Perspective document on Coal Mining in Hasdeo Arand region

December 2014
Overview of Hasdeo Arand Region

The Hasdeo Arand Coalfield is spread over North Korba, south Surguja and Surajpur districts. This is one of the largest intact forest areas in Central India outside of the protected area system. This is one of the very few pristine natural forests in the country which cannot be replicated through plantation forestation. The coalfield covers a total area of 1878 sq km. of which 1502 sq km. has forest cover. Around 80% of this is covered by good quality forest (approximately 1176 sq km has a canopy cover of over 40% while an additional 116 sq km has a canopy cover of over 70%).

The forest is extremely rich in bio-diversity reporting the presence of several endangered species. It is also part of a large elephant corridor stretching from supporting the migration of wild elephants from Gumla district in Jharkhand to Korba district of Chhattisgarh. The entire Hasdeo Arand forest was declared as “no-go” for coal mining by MoEF in 2010, the only one of 9 coalfields surveyed which was entirely declared as “no-go”. Such “no-go” area represents only 8.11% of the total potential coal bearing area in the country and 11.50% of the total explores coal bearing area of India.

1 Refer to Forest Survey of India, 2011. Also see “Elephant in the Room” report released by Greenpeace on October 2014.
2 GIS analysis conducted by the Ecoinformatics Lab at the Ashoka Trust for Research in Ecology and Environment (ATREE), Bangalore, Report by Greenpeace titled “How Coal Mining is Trashing Tigerland” released in July 2012
3 Elephant Migration Route Map prepared by the Chhattisgarh State Forest Department
4 Joint study conducted by Ministry of Coal and Ministry of Environment & Forests in 2010 – the only such study that clearly demarcated areas for coal mining and arrived at a prioritization framework for coal allocation based on environmental impact
Hasdeo Arand region is home to a large and vulnerable population, most of them being Adivasis and other traditional forest dwellers. Over 90% of the residents are dependent on agriculture cultivation and forest produce for their livelihoods. The implementation of Forest Rights Act has remained extremely poor till date leaving the population extremely vulnerable to abuse and exploitation. It is also the watershed of the Hasdeo Bango reservoir on the Hasdeo River, which is a tributary of the Mahanadi River and one of the most important rivers of Chhattisgarh. This also houses the Bango dam which is critical from the viewpoint of irrigation of approximately 3 lakh hectares of agricultural land of Korba and Janjgir-Champa districts, the rice bowl of the state.

The coalfield has total estimated reserves of 5.179 billion tones of which 1.369 billion tones have been proven till date. A total of over 30 coal blocks have been mapped / identified till date of which 16 had been allocated to various public sector and private players but their allocations had subsequently been cancelled post the Supreme Court order. Currently mining is operational in 3 blocks - Chotia by Prakash Industries operational since 2006 and Parsa East Kete Besan by a joint venture of Adani (74%) and Rajasthan Rajya Vidyut Utpadan Nigam Limited (26%) which has been operational since April 2013. The Parsa East and Kete Besan coal blocks were originally allotted entirely to state PSU Rajasthan Rajya Vidyut Utpadan Nigam Limited but subsequently got into the hands of Adani through a MDO (Mining Development and Operations) contract. The environmental clearances for these blocks had also been struck down by the Hon’ble National Green Tribunal in its order dated 24th March 2014 citing the impact on the rich bio-diversity of the region with a direction to seek fresh advice from the Forest Advisory Committee on a number of parameters. Other blocks were in various stages of process with regard to environmental and forest clearances before their allotments got cancelled due to the recent Supreme Court order. Some of these

5 Comments of the Ministry of Environment and Forests on a Draft Note for Cabinet Committee on Infrastructure regarding need for making more coal bearing areas for enhancing coal production.
6 Report of Chhattisgarh Irrigation Department
7 Inventory of Geological Resource of Indian Coal, Geological Survey of India and Central Mine Planning and Design Institute
8 CMPDI
9 NGT order pertaining to Stage 2 environment clearance given to Parsa East, Kete Besan dated 24th March 2014 based on appeal by Sudiep Shrivastava
are also being challenged in the NGT. A railway corridor managed by Adani is also under construction solely for the purpose of evacuation of coal from the area. The entire process of allocation and approval of coal mining in the region as well as post-approval mining operations are fraught with large scale violation of due processes, norms and various constitutional & legal provisions as detailed subsequently.

Picture 3: A typical village hamlet in Hasdeo Arand
Snapshot of bio-diversity of the Hasdeo Arand forests

- Hasdeo Arand is one of the largest intact forest blocks in central India outside of the Protected Area system
  - The region is covered with very dense and moderately dense forests - Around 80% of the forest area is covered by good quality forest (approximately 1176 sq km has a canopy cover of over 40% while an additional 116 sq km has a canopy cover of over 70%)\(^{10}\). As per government reports, the gross forest cover in the region is mostly above 0.4-0.6 and the weighted forest cover generally above 0.3\(^{11}\). The number of trees is higher than 400 trees per hectare throughout the forest and are even going up to more than 500 trees per hectare\(^{12}\).
  - Unlike other forest areas wherein the coal blocks are falling outside the densely forested areas, the coal blocks in Hasdeo Arand are entirely located well within the forest area and in densely forested areas\(^{13}\).
  - The Report of the Forest Advisory Committee looking into the forest diversion for Tara, Parsa East and Kete Besan coal blocks mentioned that “The area generally supports good forest cover comprising of SAL (Shoera robusta) and its associates of varying density”\(^{14}\).

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10 GIS analysis conducted by the Ecoinformatics Lab at the Ashoka Trust for Research in Ecology and Environment (ATREE), Bangalore, Report by Greenpeace titled “How Coal Mining is Trashing Tigerland” released in July 2012
11 Joint study undertaken by the Ministry of Environment & Forests and Ministry of Coal visa-vis forest cover in the coal blocks in South Surguja division
12 Working Plan of the South Surguja Forest Division Ambikapur (C.G.), Period – 2010 – 11 to 2019 – 20
13 Power point presentation slides dated 28-05-2010 prepared by the Ministry of Environment and Forests, super-imposing coal-block map on the Forest Survey of India map of forest areas across 9 coal fields
o Many rare species of flora including diverse variety of medicinal plants & herbs are found in this region\textsuperscript{15}. Some of the endangered species of flora include Critically Endangered ‘Sarp Gandha’, Endangered ‘Bach’ amongst medicinal plants, Vulnerable ‘Safed Moosli’, Vulnerable ‘Salai’\textsuperscript{16}

o The area contains 21% of non timber trees mainly medicinal or other forest produce which are capable of generating revenue and employment to forest dwelling populations\textsuperscript{17}.

- The forests of Hasdeo Arand are also home to a number of wildlife species and diverse variety of fauna

  o Extensive presence of wildlife including Schedule -1 species such as the leopard, sloth bear, etc as well as several other wild prey species indicates the rich bio-diversity of the region\textsuperscript{18,19}

  o NTCA’s 2011 report shows tiger presence recorded in the Hasdeo-Arand area in 2004, with no record in 2010. Forest department correspondence in 2007 also cites tiger presence in the area near the Nakia block\textsuperscript{20}.

  o Tiger and Elephant presence in the Forest Division and Panther presence is also seen from the wildlife census for the years 2002 to 2005. Though there are no records of wildlife census from 2006-07 onwards, purportedly the year when coal block allocation process began. However, the presence of wildlife in the area in the later years is confirmed by the extensive distribution of compensation awarded to villagers in the forest on account of damage due to wild life\textsuperscript{21}.

  o Tiger presence in the area is also probable, as Hasdeo-Arand has forest links with the Achanakmarh Tiger Reserve to the west\textsuperscript{22}.

\textsuperscript{15} Section history of relevant forest blocks.
\textsuperscript{16} Working Plan of the South Surguja Forest Division, Ambikapur (C.G.), Period – 2010 – 11 to 2019 – 20
\textsuperscript{17} Working Plan of the South Surguja Forest Division, Ambikapur (C.G.), Period – 2010 – 11 to 2019 – 20
\textsuperscript{18} Report of sub-committee constituted for site inspections and field visits by the Forest Advisory Committee. This report also mentions about the site inspection report of the Divisional Forest Officer, South Surguja division dated 2nd May 2007 reaffirming this conclusion.
\textsuperscript{19} Also refer to the report “Elephant in the Room” documenting recent wildlife sightings in the entire Hasdeo Arand area.
\textsuperscript{20} Forest Cover and Habitat Suitability Mapping of Chhattisgarh. GIS Division, WWF India.
\textsuperscript{21} Response to RTI query from South Surguja Forest Division
\textsuperscript{22} Evaluating Tiger Habitat at the Tehsil Level. Project Tiger Directorate, Govt. of India, New Delhi and Wildlife Institute of India, Dehradun as referenced from Report by Greenpeace titled “How Coal Mining is Trashing Tigerland” released in July 2012

\begin{figure}[h]
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\includegraphics[width=0.5\textwidth]{image5.png}
\caption{Signboard indicating presence of bear on Morga-Tara road}
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The current Working Plans for Korba, Katgora and South Surguja Divisions mention elephant, tiger and leopard; Dharamjaygarh and Raigargh Division mention elephant and leopard.

An understanding of the richness of bio-diversity in the area can also be understood of Working plan of South Surguja forest lists 29 species of fish, 14 species of reptiles, 111 species of birds, 34 species of mammals (some of them from schedule I of Wildlife (Protection) Act, 1972), 51 species of medical plants, 86 species of trees, 38 species of scrubs, 19 species of herbs, 17 species of climbers, 12 species of grasses found in the entire area of South Surguja forest.

The region serves as an important wildlife corridor and was proposed to be classified as an Elephant Reserve that got scuttled under pressure from the mining lobby.

The region is part of a large elephant corridor stretching from supporting the migration of wild elephants from Gumla district in Jharkhand to Korba district of Chhattisgarh. There have been over 20 visits of elephants in the area.

A large part of the Hasdeo Arand forest was proposed to be identified as the Lemru Elephant Reserve in 2007. The said reserve was recommended to be created in parts of south Surguja, north Korba, Raigarh and Jashpur District. This was unanimously approved by the assembly of Chhattisgarh and recommended by the Chief Minister to MoEF.

However, in February 2008, the Chhattisgarh state unit of the CII wrote to the forest department stating “the area in and around the (elephant) sanctuary has been established to be coal bearing. The proposed sanctuary, if finalized, will block at least 40 million tonne per annum of coal production.”

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23 Report by Greenpeace titled “How Coal Mining is Trashing Tigerland” released in July 2012
24 Referred in the National Green Tribunal order on PEKB blocks issued on 24th March 2014
25 Elephant Migration Route Map prepared by the Chhattisgarh State Forest Department
26 Observations/discussions with the villagers. Also refer to the report “Elephant in the Room” documenting recent wildlife sightings in the entire Hasdeo Arand area. Also the Forest Advisory Committee Report mentions DGF&SS site inspection visit which confirmed the presence of elephants.
Caving in to industry pressure, the state government first tried to reduce the area of the reserve to exclude coal mining blocks, and ultimately decided to do away with the reserve to make the entire area available for coal.
Potential Impact of mining in Hasdeo Arand region

Any mining in this region is likely to have devastating and irreparable impact on the region.

- Destruction of natural ecosystem and rich bio-diversity - Large scale destruction of pristine forests which cannot be regenerated by any plantation. Any mining and consequent forest diversion will also lead to irreparable destruction of the rich bio-diversity and lead to disturbance in the overall eco-system equilibrium in the region. This is also accepted by the forest department who mentioned that due to coal mining “The landscape in general and the forest corridors in particular will be fragmented and will be severely and irreparably degraded in quality unless there is protection of the tree cover”.  

- Destruction of wildlife corridors – Fragmentation of this forest is likely to critically disrupt wildlife corridors e.g. the elephant corridor. Continued mining is a major barrier to this region getting declared as an Elephant Reserve. The construction of a railway line in elephant habitat area itself is a critical issue as in many such areas where a rail line existed since earlier times, every year elephants are getting killed due to collision with trains.

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• Increased incidence of wild-life human conflict - This is also likely to cause destruction of natural wildlife habitat leading to an increased incidence of human-animal conflict in the region. Stress on wildlife has already been responsible for a significant damage to human life, livelihood, crops and assets. In reply to a question raised in the assembly, the State Government had stated that the district and forest division wise figure of human casualty or hurt and crop or property damage during 2008 to 2012 which shows that within the South Surguja Forest division 16 people died, 5 hurt, 1203 cases of property damage and 5101 cases of crop damage were granted compensation.

• Large-scale displacement - Mining is also likely to lead to large scale displacement of villages mostly Adivasis and other traditional forest dwellers that depend entirely on the forests not just for their livelihood but all aspects of their life. In fact, most of the residents have not seen life outside of forests and are unlikely to be able to survive if displaced. The implementation of Forest Rights Act also remains poor with several process issues and challenges, despite significant efforts of the civil society organizations, owing to the unsympathetic attitude of the Government and administration. Therefore, any displacement due to mining operations will have horrendous impact on community in form of loss of livelihood, identity and culture.

• Destabilize the Bango dam - Mining activity is also likely to put stress on the Hasdeo reservoir which is the catchment for the Bango dam. Any silting is likely to reduce the water availability from the dam for irrigation purposes. Also, over 75% of the

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30 Question raised on the floor of the house
industrial water allocation from the reservoir has already been tied up. Therefore, water availability for any large scale projects for mining along with the end-use units including power, steel and cement plants is likely to be only at the cost diversion of it from agricultural purposes. This dam is one of the largest in Chhattisgarh and irrigates close to 3 lakh hectares of farmland in Chhattisgarh.

Past assessments on the impact of coal mining in Hasdeo Arand region

At different points of time and in context of specific areas of Hasdeo Arand forest, several independent investigations have been carried out to document the bio-diversity and wildlife of the region. The government departments and various independent assessments have also led various studies on specific aspects and regions of the forest and unanimously come to the conclusion that this region should be kept out-of-bound for mining. However, other than the joint study carried out by Ministry of Environment & Forests and Ministry of Coal in 2010, all other studies have been limited in their scope. No other study has tried to assess the comprehensive impact of coal mining in the entire composite Hasdeo Arand forest region. The specific Environment Impact Assessments of various coal blocks have been limited to only small parts of the larger forest and have also been shallow in their assessments with various flaws identified in their information and assumptions. Some of the important assessments relating to the region include:

- The Bio-diversity rich Hasdeo-Arand forest region was classified as Category-A or a “No-Go” region based on the findings of a joint study undertaken by Ministry of Coal and Ministry of Environment & Forests in 2010. This was in-fact the only one of nine coalfields surveyed which was declared to be “no-go” in its entirety.
- Forest Advisory Committee setup in relation to Tara, Parsa, Parsa East & Kete Besan coal-fields in the region recommended against the diversion of this forest for the purposes of mining on two separate occasions based on their field visits and site inspections done in 2009 and again in 2011.
  - The Forest Advisory Committee (FAC) in its meeting convened on December 11th-12, 2009 had stated: “The forest land proposed for diversion is located in Hasdeo-Arand coalfields, which was inspected by members of the FAC. The inspection note of

31 The catchment has a potential of ~ 3,000 million cubic meters of which 441 million cubic metres have been allocated for industrial purposes. 333 million cubic metres have already been allocated to various existing industrial projects leaving little room for new mines, washeries or power plants. Further, silting of dam and destabilization of Hasdeo river due to mining is likely to reduce the catchment potential even further
the visit was discussed on 17.09.2009 by the FAC that inter-
alia recommended that the major part of forest area is
unsuitable for coal mining due to its high ecological and forest
value and no fresh approvals should be granted to the blocks
except the two ongoing mines.” The FAC also recommended
that the impact of coal mining on the elephant movement
and other wildlife interests need to be studied.

- On 10\textsuperscript{th} March 2011, the sub-committee of FAC had
concluded “Based on the above findings/observations the sub-
committee is of the considered view that it is not advisable to
recommend for diversion of the proposed forest areas. The
FAC may consider asking the state government to improve the
quality of reportage on forest quality and conditions to enable
sound judgment in such cases.”

- The Ministry of Environment & Forests have on at least 3 previous
occasions rejected the coal mining projects citing the pristine and
unfragmented forest belt in the area. The Hon’ble Minister himself
advised the Chief Minister of Chhattisgarh of the importance of the
Hasdeo Arando forest area by terming it as “…. unfragmented
landscape and important wildlife habitat. This is one of the few patches
left of its kind in the country” by letter dated 02-08-2010.

- In 2002, the Wildlife Trust of India (WTI) had conducted a rapid
assessment of the elephant conflict in the region and suggested
that this forest can provide a good habitat for elephants.
Consequently, in 2005, the State Government itself had
recommended setting up of an Elephant Reserve called Lemru. This
would have prohibited mining in the region.

49. In view of the aforesaid discussion it is evident that the
FAC did not examine all the relevant facts and circumstances while
rendering its advice and to cap it the Minister acted arbitrarily and
rejected the FACs advice for the reasons having no basis either in
any authoritative study or experience in the relevant fields. In
short the reasons adduced by the Minister fail to outweigh the
advice rendered by the FAC. This calls for quashing of the
Minister’s order dated 23\textsuperscript{rd} June, 2011 rejecting the FACs advice
and consequential order dated 28\textsuperscript{nd} March, 2012 passed by the
respondent no. 1- State of Chhattisgarh in order to have holistic
reappraisal of the entire issue. It is therefore, just and necessary to
remand back the entire case to the Minister with appropriate
directions to get a fresh advice from the FAC on the material issues
in the present case and to reconsider the entire matter afresh in
accordance with law. The point numbers 2 and 3 are answered
accordingly.

\textbf{Hence, the order:}

1. Order dated 23\textsuperscript{rd} June, 2011 passed by the respondent no. 2-
MoEF Government of India and consequent order dated 28\textsuperscript{nd}
March, 2012 passed by the respondent no. 1 State of Chhattisgarh
under section 2 of the Forest (Conservation) Act 1980 for diversion
of forest land of PEKB Coal Blocks are set-aside;

2. The case is remanded to the MoEF with directions to seek fresh
advice of the FAC within reasonable time on all aspects of the

\textbf{Picture 10: NGT order quashing the EC and FC granted to PEKB}
\textbf{coal blocks}
In October 2014, a report was released by Greenpeace titled “Elephant in the Room” that documented incidents of human-elephant conflict in the region indicating the diversity of wildlife in the region and implications of mining in increasing this human-wildlife conflict.

In March 2014, National Green Tribunal on the appeal filed by Sudiep Shrivastava had set aside the Environmental Clearance and the decision to divert forest land for mining in the Parsa East and Kete-Besan captive coal blocks situated in the region on grounds of the bio-diversity of the region. The NGT order had asked for a comprehensive study on the environmental impact of mining in the area raising the question of “Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation / management strategies”.

Besides the abovementioned selection of key assessments/studies, a large number of independent reviews have been conducted by various journalists and researchers, a selection of which is appended with this document. Nearly all such assessments have pointed towards devastating impact of coal mining in the region.
Experience with existing coal mining in the region

Status of Current Mining

- Hasdeo Arand region has 30 coal blocks of which 16 coal blocks had already been allocated to various players but got cancelled post the recent Supreme Court order dated 24th September 2014. Another 3 had been identified for allocation in 2012 while 11 blocks have been mapped for future allocation.
- Among these coal blocks, Chotia coal mine run by Prakash Industries had been operational since 2006. Among others, only Tara, Parsa East and Kete Besan coal blocks had received environmental and forest clearances. However, even these clearances have been struck down by the Hon’ble National Green Tribunal in its order dated 24th March 2014 due to the impact on the rich bio-diversity if the region with the request to seek fresh advice from the Forest Advisory Committee on a number of parameters.
- Other blocks were in various stages of process with regard to environmental and forest clearances before their allotments got cancelled due to the recent Supreme Court order. Among these, public hearing on EIA had been conducted for Parsa block in which there were severe irregularities in the process.
- M/s Adani Enterprises through its subsidiary Adani Mining had bagged the Mining Development and Operations (MDO) contract for Parsa, Parsa East and Kete Besan coal blocks.
- Parsa East and Kete Besan mine had been operational since April 2013. However, the NGT had ordered all work to be suspended except the work on conservation of existing flora and fauna. This had been stayed by the Supreme Court which is hearing an appeal against this order.
- A railway corridor managed by a joint venture led by Adani is also under construction solely for the purpose of evacuation of coal from the area.

Experience of Hasdeo Arand region with existing coal mining

The entire process of allocation and approval of coal mining in the region as well as post-approval mining operations are fraught with large scale violation of due processes, norms and various constitutional & legal provisions. The people of Hasdeo Arand have had a horrific experience thus far as the story of coal mining has been one of faulty clearances, unkept promises, forcible acquisition, suppression of all opposition and a looming environmental and ecological disaster. Some of the key issues are highlighted below:
Clearances based on false information and suppression of facts under extreme pressure from vested interests – The procedure for coal block allocation and the subsequent grant of environmental and forest clearances has been arbitrary and illegal, as has also been subsequently confirmed by orders of the National Green Tribunal and the Supreme Court.

- All the coal block allocations were arbitrary and illegal and reeked of rampant corruption. The Chotia coal block was allotted to Prakash Industries at the time when they had filed for bankruptcy (BIFR proceedings) and hence ineligible for coal allocation. Also, the coal allocation was far in excess of captive end-use requirements of Prakash Industries. Similarly, the Parsa, Parsa East and Kete Besan coal blocks were all allocated entirely to state PSUs belonging to Chhattisgarh and Rajasthan governments but Adani found a backdoor entry into all of them by getting a Mining Development and Operations (MDO) contract wherein Adani held a 74% majority ownership of the MDO joint venture. Other coal blocks in the region were allocated to various private & public sector joint ventures, illegal as per extant law, and with no regard to the end-use requirements. All these instances also find mention in the Supreme Court judgment on coal scam32.

- The environmental clearance for Parsa East and Kete Besan blocks was rejected on a number of occasions33 but was granted only after extensive pressure was applied with Adani gaining a backdoor entry into the project. This clearance was against the recommendations of the Forest Advisory Committee34 and subsequently struck down by National Green Tribunal35.

- Glaring loopholes and suppression of facts has been the norm rather than exception in the various Environment Impact Assessment reports and Management plans submitted by project proponents. The Parsa East Kete Besan mining project in its EIA report failed to mention about the construction of rail project for evacuation of coal as well as setting up of a power plant in mine area based on coal rejects – both of which were critical elements from environmental impact standpoint. Further, vital information on forest density, wildlife and flora was concealed or mis-stated in a bid to gain the environmental clearances36. The EIA report for open cast mining at the Parsa East coal block as discussed during a public hearing was against the ToR specified by the ministry which specified evaluation of underground mining for

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32 Supreme Court judgment dated August 25, 2014 on the writ petition No. 120 of 2012 pertaining to the coal block allocation
33 Order dated 23-06-2011 of the Minister for Environment & Forests
34 Recommendation of the FAC in its meeting convened on 11th -12th December 2009 and again post the visit of the FAC sub-committee on 15th May 2011
35 Judgment by the Principal Bench of National Green Tribunal dated 24th March 2014 on stage 2 clearance for Parsa east and Kete Besan captive coal blocks on an appeal filed by Sudiep Shrivastava
36 Proceedings of the NGT case as above
the project – this was acknowledged by the company officials as well in the public hearing\textsuperscript{37} but subsequently failed to find mention in the minutes that have been challenged\textsuperscript{38}.

- Even the vital conditions of the environmental clearance were blatantly violated. The Ministry of Environment & Forests, while granting clearance to Tara, Parsa East and Kete Besan coal blocks, had specifically mentioned that no further clearance for Hasdeo Arand region shall be provided or should be requested for\textsuperscript{39} – which is continuously being violated. The clearance was also conditional on setting up of an environment friendly super-critical thermal power plant only but the companies have not invested in the same.

- Complete sidelining of the views of gram sabhas and the local adivasi population including a violation of PESA Act – The entire Hasdeo Arand region is Schedule 5 Area as per the Constitution and hence PESA Act is applicable here which requires the consent of gram sabha before the clearance of mining project or any land acquisition. However, this has been consistently violated.

- For the Parsa East Kete Besan project, a gram sabha resolution approving the mining was passed without due consultation and process and in the absence of quorum. In Ghatbarra village, while the scheduled time for gram sabha hearing was 11 AM to 4 PM, the Collector reached only after the scheduled time when most villagers had left. The resolution was passed in absence of quorum and especially without the presence of women as is required under PESA. The villagers had even protested against this hearing subsequently which has not been responded yet\textsuperscript{40}.

- Even the visit of the sub-committee of the FAC on 27\textsuperscript{th} and 28\textsuperscript{th} August 2009 noted the wide-scale objections of the villagers to the said mining project which had not been taken into account “Some of these oustees were assured of the job in the mining projects whereas some villagers were apprehensive about the R&R package that has been proposed to be offered to them as the draft R&R has not been made available to them and experience with other coal mine projects is not encouraging….. The villagers were of the view that they would prefer continue with their present life and livelihood, and did not welcome incursion of coal mining which would deprive them of their land and houses besides depriving their environment of their living conditions”\textsuperscript{41}

\textsuperscript{37} Video of public hearing of Parsa coal block in Salhi village
\textsuperscript{38} Letter by Chhattisgarh Bachao Andolan dated 10th April 2014
\textsuperscript{39} order of the MOS (I/C), Environment and Forest dated 23rd June, 2011
\textsuperscript{40} Letter by villagers of Ghatbarra protesting the conduct of gram sabha hearing and passing of the resolution approving the coal mining
\textsuperscript{41} Report of the FAC
For the Parsa coal block project, the villagers of the affected area had specifically sent a petition opposing the coal mine to the Governor of Chhattisgarh, Ministry of Environment & Forests, Environment Protection Division, Collector, and Environment Officer. They had specifically requested cancellation of the scheduled public hearing on EIA report. The Collector had promised to have a discussion prior to this public hearing but failed to do so. The said hearing was conducted without the consent of the villagers and the minutes were grossly misrepresented.

Select villagers opposing the coal mining project have been periodically harassed by local police using baseless allegations of being naxals.

- Failure to recognize the due forest rights of adivasis & other forest dwellers before land acquisition – As per the provisions of the “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”, completion of the process of recognition of forest rights of the residents is a pre-requisite to the commencement of any land acquisition proceedings. However, this provision has been blatantly violated and the recognition of due forest rights of the adivasis and other forest dwellers remains abysmally poor. This leaves them vulnerable to extreme exploitation, disempowerment and dispossession.

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42 Petition by Hasdeo Arand Bachao Sangharsh Samiti and subsequently by majority of the villagers of Salhi.
43 Letter by Janabhivyakti challenging the recorded minutes of this public hearing
Prior to the land acquisition for the Parsa East Kete Besan project, the state of forest rights recognition was a complete sham. The exercise of even filing of the forms for settlement of community rights had not been taken up while individual rights were denied for at least 75% of the forest dwellers living the seven affected villages. Out of 665 application of individual forest right, only 181 were allowed. The shocking fact is that not a single application of two villages namely Parsa and Parogiya were allowed which makes the entire exercise as highly suspicions.

19 community forest rights’ titles (CFR titles) in the Hasdeo Arand region have now been handed over while another 12 are pending. Even the CFR titles handed over have serious discrepancies and pertains to a far lesser area than is due while a number of rights demanded have been ignored without explanation. These are being disputed.

The process of filing of form ‘C’ i.e. community forest resource management rights has not even been commenced as the local administration is still awaiting the format and directions from the State Government.

The CFR titles in 7 affected villages of Parsa East Kete Besan project were handed over only post the land acquisition for the mine. Several individual forest rights titles were also handed over many years post the land acquisition. Moreover, the area mentioned in the CFR title was reduced on account of land already having been transferred to the mine. This is a severe violation of the provisions of the Forest Rights Act, 2006.

The settlement of individual forest rights claims still remains extremely low and is fraught with serious discrepancies. The claim settlement ratio is still extremely low. Moreover, widespread incidence of recognition of far lower claim than due in many cases even less than 0.1-0.2 hectare which evidently is impractically low for residence and agriculture by these communities. The reasons for rejection of claims has not been communicated as a result of which villagers have not been able to appeal the same. The titles handed over also do not contain a map or coordinates as is required leading to complete lack of clarity on claim area and duplication of titles on the same piece of land. The overall survey and subsequent recognition of titles has been completely arbitrary.

- No rehabilitation & resettlement even 18 months post the starting of mining operations and reneging on promises made at the time of land acquisition – The complete rehabilitation and resettlement was supposed to have been completed before the commencement of mining operations. However, this has been completely ignored and promises made at the time of land acquisition widely reneged.
  - Even the start of relief and rehabilitation is yet to take place even 18 months since start of mining operations. Angered by continued vacillation by company officials and constrained by their immediate circumstances, the villagers had staged

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44 Proceedings of the NGT case by Sudiep Shrivastava regarding the Parsa east and Kete Besan coal mining projects
a lock-in of the mine for a few days. This was subsequently arbitrated by the Collectors’ office who assured that relief and rehabilitation package will be announced and work started before September 20, 2014. However, like other previous promises this also is proving to be an empty promise till date.

- The rehabilitation is planned to be made in adjacent Besan village. However, the local residents of Besan are offering stiff resistance to the same on account of increased pressure on their forest lands and current marginal sustenance levels. Moreover, Besan village itself is a coal-bearing area and is likely to be acquired for an adjacent coal block. This would leave the poor villagers vulnerable to multiple resettlements leading to irreparable loss to life, livelihood and community linkages.

- Key elements of compensation and rehabilitation package for affected families are yet to be provided. The hospital, school, drinking water, electricity and all other facilities that were promised in the project township are yet to be provided. The company had further promised old age pensions which are not being given. Moreover, jobs to affected families have also been given arbitrarily and usually for extremely low-skilled levels and low salaries despite some...
residents possessing significantly better experience and profile. Training and up-skilling to local youth to take up better paying jobs have also not been provided yet.

- **Blatant abuse of environmental norms and standards leading to a looming human disaster** – The mining unit of Parsa East Kete Besan is flouting various environmental norms and standards. Waste water from the washery is being dumped directly into the only nearby water source leading to increasing water pollution levels, contrary to the specific conditions laid down in the company’s environmental clearance. Given the absence of tap water to the region and sorry state of hand pumps, this has increased the incidence of diseases in humans as well as domesticated animals as the villagers are dependent on this water body for drinking and all other daily purposes. Further, since the Supreme Court order cancelling the allocation of the mine, the company has increased its throughput and is evacuating far larger quantity of coal than sanctioned leading to much rapid degradation of the environment.

45 Environment clearance letter dated 21st December 2011 for coal mining and washery unit
Peoples’ movement against coal mining in Hasdeo Arand

Given the extremely fragile biodiversity of the region that the villagers have conserved and protected since generations, the close human-nature inter-linkages of the indigenous community and the sorry experience with mining in the region, the people of Hasdeo Arand are strongly opposed to any coal mining in the region. The local residents have formed into Hasdeo Arand Bachao Sangharsh Samiti, a purely voluntary, community driven and led movement to protect and conserve the ecosystem of Hasdeo Arand from the ill-effects of coal mining. The movement has developed a purely home-grown community leadership with active participation from all segments of society including women, tribals & non-tribals, etc. Hasdeo Arand Bachao Sangharsh Samiti organizes monthly meetings to discuss local issues and develop effective local strategies. The movement has also conducted several protests and demonstrations on a number of occasions to protect the community interests. A few of the movements’ activities and achievements are highlighted below:

- Coordinated an ongoing campaign for recognition of forest rights in the villages
- Conducted awareness campaign and yatra across villages on the ill-effects of coal mining
- Protested against fraudulent public hearing of EIA report of the Parsa mining project
- Supported the struggle of Parsa and Kete village in realizing their due relief & rehabilitation package

Picture 15: Protest by villagers against coal mines
- Strengthened the functioning of gram sabhas to articulate the communities’ needs and aspirations
- Submitted memorandum to ministers and administrative officials on various issues concerning the region especially around the impact of coal mining
- Solidarity with other grassroots’ struggles and campaigns

Picture 16: Protests by villagers on different occasions
Our Charter of Demands

1. No mining in dense and bio-diversity rich forest areas - Mining activity should not be permitted in the ecologically sensitive and biodiversity rich areas of the country to avoid serious adverse impact on the forests & wildlife. As per the 2010 classification of coal bearing areas into “Go” and “No-Go” areas based on the study of Ministry of Environment & Forests and the Ministry of Coal, only 1,40,311 hectares was classified into the Category-A that is “No-Go” areas for mining. This area represents only 8.11% of the total potential coal bearing area in the country and 11.50% of the total explores coal bearing area of India. Thus, it can be seen that most of the coal bearing blocks (~90%) do not really fall in such eco-sensitive and biodiversity rich regions and were not classified as Category-A or “No-Go” by this study. The coal that maybe extracted from such coal bearing areas is likely to be sufficient to meet the current demand. As per some estimates, this coal potential from “Go Areas” is likely to be sufficient to cater to the coal demand for the country for the next 60 years. Thus, there is no real or urgent need to tap mining resources in the ecologically sensitive and bio-diversity rich forest areas of the country. At the very least, there should be a clear prioritization framework for mining from different potential areas, from the perspective of minimizing avoidable serious adverse impact on forests & wildlife. Any decision to tap these areas should thus holistically account for the impacts associated with them. The Ministry of Environment & Forests had also recommended that these Category-A areas be classified as the strategic energy reserve – to be utilized as the last resort in a scenario when all other fossil fuel reserves have already been exhausted and alternate sources of energy are either not available or are inadequate to meet the bare minimum energy needs for the country.

2. Comprehensive composite study to assess the holistic impact of mining on Hasdeo Arand region – The various impact studies conducted so far have been limited to select individual coal blocks without comprehensively accounting for the impact on the overall ecosystem of the region and the effect of fragmentation in the same. There should be a comprehensive independent assessment of the ecology, biodiversity, wildlife corridors and habitat usage of the Hasdeo Arand region with a composite evaluation of the environmental and socio-economic impact of various mining projects on the rich bio-diversity, dense forests, wildlife habitation, resources and livelihoods of the adivasis and other forest communities, water availability,

46 Comments of the Ministry of Environment and Forests on a Draft Note for Cabinet Committee on Infrastructure regarding need for making more coal bearing areas for enhancing coal production.
47 Proceedings of the NGT case by Sudiep Shrivastava regarding the Parsa east and Kete Besan coal mining projects
soil fertility, air pollution, impact on Bango dam, etc. This study could be constituted and modeled on the lines of the Report of the High Level Working Group on Western Ghats. No further mining activity or any further clearances for coal blocks should be given pending the findings from this assessment. A decision should also be taken to notify the Lemru Elephant Reserve at the earliest.

3. Any further development activity, including mining, in the region to take into account the unique status of this area as per the Constitution and the due rights accorded to the residents therein as per the Constitution and various statutes of the Parliament – Various Constitutional provisions and statutes take into account the unique status of Adivasis and traditional forest dwellers recognizing their unique economy, livelihood dependency, culture, social and religious practices. However, these provisions have been often violated and sidelined in the name of development owing to the low awareness and disempowerment among these Adivasis and traditional forest dwellers. These violations have also been acknowledged and well recognized by the courts periodically, as a result of which, any such developmental activity/projects that violate the due rights and processes of the people is liable to be stalled. Therefore, any new project or activity should be in-line with the “letter and spirit” of the various constitutional and legal rights & provisions applicable to the residents of Hasdeo Arand.

   a. This area is Schedule 5 area as per the Constitution of India; hence PESA Act is applicable in the entire region. Therefore, no new project or decision can be taken by the Government without due permission of the Gram Sabha. The Government should respect PESA Act and ensure any new project/further mining takes place only with the permission of the Gram Sabha.

   b. This area is also covered by the provisions of the Forest Rights Act 2006 (Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. All the forest rights of the community including individual rights and community rights e.g. habitation, cultivation, nistaar, grazing, ownership and sale of non-timber forest produce, fishing, regeneration & conservation of forests, etc. should be recognized and proper titles given for the same at the earliest. These rights should be fully recognized while undertaking any development activity.

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48 High Level Working Group on Western Ghats constituted under the chairmanship of Dr. K. Kasturirangan to study the preservation of ecology, environmental integrity and holistic development of the Western Ghats report; submitted to Ministry of Environment & Forests on 15 April 2013
4. The existing operational mines in the region to correct all existing irregularities – As necessitated by the recent Supreme Court judgment dated 24th September 2014 cancelling the allotment of these mines, the Government is required to be ready with an alternate plan before 31st March 2015. Any takeover of the existing mines of Parsa East & Kete Besan as well as Chotia, by any company including the Coal India Limited should take place only with the consent of the gram sabha and in accordance to the due processes. Before any takeover of the existing operational mines, the existing irregularities should be fully corrected and people should be adequately compensated for the loss of their land and livelihoods.
   a. Violation of Forest Rights Act should be immediately corrected and proper individual and community titles accorded to the residents so as to enable them to be fully compensated for their loss of rights & livelihoods.
   b. Community should be recognized as a stakeholder in all mining activity; hence, it should be ensured that full developmental benefits accrue to them.
   c. Relief and Rehabilitation to be completed in full as promised earlier in the Mining Plan
   d. Full compensation and rehabilitation package including jobs to family members should be provided to all those who have been affected by the land acquisition
   e. All contractual workers in the mines should get a permanent job and all facilities

5. Treatment of local indigenous adivasis and other traditional forest dwellers as the key stakeholders in any development activity – Local indigenous residents of the region have had a rich tradition of conservation and protection of this fragile ecosystem. They have evolved their local customs, social and economic practices in-line with the above and are an integral part of this ecosystem. In fact, their relationship with the ecosystem and dependence on the forests cannot be limited to a mere economic question but is very integral to their existence and survival. Therefore, any developmental activity should leverage upon their rich knowledge base and also recognize their key stake in the region. They are entitled to the full benefits of any development of the region and should have a vital say regarding the same. In the event of any mining activity in the region (based on points 1 & 2 above), the community’s ownership of the fruits of such development should get manifested in the form of a stake in the said mining together with a comprehensive relief and rehabilitation package taking care of their unique situation and integral dependence on these forests.

6. Comprehensive development plan for the region – In discussions with local community and the Gram Sabhas, a comprehensive development plan should be framed for the holistic development of Hasdeo Arand region that takes care of
the resources & livelihoods of the communities including conservation and protection of the ecology & bio-diversity. A substantial portion of the penalty due to be paid by the defaulting companies as per the Supreme Court order, which will amount to close to Rs 450 crores from the Hasdeo Arand area, should be used for ensuring the above. Provision of basic amenities like electricity, water, health, employment, etc which have been stalled since last few years, should be resumed on lines of other regions of the state.

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