq km, including already mined areas (for details, cf. Appendix):

- 41 villages of Burmu Block in Ranchi District,
- 123 villages of Tandwa, Keredari and Barkagaon Blocks in Hazaribag District, and
- 39 villages of Balumath and Chandwa Blocks in Latehar District.

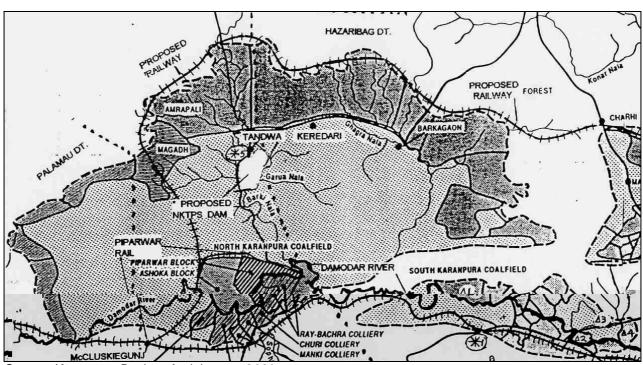
The proposed coal exploitation of North Karanpura is going to be on a scale beyond anything Central Coal Ltd. (CCL, a subsidiary of the state sector corporation Coal India Ltd., CIL) has ever undertaken.

The North Karanpura coalfields are significant for a number of reasons:

• These coalfields are in the upper Damodar river valley lying between the Ranchi plateau in the south, and the Hazaribag plateau in the north. The Damodar river is one of the major water systems of eastern India, and during the course of its 540 kilometre journey to the Hoogly and the Bay of Bengal, it is vital to the inhabitants of thousands of villages and to many industrial complexes that have grown along its banks, in both the states of Jharkhand and West Bengal.

- The size of the coalfields (1,230 sq km) and the coal reserves therein (14 billion tons proved, indicated and inferred, or 9 per cent of India's coal reserves), make them amongst the biggest in India, if not South Asia. Approx. 75 per cent of the coal reserves comprise of non-coking coal and the rest comprise of high ash medium coking coal.
- Only a small corner of these coalfields has as yet been exploited, the majority of the planned mining blocks are as yet untouched. There are a further 23 mining blocks planned (6 are at approval stage, 10 under formulation, 7 at the opening stage) which will affect 269 villages, and 75,000 Ha (or 750 sq km) of land will be acquired.
- These so far untouched mining blocks are areas rich in natural resources, they are the homelands of indigenous peoples, contain rock-art sites, and contain important wild-life corridors.
- These areas are important, because if the devastation of the earlier coalfields is unchangeable past history, the exploitation of the extensive North Karanpura coalfields still lies before us with clear choices.

Will the despoliation of the lower Damodar river basin be followed by that of the upper Damodar?



Source: Karanpura Bachao Andolan, ca. 2000

2.2. Existing mines (cf. map above)

On the southern side of the Damodar River, clubbed together under the name "South Karanpura Coalfields", there are already some long established coal mines. These are Karkatta, Hesalong, Manki, Churi, Bachara UGP, Bachara OCP, Dakra, and Kadi. They are mostly open cast projects which have left their heavy scar on the land and on the people.

Two Coal Bed Methane Plants have been built, both run by ONGC. They are at Chandol and Devaria Kala (Chamghara), both started approximately in 2005.

On the northern bank of the Damodar, just facing the above mentioned ones, the first coal mine undertaken under North Karanpura Coalfields was the prestigious **Piparwar Project**, which has been in operation for

approximately 12 years. This mine is signifycant on many counts: it was constructed by an international company (White Mining Ltd.) with international aid finance from Australia, it contains state of the art technology in the form of an in-pit crusher and conveyer belt system, it has maximum coal output of CCL mines. "...This project is the most productive coal mine in India and is the first coal mine in the country to incorporate a large-scale washery for the thermal coal beneficiation. The Piparwar Project has received an award for Engineering Excellence from

the Australian Institute of Engineers. In India the project has received many accolades, most notably from the Director General of Mine Safety, the authority for mining and mine development..." (http://www.Whitemining.com.au/wm-piparwar.html). However, it is placed in an eco-sensitive area right on the Damodar river and an acknowledged wild-life corridor, and it was the focus of a resistance campaign that brought to light many inadequacies in social rehabilitation by its owner, Central Coalfields Limited (Source: BJA and NBJK, 1993).



Viewing down into the pit: Ashoka OCP which is contiguous with the afore mentioned Piparwar OCP

This has been followed by the contiguous **Ashoka/Purnadih Project**, which has been producing for approximately 5 years. The notification for Ashoka Project alone covers 14 villages. In Benti village

people have been left where they were, but the village has been economically destroyed, the wells have run dry because the water aquifer has been destroyed by blasting. Many other villages will follow.

"Before opening of the mine, our village was a beautiful village like a newly wedded bride of Bharat Mata. There was peace and happiness, there were flowing springs of water, fields full of many types of crops. All around was plenty of forest and with these things all around, the village looked like a blooming flower. After the opening of the mines everything has been lost and all our peace and happiness has been snatched by the mining company."

Statement of a 75 years old villager of Benti, recorded in the PANOS Oral Testimonies Project, 2002, published locally in the brochure "When the mines come".

2.3. Future coal mines and other projects in over-view (cf. map above)

Another 23 project blocks (each with a few mines) are planned around the northern valley rim. Projects in advanced stages of planning are: **Dhadu**, **Purnadih**, **Magadh**, and **Amrapali**.

Then moving eastwards through Keredari Block of Hazaribag District, the following projects are planned: Samudragupta, Chandragupta, Kunal, Vajra, Kumar, Shyam, and Ajatashatru. (It might be noted that these mining blocks are being given the names of kings of ancient Bihar, and these names will eventually replace the indigenous names of the villages, a form of cultural domination).

Further east again in Barkagaon Block of Hazaribag District, an even greater number of mines are under planning, covering villages Chepa Khurd, Chepa Kalyan, Jugra, Langatu, Pakri Barwadih, Uperi Darhi, Lokura, Chandaul, Ambajit, Nayatanr, Simradih, Motra, Badam, Babupara, Gondalpura, Gali, Balodar, Napo Kalyan, Napo Khurd, Isko, Larunga, Bandu, and others.

To the west in Balumath Block of Latehar District, according to the same base line survey, 15 villages, with 1,635 households covering a population of 9,451, will be affected by mines, which also fall in the North Karanpura coalfields.

On top of this there are the plans, right in the centre of the valley at Tandwa in Chatra District, for construction of the **North Karanpura Super Power Station** by the **National Thermal Power Corporation (NTPC)**.

Besides these, there are another ten or twelve mining blocks (**Isko, Pachara, etc etc**), yet to be allotted, and plans for Bed Methane plants, and ancillary industries. (Based on information provided by Karanpura Bachao Andolan. Details on population and projects are presented and discussed in Appendix A).

2.4. People's perception and company strategies

The major social problem caused by open cast coal mining is that of environmental destruction and displacement. It is not just the land of a few families, but whole villages that are being acquired. The environment, the economic base and social fabric of the village are destroyed, the people have to move elsewhere.

In the people's perception, the acquisition of the mines is taking place piecemeal. One village one year, one the next, and while the first was being uprooted, the others usually remained silent and passive, not realizing that their destruction is also on the list. Until recently, mostly they also were not aware of the administrative procedures of the land acquisition. And earlier, the national mining operator, Coal India Ltd. (CIL), had as its policy to give employment to one member from each displaced family, provided they had held a certain amount of land before. This employment, naukari, has been at a good wage scale that usually supported also a range of relatives, and which made the employed persons much envied: transistor radio under the arm, plastic household items, etc., meant that he had entered the consumers' paradise, that he willingly gave up his land and tolerated an extreme environmental despoliation of his surroundings. CIL has called it its "bargaining chip". Both these factors have contributed to weaken the resistance of the people.

The New Economic Policy, however, introduced in the late 1980s, has largely curtailed the provision of employment except in some circumstances. At the same time, mining and other industrial activities have been greatly expanded since then.

3. The combined impact on land, resources, people and their culture

During the last half century, the lower Damodar river basin has already been more or less completely destroyed by mining and industrialisation. Will the same be the fate for the upper Damodar? In order to prevent that we have to take account of some very basic facts and take this as a starting point.

Agricultural land:

The Karanpura Valley contains the District's most fertile agriculture land

A multitude of the dominant Mahato farmers are dismayed at seeing this going into coal mines. This is the root of the protest. - They have seen rehabilitation colonies (e.g. Birsa Nagar at KD Kesalong project) with no room for animals or house garden, no room for second generation expansion. They know this is their fate.

Forest land:

The Valley's foothills still retain good virgin jungle

This is precisely the green forest cover that the government, indeed everybody, is saying simply has to be protected. About 20 years ago, a pilot area survey of the Valley was made as a pilot project. It stressed the impossibility of replacement forest land for acquired forest. - But today, officials make a show of *van ropan* ("planting trees"), and the same officials support those who devastate acres of forest land (e.g. in the case of the Ashoka OCP)!

Environment:

The damage will be beyond repair

The combined impact of these projects - on forest, surface water, and ground water and on the physical landscape – will be irreparable for time immemorial. A wilderness of pits and overburden is left. One just has to go to the TISCO open cast mine in the West Bokaro Coalfield and see what they have done to village Agaria Tola near Ghato. And TISCO is supposed to be the best company in this matter. - The companies give assurances, but we have to look at their track record (e.g., NTPC in Singrauli in Madhya Pradesh). The mining companies show no effort to repair the landscape damage as is done in other parts of the world - even when that is only cosmetic...

Socio-economic conditions:

The displaced people cannot be rehabilitated

Maybe the many tens of thousands of displaced people can be resettled in colonies on 0.05 decimals of land. But there is no way they can all be economically rehabilitated, even with the best of good intentions, even with the best of Rehabilitation Policies. And even if fully implemented (which is yet to be seen in any one place) ... This ultimately leads to social unrest, in turn leading to "law and order" reactions on the part of the state.

Cultural sites:

The rich cultural heritage is yet to acknowledged

There are unique palaeo-archaeological stone tool evidences of Early Man, known as the Damodar Valley Civilization. There are prehistoric megalithic sites, and one dozen rock art sites, the pride of Jharkhand. They are dated to over 8,000 years back and have been recommended to UNESCO as a Threatened World Heritage Site by INTACH. In January 2007, at least, they were surveyed and documented by the Indira Gandhi National Centre for Arts (Central Government) as they are of immense value. As a living testimony to this can be seen the traditional art of seasonal house wall painting (Khovar and Sohrai) in the villages of Hazaribagh District. Detailed studies of the elaborate signs and symbols used in this have been able to correlate these present-day drawings with the pre-historic rock art discovered in the area.

Global impact of coal fired technology

It may added here, that

"...beyond the immediate impact on Jharkhand and its people, expansion of mining will further amplify the impact of global warming, to which India is particularly susceptible. Carbon dioxide is the single greatest contributor to global warming, leading to eco-catastrophic climate change. ... Eminent scientists agree that the count-down to eco-catastrophe has already begun and that immediate steps to reduce levels of carbon dioxide must be taken. In this regard new opencast coal mines and coal-fired thermal power plants, which are acknowledged as among the greatest producers of carbon dioxide, are unjustifiable..."

Excerpt from a widely circulated petition letter to the Governor of Jharkhand in June 2009 in protest against the NTPC open cast coal mining projects at Pakri-Bawardih near Barkagaon.

(cf. further campaign activities available on http://www.karanpuracampaign.com)

4. From responsibilities towards rights

Lastly, what has started happening in the Karanpura Valley - and what has been happening many times in other parts of India and all over the globe - needs to be reflected in the light of constitutional and other legal provisions. Whatever industrialisation and "national progress" is desired, cannot be allowed to happen against the law!

In a democratic state, the guarantee and development of peoples' participation is quintessential. The Constitution of India is a fine document incorporating all the fundamental human rights. There are further instruments which are helpful in the democratic process, e.g., the Right to Information Act of 2005. As for the condition of the Dalit and Adivasi communities, there are a number of very clear constitutional provisions and other special laws. Everything is there. But the real touchstone for democracy in India would be the factual end of all forms of discrimination, exploitation and injustice to the Dalit and Adivasi communities, the factual respect and protection of their livelihood rights, and their factual participation in all decision making, in the planning and implementation of projects that affect their lives. This is their inherent right.

4.1. The state policies

Laws made especially for the benefit of the state as a whole ("for the progress of the nation") or for the development of mining and industrialisation cannot be expected to be very "pro people" (like the Land Acquisition Act of 1894). In recent years, however, the Indian Government and State Governments have issued new policy documents on resettlement and rehabilitation, which are tentatively taking livelihood rights into account. This is still far from being satisfactory, it appears as yet more "pro state" than "pro people" (Details in Appendix B).

As a result, debates about such policies are heating up. One activist leader aptly analysed the real requirements of the Adivasi people against the provisions of the new "National Rehabilitation and Resettlement Policy, 2007", amended for Jharkhand State in 2008, and termed the whole promise as "sweet poison" (Analysis of Relief

and Rehabilitation Policy: Dayamani Barla, http://awareness-2009.blogspot.com/2009/04/analysis-of-relief-and-rehabilitation.html). Another commentator took up the one per cent provision and came out with an alternative calculation that would be equitable to the people and not even a burden on the corporations or an impediment to industrial development. The calculation in that text is based on figures from another coal mining area in Jharkhand, the Pachuara Central Coal Block in Pakur District of Santal Pargana (cf. box below).

4.2. The corporate policies

Some corporations – in their own turn – have pronounced policies in the category of "Corporate Social Responsibility" (CSR) and even have taken commitments towards the international CSR instruments. Even when such statements are mostly focussed on the employees of the respective company or corporation, it can be read from some documents that they - some way or other - also feel that they have a responsibility beyond their own employees. Is this an indication of true empathy and insight in the legitimacy of the rights of people affected by the companies' projects? (Details in Appendix C)

4.3. Assertion of rights

In India, the Constitution of 1950 as well as a number of special laws dealing with the protection and the rights of the so-called Scheduled Castes and Scheduled Tribes (SC/ST), being the traditionally disprivileged communities who also suffer most from the land consuming developments in the state, provide a valuable base for legal action and assertion.

On the international platform, the rights of citizens and entire communities with regard to livelihood, social, political and cultural self-determination are codified in international law. They can be asserted by people themselves and with support from outside against the states or corporations violating these. (Details in Appendix D).

5. Conclusions and recommendations

The main focus for us is on the legitimate (and legal) rights and other concerns of the displaced or otherwise project affected people. It is less on the intricacies and impracticable suggestions of existing provisions, rules and regulations. Past experience has shown that any improvements on the given situation can be achieved only through continuous struggle.

States as well as the corporations do have an obligation to respect, protect and fulfil the basic human rights. But from the other side, this requires constant alertness and readiness to stand up against violations, and to create networks and institutions in order to improve on the concrete situation and to prevent future violations. In a fundamental as well as practical line, the following points are established here for the future:

RESPECT towards the culture and heritage of indigenous and Adivasi communities is a *sine qua non* for comprehensive development and progress of humanity as a whole. This includes respecting, protecting and fulfilling the basic human rights and livelihood rights. All further "progress of the nation" is to be based on this.

- Participation of the local population is to be made obligatory at all stages. This requires open-mindedness on the part of the planners and a new transparency of planning and all connected and subsequent procedures, including rehabilitation and resettlement. This has to take into account also the un-mined areas.
- Rehabilitation and compensation for the project affected persons prior to the commencement of any mining operations or industrial projects is to be made obligatory, and this through a participatory process with the locally affected population from the very beginning to the end (design, implementation, monitoring). This alone would ensure the focal concerns, especially of Adivasi communities: a) land for land, and
 - b) resettlement as a village community.

Unless and until these points are met, there should be a moratorium on further mining and industrialisation.

6. Epilogue

Adivasis are not beggars

Context: the ridiculous proposal of R & R policy to give one per cent of the annual profit of the industrialist to Adivasi land-owner –

There should be a limit to the greed of the industrialists. They want to take the 99 per cent of the annual profit their companies make and throw one trivial per cent at the Adivasi in whose land all the mineral wealth is stored. It is like a rich, fat man giving a ten-paise alms to a hungry beggar. The contradiction in this is that all the mineral wealth is in the land of the Adivasi and therefore it is given by nature and the Adivasi is the rightful owner of what is on, above and beneath the land. The country's capitalist law makes the State the owner of the minerals...

As per the report published by PANEM Co, 562 million tons of coal is to be excavated from the 1300 ha of land slated to be taken from the people of Pachuara Central Coal Block. The monetary value of coal must be estimated as per the current market value for 562 million tons and divided by 1300 hectares, and at least 50 per cent of it must be paid to the land owners.

A rough calculation shows that [at the rate of Rs 2,000 per ton of coal] the value of 562 mill. tons is Rs. 1,12,400 crores [= Rs. 1,124 billion] ... gives Rs.86 crores [= Rs. 860 million] per ha... That means every acre has a coal deposit to the value of about Rs. 34 crores [= Rs. 340 million]. The owner of the land should be entitled to at least 20 per cent of the value. That would work out to Rs. 6.8 crores [= Rs. 68 million or roughly one million EUROs per acre] and this should be credited as shares in the company in favour of the land owner

...

This is not being unfair to the industrialist because from the remaining value of 80 per cent, the industrialist may spend about 30 per cent in putting up the infrastructure, purchase of technology, paying the managerial personnel and labour force. So he will still have 50 per cent of the value as his profit. That should be more than enough to satisfy his thirst for wealth.

Similar calculation can be done anywhere depending on what mineral deposits are there and the market value of such minerals. It is necessary to keep in mind that this is the only way the nation's wealth can be equitably shared and the industrial production can lead to the development of all...

Besides, this is in keeping with the *Preamble of the Indian Constitution* where it affirms that the Indian State is committed to realising a 'socialist society'. Again it is confirmed in the *Samata Judgement* of the Supreme Court of 1997 where it says 'at least 20 per cent of the profit of the company should be ploughed back to the community for welfare & development work'.

. . .

People are awakening to their rights. Resistance Movements are building up. The nation's wealth should be evenly shared. That alone will lead to the development of the country as a whole.

Stan Swamy Ranchi, Jharkhand, 24 November 2008