

*Slow Violence:
NTPC Limited's Liability at North Karanpura Coal fields of Jharkhand*

Executive Summary

The Research Collective
&
Public Finance and Public Accountability Collective
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Through most of 2020, India has struggled through the COVID-19 pandemic, and in its wake a stringent lockdown and a badly conceived and managed unlockdown period. In June 2020, Prime Minister Narendra Modi conveniently announced that his Government has decided to bring the coal mining sector in the country out of five decades of lockdown and announced the opening of the commercial coal mining sector to the private sector with successful bidders enjoying the right to mine and sell coal to any firm globally. The Government started the auctioning process of 41 coal mines for private players of which are nine in Jharkhand in 2020 and 67 blocks in 2021. The State Government of Jharkhand filed a suit against this move stating that it “would encourage and bring in undeserving, collusive, cartelized, restrictive trade practices.” If the private players are to gain, economically, the states would lose, if one were to go by the economic calculations of how these auctions are designed. The report titled ‘Slow Violence: NTPC Limited’s Liability at North Karanpura Coal fields of Jharkhand’ jointly brought out by The Research Collective and Public Finance Public Accountability Collective, Delhi, and amply supported by Jharkhand-based Bindrai Institute for Research Study and Action (BIRSA), Jharkhand Mines Area Coordination Committee (JMACC), and Karanpura Bachao Sangharsh Samiti (KBSS) brings forth crucial findings about the financial, social, ecological and cultural violations that the company has bestowed upon people from the North Karanpura coal fields impacted area. It depicts how the Maharatna NTPC Ltd and its MDO Thriveni Sainik which has had little regard for the socio-economic and cultural-ecological fabric of the society they are operating in, caused rampant destruction on the lives and livelihoods of the populace of the mining area in North Karanpura, Jharkhand.

Background

Coal has been the major contributor to power generation in the country for decades, even though many countries are increasingly embracing renewable means to produce power. As per the Report of an Expert Group dated December 31, 2015, released by the NITI Aayog, the Government of India aims to achieve 175 GW of renewable energy generation capacity by 2022. This would mean changes in usage of land and resources for electricity generation in the country. This transition away from coal-based energy generation is likely to be a slow process. Coal mine closures involves a set of highly regulated practices, and any closure requires planning and mine-site rehabilitation, disenfranchisement costs as regards to job losses in mining and social dislocations, its impact on the lives of the people, especially the *Adivasi* and *Dalits*, with regard to what have they achieved and what they have lost in this whole schema of power generation, and how would this pan out futuristically. All of these need to be factored in while talking of transition from fossil fuels to greener technologies; socio-economic overhangs need to be considered alongside environmental precocity, which in turn will make closing down mines a costly affair. When it comes to the question of public purpose, the PSU NTPC enjoys much leniency from scrutiny due to its public sector status though it often is party to gross violations in terms of land acquisition, resettlement and rehabilitation

policies, and mitigating socio-economic and environmental risks and this report is an attempt to lay open those violations.

Objective of the Study

NTPC Ltd (known earlier as National Thermal Power Corporation) is a Government of India undertaking which was declared a 'Maharatna' company in 2005. Founded in the year 1975, this Public Sector utility has 53 utilities currently under operation and is at the forefront of power generation in India. NTPC is country's prime thermal-power generator, which uses fossil fuels in the form of coal for producing power. Though NTPC Ltd. enjoys state patronage, in October 2004, the company launched its Initial Public Offering (IPO) consisting of 5.25 per cent as offer for sale by government of India. As of this writing, with further divestments, the Government of India's holding in NTPC has reduced to 56.41 per cent. In late August 2019, NTPC announced the incorporation of a subsidiary NTPC Mining Ltd, paving the way for its foray into commercial coal mining. The main objective of the coal-mining arm was to sell coal to others from its mines in open market after meeting its own requirements.

In 2003, NTPC was allotted land for coal mining in Hazaribagh district of Jharkhand state. The 10 blocks allotted to NTPC are: Pakri-Barwadiah, Chatti Bariatu (including Chatti Bariatu-South), Keredari, Dulanga, Talaipalli, Bhalumuda, Banai, Mandakini-B, Banardih (allocated to Patratu Vidyut Utapadan Nigam Ltd, a subsidiary company) and Badam coal block with geological reserves of over 3.7 billion tonnes and production potential of about 113 million tonnes per annum. The coal block at Pakri-Barwadiah, which is part of the North Karanpura Coal Fields has already seen commercial operations begun, owing to the role played by its private Mining Developer and Operator (MDO) Thriveni Sainik. The Pakri-Barwadiah mines finally opened and became operational in October 2016 under heavy police protection, as the land acquisition process was still under way. NTPC's Pakri-Barwadiah in Hazaribagh District of Jharkhand started production on January 1, 2017 and has been declared commercial from April 1, 2019. As mining has already reached commercial phase, this study attempts to set precedence for movements that are resisting coal mining elsewhere. The report attempts to unearth the following issues:

1. Lay out the process of land acquisition and exploitation wrought to natural resources in the name of power generation by companies
2. Violation of various legal and environmental guidelines
3. Comprehend the race towards coal mining and thermal power generation, despite the growing international trend towards renewable sources of energy
4. Carry out an assessment of rampant coal mining on the lives of the village population especially those engaged in agriculture

5. Highlight the human rights violations that the villagers have faced through the police and other security forces that have acted in collaboration with the state and the company
6. Bring out how mining takes away the natural resources that the people are dependent on for livelihood including land and rivers and how this brazen exploitation has pushed several villagers to comprise with the company
7. The real picture of the Resettlement and Rehabilitation package proposed by the company and how those who refuse to accept the terms in it are continuously harassed by the company to accept it
8. Impact of the occupation and pollution on their health, environment and cultural lives

This is an attempt to hold NTPC accountable in front of communities and people whose lives and livelihoods have been affected by its extractive policies without considering its impact on the social, cultural, environmental and livelihood fabric of the communities. The long-term purpose of this study is to build upon how investments by the NTPC are riddled with inefficiencies in the State of Jharkhand and how further privatisation of coal blocks frees companies of any existing accountability or compliance. This would help prove that despite NTPC's recent disclosure of retiring some of its fossil-fuel plants, that are either running or in a construction phase across the country, and its renewed vigour to enter the renewable sector, the power corporation is purblind to the damages already caused and regulatory norms constantly flouted. This study aims to amplify the voices of resistance of the community against NTPC - a corporation that is far from being pro-people and is foraying into the renewable sector, leaving a trail of questionable track record in its wake.

Cost of Transition to Renewables

Coal reparation is not just confined to environment as much as it is concerned with compensating the fractured social fabric that includes land acquired for the project; costs of displacement and the ensuing rehabilitation and resettlement; loss of livelihoods of the communities, but also initiates conversation around how to negotiate unemployment generated in the wake of loss of jobs when mining or coal plants are shut down; as well as costs incurred in energy audit underlying coal-plants and/coal mining, whereby what needs to be done is highlighting the discrepancy between costs involved in inputting towards and outputting energy generation. The whole framework of coal reparation is thus steeped in financial analysis of energy audit and is thus technically complex since it needs to factor in a host of parameters. As these costs and lost incomes are recurring in nature, and not finite, a present value of these future incomes and costs must be computed as well. Non-clarity of financial risk assessments, financial unviability of operations, absence of policy-wide coal reparations, and manipulation of land acquisition and gross violations of human and constitutional rights make it mandatory for an auditory study to be conducted and spearheaded by the

very people who have been at the receiving end and this report has been an attempt to do that.

The Role of the MDO

NTPC had no previous experience in coal extraction and therefore sub-contracted the task of developing and operating the coal deposits to Thiess India Pvt. Ltd that faced strong opposition from villagers in Barkagaon and Keredari Development Blocks. Later Thriveni Sainik Joint Venture was appointed as a Mine Developer Cum Operator (MDO) at the Pakri-Barwadih for a period of 27 years of mining operation since 2015-16. Thriveni Sainik Mining Private Limited is a joint venture of Thriveni Earthmovers Private Limited and Sainik Mining & Allied Services Limited, and the contract for MDO was given after it won the bid by quoting the lowest amount to develop the coal field, beating a dozen others, including Adani Enterprises. NTPC has employed non-legal terminology of the Mine Developer-cum-Operator (MDO) in order to subvert law, indemnity, and escape direct accountability towards the affected community, while still claiming to be within legality. The term MDO is both not envisioned in the Indian Contract Act 1872, and breaches the Mineral concession Rules, 1960 (rule 37 (1)), which legally disallows subletting of coal mines to any private contractor to operate. Thriveni Sainik's bid for Pakri-Barwadih mines as operator was much before it was officially incorporated as a private profit-making entity on November 27, 2015 at the Office of the Registrar of companies, New Delhi, making its legal status much mercurial.

Thriveni Earthmovers has a tainted track record in the Indian extractive economy, especially in iron-ore mining sector for employing a range of coercive techniques to fetch contracts from big mining lease holders. In both Justice MB Shah Committee's report on illegal mining as well as in findings of the Supreme Court's Special Empowered Committee, Thriveni's name was particularly flagged. On February 2, 2018, an FIR against Joint Venture Thriveni Sainik Pvt. Ltd. was registered by I.O. of the District Task Force (DTF) at Barkagaon police station, Hazaribag stating that the company was involved in illegal mining, transportation, and stockpiling of building-stone chips and sand but no update has been received of any action being taken. The villages have evidence which suggests that Thriveni Sainik has made informal settlements directly with several claimants between March and August 2018 in haste, at the aid and advice of the Mines Committee Displaced Village Development. Reportedly, similar informal settlement with tenants has also been made in Chirudih, Nagri, and Urub villages, whose boundaries intersect with the core mining zone.

In 2016, the Public Relations Officer (PRO) of Thriveni Sainik got a committee registered at Ranchi under Societies Registration Act, 1860 namely 'Khadaan Visthapit Gram Vikas Samiti' (Mines Displaced Village Development Committee) to disguise its surreptitious practices with benevolent initiative voluntarily undertaken by youth of the mines-affected villages. NTPC has outsourced not only the coal extraction and transport work to Thriveni Sainik, but also made them the sub-contractor for carrying out its Corporate

Social Responsibility (CSR) activities in the mines-affected region. Besides operationalizing the mines, Thriveni Sainik has been given an added responsibility of persuading affected families to evict their land and move to the resettlement colony in a phase wise manner as and when the mines expand. These Committee members covertly mediate direct negotiations between villagers and the company pertaining to land lease/transfer matters, resolve dispute over land-ownership, and disbursement of compensation among estranged brothers. They work making use of local dynamics of caste, material difference, inherent antagonism, landed and landlessness, prospect of employment, etc. Befitting multi-pronged strategies of the company, which simultaneously rely on divide and rule, job enticement, fomenting intrigue in villages, and exerting control over village workforce seem to have successfully been deployed through the proxy of the Committee.

Loss of land, life and livelihood, fear of physical harm, police intimidation, uncertainty about the compensation they would receive, hesitation to move to R&R colony with inadequate facilities expose villagers for exploitation by Committee members who coerce some to reluctantly move towards the company side. This vicious circle of accountability sharing between the NTPC management and Thriveni Sainik is rendering villagers helpless, since they have to negotiate through the intimidating Thriveni Sainik's office, which is fortified with barbed neck high enclosure with tight surveillance security. Outsourcing mines to Thriveni Sainik, surreptitiously, aims at displacing the blame towards the private sub-contractor in case of any untoward eventuality, such as industrial disaster or any responsibility towards the resettlement and rehabilitation of the affected population.

Financial Discrepancy

The MDO Thriveni Sainik mines on behalf of NTPC in the Karanpura Coal Fields spread across the Hazaribagh district of Jharkhand. Thriveni Sainik beat Adani to win the contract for a project with an estimated value of INR 4247.96 crore. However, this cost has been revised over time, the actual costs of the projects are estimated to be much more. This discrepancy is what accounts for financial unviability of the project as conceived. But, there are other cost overruns that exacerbate the total costs incurred, viz. social costs, environmental costs, and cultural-economic costs, among others. When these costs are factored in, the input expenditures far exceed the output revenue, thus throwing project's efficacy in doubt.

There are two ways of looking at the finances in grey in this scenario, firstly figuratively from data that is obtainable in the public domain, and secondly, investments and their theoretical ruptures. Of the estimated INR 4247.96 crore of the project through its life cycle of mining over three decades, INR 1301.12 crore have been expended so far. A look at the socio-environmental expenditure draws an almost blank, in so far as percentages are concerned, for these are mere pittance, if nothing else. These stand at INR 1.3672

crore & INR 10.81 crore for environmental management and compensatory afforestation through CAMPA (Compensatory Afforestation Fund Act, 2016) respectively. Furthermore, allocations for environmental management are INR 21 crore through the project cycle, amounting to approximately INR 84 lac per annum. The breakup for INR 84 lac per annum is 12 lac for pollution control, 5 lac for pollution monitoring, 5 lac for occupational safety, 42 lac for green belt, and 20 lac for socio-economic welfare activities. This is dismal at best.

If one were to examine the theoretical ruptures through investments, one needs to look at the project's BCR, Benefit Cost Ratio, which in monetary terms is a profitability index in for-profit contexts. In other words, BCR gauges the relationship between the relative costs and benefits of a proposed project. If the BCR is greater than 1, then the project is beneficial to its investors. In this case of mining at Pakri-Barwadih, the BCR stands at 0.92 and 0.56 at 100 per cent and 85 per cent capacities, clearly indicating that investment in mining at Pakri-Barwadih is unviable financially.

NTPC's profits have risen, thanks to significant taxation credit. So has its EBIT, Earnings Before Interest and Taxes, if one were to look for the period 2017-18 to 2018-19. In numbers, NTPC's regulated equity stands at INR 54,000 crore, the majority of which is from regulated stream. This implies that NTPC's ROE (Return On Equity) should remain within pre-determined range, while it has in fact come down in 2018-19. Even though NTPC has performed well in avoiding unsustainable financial leverage, the upward trend in debt-to-equity ratio seems to compound the decline in ROI (Return On Investment). This is where, financially, things get a little complicated. NTPC's PLF (Plant Load Factor, which measures plant's capacity utilization) has been consistently high, up north of 75 per cent. However, its plant availability factor (PAF) has dropped over 90 per cent over the last two years due to unavailability of coal, suggesting that NTPC is mothballing (keeping it in order, but not in use scenario) its coal-fired capacity. Further, multiplying PLF with PAF yields effective capacity utilization rate, which has declined for NTPC. This, in addition to falling real tariffs for electricity drive home the reason for ROI's decline. The précis of this mathematical complication is shortage of coal supply, which has been the reason for NTPC to own its own mines, but is defeated squarely by the introduction of an MDO that is mired between controversial attitude on the one end and greying financials on the other.

The costs of implementing emission-reducing technology at its plants that run on a low-grade quality of coal with high ash content is also enormous. NTPC has been advocating diluting norms by carrying out combustion modification and tuning of operational parameters. Though, this would indeed save costs for the NTPC, the larger threat of pollution levels going unchecked is extremely high. Though, there are still other logistical reasons of transporting coal from the mines to the plant relying on freight charges of the Indian Railways, any delays encountered in such transit, or even

fluctuations in coal supply and availability for transit translates dearly for NTPC's finances. To overcome these infrastructural bottlenecks, NTPC would probably have to rely on imported coal, which again disrupts the whole logic of getting into mining in the first place. So, overall, it is a catch-22 position for NTPC financially in its holding on to mining.

Forced and Illegal Occupation of Land

Pakri-Barwadih, Chatti Bariatu (including Chatti Bariatu-South) and Keredari in Hazaribagh district of Jharkhand (shares border with Bihar) form the axis of North Karanpura Coal Mines. Under this project, a total of 32 villages have been acquired by the NTPC Ltd. As a result of this acquisition, NTPC Ltd. has acquired a total of 4977.58 hectares of land, comprising of forested areas (1140.77 ha), agricultural lands (3002.68 ha); grazing lands (454.71 ha), barren lands (184.31 ha), residential lands (101.22 ha), roads and seasonal drains (29.15 ha); wet lands network (lands inundated or water bodies: 32.7 ha), and others (32.33 ha). The MDO, Thriveni-Sainik appointed brokers to conduct the land acquisition process on behalf of NTPC Ltd. with the full backing of the State and District Administration where legal and environmental guidelines were violated. The land was compulsorily acquired under the Coal Bearing Areas Acquisition and Development Act, 1957 without any consultation with the community or assessments on how it would impact them before their rights over the land were transferred to the Ministry of Coal and then to NTPC in 2009.

NTPC did not seek consent of 87.2 per cent of the total affected families (8339 families) hit by land acquisition, since around 4071 acres of land was acquired under CBA as compared to only 769 acres acquired under Land Acquisition Act, 1894. Again, the package considered only agricultural and homestead land for compensation which formed a minuscule part of the total lease area of 3319.42 ha. This move will result in the disappearance of 210 villages. The seven villages that come under Phase 1 are Chirudih, Itiz, Nagadi, Arhara, Pakri-Barwadih, Dadikalan and Chepakalan. The complete acquisition of land in these villages will impact the livelihood of more than 7000 villagers, majority of who are entirely depended on agriculture with no other source of income. The villagers are determined not to give away their land for the project for they allege that no laid-down procedures of the land acquisition have been followed by the government.

Dalits and Adivasis comprise more than 25% of the total population in these blocks who were allotted land during the Bhoodan Andolan but without proper documentation to prove the same. As per state officials the mere Bhoodan *parcha* (Bhoodan rent receipt and temporary Certificates of possession) did not suffice as legally tenable record-of-right since the donated plots of land were not registered under the legal instrument of deed (i.e. registered deeds). However, these families have been tilling the Bhoodan land and harvesting four crops across the year. This lack of documents was put forward as

grounds for disqualifying Bhuiyan famines accruing benefit from the cash compensation scheme of the NTPC. Land belonging to about 150 families has been forcibly acquired since 2009. The area is also known for its exceptional fertility, producing three crops annually.

The forest dependent communities, forest dwellers, landless farmers suffered the most in this regard. The villagers enjoy collective right over Gair Majurwa/Mazarua aam (GM aam), village forest (a chunk of forest attached to the forest fringe villages), the so-called waste land and village pastures, that are not settled in the name of a particular individual are actually commons. However, in the present framework, compensation against mining lease does not include provisions of compensating for the loss of village commons. NTPC had also failed to obtain consent of village councils before diverting common lands that were cultivated by the community and who depended upon it for sustenance.

A judicial enquiry set up by the Principle District and Session Judge, Hazaribagh, through which numerous discrepancies in land ownership documents of the mining lease area were identified. It was found that fake certificates were indiscriminately issued to persons authorising and testifying their claims over GM land without physically verifying the actual status of land use. Villagers reported similar discrepancies across the lease area around Pakri-Barwadih Coal Mining Project including fake records, compensation disbursed to individuals faking as landowners, rightful occupants denied any compensation.

Violation of LARR 2013, FRA 2006

Land acquisition has been a constant point of contention which delayed the operationalizing of the mines. NTPC Ltd. did not honor the prescriptions as laid down in The Land Acquisition Act, 1894, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA 2006) as a result of which several people could not avail adequate compensation. Ever since the operations of the coal mines began, NTPC Ltd. has been instrumental in violating legal and environmental guidelines, which have been aptly raised by the farmers, non-governmental organizations and social movements across the state of Jharkhand. Rather than focusing on resolving these concerns, NTPC has often been complicit with administration in suppressing these dissenting voices from the ground. These tactics of hand-in-glove between the company and the law and order apparatus including local governance bodies, MoEFCC, etc. were apparent in the way they dealt with the voices of resistance from the community.

The farmers have repeatedly raised their concerns in various Public Hearings on environmental impact assessments held in order to appraise the project but have seen that they were not being paid attention to. In spite of this, the MOEFCC gave green signal

to NTPC by giving a clearance certificate. Due to resistance by the farmers, and various other factors, the coal blocks allotted to NTPC at Pakri-Barwadih, Chatti-Bariatu and Keredari could not become operationalized at the prescribed time.

LARR 2013 (Land Acquisition, Rehabilitation and Resettlement Act, 2013) mandates prior and informed consultation with the concerned Gram Sabhas and Panchayat bodies before examining land acquisition proposals. LARR 2013 includes a statutory provision which makes it compulsory for the lessee company to conduct a preliminary investigation on social impact of the project, prepare a Social Impact Assessment (SIA) report, and seek consent of peoples' institutions through a formal public hearing of the SIA report. However, since the major chunk of land was acquired in 2009 under the CBA, 1957, NTPC was not mandated to conduct an SIA survey or seek consent of the affected communities or compensate them as per LARR 2013.

In contravention of existing constitutional measures, NTPC also acquired around 2000 acres of land from the Forest Department. This acquisition is illegal as the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act 2006 requires recognition of peoples' rights over forests and consent from 70 per cent of Gram Sabha prior to acquisition of forest lands. Documentary evidence suggests that instead of consulting concerned Gram Sabhas, the company sought consent letters from Van Adhikar Samiti (Village Joint Forest Management Committees) of 17 villages (acquired under the first phase of mining) in 2007 and approved by the MoEFCC. The presence of wildlife in forest lands has not been acknowledged in any of these consent letters. The forest dwellers were deliberately overlooked by the NTPC in its rehabilitation and resettlement, even though they also have land rights under the provisions of FRA 2006.

Impact on nature and livelihood

The 32 villages in the area is served by numerous streams, channels and rivulets that integrate with the larger Damodar River in the form of tributaries which have now come under the impact of mining. The project has already destroyed an artificial lake and a couple of natural sources of water, Shankh *nullah* and Sonbarasa river. With a combined area of 1140.47 ha of forested lands, the mining has left the geology and ecology of the area susceptible to climate change, and global warming, and is likely to affect the lives of the people living here. With 3002.68 ha of agricultural land impacted by mining, the major livelihood of farming and agricultural practices is likely to be adversely affected.

The forest fringe village settlements share cadastral boundaries with Barkagaon Reserve Forest and depend on the forest produces for subsistence. The inhabitants of the villages within the cadastral boundaries of the forest have the right over forest produce for their own *bona fide* use. The women of Churchu and other neighbouring villages used to collect firewood and non-timber forest produce (NTFP) from the Tilaiya Tand forest. With the forest being lost, the women of Chirudih now have no alternative but to manually forage

for coal from the dangerous slope of the humongous O.B. dump at night hours to fire their *chullhas* (hearth).

A common grazing land on which four neighbouring villages depended upon has been lost to the coal mine. The destruction of pasture has forced Bhuiyans (who traditionally rear pigs and buffalos) to sell half of their livestock in weekly markets since they cannot afford to purchase fodder. Animal husbandry and grazing is negatively impacted, and this has thrown the biodiversity in the area in complete imbalance. The land acquired is not just confined to mining, but also for allied infrastructural projects.

The villagers from the very beginning have been opposing these mining operations and have been vocal about declaring the area agriculturally-rich and fertile. Farmers have claimed that agricultural practices in these areas have not only given them food security, but have also been a constant source of livelihood. The fertility of the land here could be gauged from the fact that it is conducive to growing three crops a year: Rabi, Kharif and Bhadai. The area also exports vegetables and jaggery to other parts of the state and country.

Agriculture is the profession of majority of the population of the state, which lends livelihood and food security to the people. The demographic division in terms of occupation stands at, 41.29% farmers, 32.14% farm laborers, 2.89% domestic work, and people associated with other professions 23.68%. Similarly in Keredari, farmers constitute 33.84%, farm laborers 53.97%, domestic work 1%, and people in other professions 11.19%. Farmers and farm laborers cumulatively make up 73.43% of the population and 87.81% of the population in Barkagaon and Keredari respectively engaged in agricultural practices. It is ironic that with such a vast resource as agriculture, the governments over the years have been attracted to Euro-Centric models of development and promote industrial development. While moving towards corporatized agricultural practices, the state is apathetic towards traditional modes of agricultural practices that have sustained communities in the past. The area was rich in multi-crop agricultural practices until a few years ago, but is under serious threat since the fields have been acquired for mines. This report raises questions about how the authorities can allow the company to move ahead with the project without demanding them to be adequately accountable towards the people from whom the resources and livelihoods have been taken away.

Pollution and Impact on Health

Various non-governmental organizations have carried out numerous studies on the health impacts on the population in the areas around coal mines and thermal-power stations and have conclusively evidenced adverse health impacts, be they in the form of TB, asthma, heart-related or dermatological in nature. NTPC Ltd. and Coal Mining and Developing Operators have been consistently undermining such hazards, and now it

looks increasingly that even for the government, public health was never an issue of paramount importance.

The thickly populated Dalit *basti* in Urub village (settlement of Dalits comprising 95 Bhuiyan households with an approximate population of 500 adult men and women) is circumambulated by a quarry at its front, a mountain of overburden dump on its rear side and busy dump and transport roads respectively strapping from the remaining directions. The Dalit *basti* is unfortunately situated dangerously close to the operational coal mine, at a distance of hardly 11 meters. Thriveni Sainik is pumping out hazardous water that collects in water lagoons at the bottom of the mining pit directly into the Khawa River through rejection pipes. At present, the Khawa river is the only source of potable water left to cater to the needs of the entire Itiz residents and their livestock. Likewise, a number of natural springs, tanks, irrigation wells, and government hand pumps have dried out due to tremendous hydraulic pressure that a 300 feet deep opencast mine exerts on peripheral water bodies. The standing paddy crop in many villages was destroyed by the huge boulders (varying in size from 1-5 tons) that had fallen on them. The hazardous sludge and mud seepage from the tailings had transformed their rice fields into quagmire.

The project has also given rise to a variety of health concerns including dermatological disorders, and ailments related to breathing, lungs and stomach. The 80 acres of land over which NTPC has constructed a huge O.B. dump was once rice fields (*raiya* plots) owned by Bhumihars of Urub. They reported outbreak of sickening 'lethargy and loss of appetite' at an epidemic scale in the village owing to the continuous exposure to dust and poor quality of air around the O.B. dump. The area also reported sudden rise in premature deaths and miscarriages among pregnant women and malnourishment among 6 months to 3-year-old age group of children in the village, tuberculosis, respiratory diseases, and general sickness due to a constant exposure to dust, pollution, and screeching noise of monstrous transport vehicles.

Burning coal results in a residuum of ash, which is highly toxic, pollutes the neighboring agricultural fields and water sources. The toxic fumes released into the atmosphere as a result of coal burning has adverse impacts on the ozone layer of the atmosphere, and is considered to be a prime reason for global warming. As per the norms promulgated by the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India, power plants commissioned between 2003 and 2016 will have to cap their NO_x (Oxides of Nitrogen) emissions at 300 milligram per cubic meter, while newer plants installed after 2016 must limit their NO_x emissions to 100 milligram per cubic meter.

The pervasive slow violence inflicted through an invasive soundscape of plying coal-loaded dumpers, the menace of uncontrolled blasting, flurry of dust enveloping living spaces, poor quality of ambient air, exposure to hazardous O.B. dump, scarcity of

portable water, and exposure to physical violence and abuse have increasingly become difficult to endure for Bhuiyans.

The Real picture of R&R policy

Being a Public Sector Utility, NTPC Ltd.'s accountability and responsibility are different compared to private companies, and are enshrined in the Industrial Policy Resolution (IPR), 1948. These utilities, according to the Resolution are underlined for their crucial role in nation's economy, manufacturing and equitable distribution. The company, should not only respect human rights, but also be extremely responsible in not breaching any. The Resettlement and Rehabilitation package refuses to acknowledge a substantial percentage of landless agricultural laborers in these blocks.

Seven villages of Chirudih, Itiz, Nagari, Aarhara, Dadikalan, Pakri-Barwadih and Chepakalan have been earmarked for the R&R operations. A total of 2096 families have been impacted, whereas only 1068 families have been rehabilitated in resettlement colonies at Dhenga and Lakura. The report details the deplorable state of the structures in the R&R colony and concludes that families and their livestock would never be able to reside here. Moreover, there isn't any place for families belonging to Sindwari, Sonbarasa, Churchu, Jugra, Chepakhurd, Keri, Langatu, Devariyakhurd, Urub and Barkagaon in these resettlement colonies.

The full execution of the Pakri-Barwadih Coal Mining Project would amount to physically dislocating 2221 (unofficially 16,000) Project Affected Persons and forcing them to move into an R&R Colony that has been constructed by the NTPC. The company's R&R Policy was imposed on the PAFs in the form of 'packaging' with very little space for negotiation and dialogue. The monetary compensation initially announced was abysmally low; 10 lakh INR against the loss of 1 acre (0.404 ha) of cultivable land, which yields four crops in a year. The poorly articulated framework of compensation assures monetary compensation only for homestead and agricultural lands and discounts village commons as worthy of being compensated to affected persons and community. Mostly Dalits (mainly Bhuiyans) are adamant not to part with their ancestral homes and agricultural fields in lieu of monetary compensation. They observe that the numerical figure of cash compensation, reached through a dubious calculation of 'market value' could hardly substitute the scale of loss borne by them. The officially termed 'barren and wasteland' of 159.64 ha was actually fertile lands over which land-deeds were not settled, and went under mining lease without provisioning for cash compensation.

NTPC is inordinately postponing the disbursement of compensation for raiyati plots while at the same time maintaining silence over the fate of claimants of other types of land tenure holders (e.g. *gair majurwa*, *bakasht*, *hukuknama* and *Bhoodan* land tenure holders). The respondents claimed that this *delay* is a conspiracy to give space to Thriveni Sainik to illicitly employ informal means to manipulate villagers and make

direct deals with prospective tenants at a cheaper price. It is to be noted that all these informal payments have been made by Thriveni Sainik between March and August 2018. These informal settlements were purportedly made by Thriveni Sainik officials in haste, at the aid and advice of the Committee members.

The outright denial by NTPC to observe the two components within LARR such as ensuring employment to at least one eligible person of each evicted family in order to ensure their social and economic security and the social security component within the act has been a major cause of resentment among the affected population. The company in its R&R Sankalp Patra instead offered to give a consolidated package of 15 lakh INR per acre by way of monetary compensation which is inclusive of: the compensation of lost land (including value of land, solatium¹ and statutory interest), cash value equivalent to 300 days minimum assured wage for disturbing livelihood during the course of resettlement, cash value of 600 days' subsistence allowance in lieu of employment (employment annuity), and an additional cash value of 1/10th of land acquired from the land oustees in lieu of 'land in exchange of land'. Later the compensation was raised to 20 lakhs INR per acre. NTPC wanted to settle the displaced families at one go, and not to be held responsible and accountable towards future PAFs. A huge mismatch between the current price of homestead land across the district (approximately 15 lakh INR per decimal) and the petty compensation (20 lakh INR per acre or 100 decimal of land) on offer to disaffected population happens to be one of the major reasons why most of villagers are unwilling to reallocate.

The R&R overlooked the forest dwellers, and the large number of Bhuiyans (Dalits) and Mushhars (Tribal-turned Dalit) families who failed to show rent-receipt or land registration certificates to claim ownership over agricultural land acquired by the NTPC. The survey report of NTPC on the basis of which the R&R plan was drafted, earmarked 'zero' number of 'vulnerable persons' in the entire project affected area exonerating the company from assuming accountability towards a large number of PAFs. This lack of documents was put forward as grounds for disqualifying Bhuiyan families accruing benefit from the cash compensation scheme of the NTPC. Since most of Bhoodan lands belong to landless and Dalit inhabitants of the affected region, they particularly had to bear the brunt of the terms of mining lease due to lack of proper documentation. Notwithstanding this, the Brahmins and Bhumihars, who were less in numbers, had mostly *pakka-parchas* (deeds registered through legal instrument) to claim compensation.

¹ Solatium is part and parcel of compensation that is payable for compulsory acquisition of land, which may fetch a better price in the market to the land owner. According to the new land acquisition law, solatium equivalent to 100% of the market value multiplied by various factors, whether the land was situated in an urban or a rural area, constituted minimum compensation package to be given to those whose land is being acquired. This is besides the compensation that is already paid to the people.

The condition of the R&R Colony of the NTPC, which is under construction, has also been a site of violent struggle. The security guards constantly patrol at the entry gate of the colonies. There were no washrooms or toilet attached to the construction. The dimensions of the bedroom were narrower than urban public toilets. A small nuclear family would not be able to live comfortably in these rooms. Community toilets (two sanitation toilets and two bathrooms with asbestos roof) were improperly built in the intervening space of two adjacent quarters, which also served as cattle shed. It was nearly impossible to recreate home in the Colony quarters for the displaced rural families who are accustomed to living in spacious areas back in their villages. Built in 2016, these resettlement quarters have been empty because no family had moved into the R&R Colony quarters out of the 1068 land oustees of 7 villages earmarked for eviction in the first phase of the project. The quarters lacked some basic amenities such as power (electricity) and piped supply of portable water as well. This was what the R&R package of NPTC offered the evicted families in exchange for their ancestral village, spacious and lively homes, multi-crop fields, forest cover, and picturesque habitat.

Impact on Culture and Heritage

The district of Hazaribagh is dotted with numerous archaeological sites belonging to the Santhal Tribe. The area also hosts certain archaeological sites and artifacts like megalith structures and rock paintings proving the presence of civilization here in prehistoric times as well. Apart from these structures and artifacts, the communities' cremation grounds, cemeteries and temples are also under threat due to mining activities. The vast areas of mahua trees and banyan trees are considered sacred by the villagers and walk barefoot on. The sacred grove is the abode of a locally revered deity called *Gawanth-devta* which will be destroyed by the expansion. Other presiding deities of the village like *Devi Mandap* (a temple porch of goddess Durga where marriage ceremonies are conducted; and *Purbaiya Gosain* (guard of the eastern direction, who is offered prayers before transplanting paddy seedlings), are proposed to be 'relocated' from their adobe, just like the *Gawanth-Devta*, as the phase wise expansion of the coal mine proceeds. The place, fondly remembered as *Bajar-mara*, which literally translates as 'the grave yard of the children who unfortunately met pre-mature death', was believed to be the dwelling space of 'the benevolent spirits of Bhuiyan Children' called *Bela-tiril* will also be impacted. There were many similar revered spaces and natural entities (springs and sacred species of trees) in the forest around which the spiritual and religious life of the Bhuiyans revolved that is now lost to the construction of coal mines and its ancillary infrastructures.

Militarization: Intimidation and Murder

The villagers of Pakri-Barwadih have been continuously protesting against the policies of NTPC Ltd. and Thriveni-Sainik under the banner of Karanpura Bachao Sangharsh Samiti and other alliances and have appealed to the elected representatives from their constituencies to lend their solidarity to the resistance. Local activists say that the

company frequently threatens the villagers to vacate the area through police action and imprisonment. With an aim to pressurise villagers to accept the compensation sum, which is Rs. 20 lakh per acre, officials are asking villagers to accept the offer, or else, that the company will deposit the money in the state treasury. The villagers are determined not to give away their land for the project for they allege that no laid-down procedures of the land acquisition have been followed by the government.

Both the NTPC Ltd. and Thriveni-Sainik are picking up means to quash dissent against their policies and other means: strict surveillance on the villagers, infiltration of their brokers and middlemen in the midst of the villagers to track and trace movements, collect news and information for the companies forewarning them about any peaceful protests or sit-ins or hunger strikes. Hundreds of CCTV cameras and floodlights (DG lights) are affixed to these towers in order to keep close surveillance on trespassers on the company property. The people reported that often they also have drones that hover in the air space around the mines, including over villages and its surroundings.

The police and paramilitary forces have attacked the people many times and opened fire on them thrice up until now: in July 2013, August 2015 and October 2016, leading to deaths and fatal injuries of the villagers. The shooting on peaceful protestors resulting in the death of four youths, who weren't even part of the sit-in, attacks on the villagers and arrests of sitting MLA Nirmala Devi who were supporting the resistance, intensified police action, spreading falsehood through media briefings (of attack on police party and state officials) were all aimed at creating a reign of terror and hostility, to justify police firing, and to divert attention from police atrocity and excesses unleashed on defenceless villagers. In spite of complaints from the villagers against the threats meted out by the banned extremist group Tritiya Prastuti Committee (TPC) to call of the protests, no action has been taken on them, while people demanding rightful rehabilitation and sustainable livelihood options are targeted.

After the Chirudih police firing, the armed police party (300-500 in numbers) went on to rampage village after village on the pretext of arresting the area's MLA who was spearheading the protest; vandalising villagers' property and indiscriminately beating anyone who was caught, including elderly persons, an eight months pregnant woman, minor children, young bridegroom, to the extent of not even sparing livestock. The local state administration invoked emergency sections and registered FIRs against a dozen named and hundreds of unnamed villagers for obstructing government work, dragging them to court trials. This debilitating experience of villagers (mostly farmers by occupation) of fighting court cases, serving jail-term, and incurring exorbitant expenses on court fees and filing bail petitions was too much for the villagers to withstand. The implicit purpose behind the gesture of killing non-participants was to convey a strong message that they are willing to go to any extent in order to abort resistance and opposition against the NTPC's coal mines. Amidst the atmosphere of

pervading fear and intimidation in villages, the NTPC officials successfully inaugurated the Pakri-Barwadih coal mining project under the shield of armed police convoys and support of the local state administration.

The central government, particularly PM Narendra Modi has openly shown displayed their insistence on speedy land transfer and disbursement of compensation money and giving a free hand to the state administration in taking all possible measures to liquidate local resistance to the mining project. Colouring peoples' peaceful agitation and demonstration as breach of 'law and order' has been the *modus operandi* of the district administration to repress peoples' resistance and sidestep their rightful claims. During the decade-long resistance, hundreds of helpless villagers have been falsely implicated in criminal cases, many leaders have been physically assaulted, 'drunk' police personnel have raided project affected peoples' houses and mercilessly beaten them with an aim to diffuse local resistance and crush peoples' will to fight back. All this has been orchestrated purportedly at the behest of the NTPC officials and Thriveni Sainik members with the support of state and central authorities.

Conclusion

All the above findings depicts that though a major fossil fuel PSU, NTPC Ltd. has shown scant respect for the communities, especially the thousands of Adivasis and Dalits whose homes, land, livelihood sources including forests and rivers, and cultural sites have been snatched off them by the extractive industry. The knowledge and awareness of these operations began leaving the corridors of power and disseminated to the people at large, strengthening the ongoing resistance, spearheaded by the farmers, Adivasis, Dalits and those on the social margins of the newly formed state. These struggles, not only succeeded in uniting opposition political parties, but were also instrumental in dethroning those from power, democratically, whose policies were anti-people. But the state of Jharkhand has succumbed to neoliberal policies, and so-called investor-friendly dictates which needs to be questioned especially at a time when the coal sector has been opened up for commercial mining inviting applications from groups without prior experience as well.

The main findings of the study are thus:

1. The exploitation of natural resources by the NTPC Ltd. in North Karanpura has multifaceted effects. The accumulation of natural resources will be in control of a few corporate houses and environment, livelihoods, health, natural resources and diverse cultural activities will be susceptible to destruction.
2. The live example of commercial coal mining is North Karanpura Coal Fields, which is a testimony to the fact that where commercial mining takes precedence, it not only threatens the political-economy of the country, but also the structural fundamentals of it.

3. This project would aggravate carbon emissions into the atmosphere, and rather than resolving the concerns raised by climate change and global warming, would end up enhancing it.
4. The hand-in-glove relationship between the company, MDO and middlemen or brokers is setting up a new example of how this scenario has changed in forging relationships between the corporate culture and those on the social margins of the society. This could signal a new class of oppressors that could derail progress of the socially and economically marginalized. Hence coal mining without adequate overseeing has all the potential to pull us back in history rather than push us towards a future.
5. The farmers of the country are facing unprecedented crisis. The hunger and reverse migrations that the Covid-19 pandemic made us witness reiterates that agriculture needs to be revived to solve the food and livelihood crisis we are faced with. With further coal block allocation, more villagers are to lose farm lands and their habitats.
6. It appears that the government is least interested in putting constraints on the massive violations of legal guidelines and excessive exploitation and degradation of the environment in its race towards development.
7. The exploitation of natural resources, including water, forests and lands and destruction of the archaeological artifacts should not be allowed and any violation in this regard needs to be addressed.

Displaced and inadequately compensated, the affected communities are being forced to enter a stage of heightened vulnerability. They will gradually be consigned to the bottom rungs of the Indian labour reserves to struggle to occupy the worst jobs and depress existing wages. All this has an economic cost, both to the impacted people and to the greater economy; a cost that is often externalised and dumped solely on the impacted people. This report identifies and measures these costs: what these communities earn and consume now as opposed to what they might after displacement; what they produce (agricultural output) and the value of these commodities; where they were living and where they are pushed to live as per the R&R package; what has been its impact on their health and commons on which they were dependent for livelihood; the depreciation of productive value of the land that is acquired and its current status; etc.

While launching the privatisation of coal sector whereby coal mines would be thrown open to commercial operations in the wake of CoViD-19, and tanking economy, the Prime Minister said that time had finally come to unlock the coal mining sector that had been under a lockdown for decades. If such a commercial situation were to materialize, with promises of new investments, huge employment opportunities, boost socio-economic development and a market based economy through Atmanirbhar coal industry; there would be ample lessons to be learnt from North Karanpura operations, which in more than one way set a precedent for large-scale operations to commence. An assessment of the measure and valuation of the costs that environment and the

communities from the area have to pay for such 'progress' help to determine the real socio-economic cost will suffer.