

S L O W VIOLENCE

Maharatna NTPC Ltd.'s

Liability at North Karanpura Coal fields of Jharkhand



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The Research Collective
&
Public Finance Public Accountability Collective

December 2020

The Research Collective, of the Programme for Social Action (PSA), facilitates research around the theoretical framework and practical aspects of development, sustainable alternatives, equitable growth, natural resources, community and people's rights. Cutting across subjects of economics, law, politics, environment and social sciences, the work bases itself on people's experiences and community perspectives. Our work aims to reflect ground realities, challenge conventional growth paradigms and generate informed discussions on social, economic, political, environmental and cultural problems.

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Published by The Research Collective - PSA & PFPAAC
December 2020

For private circulation only
Suggested Contribution: Rs. 100/-

For copies:
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Foreword

No Justice Without Reparations

In January 2018, the Central Electricity Authority (CEA), India's premier electricity planning authority released the National Electricity Plan (NEP). The NEP projects electricity requirement for the country over a ten-year period, till 2026-27, and the capacity addition needed to meet this requirement. It projects a capacity addition of 100,720 MW of coal as against 217,000 MW of renewable energy for the period. This will imply that the share of coal in generation capacity would go down from around 55 per cent today (August 2020) to around 38 per cent in 2026-27. Similarly, actual generation from coal in year 2026-27 is expected to be 1259 billion units (BU) or 61 per cent of total generation, as against 1021 BU or 82 per cent for the year 2018-19.

Thus, it is clear that over the coming years, the role of coal in India's electricity sector will reduce substantially, even as per official projections. Independent researchers, analysts and environmentalists present more ambitious scenarios, even talking about a total or significant phase-out of coal in favour of more environment friendly renewables.

Coal is a sector deeply embedded into the economy and has inextricable links with many other sectors. Therefore, and rightly so, such a reduction in coal use has raised concerns about these sectors. Such concerns include the impact on revenue for coal-bearing states, revenue of railways for whom coal is the biggest cargo, loss of employment for labour and so on. It is emphasised that even though a transition (away from coal) is now inevitable, it needs to be planned as a "just" transition, taking on board all these concerns.

However, in the discourse around a just transition, one key issue appears to have got very little attention –the fate of the people who have been severely affected due to coal mining, washing, transport, burning and waste disposal. No transition will be just unless it addresses the outstanding issues of these communities.

This report captures in great detail and with intensity the massive suffering of communities impacted by NTPC Ltd.'s coal mining operations in the North Karanpura area of Jharkhand. It reveals in a systematic and comprehensive manner, the dispossession unleashed on communities as their resources of land, forests, common lands, water are taken away by the project; the pittance given to them as compensation, that is not enough to offer adequate sustenance, let alone any long term livelihood creation; the broken promises of jobs; and the severe pollution of their land, water and air that leaves their health and well-being in a wretched state. The report records the experience of communities who are being forced to watch helplessly as the promised "development" bypasses them. In the process, the case for reparations makes itself.

The report thus does an excellent job of the task it has set out for itself – to make “an attempt towards determining the real socio-economic cost that these communities will suffer due to their displacement and the development of the coal block(s)”, costs that are “often externalised or in this case, dumped solely on the impacted people”. Most importantly, it calls for reparation based on such an audit, and recommends that given the circumstances, it is mandatory that such an auditory study be “conducted and spearheaded by the very people who have been at the receiving end”.

Unfortunately, the situation presented in this report, of NTPC Ltd. and Pakri-Barwadiah and other mines, is not unique. It is seen in all coal mining areas in the country, be it Korba or Raigarh in Chhattisgarh, Singrauli in Madhya Pradesh or Jharsuguda in Odisha, to name only a few. Unlike some of the analysts who call for or predict a total phase-out of coal, the Government’s position is that even with its importance reduced, coal will continue to play a significant role in India’s electricity sector for several more decades at least. This then raises the question that if a transition is not “just” unless it addresses the situation of the victims of coal, how can a continuation of coal mining remain just without addressing the grave impacts on the affected communities?

It is indeed a travesty of justice that coal mining and use are allowed to continue without the impacts being meaningfully addressed. Not just that, but now, in the name of accelerating “development”, the Government of India has opened up coal mining for commercial purposes, and 41 mines were put for auctions in the first phase. Five of these are in the neighbourhood of Pakri-Bawadih, in the North Karanpura coal blocks. This means that soon, a number of private players are likely to start mining in this area that is already bearing the brunt of severe social and environmental impacts. Mining by private companies, as against a public sector entity like NTPC Ltd., is likely to exacerbate the impacts on people as it is inherently more difficult for local people to hold a private company accountable. Even access to a private company becomes more difficult. This is clearly seen in the report as it highlights how the MDO (Mine Developer and Operator) Thriveni Sainik has allowed NTPC Ltd. to escape full accountability, shielding NTPC Ltd. from any significant questioning by the people and at the same time, evading scrutiny for its own actions by claiming to be only the operator. This is a warning of the risks in handing over mining to private players, either directly or as MDO, as it leads to a compromise of accountability.

This evasion of responsibility and accountability by NTPC Ltd. is not because of any want of trying by the people to attract scrutiny to blatant malpractices. The region has seen a remarkable struggle by local communities for justice and for their rights, against the brutal onslaught of mining that has pushed them towards dispossession and deprivation. One of the most important contributions of this report is that it has chronicled this struggle in all its detail, bringing out vividly the courage, tenacity and determination of the people who

have been carrying out their struggle in the face of massive odds. They have fought against the full brunt of state power and the violence unleashed by the police, including multiple incidents of firing in which several people were killed. The report also brings out how this very visible and overt violence is surpassed by a much more insidious, slow violence that is the full might of the state and its force of attrition. Yet, the people have remained steadfast in their fight, illustrating that determination and the fight for survival and dignity can still face the superior political and economic power of the state even when handicapped by dispossession. This record of the people's resistance by the report is a very valuable resource for all those who want to learn and understand such struggles – be it other affected communities, researchers or public policy workers. It is a moving account that remains in one's mind long after one has read the report.

The other message that remains with you – loud and clear - is that whether the country as a whole, and NTPC Ltd. in particular, continues to mine coal or transition to other more benign sources, there can be no justice without reparations.

Shripad Dharmadhikary
(Manthan Adhyayan Kendhra)
24 September 2020

Acknowledgments

The Report is seeing the light of the day as a result of untiring efforts by people on the ground, field associates and researchers from Jharkhand and Delhi. Jointly co-authored by Dr. Utkarsh Kumar and Dr. Himanshu Damle with research direction from Dr. Aswathy Senan. The authorial inputs were further augmented by field visits, on-location interviews, translations and extraction of information from the public domain.

We would like to acknowledge the support of Delhi and Jharkhand teams in shaping this work.

We would like to thank Vijayan MJ for supporting and ideating with the concept; Aashima Subberwal for persevering and being a constant critic of the work; Anil Tharayath Varghese for his critical inputs; Arun Mohan for his support and ground direction; Savita Vijayakumar and Musthujab Makkolath for designing support; Bhamati Sivapalan for copy editing the report; Anirudh Rajan for his in-depth understanding of financial details; Ayaz Ahamad and Jibin Robin for constant support; and Siddharth Chakravarthy for his insightful suggestions; and members of TRC and PFPAC for investing their faith in the study.

We would also like to thank friends and working teams from Jharkhand for their constant assistance, appreciation, constructive criticism and feedback in ensuring the publishing of the report. The teams also laid the groundwork by facilitating field visits, on-location interviews, access to information that have largely been incorporated in different formats through the study.

Our heartfelt thanks to Shripad Dharmadhikary for his critical comments on the report and also for an encouraging foreword.

It is purely unintentional in case any names are not being mentioned among those who have been integral to this study.

The study was initiated from the inferences drawn by the Fact-Finding team that traveled to Jharkhand in the wake of the deadly shooting that claimed the lives of four innocent children in 2016.

The Report is dedicated to all those who have been resisting the onslaught on their lives and livelihoods and pays homage to those who have laid down their lives in this fight.

- The Research Collective and Public Finance Public Accountability Collective

Timeline of Events

2004

- Pakri-Barwadih coal block allocated to National Thermal Power Corporation Ltd (NTPC).

2004-07

- NTPC allegedly carried out a secret survey in 28 villages in Barkagaon district to acquire land.

2006

- November: NTPC plans to open their local office for Pakri-Barwadih coal mines.

2007

- January: The Forest Rights Act comes into existence.
- January: NTPC plans to stage a public hearing but people protest. Protestors are charged with cases.

2009

- May 19: NTPC states Environmental Public Hearing was conducted on April 16, 2007 and subsequently environmental clearance was accorded.
- August 23: A meeting held among District Administration, villagers and NTPC in Chepakhurd (one of the project-affected villages) where a land compensation-cum-R&R package based on provisions of Government of Jharkhand R&R Policy 2008 was discussed and announced by DC, Hazaribag.
- Land for coal mine acquired under India's Coal Bearing Areas (Acquisition and Development) Act, 1957 which is used for land acquisition for coal mining by the Indian public-sector companies.
- An order issued by the MoEF stating that for industrial projects to receive forest clearance, state governments have to obtain the consent of relevant gram sabhas for the diversion of forest land, and to also ensure that the process of claiming forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed.

2010

- May: NPTC becomes a Maharatna company.

- September: MoEF granted forest clearance under the Forest Conservation Act to mine 1026 hectares of forest land as part of the project. (This is in violation of FRA 2006 as it does not consider the many local communities dependent on forest land for farming, grazing livestock, and selling forest produce. MoEF's letter granting forest clearance does not specify whether Gram Sabha consent was obtained).
- November: The mining contract for Chirudih unit awarded to Thiess Mines India, an Australian private mining company.
- November: NTPC announced a 27-year contract for 23,000 crores INR with M/S Thiess Mines India Pvt. Ltd. (an Indian subsidiary of the Australian company, Thiess) which was annulled in May 2014.

2011

- Mines and Minerals (Development and Regulation) Bill, 2011 to replace the 1957 Coal Bearing Areas (Acquisition and Development) Act tabled in the Parliament.

2013

- February 18: Jharkhand Government approves the R&R package of NTPC for project-affected persons in Hazaribag.
- July 23: The police shot at farmers in Pagar village when they tried to stop an NTPC contractor from starting office construction, killing Keshar Mahto (55) on the spot and injuring three others.
- Aug-Sept: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 passed and came into effect from January 1, 2014.
- Nov 15: Koyla Satyagraha under the banner of Azadi Bachao Andolan, Karanpura Bachao Sangharsh Samiti, Janm Bhumi Raksha Samiti, Visthapan Bachao Sangharsh Samiti, etc.

2014

- The government increased the compensation rate for raiyati land from 10 lakh to 15 lakh INR per acre.

2015

- February 21: Land compensation increased to 20 lakh INR per acre from earlier 10 lakhs INR per acre in a phase-wise manner and a provision for the encroachers

(760 No.) on Gair Mazarua (Govt.) land was also considered by NTPC as a compensation for loss of livelihood subject to certification by district administration.

- March: Land Acquisition Amendment Bill introduced in the Lok Sabha by BJP-led NDA Government faces tough resistance from key opposition parties who stated that the proposed amendments were "anti-farmer" and "anti-poor".
- August 14: About 200 Badkagaon villagers reached Dhenga village, where NTPC contractors were building a resettlement colony. Led by Nirmala Devi (MLA, Badkagaon), the villagers announced that they were going to sow paddy at the construction site. The police responded with tear gas shells and shot 22 rounds of bullets into the crowd. Six persons were injured in the firing, including a journalist. All six were arrested by the police when they reached the civil hospital in Hazaribag for treatment.
- August 25: MLA Nirmala Devi arrested from the State Assembly while the monsoon session was on.
- September: Thriveni Sainik Mining, a joint-venture private mining company, was appointed the Mine Developer-cum-Operator (MDO) for Chirudih unit. Without conducting the Gram Sabha (village group meeting) and a Social Impact Assessment, the District Administration declared the village Gair Mazarua land to be barren, contrary to the villagers' version, and transferred it to NTPC.
- A consortium of two companies - Thriveni Earthmovers and Sainik Mining - won a tender to begin mining by the end of 2016.

2016

- May 17: Amidst a lot of protests, and with heavy security, mining starts.
- September 15-30: Around a thousand odd villagers, led by Nirmala Devi and her husband Sri Yogendra Sao (ex-MLA), started a sit-in protest near a mining site in Chirudih village, blocking the main approach road to the working area of Pakri-Barwadih coal mining project, demanding the stoppage of mining in the area.
- September 30: An FIR lodged by NTPC.
- October 1: Police fired 60 rounds of bullets at a peaceful sit-in protest of villagers against unjust land acquisition in Hazaribag District. The police violence killed four villagers, and injured at least 40.

- October: Pakri-Barwadih mines opened and become operational under heavy police protection in spite of heavy resistance, even though the land acquisition process was still under way.
- December 7: NTPC announced that it had successfully exposed seam-III in its first coal mine, Pakri-Barwadih, after the removal of over burden of 7 lakh cubic meters. The company stated that coal production from the mine will commence shortly.

2017

- February: Phase 1 of the project started.
- October: Mining started.

2018

- December 1: Residents of Jugra village complained to the District Administration that NTPC had forcefully acquired their land to build a supply route to its Pakri-Barwadih mine.

2019

- April 1: NPTC's Pakri-Barwadih mine in Hazaribag District of Jharkhand is declared commercial.
- August: NTPC announced the incorporation of a subsidiary NTPC Mining Ltd., paving the way for its foray into commercial coal mining.

	PAKRI-BARWADIH COAL BLOCK 15 MTPA	CHATTI-BARIATU COAL BLOCK 3 MTPA North- West	KERENDARI 6 MTPA
Name of affected villages Note:According to official figures which discounts villages falling outside the lease holding area as affected village	Chirudih, Itij, Nagadi, Arahara, Pakri- Barwadih, Dadikalan, Chepakalan, Sindwari, Sonbarsa, Churchu, Jugra, Chepakhurd, Keri, Langatu, Deoriakhurd, Urub, and Barkagaon.	Chatti-Bariatu, Basaria, Beltu, Jebra, Kandaber, Nawadih, Sirma, and Urub	Tarhesa, Pandu, Pagar, Kabed, Baledeori, Basaria, and Lochar.

Table 1: Details of the Coal Blocks and the Affected Villages

Setting the Tone for the Study

Mining in India, and all over the world, is an industry which has immense economic, ecological, social and cultural impact. The Ministry of Coal India in its website declares that its goal is to “secure availability of coal to meet the demand of various sectors of the economy in an eco-friendly, sustainable and cost-effective manner.” However, studies on India’s mining industry depict gross violations caused by the industry, including deliberately bypassing environmental norms and legal regulations, forced displacement and eviction of communities, besides destroying natural resources like rivers and agricultural lands that these communities are dependent upon, corruption in allocation and operation of mines, human rights violation and rampant assault on labour rights.

Electricity generation in India is dominated by coal-based power plants, which account for approximately 59 per cent of total installed capacity. However, 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 – a simultaneous evolution and devolution, which would be dependent on market conditions, for it is the latter that could act as the slug to phasing it out. Coal mine closures involve a set of highly regulated practices, and any closure requires planning and mine-site rehabilitation, which are integral parts of mine operation plans worldwide. Further, there are disenfranchisement costs as regards to job losses in mining and social dislocations that need to be factored in while talking of transition from fossil fuels to greener technologies; processes that will remain unjust without addressing mine rehabilitation, and eventually reparations. Socio-economic overhangs need to be considered alongside environmental precocity, which in turn will make closing down mines a costly affair.

Objective of the Study

Coal is cheap and dirty without doubt, but it becomes burdensome due to a host of factors, chief among which is the financialization of it. When a coal mine is financialized¹, avenues for reparation face overwhelming roadblocks. Financialization takes stock of reparation as

¹ The financialization of natural resources is the process of replacing environmental regulation with markets. In order to bring nature under the control of markets, the planet’s natural resources need to be made into commodities that can be bought or sold for a profit. It is a means of transferring the stewardship of our common resources to private business interests. The financialization of nature is not about protecting the environment; rather it is about creating ways for the financial sector to continue to earn high profits.

costly and thus deterring policy makers from proceeding in that direction.² In this report, we concentrate on the NPTC Limited (henceforth NTPC), India's largest public sector energy conglomerate³ and its operations in parts of Jharkhand, India. NTPC has also made its intentions clear, with regard to focusing on increasing its renewable energy generation capacity, while leaving the renewable procurement responsibility to the Solar Energy Corporation of India (SECI)⁴. These ties in with the global energy transition away from fossil fuels to renewable sources of energy, and India's declaration to do the same, making it pertinent to take stock of NTPC'S operations with regard to movement to renewable sources.

When it comes to the question of public purpose, NTPC enjoys much leniency from scrutiny due to its public sector status. The 'public purpose' of its projects is ever changing, and oftentimes involves gross violations of indicators, be they land acquisition, resettlement and rehabilitation policies, or mitigating socio-economic and environmental risks. In order to target other players uniformly, it is important to hold NTPC accountable in front of communities and people whose lives and livelihoods have been affected. It is important to push Public Sector Undertakings (PSU) like NTPC, whether they do coal-based energy production or greener technologies, to be equitable and just in their land acquisition and land use, in implementing fair labour policies, in meeting environmental norms and ensuring environmental health of its surroundings with consent and input of local communities.

In 2003, NTPC was allotted land for coal mining in Hazaribag district of Jharkhand state. Landowners and affected villagers have still not consented to the acquisition of their fertile-agricultural lands that yield three-crop harvests every year. 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 was transferred to the Ministry of Coal and then to NTPC in 2009. The community has also accused NTPC of violating the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) 2006.

According to the community, land belonging to about 150 families has been forcibly acquired since 2009. The area is also known for its exceptional fertility, producing three

² Refer to Epilogue on what internationally-followed guidelines are to address reparations and mine closures.

³ NTPC has been ranked no. 1 "Independent Power Producer and Energy Trader" in the Platts Top 250 Global Energy rankings in 2018.

⁴ Mishra, T. 2019. Keen to step up own production, NTPC to stop buying, re-selling renewable power. The Hindu Business Line. 24 Dec. <<https://www.thehindubusinessline.com/companies/keen-to-step-up-own-production-nptc-to-stop-buying-re-selling-renewable-power/article30390561.ece>>

crops annually. 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. 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. Various newspapers have reported how the police have disrupted demonstrations and meetings by the community that had organised under the Karanpura Bachao Sangharsh Samiti and other alliances, by resorting to baton charges and slapping false cases on villagers. 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. This proves the continuing violation of social, economic and cultural rights of indigenous communities. The affected communities, who belong to economically and socially depressed classes, maintain a livelihood through access and rights over local natural resources, be it agrarian land or forests. This study brings forward details of such violations and the externalities (hidden costs of fossil fuels) caused by NTPC.

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 seeks to identify and measure 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. As these are communities whose existence is determined by access to natural resources, many socio-economic needs like basic sustenance and health care, in a preventive sense, are met by interactions independent of the market. After displacement, affected communities will have to purchase articles to satisfy these needs without the requisite purchasing capacity. This too is a cost that these communities must bear, similar in some ways to the reverse of an opportunity cost. The depreciation of productive value of the land that is acquired and despoiled to such an extent that it cannot be reverted to its previous use, or in some cases used in any way, also needs to be factored. The measure and valuation of these costs is an attempt towards determining the real socio-economic cost that these communities will suffer due to their displacement and the development of coal block(s).

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.⁵ 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. Such a valuation will enable an estimation of what is to be economically lost by the affected community and allow for an effective comparison with paltry sums offered as compensation. This will illuminate the real cost that is to be externalised by NTPC and its backers on to the affected community.

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. If this is a goal in the immediate future, then the long-term purpose of this study would be to build upon how investments by the NTPC are riddled with inefficiencies in the State of Jharkhand. 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 which is far from being pro-people and is foraying into the renewable sector, leaving a trail of questionable track record in its wake.

That NTPC is diversifying into the renewable sector, especially solar,⁶ is getting a lot of traction. NTPC has also declared to not be involved in using imported coal for its operations. This point, however, implies the company digging into domestic resources for its coal

⁵ In energy audit (involving fossil fuels), it is best to estimate the total economically recoverable fossil fuels. This is done by measuring the full-cycle energy returned on energy invested (EROEI) for the remaining deposits after a good enough estimation of what is being extracted, or likely to be extracted for the project is had. After all, what is going to be built is the future valuation with the surplus energy extracted, not the gross (surplus = total BTUs extracted - BTUs expended during extraction). This estimate will represent the total principal balance of energy bank account. Then is calculated if there is any energy leftover. If so, it is demarcated for the future use and generations. The future generations shall have their own sets of needs and desires that cannot possibly be known today. The wager is that there won't be any excess fossil energy to pass along.

⁶ NTPC commissioned its first solar power project in the month of March 2013 at Dadri near Delhi. The total project capital cost was 48.59 crore, and Wipro designed the project over 27 acres of land within the premises of the existing NTPC Dadri plant. Jai, S. 2013. 'NTPC commissions its first solar power plant at Dadri.' The Economic Times. 29 March. <<https://economictimes.indiatimes.com/industry/energy/power/ntpc-commissions-its-first-solar-power-plant-at-dadri/articleshow/19278580.cms>>

demand, and the rationale behind NTPC having entered into coal mining. But there is more than meets the eye here. The biggest contributor to taking such a decision is NTPC's silence over coal reparations. Retiring thermal power plants when they become operationally unviable or cannot meet the stringent pollution norms by 2022,⁷ not only add a financial cost, but also a huge social cost on the lives of those impacted by irreparable damage. Similarly, abandoning a coal mine becomes too costly for the ecology, and does nothing to mitigate socio-economic adversity that the project-affected people are already subjected to. In a nutshell, NTPC's decision to take a turn towards renewables has a hidden component. Such shifts are unjustified unless robust coal reparations are documented in policy and implemented on ground. This study will take a close look at the financial, socio-economical, ecological, cultural, livelihood and life losses that the people in the villages of Jharkhand have had to endure due to the inception of the coal mining projects, at a time when the Government of India has planned to auction 41 new coal mining projects to private players, besides looking at what this means in terms of compensating externalities and reparations.⁸ The operations of NTPC need to be measured on transparency, accountability and responsibility, and this is where this study attempts to find a footing.

The study has been conducted through extensive field visits, interactions with affected communities over the course of a year (from 2018-19) and analyzing primary and secondary sources of information pertaining to the company. The research has also heavily depended on telephonic and one to one conversations with activists, lawyers and local journalists, some of who prefers to keep their involvement anonymous and hence have been given proxy names in the report.

NTPC: Through the Years

The New Delhi-headquartered NTPC has its roots stretching back to 1975. From 1975 onwards, it is at the forefront of power development in India with its presence spread through the value chain of the power generation business. As the term 'Thermal' suggests in NTPC, the primary focus of the corporation has been to generate power by burning fossil fuels. But in recent times, it has diversified its generational capacities by making forays into renewables and some hydro power generation as well. Such forays could be the *raison d'état* for reduction in carbon footprint by limiting greenhouse gas emissions. In order to strengthen its core business, the corporation has diversified into fields of consultancy, power

⁷ India's coal-fired power plants must meet stringent new emission norms by 2022, which were set in December 2015 by the MoEF&CC. But a new study report by the Centre for Science and Environment (CSE) says with barely two years to go before the deadline hits them, almost 70% of the plants will not meet the emission standards. <<https://www.cseindia.org/coal-based-power-norms-coal-based-10125>>

⁸ TK Rajalakshmi. 2020. 'Auction of Coal Mines against all reasons.' Frontline. 17 July. <<https://frontline.thehindu.com/the-nation/article31951331.ece>>

trading, training of power professionals, rural electrification, ash utilisation, oil and gas exploration, and coal mining⁹ in addition to generating electricity via hydro and nuclear sources.

NTPC became a Maharatna¹⁰ company in May 2010, and was ranked as the 492nd biggest company in Forbes Global 2000 ranking. At the time of writing this report, the total electric power generating capacity of NTPC stands at 57,106 MW (including Joint Ventures). Although the company has approximately 16 per cent of the total national capacity, it contributes to over 25 per cent of total power generation due to its focus on operating its power plant at higher efficiency/utilization levels. This amounts to approximately 80.2 per cent against the national Plant Load Factor (PLF)¹¹ rate of 64.5 per cent in FY 2017-18. At the time of writing, NTPC produces 25 billion units of electricity per month. It currently operates 53 power plants comprising of 22 coal, 7 combined cycle gas/liquid fuel, 2 hydro, 1 wind and 11 solar projects. It also has 9 coal stations and 1 gas station, either owned by Joint Ventures or subsidiaries. The Maharatna producer's total commercial production rose 17 per cent in the last five years from 233 billion units (BU) in 2013-14 to 273.5 BU in FY19. Coal-fired capacity accounted for 95.6 per cent of the total generation in 2018-19 with smaller contributions from NTPC's gas-fired capacity (2.7 per cent), renewables¹² (1.1 per cent) and large hydro (0.6 per cent).¹³

Founded by the Government of India in 1975, its name was changed from National Thermal Power Corporation Limited to NTPC Limited in 2005, and was primarily done due to its entry in hydro and nuclear-based power generation along with backward integration by coal

⁹ It was in 2004 that the first coal block was allotted to NTPC.

¹⁰ In 2009, the Government of India decided to establish the Maharatna status for Central Public Sector Enterprises (CPSEs). The Maharatna status gives more autonomy and authority to a company than the other categories such as Navratna or Miniratna. Maharatna CPSEs can invest from INR 1,000 crore to INR 5,000 crore. PSUs with Maharatna status can invest 15% of their net worth in a project without the prior permission from the Government of India. There are certain conditions that need to be fulfilled for a CPSE to be a Maharatna, viz. It should first be a Navratna company; It should have a turnover of more than Rs. 25, 000 crore over the last three years; Net worth of the company should be more than Rs. 15,000 crore over the last three years; After payment of taxes, the company should be making a net profit of more than Rs. 5, 000 crore annually. The company as per the rules of the Securities and Exchange Board of India (SEBI) of minimum prescribed public shareholding limit, must mark its presence at the Indian Stock Exchange.

¹¹ In the electricity industry, load factor is a measure of the output of a power plant compared to the maximum output it could produce. Commonly it is defined either as the ratio of average load to capacity, or the ratio of average load to a peak load in a period.

¹² The low percentage of contribution towards the renewables sector could be why NTPC's foray there isn't as significant as it is touted to be.

¹³ Dash, J. 2019. 'NTPC contains tariff rise with fall in coal imports, power blending.' Business-Standard. September 18. <https://www.business-standard.com/article/economy-policy/ntpc-contains-tariff-rise-with-fall-in-coal-imports-power-blending-119091801157_1.html>

mining. By 2032, it is estimated that the total capacity will be a diversified fuel-mix, and non-fossil fuel-based generation capacity which shall make up around 30 per cent of NTPC's portfolio.

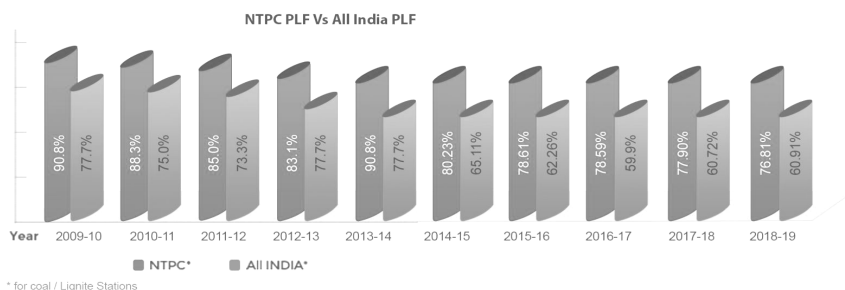


Table 2: Growth of NTPC installed capacity and generation (Source: <https://www.ntpc.co.in/en/about-us/ntpc-overview>)

NTPC plans to be a 130 GW company by 2032 and a 600 BU company in terms of generation. Coal would continue to be a predominant fuel with 65 per cent share of coal-based capacity in its portfolio, whereas the non-fossil fuel-based capacity would achieve a share of 30 per cent (Refer Table 3).

in GW	By 2032	% Mix
Coal	85	65.4
Gas	6	4.6
Hydro	5	3.8
Solar	30	23.2
Other RE	2	1.5
Nuclear	2	1.5
Total	130	100

Table 3
(Source: NTPC Diversified Growth <https://www.ntpc.co.in/en/about-us/diversified-growth>)

In October 2004, NTPC launched its Initial Public Offering (IPO) consisting of 5.25 per cent as offer for sale by the government of India. NTPC thus became a listed company in November 2004 with the government holding 89.5 per cent of the equity share capital. In February 2010, the shareholding of Government of India was reduced from 89.5 per cent to 84.5 per cent through a further public offer. The Government of India has further divested 9.5 per cent shares through the Offer-for-Sale¹⁴ route in 2013 and thus the Government of India's holding in NTPC reduced from 84.5 per cent to 75 per cent. The rest is held by institutional investors, banks and public. As of this writing, with further divestments, the Government of India's holding in NTPC has reduced to 56.41 per cent. The decision to invest 8,900 crores INR was reached by NTPC in 2013 and the idea behind it was to have its own mines and reduce the share of imported coal from 21 per cent to 10 per cent.

Pollution Norms

Under the norms¹⁵ introduced in 2015 by the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India, power plants commissioned between 2003 and 2016, (which account for 65 per cent of India's total 197 GW coal capacity) will have to cap their NOx (Oxides of Nitrogen) emissions at 300 milligram per cubic meter. New plants commissioned from 2017 onwards - that comprise 5 per cent of total coal-based thermal power capacity - must limit NOx emissions to 100 milligram per cubic meter. But what is shocking is that the Government is already in the process of diluting these norms for power plants that came up between 2003 and 2016 from 300 to 450 milligram per cubic meter, according to an affidavit¹⁶ from the Central Government to the Apex Court. NTPC, on the other hand, is suggesting that norms for new plants commissioned after 2017 also be diluted from 100 milligram per cubic meter to 450 milligram per cubic meter.¹⁷ The case of pollution norms and emission standards will be dealt with in detail, subsequently.

¹⁴ Offer-for-Sale is a simpler method of share sale through the exchange platform for listed companies. The mechanism was introduced by India's securities regulator (SEBI) in 2012, to make it easier for promoters of publicly-traded companies to cut their holdings and comply with the minimum public shareholding norms by June 2013. The method was largely adopted by listed companies, both state-run and private, to adhere to the SEBI order. Later, the government started using this route to divest its shareholding in public sector enterprises.

¹⁵ Ministry of Environment, Forest & Climate Change. 2015. 'A Revised standards for Coal-based Thermal Power Plants' (The Gazette of India, Notification). New Delhi, Delhi: Government of India. Retrieved June 24, 2020, from <<http://www.indiaenvironmentportal.org.in/files/file/Moef%20notification%20-%20gazette.pdf>>

¹⁶ The affidavit can be accessed at <<https://www.indiaspend.com/wp-content/uploads/2020/01/MoEFCCs-Affidavit-dated-05082019.pdf>>

¹⁷ The 300 milligram per cubic meter that applies to the majority of Indian plants is five times higher than that already being met by power plants in China. It is twice the norm in Germany and the European Union, and more than three times that in the US. Even the lowest Indian NOx norm of 100 milligram per cubic meter is twice the world's strictest norms of 50 milligram per cubic meter set by China for its coal-powered plants. All of these countries are meeting their NOx norms using the same technologies rejected by NTPC.

Forays into Coal Mining

In late August 2019, NTPC announced the incorporation of a subsidiary NTPC Mining Ltd, paving the way for its foray into commercial coal mining.¹⁸ Not just content with the incorporation of this subsidiary, the power sector Maharatna also made elaborate plans to list the coal subsidiary on stock exchanges. This will also enable the company to run like a coal company. The Central Public Sector Enterprise (CPSE) has been allotted 10 coal mines to meet its fuel requirements, with operations in 5 already having begun. NITI Aayog had already given its nod for the setting up of a coal subsidiary and the delay was only due to waiting for Coal Ministry's affirmation. The main objective of the coal mining arm will be to sell coal to others from its mines in open market after meeting its own requirements.¹⁹ The 10 blocks allotted to NTPC are: Pakri-Barwadih, Chatti Bariatu (including Chatti Bariatu-South), Kerandari, Dulanga, Talaiipalli, Bhalumuda, Banai, Mandakini-B, Banardih (allocated to Patratu Vidyut Utpadan 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.

NTPC's Pakri-Barwadih in Hazaribag District of Jharkhand started production on January 1, 2017 and has been declared commercial from April 1, 2019. This is a basket mine for NTPC's Eastern Region Power Plants and close to 11.85 MT of coal has been extracted from the mine till the middle of the year 2019. The production target²⁰ for this mine in 2019-20

¹⁸ The thinking was that as international coal prices rose and as domestic supply constraints developed, India's energy security would require deals on yet-to-be-developed coal projects in Indonesia, Mozambique and Australia. India's power generation companies decided, as a result, that the best business strategy was to buy distant coal mines to supply their own plants: "Backward Integration" as the NTPC would describe it.

¹⁹ In a related development, IPPs will now be allowed to use contracted fuel supply from Coal India at any plant run by the same group. This is expected to reduce the cost of power generation making them more competitive because if a power company has separate fuel supply agreement for each plant, it can transfer coal from one plant to another. This would also reduce transport cost and take the load off railways during peak season. In the words of a Coal India executive, "Coal India Board has recently allowed this category of plants, around 40 in numbers, to avail a facility which was so far being enjoyed by state and central government-owned power plants. State-owned producers like NTPC have benefitted from the facility. The development will now benefit some 45 GW of generation capacity.

Sengupta, D. 2019. 'Independent power producers allowed to use Coal India supplies across plants.' The Economic Times. 9 December. <<https://economictimes.indiatimes.com/industry/energy/power/independent-power-producers-allowed-to-use-coal-india-supplies-across-plants/articleshow/72432437.cms?from=mdr>>

²⁰ A new billing system is in the offing, courtesy Coal India and NTPC, whereby, the mechanism will compute prices on every unit of Gross Calorific Value (GCV) instead of the grade policy at the moment. You pay for exactly what quality you get. For each GCV, 48 paise will change upward or downward from the median of each grade that Coal India has proposed. Coal India has 17 grades, 2000 - 7000 GCV with gradations of 300 GCVs between two grades. Coal India expects this mechanism to bring down corruption, and leave a positive impact of coal production. Earlier miners weren't allowed to cross a grade, which was difficult, but with the new pilot version to be in place, these miners will be encouraged to produce more. This just might be their undoing. For more details,

happens to be 8.48 million tonnes. The Dulanga block coal extraction has been ongoing from March 2018 and close to 0.72 million tonnes of coal has been extracted from the mine till June 2019, which is located in Odisha, and where the target in 2019-20 happens to be 2.50 million tonnes.

see Rakshit, 2018. A Coal India's new GCV-based billing system for consumers likely from July. Business Standard. 27 April. <https://www.business-standard.com/article/markets/coal-india-s-new-gcv-based-billing-system-for-consumers-likely-from-july-118042700058_1.html>

Dirty Coal and Dirty Coal Practices

Secrecy Around Inception of the NTPC Project

In 2007, the villagers of Urub village of Chatra district were informally told about the coal mining project when they approached the district officials to claim rights over forest land under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [henceforth FRA 2006].²¹ The local state officials declined to facilitate peoples' claim over forest lands saying the lands had already been 'sold' to NTPC for mining purposes. Till the time when exploration and prospecting work for Phase-I of a 15 million tonnes per annum (MTPA) Pakri-Barwadih coal extraction project of NTPC was over, a studied silence pervaded. The Hazaribag district officials were struck in an awkward situation. Since the major chunk of mining lease was strategically facilitated under Coal Bearing Areas (Acquisition and Development) Act, 1957 [henceforth CBA 1957] instead of routine acquisitions under the colonial Land Acquisition Act, 1894, the authorities had no obligations to seek consent of the local inhabitant population before moving the lease application.²² Going by official documents, the Pakri-Barwadih coal project involves rehabilitation and resettlement of only 17 villages.²³ By the time the three phases (Phase-I, II and III) covering all the three coal blocks of North and South Karanpura with geological

²¹ A report of the fact finding team of Bindrai Institute for Research, Study & Action (BIRSA) which visited forest fringe villages namely Urub and Chirudih suggests how forest dweller's application for claiming forest patta (tenureship rights) were ignored when the local government had already decided to give away forest land to the NTPC; Dubey, Vikas; 2018; 'Cast out!-by companies and coal in India: Between the Pit and the Dump; A report on the life and livelihood of a landless Dalit community in NTPC's Pakri-Barwadih Coal Project at Barkagaon, Hazaribag'; Mines and Communities.

²² The Coal Bearing Areas (Acquisition and Development) Act, 1957, which was further complimented with nationalisation of non-coking coal mines in India with promulgation of the Coal Mines (Nationalization) Act, 1973, unfortunately provides for aggressive and involuntary displacement of human settlements on the coal bearing areas. The legislation provides complete impunity to the state which, in principle, enjoys absolute proprietorship rights over coal deposits at the event of land acquisition. From point of view of the disaffected population the Coal Bearing Areas Act seems to be an essentially regressive act, particularly when compared to 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' which shields rights of affected population and provides space for dialogue and negotiations with the extractive companies.

²³ Sankalp Patra' [Resolution cum agreement letter] of NTPC Ltd. approved by A. K. Rastogi, Special Secretary to Government, Department of Revenue and Land Reform by order of the Hon. Governor, Government of Jharkhand; Order no. 10/D.L.A./NTPC (Co) re.-16/09/R, Ranchi; (date-not mentioned); In 'Six monthly progress report' filed by T. Gopalakrishna, Group General Manager, PB, CB, & KD CMP, NTPC Ltd., Hazaribag, to Additional Principle Chief Conservator of Forest (C), Ministry of Environment, Forest and Climate Change, Regional Office (ECZ), Ranchi (Jharkhand); Annexure 13 to 'Status of the compliance of conditions stipulated in the Environmental Clearance by MoEF & CC and progress report for the period April 2017 to October 2017 for NTPC Ltd-Pakri-Barwadih Coal Mining Project (15 MTPA): Ref. no. 1040/PBCMP/EMG/2017/F-47; 16 November 2017.

deposits will get successfully executed, the project would have impacted a sum total of 28 villages.²⁴

The NTPC's plan is to dig over the entire 32 villages (as per approved mining plans of Pakri-Barwadih, Chatti-Bariatu, and Kerendari coal block respectively) in search of a very poor grade of coal mineral. Ideally, the ash content in the coal to be used in power plants should not exceed 34 per cent at any given time.²⁵ However, the coal reserves at North Karanpura are with high burden of fly-ash. According to the geological estimations, out of 10.22 billion tonnes of non-coking coal reserves at North Karanpura about 81 per cent are of 'inferior' grade specification viz. E, F & G grades characterized by high ash content (varying from 34 to 55 percentage) and very low Useful Heat Value (ranging from 1300 Kcal/Kg to 3360 Kcal/Kg as against the 'superior' grades with 5600 Kcal/Kg UHV).²⁶ Employing them for power generation would not only hinder efficiency of end user power plant but also have adverse implications for local population and environment in the vicinity of such establishments where it is to be used.²⁷ Additionally, the coal ash with high mercury concentration (on an average 0.53 mg/Kg), which is a general characteristic of Indian coal, is deemed potentially hazardous for containment purpose owing to its toxicity.²⁸

The coal extraction project involuntarily mounted on these villages threatens outright evacuation, dislocation, and cultural obliteration of the residents of North Karanpura; a little valley at the foot of Mahudi Pahar (hill) known for its natural serenity, biodiversity, and bumper paddy crop.²⁹ This could be termed as creeping land acquisition; step by step invasion of private land and lived spaces of people, majority of who are agriculturist rural population and forest dependent communities. The gentler slopes of the Northern and Southern part of Karanpura valley are endowed with perennial rivulets (Hoharo and

²⁴ The NTPC plans to step-by-step operationalise Chatti-Bariatu, Chatti-Bariatu (South) and Kerandari Coal Blocks out of which one is already under mining (15 MTPA) and pre-feasibility report for NW Quarry of Pakri-Barwadih (3 MTPA) is already been moved for processing.

²⁵ Chikkatur, P A and Sagar D A. 2007. 'Cleaner Power in India: Towards a Clean-Coal Technology Roadmap'. Belfer Center Discussion Paper 2007-06, December 2007. Cambridge: Belfer Center for Science and International Affairs.

²⁶ Biswas, D. (ed.). 2000. Parivesh Newsletter: June. Central Pollution Control Board, Ministry of Environment and Forests, Government of India, New Delhi.

²⁷ D'Souza, Swati, and Anjali Ramakrishnan (eds.). 2014. 'Energy Security Insights'. 9. (Special Issue on Coal). The Energy and Resources Institute (TERI).

²⁸ For a detailed geophysical log and analysis of coal assay parameters (such as ash content, fixed carbon, moisture, etc.) of North Karanpura coalfield see, Dey, Joyjit, Souvik Sen, and Surjyendu Bhattacharjee. 2018. 'Geophysical Log-based Coal Characterization of Middle Permian Barakar Formation from North Karanpura Coal Field, India.' *Journal of the Geological Society of India*. 92 (1): 36-44.

²⁹ For a compelling account of cultural history of Barkagaon see, Bhaskar, Arghya, 2017 'Jharkhand's Barkagaon, Indiscriminate Mining is Threatening a Rich Cultural History', *The Wire*, June 5.

Ghaghria), natural springs and waterfalls, and fertile multi-crop yielding agricultural land. The forest fringe village settlements share cadastral boundaries with Barkagaon Reserve Forest and depend on the forest produce 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.³⁰ The rivulets of Ghaghra river passing through the leased out area create magnificent cascades as they fall over the south facing escarpment near the 'little valley town' of Barkagaon.³¹ The rice bowl of the district is an expansive visual of a thriving agricultural economy, thanks to these rivulets and natural drainages.

Pakri-Barwadih is an opencast mine and uses both conventional and advanced technological methods for mining. It has 5 seams and the life of the mine is 39 years. The various methods of mining a coal seam can be classified under two headings: surface mining and underground mining. Surface and underground coal mining are broad activities that incorporate numerous variations in equipment and methods, and the choice of which method to use in extracting a coal seam depends on many technological, economic, and social factors. The technological factors include, at a minimum, number of seams, the thickness and steepness of each seam, the nature of thickness of the strata overlying the seams, the quality of the coal seams, the surface topography, the surface features, and the transportation networks available. Economic factors include energy demand and its growth, the supply and cost of alternative sources of energy, coal quality and the cost of coal preparation, the selling price of coal, advancements in technology that affect cost of production, and environmental legislation. Social factors include prior history of mining in the area, ownership patterns, availability of labour, and local or regional government support.

It is a general rule that technological factors dictate a clear choice between surface and underground mining, whereas economic and social factors determine whether a coal reserve will be mined at all. Some coal reserves, however, are surface-mined first and then deep-mined when the coal seam extends to such great depths that it becomes uneconomical to continue with surface mining. The point where it becomes economically necessary to switch from one method to the other can be calculated with the aid of stripping ratios which represent the amount of waste material that must be removed to extract a given amount of

³⁰ The villagers depend on the forest for firewood, fencing material, poles for house-building and timber for agricultural implements, etc. Out of the bamboo, which is found in abundance, baskets, chucks, mats etc., are made and sold in the local weekly haats. The forest yield varieties of edible fruits and roots on which the local people subsists. The chief fruits are kend, piar, ber, bhelwa, wild jamun, karaunda, bel, etc., and there are several tubers which are known as ban-aaloo. The forest is also reservoir of medicinal plants like Chireta, Kalmegh, Kurchi, Lodh, bark of Arjuna, Satmool, Anantmool, etc.

³¹ The Jharkhand state speaks loud about these natural endowments of Barkagaon to promote eco-tourism. See 'Welcome to Hazaribag: "A city of thousand Gardens"'; Accessed at:

<<http://jharkhanddarshan.com/Hazaribag.html>>

coal. Stripping ratios can also consider the selling price of coal, and a certain minimum profit can be added to the total cost of producing and marketing the coal for a more thorough cost-benefit analysis.

The Various Players behind the garb of NTPC

Pakri-Barwadih happens to be the first mine to provide low cost coal for its power stations, replacing the expensive coal imports and feeding NTPC's mega plant in the region. When NTPC debuted in captive coal production, the Pakri-Barwadih mine was a contentious mine and it commenced operations only after seven years of allotment. With a block area of 42.62 sq. kms. and mining capacity of 15 million tonnes per annum, the mine is deemed to act as a fuel security unit to ensure sustained growth of electricity generation. That NTPC doesn't have the necessary expertise to carry out mining activities can be gauged by the fact that it has appointed Thriveni Sainik Joint Venture as a Mine Developer Cum Operator (MDO)³² 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. It is pertinent to examine how 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. According to the Minerals Concession Rules, the act of subletting or assigning substantial control of the leased-out property to any third party should have invited litigations. But, appointing an MDO helps NTPC in obfuscating boundaries between its own management and the managers of the contractor MDO. In other words, the legal status and role of the MDO remains questionable; especially in the manner in which NTPC has consigned complete control of the Pakri-Barwadih coal block to the MDO. The website of Thriveni Sainik in its 'About Us' section states: "NTPC Ltd, India's largest power generation company has appointed Thriveni Sainik Mining Pvt. Ltd, as its MDO for the Pakri-Barwadih Coal Block (West Pit) in Jharkhand in September 2015. After barely six months into the job, Thriveni Sainik Mining Pvt. Ltd had achieved what could not be done in a decade's time. Thriveni

³² Thriveni has awarded Zyfra the contract to implement its intelligent mine solution. Zyfra will supply, install, configure, integrate a complete package of equipment, and then operate, maintain the system and impart training for a period of one year. Automatic dispatching and optimization software locates mining equipment, creates a schedule and assign routes to mobile equipment according to the production objectives in real-time. Payload and fuel level monitoring system allows optimizing average payload of haul trucks and eliminating under loading and overloading. Using intelligent Mine, connected work force and well-informed operators would enable better safety practices and add real business value to mining operations.

Sainik Mining Pvt. Ltd has a goal of delivering its peak capacity of 15 million tonnes of coal per year to be pursued for 27 long years.”³³ NTPC has never acknowledged the MDO Thriveni Sainik as a Special Purpose Vehicle especially constituted to run its coal mines. It needs to be reiterated that 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.

The plan of roping in an MDO for operating coal mines was hardly mentioned in the mining proposal. Still 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. The MDO is a proxy to easily run away from responsibility towards the resettlement and rehabilitation of the affected population as well. Not only has NTPC outsourced the coal extraction and transport work to Thriveni Sainik, but it has also relied completely on the sub-contractor for carrying out its Corporate Social Responsibility (CSR) activities in the mines-affected region. Such contractual agreement with Thriveni Sainik, a JV, whose partners have a blotched track record of managing iron-ore mines in Odisha,³⁴ could be seen as a deceitful arrangement to allow space for manipulations, corruption, and criminality.

‘The Sydney Morning Herald’ in an investigative journalistic piece detailed how an Australian mining major had paid bribes to NTPC and the Ministry of Power to get the contract way back in 2008. The report titled ‘How one ‘fixer’ earned \$2.2 billion over 20 years from Australian company Thiess’ had named Syam Reddy, a Hyderabad-based mining contractor for illegally influencing the contract bid. The report said Reddy had “ offered as much as \$16 million in bribes to officials in order to have the contract awarded to Thiess”.³⁵ The coal block in question is the very same Pakri-Barwadih coal block, which was secured by NTPC through government allocation for sourcing coal for its power plant in 2008. Towards the

³³ Thriveni Sainik. <<http://thrivenisainik.com/about-us/>>

³⁴ While the Assistant General Manager (AGM) of NTPC, Hazaribag speaks highly of Thriveni Sainik in carrying out exhaustive CSR activities, the MDO has a tainted record in the extractive economy, especially in iron-ore mining sector. It is also alleged by many observers that the company used to resort to a range of coercive techniques at a time to fetch contract from big mining-lease holders. During the 2000s, when the extraction of iron-ore was at its boom, the company had earned the status of the largest mineral-raising contractor and earthmoving equipment renter. For a related news item, see: Mohanty, Meera. 2012. Mining mafia or Robinhood? B Prabhakaran is accused of illegal mining worth Rs 900 crore in Odisha. The Economic Times. 12 March. <<https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/mining-mafia-or-robinhood-b-prabhakaran-is-accused-of-illegal-mining-worth-rs-900-crore-in-odisha/articleshow/12225237.cms?from=mdr>>

³⁵ Business Standard. 2017. ‘Australian paper says Thiess paid bribe to get mining contract in India.’ 7 April. <https://www.business-standard.com/article/economy-policy/australian-paper-says-thiess-paid-bribe-to-get-mining-contract-in-india-116040700066_1.html>

end of 2010, Thiess was awarded a \$6 billion contract to mine for coal. Under the deal, Reddy would use his influence to help Thiess secure the coal contract, and in return Thiess would give Reddy's company work at the mine, which would earn him \$2.2 billion over 20 years. That this arrangement was murky even worried Thiess' auditors.³⁶ The Managing Director of Thiess, Bruce Munro, did not do any due diligence on Reddy when the Memorandum of Understanding (MoU) was signed to expedite the terms of the contract in a mad rush. By 2014, two years after the Deloitte Report was submitted, the Government of India annulled the contract with Thiess. Subsequently, Reddy used his influence to issue arrest warrants against Bruce Munro, and launched legal action against Thiess for the breach of contract, which he eventually lost in arbitration.

NTPC in an official communiqué released on May 14, 2014 said that M/S Thiess Mines India Pvt. Ltd. had been appointed as a Mine Developer-cum-Operator (MDO) for a period of 27 years at the estimated contract cost of 23,000 crore INR.³⁷ The contract consisted a development period of 360 days, and balance operation stage. Thiess failed to make any headway despite the fact that development period of the contract was extended twice, initially for 450 days and then later for 360 days. In total, an opportunity of 1170 days was given for development, and the work had been a non-starter. NTPC apprised the Australian Minister for Mining during the latter's visit to India. The persistent reviews of Minister of Coal, Ministry of Power and Government of India were also appraised to Thiess from time to time, and there wasn't any field level improvement shown by Thiess. Meanwhile for this coal block of Pakri-Barwadih, the Ministry of Coal, Government of India had imposed a bank guarantee of 138.6 crore INR at the poor progress of scaled National Asset, a move which NTPC contested. Since other contractors were making good progress, NTPC had no option but to terminate the contract on May 7, 2014 with a notice period of 45 days.³⁸

³⁶ According to the report, Thiess asked Law firm Ashurst if the company or any of its executives or agents had breached the law of the company's code of ethics. Ashurst engaged Deloitte investigators to examine a trove of emails and question Thiess' employees. The report quotes a Thiess manager to have told investigators that Reddy claimed he had paid Rs 1 crore to win the contract. Deloitte report has exposed a series of dealings between Reddy and Bruce Munro, the then managing director of Thiess. Baker, R. and Mckenzie, N. 2016. 'How one 'fixer' earned \$2.2 billion over 20 years from Australian company Thiess.' Brisbane Times. 6 April. <<https://www.brisbanetimes.com.au/business/how-one-fixer-earned-22-billion-over-20-years-from-australian-company-thiess-20160406-gnztes.html>>

³⁷ The Economic Times. 2015. 'NTPC to soon take call on Rs. 23,000 crore contract for Jharkhand mine'. 25 Sept <<https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/ntpc-to-soon-take-call-on-rs-23000-crore-contract-for-jharkhand-mine/articleshow/49103732.cms?from=mdr>>

³⁸ Press Release <<https://www.ntpc.co.in/en/media/press-releases/details/pakri-barwadih-captive-coal-block-ntpc>>

Delay in Executing Pakri-Barwadih Coal Mine Project

As mentioned earlier, the sector specific legislation of Coal Bearing Areas Act, 1957 allows space for aggressive land acquisition.³⁹ Such acquisitions are often involuntary and authorise outright and forceful land acquisition with complete impunity to the State. The tag of PSU serves only as an instrument to facilitate mining lease at a throwaway price to the state-owned company. The 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. The villagers vehemently opposed setting up of a conveyor belt at Katkumdag village which reportedly led to a confrontation among the parties. The villagers were particularly aggrieved at the low amount of compensation that NTPC was offering in lieu of eviction.⁴⁰ An Inter-Ministerial Committee (IMC) on this Pakri-Barwadih coal mines slapped 364.71 crore INR Bank challan on the NTPC for non-opening of the mine within the stipulated timeframe (by 2008).⁴¹ Somehow a conflict of interest crept in-between NTPC and Thiess India Pvt. Ltd. pertaining to the delay in execution of the project and land acquisition. The NTPC frustratingly, in 2015, called for a fresh bidding by private miners to operationalize Pakri-Barwadih coal project.⁴²

Thiess has challenged this move by NTPC in the Delhi High Court at the failure of contract to the scale of \$5.5 billion (approx. 32,000 crore INR).⁴³ This prompted NTPC to develop a stricter and cost-cutting mining plan to recover the loss due to lapse of time (5 year and 6

³⁹ It is to be noted that the Coal Bearing Areas (Acquisition and Development) Act, 1957, is one of the 13 acts which has been kept outside the purview of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

⁴⁰ Times of India, 2013. 'Protestors halt NTPC mining in Hazaribag'. 7 June.
<<https://timesofindia.indiatimes.com/city/ranchi/Protesters-halt-NTPC-mining-in-Hazaribag/articleshow/20470002.cms>>

⁴¹ Imposition of Bank Guarantee of Rs. 138.6 Crore for non-opening of coal mine through official order. See 'Introduction and submission of Bank Guarantee (BG) in respect of Pakri-Barwadih coal block allocated to NTPC'; File no. 13016/29/2003-CA-I (Vol.-II), Ministry of Coal, Government of India, New Delhi;; 13 February, 2014. Accessed on 19 August 2019,
<https://www.coal.nic.in/sites/upload_files/coal/files/curentnotices/130214_0.pdf>

⁴² A joint venture (JV) of Thriveni Earthmovers Pvt. and Sainik Mining bided and eventually won the 23,000 crore INR contract soon after NTPC cancelled a contract earlier awarded to Thiess Minecs India Pvt. Ltd, a joint venture between Australia-based Thiess Pty. Ltd and Kolkata-based Minecs Finvest Pvt. Ltd. The NTPC officials said that the company had decided to terminate the contract (on 13 May, 2015) after Thiess Minecs failed to make any progress in developing the mine.

⁴³ The sub-contractor mining company Thiess has challenged the abrupt termination of contract for developing and operating the NTPC's \$5.5 billion Pakri-Barwadih captive coal block by NTPC in the Delhi High Court under Arbitration and Conciliation Act, 1996. It has sued NTPC for recovery of cost anchored by it during initial development stage of the mine. See, Thiess Mines India Pvt. Ltd. v. NTPC Ltd. Hon. Delhi High Court, July 1, 2014. Accessed at: <<https://www.casemine.com/judgement/in/56090f6ae4b014971117eda6>>

months). At this crucial juncture a joint venture private south Indian mining company, namely Thriveni Sainik entered the picture. Thriveni Sainik out-bid some of the 13 big corporations including Adani Enterprises and AMR India to grab the 23,000 crore INR contract for a period of 27 years.⁴⁴ Thriveni Sainik offered 850 INR per ton of coal at the mouth of the mine, cheaper than any other contenders could have offered considering the escalation of cost due to failed older contract with Thiess and undue delay in opening the mine.⁴⁵ Soon the joint-venture took over the coal extraction project as the new Mine-Developer-cum-Operator (MDO) and built its site office amidst strong resistance.⁴⁶ The Pakri-Barwadih mines finally opened and become operational in October 2016 under heavy police protection even though the land acquisition process was still under way. The Jharkhand government, seeing the strong opposition against acquisition of private lands, leased out forest land to NTPC to initiate coal mining for the time being as diverting forest land did not require land acquisition process to complete.

Failed Inter-Governmental Agreement with Sri Lanka

Almost along the same timeline (2006-2015), the Indian government signed an inter-governmental agreement with Sri Lankan state for building a 500 MW Coal-fired Ultra Supercritical power plant.⁴⁷ The proposed site for the plant was initially located at South Trincomalee district at the eastern coast of Sri Lanka. However, in 2007, the NTPC, in its capacity of joint venture partner of the Sri Lankan state owned Ceylon Electricity Board, insisted that the Sri Lankan government shift the site of the proposed plant to Sampur, a coastal area in north Trincomalee. But the Sri Lankan government apprehended that the NTPC was keen to exploit cheap labour of internally-displaced population, a by-product of Sri Lankan civil war.⁴⁸ The Sri Lankan government considered that it was injudicious to

⁴⁴ Millennium Posts, 2015. 'Thriveni Sainik venture emerges top bidder for NTPC Jharkhand mine'; August 18, Accessed at: <http://www.millenniumpost.in/Thriveni_Sainik-venture-emerges-top-bidder-for-ntpc-jharkhand-mine-101935>

⁴⁵ Ibid.

⁴⁶ The MDO Thriveni Sainik faced huge resistance while opening site office. On August 14, 2015, state police indiscriminately opened fired on villagers protesting against construction of resettlement colony at Dangi village. Immediately after the incident of police firing the state police raided houses of protestors, arrested them in large numbers, and physically assaulted many villagers. Amid an atmosphere of fear and intimidation the mine was finally opened.

⁴⁷ Business Standard. 2013. 'NTPC to set first overseas power plant in Sri Lanka,' January 21. Accessed on 7 Aug 2019: <https://www.business-standard.com/article/companies/ntpc-to-set-up-first-overseas-power-plant-in-sri-lanka-111090700081_1.html>

⁴⁸ Wijedasa, Namini; 2008. 'Ethnic cleansing? No thanks, just cleansing for power,' Sri Lanka Guardian, June 1. Accessed at: <<http://www.srilankaguardian.org/2008/05/ethnic-cleansing-no-thanks-just.html>>

disturb an already war-torn displaced Tamil population at Sampur.⁴⁹ To avoid political agitation and communal tension between Tamils and Sinhalese, the Sri Lankan state requested NTPC to consider shifting the power plant to another location (at Foul Point Area).⁵⁰ The project was indefinitely delayed over selection of the site for the proposed power plant. This delay could also be attributed to the strong resistance by Dravida Munnetra Kazhagam (DMK), a mainstream Indian political party-led Tamil Nadu government against the Sri Lankan government and NTPC. The Sri Lankan state, in September 2016, in a bold move sidestepped from the agreement saying it would severely injure environmental balance.⁵¹ Thus, the NTPC's first international joint venture waned into time due to failed negotiations. However, failing at an international front had its ramifications on the domestic coal mining and power generation projects of the NTPC.

A Relook at the Dubious MDO: Thriveni Sainik's Tainted Past

Thriveni Earthmovers has a tainted track record in the Indian extractive economy, especially in iron-ore mining sector. It is also alleged by many observers that the company has employed a range of coercive techniques to fetch contracts from big mining lease holders. In the 2000s, when extraction of iron-ore was at its boom, the company had earned the status of the largest 'mineral raising contractor' and earthmoving equipment renter. It had become a name synonymous with iron-ore mining in Odisha due to its omniscience, but in a bad light. The community alleges that Thriveni Earthmovers coercively controlled almost all the large-scale private opencast mines (lease-holding area more than 300 ha) in the state. For a contractor company, which had illicitly assumed the task of digging out iron-ore under private unaccountable agreements with the actual mining lease-holders, boom in iron-ore mining provided a gateway to accrue disproportionate profit through promotion of rampant illegal mining.

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.⁵² Acting on Shah Commission's report, four mining companies in Odisha which had

⁴⁹ There were protests over the resettlement of people displaced by the war with the LTTE in Sampur, the proposed site of the construction of the power plant. Since the war ended, Sampur had been declared a high security zone to which the proposal to build the coal power plant was seen as a further blow over the already displaced Tamils.

⁵⁰ Livemint. 2015. 'Sri Lanka asks NTPC to shift planned plant again.' October 7. Accessed at: <<https://www.livemint.com/Industry/D0Ud71oQISIXbeNI4RYquK/Sri-Lanka-asks-NTPC-to-shift-planned-plant-again.html>>

⁵¹ Business Today. 2016. 'Sri Lanka not to go ahead with coal power plant with NTPC,' September 13. Accessed at: <<https://www.businesstoday.in/current/corporate/sri-lanka-not-to-go-ahead-with-coal-power-plant-with-ntp/story/237288.html>>

⁵² Rajshekhar M., 2015. 'How a contractor from Tamil Nadu carved out enormous mining empire in Odisha, Scroll.in, November 5.

completely outsourced their mines to Thriveni were subsequently booked for evasion of tax and royalty. Thriveni appropriated profit to an unprecedented scale through sale and dispatch of millions of metric tons of illegally mined iron-ore. The Justice MB Shah Commission observed that the Thriveni Earthmovers was not just a mining contractor digging out iron-ore on behalf of the lease holder company, but the contractor company, and by proxy, actually controlled most of the iron-ore mines in the state, accrued disproportionate earnings through rampant illegal mining, and also dictated the terms of profit sharing with actual lease holders.⁵³

The company has allegedly done massive evasion of tax and royalty which rightfully belonged to the state treasury, by concealing the actual volume of iron-ore mined and sold. It is alleged that B. Prabhakaran, the owner of M/s Thriveni Earthmovers Pvt. Ltd., enjoyed a sturdy anchorage and political control over private mine owners (lease holders) due to his political clout and influence over ruling political parties across Jharkhand and Odisha. Under the garb of a mining contractor, Prabhakaran's company Thriveni ran expansive racket of illegal mining across iron-ore belts of Odisha and Jharkhand. The Shah Commission, in its exhaustive report, had explicitly charged the company for "deepening roots of corruption" among government officials, right from those who granted environmental clearances to the companies to those who monitored environmental management, transportation, pollution control, etc.⁵⁴

In 2014, Prafulla Ghadhai, Odisha's Finance Minister in the Biju Janata Dal (mainstream political party) led government, was sacked by Chief Minister Naveen Patnaik on the very day Ghadhai disclosed a deep nexus between Prabhakaran and the ruling party leaders in an explosive interview to 'Ravivar Sambad', a regional news channel.⁵⁵ Ghadhai accused that the state was completely in the grip of the mining contractor Prabhakaran who along with three other influential leaders, were complicit in the loot of the state's mineral resources. Reportedly, Prabhakaran used to exploit political resources at his disposal to get environmental, forest, and other statutory clearances for his employer mining lease-holding

⁵³ The report stated: "TEMPL may not merely be a raising contractor but actually an entity who controls entire mine by proxy".

⁵⁴ In the report on illegal mining filed by the Justice Shah Commission (in 2013) M/s Thriveni Earth Movers Pvt. Ltd found several mentions owing to its involvement in illicit activities in a capacity of a contractor for raising, processing, and shifting of iron-ore to designated stockyards for four private mining lease-holders. See, Shah, Justice MB. 2013. 'First Report on Illegal Mining of Iron-ore and Manganese ores in the state of Odisha' Vol.I. June, 2013. Government of India.

⁵⁵ Odisha SunTimes. 2014. The Ghadai bombshell: the interview that shook Odisha, September 21. Accessed at: <<https://odishasuntimes.com/interview-shook-odisha/>>

company, which otherwise remains a daunting task for them and without which companies cannot legally open mines.⁵⁶

Promises of getting clearance applications easily approved was employed by Prabhakaran as bait to perforce private iron-ore mining lease-holders to sub-let mines to his company. In return, Prabhakaran also used to dictate the terms of profit sharing with the private lease-holders. It is also alleged that Prabhakaran enjoyed close ties with TR Baalu, the DMK leader who was the then Cabinet Minister for Ministry of Environment and Forest (during United Progressive Alliance 2) and exploited this contact to run a syndicate of illegally getting environmental and forest clearance applications approved for a number of private lease holders. In Odisha, Prabhakaran is also popular by a nick name 'Reddy of Barbil', owing to similarity of his modus operandi to G. Janardhan Reddy, the main accused in illegal mining in Karnataka.⁵⁷ Reportedly, his company used to exact exorbitant profit share (35-40 per cent share in revenue) from the local private mining lease-holders.⁵⁸ Justice Shah in his report pointed out that such 'model of profit-sharing' between Thriveni and original lease holders clearly suggested coercion of original lease holders by Thriveni Earthmovers.⁵⁹ It also explains how the company's turnover, which was around 90 crore INR in the year 2000 rose to 1300 crore INR by 2015, a meteoric rise of 1344 per cent.

Some claim that Prabhakaran's ability to employ high-end earthmoving technology has also helped him exert undue pressure on lease holders to outsource their mines. Once a small-time contractor from Salem, Tamil Nadu, Prabhakaran tried his luck in rental business of heavy earthmoving equipment. Through a fleet of modern high-end mining equipment (such as Boart Longyear Drills and 40 tonne capacity Caterpillar excavators when his competitors were still employing 15-20 tonners and relied mostly on manual mining), he suddenly accelerated the proficiency of mining to an unprecedented scale in Odisha. Introduction of high-end earthmoving technology in iron-ore sector in Odisha suddenly offered local private miners the taste of the 'economy of scale', since the production rose to an unprecedented scale. Prabhakaran would offer lease-holders to get their pending applications approved, take care of transportation/dispatch work, manage hazardous material (disposal of overburden, stock-pile management, safety), file statutory reports and hire consultants for drafting Environmental Impact Assessment (EIA) compliance reports, even to manage local communities; more than what an employer company could expect from a contractor. These

⁵⁶ Some 19 different kinds of clearances are required before a mine is opened.

⁵⁷ Mohanty, Meera. 2012. Mining Mafia or Robinhood? B Prabhakaran is accused of illegal mining worth Rs 900 Crore in Odisha, The Economic Times, March 12.

⁵⁸ Rajshekhkar M., 2015. 'How a contractor from Tamil Nadu carved out enormous mining empire in Odisha, Scroll.in, November 5.

⁵⁹ Shah, Justice MB. 2013. 'First Report on Illegal Mining of Iron and Manganese Ores in the State of Odisha'. Volume-1, June.

allegations explain why private mining entrepreneurs, in a blind pursuit of short-term gratification and profit, without literally having to do anything, categorically outsourced mines originally allotted to them to Prabhakaran's company. The company would practically take over the control of the lease-holder's property and enjoy absolute discretion in all matters.

A First Information Report (FIR) was filed against Thriveni at Joda police station (Kendujhar district, Odisha) under various sections of Indian Penal Code (IPC) where the commission had recommended setting up a full-fledged Central Bureau of Investigation (CBI) enquiry against the contractor company Thriveni Earthmovers.⁶⁰ Following this, some in the Thriveni staff were arrested and subsequently, the MD of Thriveni B. Prabhakaran was also booked in a case heard at the High Court of Odisha for 'suspicious dispatchment' of iron-ore rakes at the Jurudih Railway siding, Keonjhar, Odisha, in which he later managed to get bail.⁶¹

Reportedly, volumes of illegally mined iron-ore were being dispatched with connivance of railway staff where the legal status of the consigner Thriveni was held questionable by the court. Besides these, a number of allegations were made against Thriveni Earth Movers Pvt. Ltd regarding illegal mining before the Justice Shah Commission. This was during the public hearing when the commission members visited Keonjhar, Odisha. In the said court trial, some of the reputed counsels of India like Ram Jethmalani and Abhishek Manu Singhvi represented Prabhakaran and managed to get him released on bail. The four private leaseholders who had employed Thriveni were also summoned by the court for violation of EIA Notification, 1994 and rule 37 of the Mineral Concession Rules, 1960, that is for transfer of lease without permission.⁶²

When the commission compared Google images of mining areas of the consignee, they found numerous instances of encroachments and deviation from mining plan, land use plan, etc. which affirmed the fact of rampant illegal mining in the areas under Thriveni's control. Based on these facts it won't be surprising to assert that the company Thriveni Earthmovers whom NTPC has contracted to run its Pakri-Barwadiah Coal mines is actually a product of boom in illegal iron-ore mining in Odisha in the last decade (from 2000-2013) and has a blotted track record. It is to be noted that a joint venture between Thriveni Earthmovers and Sainik Mining & Allied Services Pvt. Ltd, tends to replicate a similar model at Pakri-Barwadiah

⁶⁰ Joda P.S. case no. 31, March 4, 2010, u/s 379/34 of IPC turned on to u/s 379/420/468/471/120 (B) of IPC.

⁶¹ Case no. BLAPL no. 6376 of 2010 in Bamebari Police Station case no. 37/10. In the honourable High Court of Odiha.

⁶² Four lease holders were respectively M/s Indrani Patnaik, M/s D.R. Patnaik, M/s Tarini Minerals and M/s Serajuddin Pvt. Ltd.

Coal mines, albeit, under the full patronage of the State and heavyweight PSU, the NTPC,⁶³ this time. Especially, when one of the partners, Sainik Mining & Allied Services Pvt. Ltd has faced allegations for having 74 per cent stake in state owned Odisha Mining Corporation (OMC) which, in a PIL filed at the Supreme Court, was observed to violate the Coal Mines (Nationalization) Act, 1973.⁶⁴ 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. Such taskforces have been constituted at district level to curb the menace of illegal mining under Jharkhand Minerals (Prevention of Illegal Mining, Transport and Storage) Rules, 2017.⁶⁵

Thriveni Sainik is mediating the day-to-day affairs of the NTPC and its relations to the disaffected population to the extent of assuming itself to be the face of the PSU in the community. For villagers, it is difficult to pinpoint who is the actual manager: Thriveni Sainik or the NTPC (both have set up their offices in the locality), and whom they should approach to lodge any complaint. This vicious circle of accountability sharing between the NTPC management and Thriveni Sainik is rendering villagers helpless, especially if they want to register complaints. Besides, a common villager has to negotiate through the intimidating Thriveni Sainik's office, which is fortified with barbed neck high enclosure with tight surveillance security. Such a well-designed fortification and layers of security-checks makes the MDO management officials out of bounds for a common villager. Then again, Thriveni Sainik is not directly interacting with the affected community, and has rather promoted an amorphous institution they call 'Khadaan Visthapit Gram Vikas Samiti' (Mines Displaced Village Development Committee) which is detailed in the later part of the report.

The contract paper or Memorandum of Understanding (MoU) between the NTPC and Thriveni Sainik, which could help explicate this MDO model of sharing profit, risk, accountability and social responsibility between the two separate entities, has never been disclosed to the public. The Assistant General Manager (AGM) of NTPC, Hazaribag Umesh Singh speaks highly about the MDO Thriveni Sainik adding that they are carrying out "exhaustive CSR activities" and are "complying with existing norms". The task of "effectively" engaging the local community in the project has illicitly been assigned to the MDO by the NTPC which in itself seems to violate the CSR norms. The AGM asserts that the previous MDO (Thiess) could not "connect to the people of the area" which Thriveni Sainik

⁶³ The other partner of the Joint Venture Sainik Mining & Allied Services Pvt. Ltd. (incorporated in 1989) claims expertise in managing logistics of mining infrastructures; mainly in removal of overburden and transport of coal.

⁶⁴ PTI Bhubaneswer. 2012. 'Odisha Mining cancels pact with Sainik Mining.' October 1.

⁶⁵ Inquiry Report recorded by District Mines Officer, Hazaribag on February 5, 2018 and submitted before the Office of the Deputy Commissioner cum District Magistrate, Hazaribag during a review meeting of the District Task Force on illegal mining held on January 5, 2019.

has “successfully” been able to do.⁶⁶ Beyond any doubt, the MDO has literally rescued the NTPC project from a potential deadlock, has given significant impetus to extractive operations since it entered into the contract. The project has flagged off 3000 rack of coal from Pakri-Barwadih Coal Mines by June 21, 2019 in a span of twenty months since Thriveni Sainik took over the contract.⁶⁷

Besides operationalising 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. However, if the stated overachievement of the MDO in dispatching coal racks is contrasted with the number of Project Affected Families (PAFs) who has been resettled to the R&R Colony within the same period of time, the figures are very discouraging. Despite putting utmost pressure, Thriveni Sainik has so far been able to resettle only one PAF (from Chirudih village as per official records) to the R&R Colony till 2019.⁶⁸ Such an arrangement (MDO model), which is conveniently allowed to float outside the law specially to run the Pakri-Barwadih Coal Mines, raises various questions as it remains opaque and inscrutable. Owing to the above reasons, not only the legality of the MDO model becomes questionable, but also the purposes which it deceptively aims to achieve and the attention it seeks to divert.

⁶⁶ Video footage of the interview of Umesh Singh, AGM, NTPC, Hazaribag. Uploaded at the official website of Thriveni Sainik Private Limited; accessed at: <thrivenisainik.com/coal-mining/>

⁶⁷ It is to be noted that the first rack of coal from the mines was dispatched in October 2017, only when the Thriveni Sainik assumed role of an MDO. Although the project was flagged off on February 16, 2017, mining operations began the same year on October 1

⁶⁸ On June 21, 2019, the Thriveni Sainik announced that it has successfully relocated one PAF from the affected village Chirudih to the NTPC’s Rehabilitation and Resettlement Colony.

Particulars	PAKRI-BARWADIH COAL BLOCK 15 MTPA Pakri-Barwadih Coal Mine Project Area Anticipated life of the mine 39 years.	CHATTI-BARIATU COAL BLOCK 3 MTPA North-West (NW) Quarry of Pakri-Barwadih Coal Mine Project Anticipated life of the mines 52 years, including 3 years of construction.	KERENDARI 6 MTPA Kerendari-A Coal Mine Block Anticipated life of the mine 25 years	Cumulative figures of the three Coal Blocks
Project Area break up (in Ha)				
1. Forest Land (in Ha)	643.9	327.224	169.35	1140.474
2. Agricultural Land (in Ha)	1950.51	113.557	938.62	3002.687
3. Barren & Waste Land (in Ha)	159.64	24.666	0	184.306
4. Grazing Land (in Ha)	435	19.713	0	454.713

5. Human Settlement (in Ha)	101.22	0	0	101.22
6. Roads and Seasonal Nalas (in Ha)	29.15	0	0	29.15
7. Water Body (in Ha)	0	0	32.7	32.7
8. Others (not specified) (in Ha)	0	0	32.33	32.33
Total Project Area (in Ha)	3319.42	485.16	1173	4977.58

Table 4: Details of the affected terrains

3 Finances in Grey

Financial Health⁶⁹

Thrivani Sainik, India's largest Coal Mining MDO is helping NTPC to meet its fuel requirements of 50,000 MW per year. Pakri-Barwadhi coal mine is one of the biggest captive coal blocks allotted to NTPC with an extractable reserve of around 642 million tonnes (MT). The peak production from the block is 15 million tonnes and is expandable to 18 million tonnes. The project cost as originally planned and subsequently revised is marked at 4247.96 crore INR. If one were to break down the allocations, they are as follows:

Allocation mode for environmental management plans - 21 crore INR as capital (84 lakh INR per year).

Pollution control - 12 lakh INR

Pollution monitoring - 5 lakh INR

Occupational safety - 5 lakh INR

Green belt - 42 lakh INR

Socio-economic welfare - 20 lakh INR

The benefit cost ratio/IRR⁷⁰ stands at 9.23 per cent of IRR at 100 per cent capacity, and 5.63 per cent of IRR at 85 per cent capacity.

⁶⁹ Coal Mining Projects, Hazaribag. NTPC Limited. 16 Nov 2017.

<<https://www.ntpc.co.in/sites/default/files/downloads/PakribarwadhiCoalMine.pdf>>

⁷⁰ The internal rate of return (IRR) is a measure of an investment's rate of return. The term internal refers to the fact that the calculation excludes external factors, such as the risk-free rate, inflation, the cost of capital, or various financial risks. The internal rate of return on an investment or project is the "annualized effective compounded return rate" or rate of return that sets the net present value of all cash flows (both positive and negative) from the investment equal to zero. Equivalently, it is the discount rate at which the net present value of the future cash flows is equal to the initial investment, and it is also the discount rate at which the total present value of costs (negative cash flows) equals the total present value of the benefits (positive cash flows). Speaking intuitively, IRR is designed to account for the time preference of money and investments. A given return on investment received at a given time is worth more than the same return received at a later time, so the latter would yield a lower IRR than the former, if all other factors are equal. A fixed income investment in which money is deposited once, interest on this deposit is paid to the investor at a specified interest rate every time period, and the original deposit neither increases nor decreases, would have an IRR equal to the specified interest rate. An investment which has the same total returns as the preceding investment, but delays returns for one or more time periods, would have a lower IRR.

	FY2013/14	FY2014/15	FY2015/16	FY2016/17	FY2017/18	FY2018/19
Plant Availability Factor (PAF) (A)	91.8%	88.7%	91.9%	91.6%	86.0%	87.1%
Plant Load Factor (PLF) (B)	81.5%	80.2%	78.6%	78.6%	77.9%	76.8%
Capacity Utilisation (A*B)	74.8%	71.1%	72.2%	72.0%	67.0%	66.9%
Shareholder's funds (Rs crore)	87,003	82,094	88,782	96,231	104,511	107,408
Net Income (Rs crore)	11,404	9,986	10,183	10,714	10,481	12,442
RoE	13.1%	12.2%	11.5%	11.1%	10.0%	11.6%
Net debt (Rs crore)	51,859	73,117	81,977	97,409	111,220	133,057
Cash equivalents	15,311	12,878	4,406	2,930	3,977	2,143
Long term borrowing	62,406	78,532	85,083	97,339	108,697	119,698
Short term borrowing	4,764	7,463	1,300	3,000	6,500	15,502
EBIT (Rs crore)	17,689	14,027	14,244	22,463	23,979	25,905
Enterprise Value (Rs crore)	123,551	142,333	166,353	190,710	211,754	238,322
EBIT / Enterprise Value	14.3%	9.9%	8.6%	11.8%	11.3%	10.9%
Debt to Equity	0.77	1.05	0.97	1.04	1.10	1.26
Tax rate (%)	21.3%	4.4%	-0.6%	22.1%	20.7%	-23.5%

Table 5 (Source: NTPC Investor Presentation

<https://www.ntpc.co.in/presentations/8262/presentation-15th-analysts-investors-meet-held-mumbai-19082019>)

A benefit cost ratio (BCR)⁷¹ is an indicator used in costbenefit analysis that attempts to summarise the overall value for money of a project or proposal. A BCR is expressed in monetary terms, relative to its costs, which is also expressed in monetary terms. A BCR is a profitability index in for-profit contexts, and takes into account the amount of monetary gains realised. Simply put, the benefit-cost ratio summarises the overall relationship between the relative costs and benefits of a proposed project. If the BCR is greater than 1.0, the project is expected to deliver a positive net present value to a firm and its investors. In the present case, for the percentage value at both 100 per cent and 85 per cent capacities, it can be seen that the BCR stands at 0.92 and 0.56. This indicates its value to be less than 1 and therefore serving no positive impact as regards the net value present. In other words, the project's costs outweigh the benefits, and thus the project should be or should have been not viable to be considered.

Total expenditure on the project so far - 1301.12 crore INR

⁷¹ In the absence of funding constraints, the best value for money projects are those with the highest NPV (net present value is the series of cash flows occurring at different times. this provides a method of evaluating and comparing capital projects or financial products with cash flows spread over time, as in loans, investments, payouts etc.). When there is a budget constraint, the ratio of NPV to the expenditure falling within the constraint should be used. In practice, the ratio of Present Value (PV) of future net benefits is expressed as BCR.

Actual expenditure incurred on environmental management so far - 1.3672 crore INR through Thriveni Sainik.

The status of compensatory afforestation - 10.81 crore INR deposited with CAMPA.

NTPC's profits have risen to 12,442 crore INR in FY 2018-19, up to 18.7 per cent from 10,418 crore INR in FY 2017-18 assisted by a significant tax credit. Earnings before interest and taxes (EBIT)⁷² grew 8 per cent.

NTPC has a regulated equity⁷³ base of 54,500 crore INR. Given that the majority of NTPC's revenue comes from a regulated stream⁷⁴, the return on equity (ROE)⁷⁵ should continue to remain range-bound. Despite this, the thermal power headwinds are clear; ROE has come down from 13.1 per cent in FY 2013-14 to 11.6 per cent in FY 2018-19. NTPC has done well in managing to avoid unsustainable financial leverage. The upward trend in debt-to-equity ratio⁷⁶ from 0.77 in FY 2013-14 to 1.26 in FY 2018-19 compounds the decline in return on investment (ROI)⁷⁷ from 14.3 per cent in FY 2013-14 to 10.9 per cent in FY

⁷² Earnings before Interest and Taxes (EBIT) is a measure of a firm's profit that includes all incomes and expenses (operating and non-operating) except interest expenses and income tax expenses. Operating Income and Operating Profit are sometimes used as synonyms for EBIT when a firm does not have a non-operating income and non-operating expenses.

Formulaically, $EBIT = \text{Net Income} + \text{Interest} + \text{Taxes} = \text{EBITDA} - \text{Depreciation and amortization expenses}$.

$\text{Operating Income} = \text{Operating Revenue} - \text{Operating Expenses} = \text{EBIT} - \text{non-operating profit} + \text{non-operating expenses}$, where Earnings before Interest, Taxes, Depreciation and amortization (EBITDA) is an accounting measure using a company's earnings, before interest expenses, taxes, depreciation, and amortized are subtracted, as a proxy for a company's current operating profitability.

⁷³ Regulated equity returns are generally equal to the sum of the diskless rate of return and a premium for risk-bearing.

⁷⁴ NTPC determines a utility's total revenue requirement in what is known as a rate case. The revenue requirement represents the amount of money a utility must collect in order to cover its costs and make a reasonable profit. NTPC decides what the revenue requirement will be based on a number of factors, including the value of a utility's assets, the cost of debt and equity financing, and operating and administrative expenses. In terms of a formula, $\text{Total Revenue Requirement} = \text{Rate Base} \times \text{Allowed Rate of Return} + \text{Expenses}$; the 'rate base' is the value of the company's assets minus accumulated depreciation, the allowed rate of return drives a utility's profitability, and expenses are simply passed through, including fuel in cases where regulated utilities own power plants.

⁷⁵ Return on Equity (ROE) is a measure of financial performance calculated by dividing net income by shareholders' equity. Because shareholders' equity is equal to a company's assets minus its debts, ROE could be thought of as the return on net assets.

⁷⁶ The debt-to-equity ratio is company's total liabilities divided by its shareholder equity. The ratio is used to evaluate a company's financial leverage. It is a measure of the degree to which a company is financing its operations through debt versus wholly-owned funds, and more specifically is the ability of shareholder equity to cover all outstanding debts in the event of a business downturn.

⁷⁷ Return on Investment (ROI) is a performance measure used to evaluate the efficiency of an investment or compare the efficiency of a number of different investments. ROI tries to directly measure the amount of return on a particular investment, relative to the investment's cost. The result is expressed as a percentage or a ratio.

2018-19. NTPC's thermal utilization rate, the plant load factor (PLF)⁷⁸ has been consistently high, sitting comfortably in the range of 75 per cent and thereon. However, its plant availability factor (PAF)⁷⁹ has dropped below 90 per cent over the last two years due to unavailability of coal, suggesting that NTPC is mothballing some of its coal-fired capacity. Multiplying PLF and PAF gives the effective capacity utilisation rate, which has fallen from 74.8 per cent in FY 2013-14 to 66.9 per cent in FY 2018-19. Combined with declining real electricity tariffs, this is the key factor driving the ROI to decline.⁸⁰

Financial Costs of Emissions

On the emissions front, NTPC is installing⁸¹ Sulphur dioxide reducing technology flue-gas-desulphurization (FGD) at all its plants across the country. With an aim to embrace sustainable practices to produce power with minimum emissions, NTPC is implementing this technology across its power plants. At present, the adoption of this technology is currently at various stages of implementation for 65.35 GW of group capacity in 38 locations including upcoming projects. Once installed the FGD units will facilitate 100 per cent flue-gas treatment, thereby limiting the Sulphur content to a maximum of 0.49 per cent and achieve 90.6 per cent of SOx removal efficiency. NTPC is also installing de-nitrogen oxide (NOx) systems based on emission levels, in compliance with the NOx control in coal-fired plants. Implementation of such technologies will have huge environmental benefits as well as financial implications. NTPC noted early implementation has been cost effective, with

Formulaically,

$ROI = (\text{Current Value of Investment} - \text{Cost of Investment}) / \text{Cost of Investment}$, where Current Value of Investment refers to the proceeds obtained from the sale of the investment of interest.

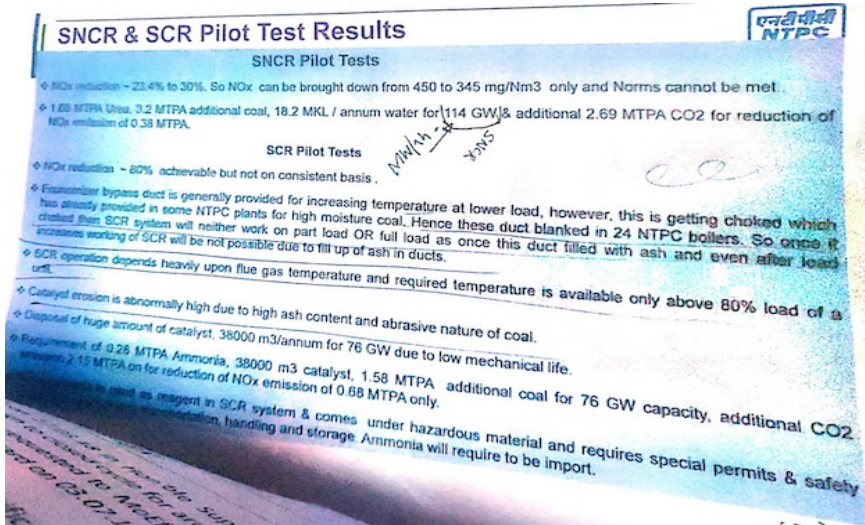
⁷⁸ The PLF is commonly considered as a measure of a power plant's capacity utilization. It is defined as a percentage of energy sent out by the power plant corresponding to installed capacity in that period. For example, if a power plant with an installed capacity of 500 MW operates through the day at its maximum load, the energy generated will be 500 MW X 24 hr = 12,000 MWhr. The energy sent out by the plant when operating at 450 MW for 24 hours will be 450 MW X 24 hr = 10,800 MWhr. Thus the PLF will be 10,800 MWhr / 12,000 MWhr = 0.9, or 90%. A low PLF is bad for the power plant as it indicates that the plant is not being used to its optimal capacity. This will increase the per-unit cost of the power thus produced, making it unattractive for purchase by Discoms. A higher PLF, on the other hand, will generate a greater total output which will reduce the cost per unit of energy generated. The higher the output, the lesser will be cost per unit. The additional energy produced would also result in an increase in revenue of the plant.

⁷⁹ The availability factor of a power plant is the amount of time that it is able to produce electricity over a certain period of time, divided by the amount of time in the period. The availability factor should not be confused with capacity factor, as the latter for a given period can never exceed the availability factor for the same period. The difference arises when the plant is run at less than full capacity, in which case the capacity factor is less than the availability factor.

⁸⁰ Shah, K. 2019. IEEFA India: NTPC spearheads electricity sector transition in India. September. <https://ieefa.org/wp-content/uploads/2019/09/NTPC-spearheads-electricity-sector-transition-in-India_Sept-2019.pdf>

⁸¹ NTPC has already commissioned the country's first FGD technology at the 500 MW unit number 13 (stage V) unit at its 4,760 MW Vindhyachal Power Plant in 2017 at the cost of Rs. 10 crore.

bids rising in the latest FGD contracts. Moreover, FGD-enabled plants will rank ahead in the dispatch merit order as the Ministry of Power is expected to tighten emissions control compliance. It should be noted that many of the coal-fired plants in India have already



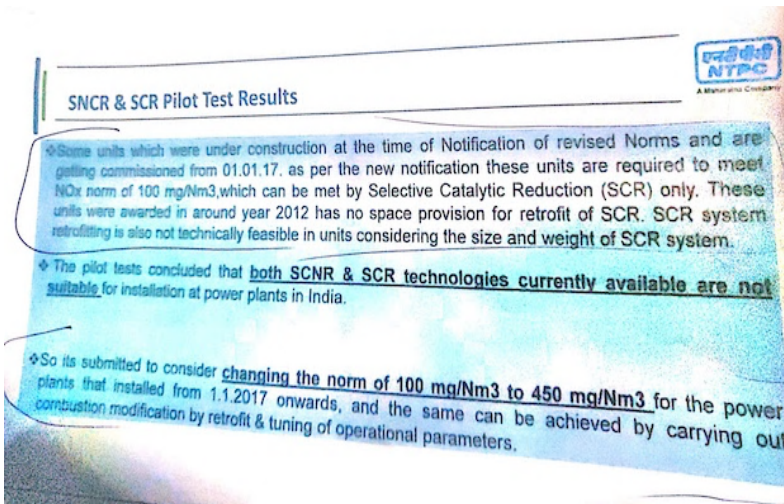
Source: Via IndiaSpend. A copy of NTPC presentation slide from 2 November 2019

missed the Government’s December 2017 deadline for the implementation of emission controls mandated back in 2015. This deadline has now been pushed ahead till December 2022, but there is a massive chance of them even missing this deadline.

But there is a catch here as far as pilot tests conducted by NTPC for checking NOx emissions are concerned. The NTPC pilot included two technologies: Selective Catalytic Reduction (SCR) and Selective Non-Catalytic Reduction (SNCR). These methods have been employed globally for more than 40 years to reduce NOx emissions. Called secondary methods, they cut NOx from the smoke duct post combustion. The cost of installing SNCR is about 2 lakh INR per megawatt (MW), while for SCR, it is about 10-15 lakh INR per MW. Cheaper primary methods which reduce the production of NOx during combustion also exist. These methods include combustion modification through installing low-box burners that reduce NOx by 30-50 per cent and Over Fire Air Burners (OFA) that reduce NOx by 20-45 per cent. Combustion modifications cost about 2 lakh INR per MW. A power plant would have to use both the primary and secondary methods to lower emissions. Indian power plants are considering primary modifications to meet the lenient standards of 600 milligram per cubic meter for

plants that are older than 2003, and constitute 60 GW (30 per cent) of India's total installed capacity. The SNCR and SCR technologies were being considered for plants that have to achieve new stricter targets of 300 milligram per cubic meter and 100 milligram per cubic meter.

In 2017, the Government of India stated⁸² that these two technologies were not tested for India's coal, which has a high amount of ash. The same year, NTPC set out to test these technologies in some of its units. The three-year long tests began in April 2017, and NTPC presented the results of these pilots to India's chief environmental agency, the Central Pollution Control Board (CPCB), in November 2019, where they declared that both these technologies were not suitable for installation in Indian power plants. The NTPC then suggested that the norms for the new plants be diluted from 100 to 450 milligram per cubic meter. Diluted levels can be achieved by "carrying out combustion modification and tuning of operational parameters".



Source: Via IndiaSpend. A copy of NTPC presentation slide from 2 November 2019

⁸² Tripathi, B. 2018. 'No Indian Tech To Clean Up Toxic Gas In Power Plants: Govt. Fact: Indigenous Tech Showed 'Excellent Results''. In FactChecker. 15 February. <<https://www.factchecker.in/no-indian-tech-to-clean-up-toxic-gas-in-power-plants-govt-fact-indigenous-tech-showed-excellent-results/>>

NTPC's sustained profitability is reflected in the material gap between average cost of supply (ACS)⁸³ and average revenue realized (ARR)⁸⁴ for the sale of its power. Despite inflationary pressures and real tariff declines over time, NTPC's ARR-ACS gap remained in the range of 0.89 INR per KWhr to 1.01 INR per KWhr between FY 2013-14 and FY 2018-19, underlining effective cost management initiatives.

	FY2013/14		FY2014/15		FY2015/16		FY2016/17		FY2017/18		FY2018/19	
	Bn Rs	Rs/kWh	Bn Rs	Rs/kWh	Bn Rs	Rs/kWh	Bn Rs	Rs/kWh	Bn Rs	Rs/kWh	Bn Rs	Rs/kWh
Commercial generation (BU)	233.0		240.8		240.8		250.1		265.0		273.5	
Total expenses related to generation (A)	542.4	2.33	574.9	2.39	531.9	2.21	569.9	2.28	604.7	2.28	648.2	2.37
Fuel	458.3	1.97	488.5	2.03	437.9	1.82	475.7	1.90	483.2	1.82	524.9	1.92
Employee benefits	38.7	0.17	36.7	0.15	36.1	0.15	43.2	0.17	47.3	0.18	47.8	0.17
Generation, administration and other expenses	45.4	0.20	49.8	0.21	57.9	0.24	50.9	0.20	74.2	0.28	75.5	0.28
Average tariff (B)		3.30		3.28		3.18		3.30		3.23		3.38
ARR-ACS gap (B - A)		0.97		0.89		0.97		1.02		0.95		1.01

Table 6 (Source: IEEFA Analysis, NTPC as a force in India's Electricity Transition)

NTPC's per unit fuel expenses declined from 1.97 INR per KWhr in FY 2013-14 to 1.92 INR per KWhr in FY 2018-19, whilst average nominal tariffs did not materially change from 3.30 INR per KWhr to 3.38 INR per KWhr during the same period. Coal India's after-tax coal prices increased at 4.1 per cent compounded annual growth rate (CAGR)⁸⁵ between FY 2013-14 and FY 2018-19. In light of an approximate 5 per cent in annual consumer price index inflation,⁸⁶ no material change in NTPC's average tariff reflects a deflation in real terms.

Total commercial generation increased 17 per cent in the last five years from 233 billion units (BU) in FY 2013-14 to 273.5 billion units (BU) in FY 2018-19. Coal-fired capacity accounted for 95.6 per cent of total generation in FY 2018-19 with smaller contributions from NTPC's gas-fired capacity (2.7 per cent), renewables (1.1 per cent) and large hydro (0.6 per cent).

⁸³ ACS is the cost that a DISCOM incurs in supplying one unit (1 KWhr) of electricity.

⁸⁴ ARR is the revenue generated in the purchase of 1 unit of electricity.

⁸⁵ CAGR is the mean annual growth rate of an investment over a specified period of time longer than one year. The CAGR is a mathematical formula that provides a "smoothed" rate of return. It is really a pro forma number that tells you an investment yields on an annual compounded basis, indicating to investors what they really have at the end of the investment period.

⁸⁶ The CPI is a measure that examines the weighted average of prices of a basket of goods and services, such as transportation, food, and medical care. It is calculated by taking price changes for each item in the predetermined basket of goods and emerging them.

So, what is behind the decreasing tariffs of NTPC? There are three factors attributed to this. These are,

1. 90 per cent decline in coal imports during the last five years. These have declined from 10.8 million tonnes in FY 2013-14 to 1 million tonnes in FY 2018-19. As imported coal is more expensive than its domestic version, the reduction in imported coal has restricted tariffs from rising in nominal terms (declining in real terms) through reduced fuel expenses. To add to it, NTPC getting on with coal mining has also played a big role in restricted tariffs on the one hand and uninterrupted coal fuel supply on the other. This is the vertical integration with its captive mines.
2. Lower fuel transportation costs - 64 per cent of NTPC's coal-fired capacity is in close proximity to the mine-mouth, which uses conveyor belts to transport coal from nearby mines, thus reducing transportation costs.
3. Blending renewable power with thermal power - the benefits of tariff differentials in low-cost renewable power versus expensive thermal power is equally shared between the power off-taker and NTPC.

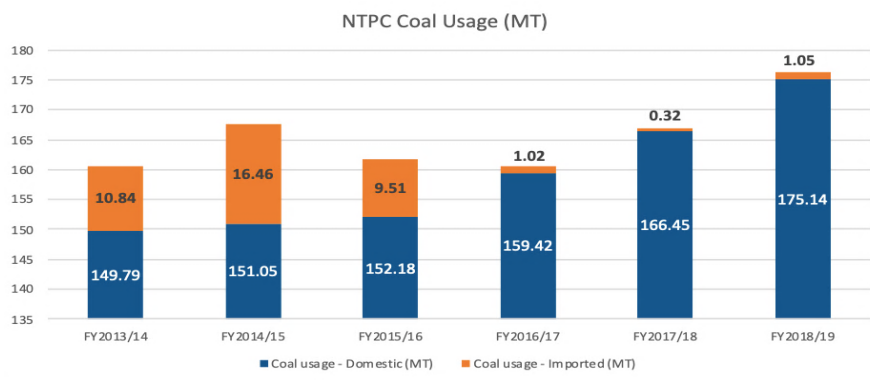


Table 7 (Source: IEEFA Analysis)

The NTPC extended the bid submission date for its 1.2 GW solar tender⁸⁷ to December 3, 2019, after there was no response when the tender was originally opened in August 2019 as industry was skeptical of the tariff cap of 2.78 INR per KWhr.

NTPC's variable coal-fired power plants are below the threshold of 3 INR per KWhr, meaning almost all of NTPC's existing plants remain competitive with renewable energy on a marginal cost of operation⁸⁸, i.e. ignoring fixed, contracted capital costs. This is a threatening perception as the all-in cost of new renewables⁸⁹ in India is already equal to or lower than that of domestic coal, and well below that of gas-fired power plants and imported coal. As renewable deflation continues, this financial risk involving domestic or imported coal for thermal-power plants will only rise materially.⁹⁰

As NTPC continues to add thermal generation capacities to its portfolio amid sustained under-recoveries due to coal shortage, it is also increasing the coal import target to meet the additional fuel demand. For its goal to add 4,880 MW thermal capacity by FY19-end, NTPC would have incremental coal requirement of 18-20 MT. To meet this demand, it plans to import 11.9 MT in FY20, more than twice the 5 MT target set for FY19. In the first nine months of FY19, 0.38 MT imported coal has been consumed, 73 per cent more than what was used in the corresponding last fiscal period.⁹¹

NTPC's power plants received 45.4 MT of coal in the quarter, 13.4 per cent more than what was supplied in the preceding quarter ending in September 30, 2018. However, the company continues to face under recovery due to coal shortage. Out of the total under

⁸⁷ No bids were received in NTPC Ltd.'s tender for 1.2 GW of solar photovoltaic projects. The tender sought projects at locations in the states of Maharashtra, MP, Chhattisgarh and Gujarat, with connectivity through substations at existing NTPC thermal power plants. The reason for developers' silence is the low ceiling tariff, considering the lower irradiation levels in the specific areas and the higher cost of land there. The market or industry expectations for a viable tariff stood at Rs. 3 per KWhr.

⁸⁸ Marginal cost is the change in the total cost that arises then the quantity produced has an increment by unit. To calculate the marginal cost, divide the change in production costs by the change in quantity. The purpose of analysing marginal cost is to determine at what point an organization can achieve economies of scale to optimise production and overall operations. If the marginal cost of producing one additional unit is lower than the per unit price, the producer has the potential to gain a profit.

⁸⁹ In India variable renewable energy infrastructure investments have been consistently tempered at Rs. 2.43 per KWhr over the last three years. That is about 20% below the Rs. 3-4 per KWhr that power plants that are close to the mouth of the coal mines charge, and 30% or more lower than the power plants that are further away from the mines.

⁹⁰ Shah, K. 2019. IEEFA India: NTPC spearheads electricity sector transition in India. September. <https://ieefa.org/wp-content/uploads/2019/09/NTPC-spearheads-electricity-sector-transition-in-India_Sept-2019.pdf>

⁹¹ Financial Express. 2019. 'NTPC's FY20 coal imports to double.' Feb 8. <<https://www.financialexpress.com/industry/ntpcs-fy20-coal-imports-to-double/1480839/>>

recovery of 1,101.1 crore INR in nine months of FY19, 284 crore INR has been attributed to coal shortage.

Power plants are contractually entitled to receive fixed costs for recovering capital expenses even though buyers do not procure electricity from the units. But the plants need to display a minimum plant availability factor (PAF) of 83 per cent to claim the fixed costs, which becomes a challenge in the absence of adequate fuel supply. The generation loss due to fuel supply constraints was 4.17 billion units in Q3FY19.

NTPC had paid 10,000 crore INR in advance to the railways to receive coal supply at unrevised rates until FY20, hedging itself against the 8.8 per cent rise in railway freight charges. However, it cannot recover the 364 crore INR (for nine months of FY19) of working capital interest it has spent on this advance amount through tariff revisions. The company also expects to reap benefit from the 5,648.8 crore INR capital expenditure it has incurred on its captive mines, hoping that the majority of it would be procured through its mines at Pakri-Barwadih.

Willful Negligence and Conscious Disruption

The Phase 1 of the project has a leased area of 3,319.42 ha for 39 years and will affect seven villages. According to the environmental clearance letter, 643.9 ha of this is forest land, 1950.1 ha is agricultural land, 159.64 ha is barren and wasteland, 435 ha is grazing land, 101.22 ha is human settlements and 29.15 ha includes roads and seasonal nullahs or drains. Barkagaon reserve forest is situated within the core zone and some parts are buffer zones. There is endangered fauna in the mining area, such as sloth bears. Ghagri river flows south of the mining land at a distance of 1.5 kms from west to east. Hahro river flows at a distance of 1.5 km south of the mining land from southwest in the northern direction. There are at least 36 coal blocks in Barkagaon and Karadi blocks where mining has been planned in three phases. This 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 and have no other source of income. Most residents are cautious while speaking to the media as they face constant threat of police intimidation. The project was flagged off on February 16, 2017 and mining began the same year on October 1. Apart from livelihood issues, several other problems have arisen, challenging the villagers' existence. All wells and ponds have dried up due to opencast mining, creating extreme shortage of water. Besides this, residents' houses have begun to develop huge cracks due to blasts from mining

The allocations made by the government under the MGNREGA have allegedly been stopped and village heads have reportedly been directed to stop spending the funds given to them for development of their respective Panchayats. This is seemingly because the land has been acquired by the company, which is now responsible for all relief development works in the area. With regard to the Rehabilitation and Resettlement and CSR policy, NTPC claims to have made great progress. They state that they have constructed the Rehabilitation and Resettlement Colony (R&R Colony) with modern facilities, but as this report reveals, reality is very different. So far, a detailed R&R plan has been approved for Phase 1, which would affect the above-mentioned seven villages. Around 141.70 ha of land has been acquired at villages Dhenga and Lakura on the eastern side of the coal block where a resettlement colony has been constructed to accommodate 1068 persons who have been ousted from their lands.

The breakup⁹² of the project affected population with enumeration of those losing houses/dwelling units, agricultural land (in isolation) and both dwelling and agricultural lands is as follows:

Project affected families - 8339
Homestead ousts - 4276
Artisans - 5
BPL families - 2296
Widows - 74
Agricultural laborers - 8
Divyangs⁹³ - 3
Unmarried males - 3
SCs/STs/Adivasis - 839/0/0

With the beginning of open cast mining for dry fuel, 28 villages are reportedly going to lose their existence: their land and livelihoods. According to a local activist, Iliyas, "the officers of the company frequently come to the villages and threaten people to vacate the area. They try to scare villagers with police action and imprisonment. They are trying whatever means at their disposal; from terrorising people to manipulating facts. 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. Moreover, the consent of the Gram Sabha has either not been obtained, or has been manipulated to serve the company's vested interests".

Salient features of NTPC's R&R package Sankalp Patra

A detailed R&R plan has been approved for Phase I of the project which would affect seven villages namely Chirudih (10), Itiz (125), Nagadi (125), Arhara (202), Pakri-Barwadhi (634),

⁹² NTPC Limited. 2017. 'Coal Mining Projects, Hazaribag.' 16 Nov.

<<https://www.ntpc.co.in/sites/default/files/downloads/PakribarwadhiCoalMine.pdf>>

⁹³ Translated to English, it means, physically challenged.

Dadikalan (665), and Chepakalan (460).⁹⁴ Some 141.70 ha of land have been acquired at Dhenga and Lakura villages on the eastern side of the coal block where an R&R has been constructed to accommodate 1068 land oustees.⁹⁵ The R&R plan for rest of the ten villages, namely Sinduari, Sonbarsa, Churchu, Jugra, Chepakhurd, Keri, Langatu, Deoriakhurd, Urub, Barkagaon, has not yet been charted out. 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; as low as 10 lakh INR against the loss of 1 acre (0.404 ha) of cultivable land, which yields four crops in a year. Meanwhile, the company entered into an agreement with the State Government of Jharkhand to accelerate the land acquisition for Pakri-Barwadih Coal Mines Project for both coal-bearing and non-coal-bearing areas of the lease area.

In 2008, the Jharkhand State Legislative Assembly notified the Jharkhand Rehabilitation and Resettlement Policy, 2008 (JRRP-2008). The company claims it outsourced socio-economic survey of the PAFs as per the R&R Policy guidelines of the Jharkhand State to Indian Institute of Technology, Kharagpur and Abhigyan, an NGO. However, the villagers accused that the survey was conducted secretly. The R&R 'Sankalp Patra' (Letter of Agreement or Affidavit under JRRP-2008), which the company furnished to the Department of Revenue and Land Reforms, State of Jharkhand, based on clandestine survey, compromised the basic essence of the state policy. For instance, a specific clause (7.4 and 7.11.1 (a) of the JRRP-2008) which mentions allowing land and ensuring employment to at least one eligible person of each evicted family in order to ensure their social and economic security was violated in this case. The social security component of Rehabilitation and Resettlement under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [henceforth LARR 2013] was meant to address

⁹⁴Letter From T. Chandini, Director, Ministry of Environment & Forest, Government of India, New Delhi, to A.B. Haldar, Additional General Manager (CM), NTPC Ltd., Noida; EC letter no. 11015/692/2007-IA.II (M); 19 May, 2009. See, ' Pakri-Barwadih Coal Mine Project (15 MTPA) of M/s National Thermal Power Corporation Ltd. (NTPC Ltd.) located in villages Barkagaon, Itiz, Chiruadih, Urub, Chepa, Kalan, Nagri, Jugra, Sindauri, Churchu, Carahara, Sonbarsa, Pakri-Barwadih, Chepa-Khurd, Deora-Kalan, Lakura, Langatu, Keri, Dadikalan, Tehsil Barkagaon, District Hazaribag, Jharkhand-environmental Clearance-reg. 'Letter no. J-11015/692/2007-IA.II (M), Annexure XI, Ministry of Environment & Forest, Government of India, New Delhi. 19 May.

<<http://environmentclearance.nic.in/writereaddata/modification/previousTOR/100820175BWRIJ5DECPakriBarwadih.pdf>>

⁹⁵ Ibid.

these concerns, owing to a political hype over desolate conditions of populations displaced in so-called 'public interest'.

The outright denial by NTPC to observe these two components 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, solatium⁹⁶ 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.

Ideally, in letter, and in spirit of the JRRP-2008 and later of LARR 2013, the families that lost land were to be recompensated elsewhere, with at least one-tenth of the agricultural land acquired, and should have been offered permanent employment at the coal mining facility. The Chairman-cum-Managing Director of the company in a visit to the mine site had made it clear to the affected population that the company "does not have a provision to employ people" and "compensation, yearly annuity for 30 years, and rehabilitation on the basis of Rehabilitation and Resettlement Policy of the company" was what could be given to them.⁹⁷ Again, 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. Surprisingly, 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 (Refer Table 4). Non-acknowledgement of particularly vulnerable persons debarred a significant number of actual PAFs from making any claims, including monthly pension, over NTPC. This numeric game, in a way, exonerates the company from assuming accountability towards a large number of PAFs. The Rehabilitation and Resettlement plan of the NTPC, uncritically approved by the empowered committee of Jharkhand bureaucrats, did not cover 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. Even as these social groups form a large section of 'vulnerable

⁹⁶ 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.

⁹⁷ Refer footnote 23.

persons' in the project area, they remained largely invisible and non-existent in the NTPC's Social Impact Assessment and survey reports.

In addition to this, the 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. Notwithstanding these discrepancies, the R&R Sankalp Patra of NTPC was officially approved by the state government on February 18, 2013, defeating the very spirit of JRRP 2008. The cash compensation, instead of permanent employment and land in lieu of the lost land, by no means can be considered sufficient from the point of view of the disaffected population.

Categories of Land Acquired

The categories of land, such as Gair Majurwa/Mazarua aam (GM aam),⁹⁸ 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.⁹⁹ The villagers enjoy collective right over these resources. However, in the present framework, compensation against mining lease does not include provisions of compensating for the loss of village commons.

In 1954-55, Hazaribag district earned nationwide praise for the largest contribution towards Bhoodan Movement led by Vinoba Bhave.¹⁰⁰ More than eight lakh acres of land were denounced by Zamindars (the landed class) of Hazaribag district (undivided) which were ultimately distributed among landless labourers.¹⁰¹ Many Dalits and landless labourers were given 0.05 acres for homestead and 5 acres of agricultural lands under Bhoodan.¹⁰² Reportedly in Hazaribag's Sadar division alone, some 278.55 acres of lands were settled with Schedule Castes, Scheduled Tribes and Backward Classes. A number of landless families who now ironically fall under NTPC's mining lease area, especially Bhuiyan and Mushhar families, were given informal Bhoodan-parcha (deed letter) over the lands donated by ex-landlords. Subsequently, Bihar Bhoodan Act, 1954 was promulgated which required the state to constitute an empowered Bhoodan Yagna Samiti and directed District Collectors

⁹⁸ Gair Mazarua land are of two types: GM aam (Village common land) and GM khas (uncultivated and jungle land which accounts as government land but not in jurisdiction of any village).

⁹⁹ 'Deedless Commons' are actually village commons over which no individual has occupancy rights. However, it is marked as a collective resource of a particular village.

¹⁰⁰ Roy-Choudhury, P.C. 1957. Bihar District Gazetteers: Hazaribag. Patna: Superintendent Secretariat Press.

¹⁰¹ Ibid.

¹⁰² Ibid, 249

(Land Reform) to quickly settle Bhoodan lands and issue formal patta (tenure rights) to recipients of temporary Bhoodan parcha.¹⁰³ The erstwhile government of Bihar did not proceed with the formalities that were needed for this to actualise. Owing to lack of political will of successive governments, the Bhuiyans could not be given occupancy rights over Bhoodan land which they legitimately deserved.

The following decade saw a flood of litigations in the Jharkhand State High Court regarding non-observance and non-compliance of statutory provisions of Bihar Bhoodan Yagna Act, 1957.¹⁰⁴ The onus of settling Bhoodan land lay with the state and during the land acquisition drive for NTPC, the district administration refused to entertain claims of Bhuiyan over Bhoodan lands. 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.

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.¹⁰⁵ The Bhuiyans of Urub possessed rent-receipts that prove that they had regularly (since 1954) been paying rent against Bhoodan land on the basis of kaccha-parcha (temporary deed certificates or Bhoodan-parcha) testified and approved by the Circle Officer but maintained in a separate register known as Register II. But Bhoodan land too did not find entry in regular Jamabandi (record-of-rights) registers which could validate individual ownership. The same applied to Bakasht land. The Bhuiyans interviewed during

¹⁰³ GoB. 1954. The Jharkhand Bhoodan Yagna Act, 1954. No 22 of 1954. 21 July 1954. Bihar Gazette, Extraordinary of 26 March, 1954, Government of Bihar. For report of the Select Committee, see also the Bihar Gazette, Extraordinary of the March 26, 1954, 2-19. Accessed at: <[https://www.legalcrysal.com/act/135055/the-jharkhand-bhoodan-yagna-act-1954-complete-act-.](https://www.legalcrysal.com/act/135055/the-jharkhand-bhoodan-yagna-act-1954-complete-act-)>

¹⁰⁴ See Radha Devi v. Land Reforms and Revenue Department, Bench of Virender Singh, C.J and P.P. Bhatt, J.; W.P. (PIL) No. 3290 of 2014, Jharkhand High Court, Ranchi; see also, Durga Thakur vs. Commissioner North Chhotanagpur, March, 24, 2003; 2003 (2) JCR 745 Jhr.; Bench of T. Sen, Jharkhand High Court, Ranchi; and numerous other petitions and court cases filed by claimants in the Jharkhand High Court. It needs to be further noted that Bhoodan Committee is largely dysfunctional in the state of Jharkhand as compared to other states where most of the settlements have already been made in the name of the tenants holding bhoodan parcha.

¹⁰⁵ Bhuiyans form the largest segment of landless communities in the region. See, Dubey, Vikas. 2018; 'Cast out!-by companies and coal in India: Between the Pit and the Dump'; A report on the life and livelihood of a landless Dalit community in NTPC's Pakri-Barwadhi Coal Project at Barkagaon, Hazaribag; Mines and Communities.

the study accused the state officials of deliberately overlooking their interests pertaining to these classes of land in order to extend undue favour to NTPC.

Violation of LARR 2013: A sustained and resolute opposition by the people of the villages under the banner of Karanpura Bachao Sangharsh Samiti forced the NTPC to revise the compensation package from 15 lakh INR to 20 lakh INR per acre of land in 2015. The revision was purportedly affected also due to promulgation of LARR 2013. The Act had raised the amount of both compensation and annuity payments against loss of agricultural plots to the landowners. It requires lessees to offer four-times compensation calculated as against the market value of the land, in case of rural areas. However, even under the provisions of LARR 2013, afflicted persons cannot challenge the involuntary land acquisition and the logic behind determining compensation and valuation of market rate of land to be acquired in the Civil Court. Instead (u/s 63: 'Jurisdiction of Civil Court Barred' according to LARR 2013), the affected persons could only appeal to the Presiding Officer or 'Land Acquisition Rehabilitation and Resettlement Authority' for resolution of any legal dispute over acquisition. The authority comprises of one person. The power for speedy disposal of litigations rests with the Deputy Collector of the District, an executive magistrate rank official. Thus, the tremendous power which has been conferred on Deputy Commissioner under LARR 2013, observes an uninterrupted continuity of colonial-times Land Acquisition Act, 1894.

Nonetheless, the LARR 2013 is a progressive departure from the earlier land acquisition act in many respects. LARR 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, in this particular case, 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.

It was also noted that 'out of the 8745 PAFs, only 2614 have reportedly been partially compensated',¹⁰⁶ and in most of these cases, the money has been transferred to the Tribunal as land owners refused to accept the compensation money. Bhumihsars and Brahmins, who are historically the privileged landed castes, have opted to move out with cash compensation, whereas 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

¹⁰⁶ See Yadav, Anumeha; 2015. 'Land Wars: Jharkhand's coal conflicts show the lapse of land ordinance hasn't doused the fire'; Scroll.in, September 23.

'market value' could hardly substitute the scale of loss borne by them. The disaffected villagers say that no amount of compensation can be enough as it is their existence which is at stake. Technically speaking, the allocation of three coal-blocks to NTPC is tantamount to giving the PSU a free run over the entire landscape comprising three large developmental blocks of the district, including the people who live there.

As per the special record-of-rights called Khatian Part-2, a minor chunk of forest peripheral to Barkagaon Reserve Forest (Hazaribag West Division) is marked as village forest to which mine-affected villagers enjoy limited access. Similarly, 435 ha of grazing land (pastures), which formed part of the village commons, were not provisioned in the compensation scheme. Moreover, some 159.64 ha of what was officially termed as 'barren and wasteland', were actually fertile lands over which land-deeds were not settled, and went under mining lease without provisioning for cash compensation to persons having interest attached to them. 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.

Willful Negligence in Settling Claims over Forest Land: Doubt over the intentions of the state was further confirmed when compliance of FRA, 2006, which mandates recognition and settlement of rights of forest dwellers over forest land before its diversion for 'other purposes' (non-forest purpose), was deliberately overlooked.¹⁰⁷ FRA 2006 mandates settling such claims prior to issuing of forest clearance in stage II. None of the Bhuiyans of Urub (including other villages) were ever consulted or issued forest patta (occupancy rights over forest land) before the forest was out "sold" (leased out) to NTPC.¹⁰⁸

In a reply to an RTI (Under Right to Information Act, 2005) concerning transfer of forest land, Mr. Mukesh Kr. Verma, the Divisional Forest Officer, Barkagaon Forest Division, conceded that there were no pattas (occupancy rights) issued to any landless or existing raiyats for the forest lands under mining lease.¹⁰⁹ The state officials, when approached by villagers, rationalised their inaction towards settling villagers' claim over forest land by arguing that these lands were already transferred to the lessee company. Such governmental

¹⁰⁷ Under Section 4 of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

¹⁰⁸ C.D. Singh, Sr. Assistant Inspector General of Forests, Ministry of Environment and Forests (F.C. Division), Government of India; New Delhi to The Principle Secretary (Forests), Government of Jharkhand, Ranchi; 17 September 2010, In 'Diversion of 1026.438 ha (2566.095 acre) of forest land for coal mining from Pakri-barwadiah Project in favour of M/s NTPC in Hazaribag West Forest Division in Hazaribag district of Jharkhand.' File no. 8-56/2009-FC, Ministry of Environment and Forests, F.C. Division, Government of India, New Delhi. May 11, 2010.

¹⁰⁹ In an RTI reply filed by the Divisional Forest Officer, Hazaribag West Forest Division (also PIO) to Mr. Dileshwer Mahto, a resident of Chepakala, Barkagaon, the official categorically denied that forest land had been diverted to NTPC Pakri-Barwadiah Coal Mine Project; March 25, 2017; letter no. 1465.

denial and discouragement towards those claiming rights is a violation of the principles of FRA 2006. There is ample evidence to show that despite the insistence of MoEFCC, pertaining to identification of rights and entitlements over forest land under FRA 2006, the local state deliberately overlooked the matter.

Documentary evidence suggests that the NTPC sought to illegally manufacture consent of the affected village Gram Sabhas in order to obtain forest clearance (stage II). Instead of consulting concerned Gram Sabhas, the company sought consent letters from Van Adhikar Samiti (Village Joint Forest Management Committees), constituted under FRA 2006.¹¹⁰ A keen look at the consent letters filed by the company as proof of consent, undersigned by members of the Van Adhikar Samitis of 17 villages (acquired under the first phase of mining) in 2007 and approved by the MoEFCC, looks dubious. For one, the presence of wildlife in forest lands has not been acknowledged in any of these identical consent letters undersigned by the Van Adhikar Samiti. However, in a reply to an RTI query, the Divisional Forest Officer of Barkagaon Forest Division has acknowledged presence of a variety of wildlife animals and mentioned significant figures of compensation borne by Forest Department owing to loss due to wild animals.¹¹¹ Interestingly, these consent letters were procured before the official notification of the FRA 2006 (the act came into force from January 1, 2007) i.e. much before the Van Adhikar Samitis were formed.¹¹² This makes the allotment of forest land and consequent forest clearance issued to NTPC on the basis of counterfeited consent letters suspicious.

By employing fraudulent means, the PSU also deceitfully mocked and evaded the circular issued to Chief Secretary of the Jharkhand State by the MoEFCC (FC Division) on July 30, 2009, regarding mandatory consent of concerned Gram Sabhas before diversion of forest

¹¹⁰ C.D. Singh, Sr. Assistant Inspector General of Forests, Ministry of Environment and Forests (F.C. Division), Government of India; New Delhi to The Principle Secretary (Forests), Government of Jharkhand, Ranchi; 17 September 2010, Annexure to 'Diversion of 1026.438 ha (2566.095 acre) of forest land for coal mining from Pakri-Barwadih Project in favour of M/s NTPC in Hazaribag West Forest Division in Hazaribag district of Jharkhand.' File no. 8-56/2009-FC, Ministry of Environment and Forests, F.C. Division, Government of India, New Delhi. 11 May 2010.

¹¹¹ Reply of Assistant Conservator of Forests (cum Public Information Officer), Hazaribag West Forest Division, Government of Jharkhand, to Mr. Ankit Raj, a resident of Hazaribag under Right to Information Act, 2005 regarding details of the Forest land proposed to be diverted to Pakri-Barwadih Coal Mines of NTPC; dated 4 May 2016; letter no. 2378. The RTI reply states that the forest division has compensated civilians a sum total of 2,533, 262 INR from FY 2009-2016 on account of loss of life (including injuries), property, and crop due to wildlife.

¹¹² Consent letters from villages affected by Pakri-Barwadih Coal Mining Project, NTPC Limited; Annexure VII to the application for Forest Clearance Stage-II, letters by Gram Van Prabandhan avam Sanrakshan Samiti of villages respectively Churchu, Sonbarsa, Siddhuv, Chirudih, Urub, Arahara, Jugara, Pakari Barwadih, Itiz, Darhi Kala, Laukara, Chepa Kala, Banadag, Kushumbha, Udarna, etc.

lands for non-forest purposes.¹¹³ In doing so, the state officials exonerated themselves of settling rightful ownership claims of Bhuiyans and other forest dwellers affected by the extractive project. This was no doubt a huge loss to Bhuiyans since almost every Bhuiyan family invariably tilled at least 2 acres of forest land. This had been left unrecorded before leasing out of forest to the NTPC. The non-recognition of forest rights meant eroding the livelihood base of 95 Dalit families of Urub village in one go.

The Debacle of Land Acquisitions

The company used provisions from various acts, while at the same time flouting various other land acts, in acquiring land for mining. Under the provisions of CBA 1957, the coal extraction company owned by the Indian state does not require it to:

- a) abide with 70:30 rule where onus to acquire 70 per cent of land lies with the company, and rest 30 per cent with the local government¹¹⁴
- b) conduct an SIA of the disaffected population to access the socio-economic fallout of the project, as has been stipulated in subsequent legislations.¹¹⁵
- c) seek consent of individual land owners and inhabitants of the landscape that is to be brought under mining.¹¹⁶

Against the vast tracts of land so acquired, the PSU is not bound to observe safeguards stipulated in the LARR Act, 2013. In the case of Pakri-Barwadiah coal Mines Project, the LARR provisions are retrogressively applicable to only the land acquisitions undertaken in non-coal bearing areas.¹¹⁷ Out of 3319.42 ha only 283.5 ha (approx. 8.54 per cent of total

¹¹³ Circular issued to The Chief Secretary/ Administrator (All State/UT Governments except J&K) by C.D. Singh, Sr. Assistant Inspector General of Forests, Ministry of Environment and Forests (FC Division), Government of India; New Delhi, 30 July, 2009, sought confirmation from the State Administrators certifying that a) a written consent or rejection letter of concerned Gramsabhas has been taken under the FRA following due process and consultation norms regarding proposed diversion of forest land and compensatory and ameliorative measures has been taken, with a minimum quorum of 50% of the members of Gram Sabha present b) Letter from state Administrator certifying that the Rights of Pre-agriculturist Communities have been safeguarded as per section 3 (1) (e) of the FRA, 2006. See, 'Diversion of Forest land for non-forest purpose under the Forest (Conservation) Act, 1980-ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. 'Circular No. 11-9/1998-FC (pt), Ministry of Environment and Forests (FC Division), Government of India, New Delhi. 30 July 2009.

¹¹⁴ As is the case with private mining companies.

¹¹⁵ As has been made mandatory u/s 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

¹¹⁶ The free and prior consent happens to hold the basic essence of the voluntary land acquisition as against forced acquisitions.

¹¹⁷ u/s 24 of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for retrospective application of the new act when land acquisition has been carried out under the old Land Acquisition Act, 1894, however the 'compensation in respect of a majority of land

lease, comprising mainly of homestead and agricultural lands) has been acquired through District Land Acquisition Officer (DLAO) under Land Acquisition Act, 1894, purportedly for the purpose of building supporting and ancillary mining infrastructure.¹¹⁸ Again, out of the sum total of 8338 PAFs around 7271 families (87.20 per cent) come under the ambit of CBA, 1957 and do not benefit from the safeguards included in the new LARR, 2013 legislation.¹¹⁹ Unfortunately most of the homestead land lost to NTPC's coal mines (101.22 ha) fall under the coal bearing area.¹²⁰

Illicit Payments and Informal Negotiations

Raiyati land: The permanent tenure holders of Itiz village are yet to receive any compensation against forfeiting raiyati plots (rightful ownership of lands meant for cultivation) even though eviction notices have already been served to them.¹²¹ The 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.

The villages have evidence which suggests that instead of NTPC paying cheques to villagers on account of acquiring GM land and forest land (and in some cases, Bhoodan lands), the contractor company Thriveni Sainik made informal settlements directly with claimants.¹²² Some 25-30 households at Itiz were paid compensation at the rate of 5 lakh INR per acre of land for GM land through cheque issued by Thriveni Sainik. Similarly, against the loss of Bhoodan lands, 10 households were compensated through Thriveni's cheque at rates on par with GM land. However, there are 14 households that have not received any compensation against loss of either Bhoodan or GM land yet. Similarly, a few households that strongly put forward claims over forest land were offered 5 lakh INR per acre in cash without keeping any formal record of such payments. It is to be noted that all these informal

holdings has not been deposited in the account of beneficiaries' than all the beneficiaries are entitled to compensation in accordance to the new act.

¹¹⁸ Out of 283.5 ha, this 90 ha (222.53 Acre) of land has been acquired for the construction of Resettlement Colony under Land Acquisition Act.

¹¹⁹ Figures drawn from the 'Sankalp Patra'. Refer footnote 23.

¹²⁰ Ibid.

¹²¹ In June 2018 government officials (Additional Deputy Collector and Circle Office) and General Manager of NTPC convened a meeting at Urub to discuss about moving raiyats. The raiyats of Itiz, Chirudih and Urub refused to move saying that they were being strongly pressurised by the company to evict land even as they had not yet received money compensation and many did not have jobs either.

¹²² During interviews Urub residents complained that Thriveni Sainik discriminated against people while offering money for forfeiting GM land and forest land.

payments have been made by Thriveni Sainik between March and August 2018.¹²³ These informal settlements were purportedly made by Thriveni Sainik officials in haste, at the aid and advice of the Mines Committee Displaced Village Development members (the working of the Committee is detailed in a later chapter).

One of the Committee members who was interviewed for the purpose of the study stated that the contractor company went for direct negotiations with individual tenants since it was running losses due to strong resistance posed by the farmers and that it couldn't indefinitely wait for NTPC to make formal payments.¹²⁴ Reportedly, similar informal settlement with tenants has also been made in Chirudih, Nagri, and Urub villages, whose boundaries intersect with the core mining zone. However, in neighbouring Urub village informal settlement of compensation against GM and forest land used by Bhumihar caste was reached at relatively cheaper rates (3 lakh per acre of land) as compared to the rest of the three villages. Whereas Bhuiyans of Urub, a Dalit community who were tiling a major chunk of GM and forest land and were the first to come under mining, found themselves in a weaker position to negotiate. As a result, they did not receive compensation at all. It appears that the NTPC officials largely remained indifferent to the surreptitious practices of the Thriveni Sainik manager as long as it was profitable management of Pakri-Barwadih coal mining facility. They completely rely on the contractor Thriveni Sainik and a proxy Committee for informally settling conflicts and diffusing resistance as and when they erupt.

GM Land: To further add to this tyranny, the government of Jharkhand, through an official circular, stalled the payment of compensation to the claimants of GM khas land.^{125,126} This circular was a blow to any hope of getting at least GM khas lands compensated. Coincidentally, the announcement of compensation over GM khas land by NTPC in 2015, at a revised and increased rate of 10 lakh INR per acre, triggered a flood of litigations in the District Court.¹²⁷

¹²³ It is to be noted that the contractor company Thriveni Sainik is not authorized to informally disburse compensation to the claimants.

¹²⁴ 19 September 2019, Personal interview.

¹²⁵ The circular required claimants to seek raiyati manyata (tenancy right approval) of gair mazruwa khas land from Revenue Officer (RO) based on proof of 30 years of possession and maintenance of land record in Register II. Kamal Kishor Soren, Secretary to the Government, Department of Revenue and Land Reform, Government of Jharkhand.No. 6/NTPC Haz.-51/13/423/Revenue, 12.02.2015.

¹²⁶ Another circular required claimants to have possession of a sale deed/registered deed of gari mazruwa khas land issued w.e.f. on or before 1956 and put a cap on further regularization of such type of land in NTPC lease area. Circular by Uday Pratap, Joint Secretary to the Government, Department of Revenue and Land Reform, Government of Jharkhand, No. 26/NTPC Haz. 2016/2861 (5)/Revenue, 06.06.2017.

¹²⁷ Official announcement of revised compensation rate of different types of land by the Managing Director of NTPC, Hazaribag, Letter no. 010/P.B.C.M.P./Mining/2015/80, M.D., NTPC Limited, Coal Mining Project, Hazaribag to the Deputy Commissioner of Hazaribag. Dated April 4, 2015.

The litigants accused the state revenue officials of defrauding, misappropriating, and illegally settling GM land which fell under the acquisition area to illicitly favour local land mafias.¹²⁸ These accusations prompted the political dispensation to indefinitely stall the payment of compensation against GM land. Amid political upheaval and chaos over the issue of illegal settlements and appropriation of compensation of GM lands, in 2016, days before the opening of the Pakri-Barwadih coal mines, the NTPC and Thriveni Sainik officials conducted a nominal land survey (of GM land) of Bhuiyans of Urub promising Bhuiyan occupants that NTPC would seek approval of empowered state officials to get those land considered for the payment of compensation. Three years since, the promises still remain elusive. Meanwhile, a Special Investigation Team (SIT) was constituted by the Chief Minister of Jharkhand, Raghubar Das to look into allegations of illegal settlement of GM lands in the NTPC coal blocks (especially Kerendari coal block). The SIT report was never made public though people allege that the local state revenue officials were complicit in fraudulently diverting compensation to private parties.

The efforts that Bhuiyans made to claim their land rights needs to be noted. The Bhuiyans informed that they pursued a list of the claimants of GM land and forest land with the Circle Officer of Barkagaon for the formal recognition of their ownership rights. The official made the claimants run from pillar to post for three years without taking any concrete step towards rectifying the blunder that the state had made in not recognising their rights. This was continued until a point came when they stopped visiting the officials out of fatigue and frustration. Such debilitating strategies of the State, which rely on tiring out the bodies of the disenfranchised state population, have become a new normal in areas where the extraction industry holds unchecked power.

Conversations with Bhuiyan residents revealed that some of the 'Kagjaat-jameen' (tenant land transferred through formal registered sale deeds) belonging to Bhuiyan families were also fraudulently expropriated by Bhumihars whose ancestors had reportedly sold it out to Bhuiyan ancestors. For instance, N. Bhuiyan angrily submitted:

My grandfather had purchased some Kagjat-jameen from a Bhumihar family by paying them hard earned money. But when we approached the Circle Officer of Barkagaon to claim cash compensation, we were informed that the Bhumihar family had already received payment against the land in question. Whatever little raiyati land our forefathers had bought from landlords was fraudulently claimed by Bhumihars. They cheated us by

¹²⁸ The Times of India. 2017. 'Make NTPC land inquiry findings public: Congress.' April 17.

*manipulating documents to appropriate compensation money that we rightfully deserved.*¹²⁹

The Bhuiyans of Urub, for one or the other reason, received absolutely zero cash compensation on account of whatever little land they lost to the development of the Pakri-Barwadiah coal mine. Many Bhuiyan residents also showed the team their laminated original ownership certificates for Bhoodan and Bakasht land that were counter-signed by the revenue official, yet rendered useless for the purpose of cash compensation. Despite furnishing documentary proof of ownership and timely payment of rent (the schedule of rent fixed for Bhoodan land), the state department callously refused to consider Bhuiyans for compensation.

Fudged Land Records and Fake Ownership Certificates

Soon after the announcement of monetary compensation by the NTPC, the original Record-of-rights register or Jamabandi registers were found to be tempered and record-of-rights illegally settled in favour of private beneficiaries.¹³⁰ Seeing the scale of illegal settlement of GM khas lands, an enquiry was commissioned which exposes the criminal conspiracy hatched by local state revenue officials (Circle Officer) to illicitly favour private individuals.¹³¹ There were cases reported at Keredari revenue circle, where the Circle Officer was found illicitly benefitting local land mafias and influential persons (e.g. Mukhiya of Pandu village and eight other beneficiaries) so as to facilitate misappropriation of compensation money. The Revenue Official fudged original land record and tempered with continuous roll of record-of-rights to issue fake land registration/mutation certificates. These cases were reported as awaidh-bandobasti (illegal settlements).¹³² A judicial enquiry was set up by the Principle District and Session Judge, Hazaribag, 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.¹³³

¹²⁹ September 19, 2019, Personal interview.

¹³⁰ Acting on a claim by Deputy Commissioner of Hazaribag that illegal Jamabandi (record of rights) were created at Langatu and Pakri-Barwadiah under coal block, the Barkagaon MLA Nirmala Devi, senior congress leader Alamgir Alam, and Subodh Kant Sahay asked the NDA led Jharkhand government to publicly disclose the findings of the inquiry committee that had been set up to look into the matters of gross manipulations of land records in the district. See, 'Make NTPC land inquiry findings public: Congress,' The Times of India, April 17, 2017.

¹³¹ See 'Enquiry Report on investigation of gair-muzruwa khas land of village Pandu, Keredari revenue circle'; submitted by the Additional District Magistrate (Land and Revenue); Office of the Deputy Commissioner, District Revenue Department, Hazaribag; dated- 7 April 2016; file no. 879.

¹³² Ibid.

¹³³ 'Enquiry Report on investigation of gair-muzruwa khas land of village Pandu, Keredari revenue circle'; submitted by the Additional District Magistrate (Land and Revenue); Office of the Deputy Commissioner, District Revenue Department, Hazaribag; dated- 7 April 2016; file no. 879.

Upon physical verification of some of the land under dispute against which fake ownership certificates were fraudulently issued, the enquiry committee ridiculously found a natural drainage, Panchayat Bhawan, place of Hindu worship, graveyards, a Community Health Centre, etc. In one such case, a First Information Report (FIR) was lodged against the Circle Officer (in 2016 against CO of Keredari revenue circle for fudging land records of seven plots of rent-roll register no. 110 of Pandu village, Keredari) who was entrusted to settle individual claims over GM lands before transferring the land to NTPC.¹³⁴ There were numerous such instances reported by villagers highlighting similar discrepancies across the lease area around Pakri-Barwadih Coal Mining Project as well.¹³⁵

There have been instances of compensation disbursed to individuals faking as landowners in the past. Eight persons, on official record, have fraudulently accrued compensation to the tune of 70 crore. on account of fudged land records.¹³⁶ However, over the same piece of GM lands the claims of rightful occupants who were tilling the land for three generations were not entertained by the state revenue officials. They thus fell out of compensation. According to minutes of review meeting held at the office of the Deputy Commissioner, Hazaribag on April 8, 2011, the NTPC officials expressed difficulties in transfer of some 20 acres of GM lands due to missing of land records of village Chirudih.¹³⁷ The land record was missing from both the office of the Circle Officer, Keredari, as well as the District Record Room. Thus, the illegal settlement of GM lands in the project affected villages was rampant which consequently debarred many rightful claimants (actual occupants of GM lands) from receiving monitory compensation. All these discrepancies pertaining to land records of the mining lease area suggest fudging, counterfeiting, forgery, and tempering of land records, particularly that of GM lands. It was purportedly aimed at appropriating compensation money at the company's disposal. Owing to these reasons, the state has withheld the

¹³⁴ Revenue Official had counterfeited documents and regularized land records in favour of the eight accused persons. The official was accused of concealing facts and subsequently an FIR was lodged against him. See, The Circle Officer (CO), Keredari to Sambhu Nath Gupta, Revenue Official (Rajashva Karmchari), Champaran Circle regarding "Gram Pandu me Avaidh jamabandi ke sambandh me spastikaran (Explanation for Illegal settlement of the record-of-rights of Pandu village)", Office of the Circle Officer, Keredari (Hazaribag) Letter no. 689, 9 November 2016.

¹³⁵ For instance, villagers wrote to the Governor, Jharkhand state appraising her about rampant illegal settlement of gairmuzruwa lands in Keredari block. See, Md. Zamul Ansari, President, Bhoomi Bachao Sangharsh Samiti, to the Governor of Jharkhand State; 4 March 2014.

¹³⁶ 'Enquiry Report on investigation of gairmuzruwa khas land of village Pandu, Keredari revenue circle'; submitted by the Additional District Magistrate (Land and Revenue); Office of the Deputy Commissioner, District Revenue Department, Hazaribag; dated- 7 April 2016; file no. 879.

¹³⁷ Proceeding no. 4 of minutes of the 'Dinank 25.03. 2011 ko Upayukt, Hazaribag ki Adhyakshata me ajoit NTPC Coal Mining Project hetu Vishesh Baithak se sambandhi Karyawah'i' [Special Meeting held under the Chairmanship of the Deputy Commissioner, Hazaribag on NTPC Coal Mining Project held on 25. 03. 2011]. 8 April 2011, File no. 666/ revenue.

payment of compensation money to the claimants of GM land. It also instituted a SIT inquiry to look into the matter of misappropriation of GM land in the NTPC's lease hold area which was a farce.

	PAKRI-BARWADIH COAL BLOCK 15 MTPA	CHATTI-BARIATU COAL BLOCK 3 MTPA North-West	KERENDARI 6 MTPA	Cumulative figures of the three Coal Blocks
II. For Industrial Township (in addition to total project areas)	68.58	10.65	Note: A common industrial township for Chhattibariatu and Kerendari coal blocks	79.23
III. R&R Colony (for phase I of Pakri-Barwadih CBP involving 7 villages out of total 17 (Note: PAFs of NW Quarry (Chhattibariatu CB) will also be accommodated within it)	141.7	0	0	141.7
Proposed land use				
1. Top soil dump	25	NA		
2. External OB dump	632	NA	130	
3. Quarry area	1785	NA	470.18	
4. Mineral transport road	31	NA	315	

5. Accessory Mining Infrastructure	18	NA	27.06	
6. Unutilized area and safety zones	789	NA	122.18	
7. Conveyer-cum-rail corridor consisting 13.1 km of rail & 10.5 km of overhead closed Conveyer-cum-rail corridor.	0	0	74	
8. Road and drainage diversion	0	0	14	
9. Green belt development	0	0	7.58	
10. Embankments	0	0	13	

Table 8

5

Milking Vulnerabilities: Local Dynamics and Compensatory Measures

Urub village is a living testimony of how interests of weaker sections get conveniently bypassed by a state-owned mining concern in the name of 'national interest'. The Bhuiyan basti of Urub, a Dalit populated hamlet, in particular, also faces an invisible form of violence marked by day-to-day human sufferings, weariness, and the slow-hemorrhaging of community when forced to live alongside opencast coal mines. The thickly populated Dalit basti (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. After the opening of the Pakri-Barwadih coal mines, the lively space has transformed into a living hell where life slowly attenuates in its ordinariness (Figure 1 a, b, and c)



Figure. 1.a) Mountainous O.B. dump at the backyard of Urub dalit basti



Figure. 1.b) O.B. dump road Figure. 1.c) Entrance of the Pakri-Barwadih Coal Mines at Urub

The Bhuiyan residents of Dalit basti have serious antipathy against the upper caste residents of the Bhumihar tola. The populated hamlet of Urub comprises approximately 35 households of Bhumihars and the Bhumihar tola, in contrast to Dalit basti, has better amenities in Urub village. Houses are bigger and multi-storied, with cemented walls and wide window panes, and stores filled with 6 months reserve of food grains. The relatively well-off Bhumihars, owing to caste-based differences, have a very low opinion about Bhuiyans and treat them as 'out-castes'. Bhuiyans altogether live a precarious life due to abject poverty in Dalit basti, caste-based discrimination, and rampant illiteracy that has historical antecedents. The Dalit basti is unfortunately situated dangerously close to the operational coal mine, at a distance of hardly 11 meters. In recent years, the Bhuiyans have started sending their children to a local missionary school in the hope of a better life for them. At the juncture where opencast-mining-pit meets the living space of Bhuiyans is a modestly built primary school named Dalit Vikas Vidyalaya (up to standard five). The charity school is run by a Christian missionary that works for Dalit communities of the North Karanpura region. The school was built in 1989 by missionaries with the help of the Bhuiyans of the Dalit basti through voluntary labour contribution. The school exclusively enrolls Bhuiyan children from the Dalit basti of Urub. The future of these Bhuiyan children, most of whom are first generation learners, hangs in balance since the school building would soon get razed with the next phase of expansion of mines.

The Bhuiyan families of Dalit basti, sometimes also called as Harijan tola, had historically been serving as bonded labour in the agricultural fields of upper caste Bhumihars of Urub. The landless forefathers of Bhuiyans subsequently cleared some forest area in adjoining Barkagaon Reserve Forest to carve out agricultural plots to settle down in the village. The carved-out forest land mostly comprised of tand land (upland patch called Tilaiya Tand and Noniya Tand) and dhaan-khet (low land paddy fields) where Bhuiyans cultivated tomato, pea, gram, pigeon pea, paddy, maize, etc. Through arduous labour, they also reclaimed some un-demarcated barren GM land (waste land locally termed as dumar) and cultivable GM land situated at the fringe of the forest into well irrigated rice-fields.

Apart from forest land and dumar, almost every Bhuiyan family possessed some Bhoodan land they had received as donation under the Bhoodan movement in Bihar during 1950s, as mentioned earlier. Bhuiyans subsequently settled in the Bhoodan and Bakasht lands. However, Bhuiyan families at present are unable to legally assert title over either class of land (forest land and GM land) because these lands were never officially recorded in the jamabadni (continuous roll of record-of-rights) registers maintained by the state land records and revenue department; even as they had been tilling these lands for the past three

generations (reportedly for more than 40 years).¹³⁸ When in 2016, the NTPC acquired forest land and GM (or dumar) land to open the Pakri-Barwadih coal mine, Bhuiyans could not officially make objections by way of asserting occupancy right over these classes of land. Officially all these plots of land were shown as 'non-raiyati' government land.

Historical Caste Differences and Compensation

Unlike the ill-fated Bhuiyans, the Bhumihar residents of Urub villages have already leased out their land holdings to NTPC in exchange of cash compensation. They were the first to readily agree to part with their surplus agricultural land when NTPC suddenly raised the rate of compensation from 7 lakh to 10 lakh INR per acre of land (in 2012). Out of the sum of cash compensation accrued over surplus land holdings, the Bhumihars purchased homestead lands near the district headquarters and have slowly started moving away from the village. The 80 acres of land over which NTPC has constructed a huge O.B. dump was once rice fields (raiyati plots) owned by Bhumihars of Urub. Some of the Bhuiyan families of Harijan tola also, till recent years, used to toil on Bhumihar lands as sharecroppers. Thus, the willful engagement of upper caste Bhumihars with the NTPC officials paved the way for the construction of the coal mines in their village. Bhumihars never informed the Gram Sabha or sought consent of any of the Bhuiyan households in the Dalit basti before deciding to forfeit their landholdings to NTPC. Since Bhumihars had surplus of raiyati land they were well-compensated, whereas, the Bhuiyans are faced with paying a huge cost for letting NTPC mine in their village.

When asked why Bhumihars did not take the consent of Dalit basti residents before selling the village land to NTPC, one of them responded, "Our ancestors were slaves of Zamindars (landlords of Bhumihar caste). They used to plough their agricultural field. The Bhumihars treat us as expendable creatures and still practice untouchability in the village. This is the reason why Bhumihars did not think of consulting us before they made up their mind to sell out their land to NTPC."¹³⁹ In the whole process of land acquisition for the ambitious coal mining project of NTPC, the Bhuiyans of Urub especially feel dejected and socio-economically disenfranchised.

The Role of the Dubious Committee

In 2016, the Public Relation 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

¹³⁸ Dubey, Vikas; 2018; 'Cast out!-by companies and coal in India: Between the Pit and the Dump'; A report on the life and livelihood of a landless Dalit community in NTPC's Pakri-Barwadih Coal Project at Barkagaon, Hazaribag; MAC: Mines and Communities, Bindrai Institute for Research, Study & Action (BIRSA), Ranchi.

¹³⁹ 19 September 2019, Personal interview.

villages.¹⁴⁰ Going by its by-laws and memorandum, the 'Committee' is registered as a 'labour supplier agency' that has been conferred the task of identifying and voluntarily mobilising potential beneficiaries of the Thriveni Sainik sponsored Corporate Social Responsibility (CSR) and welfare activities exclusively dedicated to the Project Affected Persons (PAPs) of NTPC's Pakri-Barwadih Coal Mining Project. In the last four years, the Committee has spread its tentacles across the mine affected villages in the surroundings of the Pakri-Barwadih mine. One of the prominent members of the Committee mentioned that the Committee presently comprises of 300 people distributed across the villages that have immediately been affected by ongoing mining operations viz. Itiz, Chirudih, Urub, Cheppakala, Nagri, Jugra, Churchu, Sonbarsa, and Dadhi. The Thriveni Sainik maintains hierarchy among the various so-called 'cadres' of committee members.

During the interaction of the research team with some of the villagers, it came to light that the company illicitly transfers 35-40 lakh INR per month to the Committee's bank account handled by three office bearers. This money is meant for distribution among Committee members according to their respective cadre and as per the instructions they periodically receive from the company manager. He further added that those who belong to the lowest cadre receive 16-20,000 INR per month in contrast to topmost cadres who are illicitly paid to the tune of one lakh INR per month, without even being formally employed at the company. The mid-rank member, one of whom the team interviewed, admitted to receiving a monthly payment of 40,000 INR from the Committee's account. Once again, members hailing from villages that were giving tough times to company managers - as has been the case with Dadhi, Cheppakala, and Jugra villages - are paid a higher ransom than others. The Committee members take advantage of their insider position to the village community to keep surveillance on troublemakers and swiftly act to deflate any resistance that builds against the mines. The top and middle line cadre of the Committee, which reportedly comprise of nine people, have direct access to Thriveni Sainik management. The MD of Thriveni Sainik, B. Prabhakaran has personally met these 'core committee' members of the Committee and has purportedly lead them on with promises to provide Hyva machines, dumpers and loaders, and to employ them as petty contractors at the mine if they remain loyal to the company.¹⁴¹

A closed (WhatsApp) group has also been floated by the Public Relations Officer of Thriveni Sainik to pass on instructions to the Committee members and call for periodic meetings. These Committee members covertly mediate direct negotiations between villagers and the

¹⁴⁰ The respondent, an officer bearer of the Committee, shared the by-laws and memorandum of the said Khadaan Visthapit Gram Vikas Samiti. The Thriveni Sainik endorses the committee as 'Village Development Committee'.

¹⁴¹ The Committee members (of Urub, Sindwari, Chirudih, Nagari, and Itiz villages) were offered 20 Hyva (tipper tyre mining lug) by Thriveni Sainik Pvt. Limited. At Chirudih village Committee members reportedly received two Hyvas, rest was returned since villagers could not afford to run and meet maintenance expenses.

company pertaining to land lease/transfer matters, resolve dispute over land-ownership, and also disbursement of compensation among estranged brothers. The most common modus operandi of the Committee has been to engage villagers in disputes over issues which involve material gains. For instance, differences are purposefully implanted mainly around access to contractual employment to different castes of people and distribution of compensation money to different land-owning classes who, unfortunately, also belong to antagonistic caste groups. At present, an atmosphere of mutual mistrust and animosity pervades through all the affected villages where one or the other social group is openly enjoying patronage of the company at the expense of the other.

The Committee has been instrumental in complicating the dynamics of a village society by dividing residents along the line of inherent caste differences. For instance, in Urub village the Bhuiyan (Dalits) community was pitted against Bhumihaar upper caste people with an intention to facilitate land lease for construction of overburden dumping site of the company. Whereas, in Jugra village, Dalits were provoked against Telis and Saos (OBCs) around disparities in contractual employment opportunities to youth belonging to different caste groups at a time when villagers were vehemently protesting against forceful encroachment of their rice-fields for the construction of mineral transport road. Similarly, they play a major role in pitting residents of one hamlet against the other on various matters. Most of the respondents to the study conceded that it is through the Committee that the contractor company Thriveni Sainik is able to smoothly run mining facilities amid conflict of interest with villagers who still continue to paddle hard to defend their lands. Such befitting multipronged 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.

Engagement with the Company: The Real Picture

Recently, youngsters of Itiz, as has been the case with almost all neighbouring mines-affected villages, have largely given up openly challenging the mining project. Instead, they have started accepting precarious terms of temporary contractual employment that is on offer by Thriveni Sainik Pvt. Limited. The manager of Thriveni Sainik gives feeble excuses to Project Affected Persons (PAPs) that it is “a contractor company given tender to operate the coal mine which can be revoked at any point of time at the will and discretion of the NTPC

officials", and hence they cannot afford to commit a secure and permanent employment for them.¹⁴²

T. Ganjhu, a fresh ITI diploma holder in mechanical engineering, pointed his fingers to a monstrous Haulpak machine and passionately said,

*Finally when the machine has entered our village, we too desire and deserve to get trained and deployed at those Haulpak machines. But the company does not allow us to handle costly mining machinery. We are mostly engaged in low profile work such as applying grease, oiling, repair and maintenance of small machines.*¹⁴³

The cheap workforce enrolled from across the affected villages at the mines is discriminated against the migrant Tamilian and Bihari workers in terms of access to various facilities at the mines.¹⁴⁴ In fact, Thriveni Sainik discourages its migrant workforce from engaging or even talking to local workforce. The worst part of T. Ghanju's personal resentment is that despite holding a technical diploma, he is employed as a non-technical contractual labour (helper) on a salary which is on par with unskilled workers.¹⁴⁵

The parent company of the Joint Venture Thriveni Sainik, the Thriveni Earthmovers is running an industrial security training academy called Thriveni Industrial Security Academy in Joda, Odisha where it used to send local youth for two months security guard training. The company claims that it is sponsoring training to local youths as operators of heavy mining equipment (Volvo and Excavators) while one can hardly find any local youth who have received skill building training. Most of them are employed as either security guards or helpers at the mining facility. Apart from offering contractual employment to local youth, the contractor company is also running an industrial readymade apparel manufacturing (shirt-stitching) centre ('Thriveni Apparels & Textiles Pvt. Ltd.) at Guruchatti village, Barkagaon. The centre is being run in collaboration with JHARCRAFT (Jharkhand Silk Textile & Handicraft Development Corporation Ltd.).

¹⁴² T. Ganjhu, 19 September 2019. Personal interview.

¹⁴³ 19 September 2019. Personal interview.

¹⁴⁴ For instance, as per the terms of employment company was at liberty to fire them at any point of time without sufficiently explaining the ground for termination, could force the employee to perform job of any description, and summarily dismiss if found engaging in social protests against the mines developer.

¹⁴⁵ For a detailed analysis of the discriminatory and humiliating terms of contractual employment offered to village workforce by MDO Thriveni Sainik see Iqbal, Javed; 2018; 'How to Mine a Valley and Alienate Communities'; The Wire, August 14, 2018.

Two batches of women (52 in numbers) from among the disaffected population of seven villages have so far been imparted basic training in shirt-stitching at Dumka. However, only two per cent of women who received training are gainfully employed at the apparel stitching centre. Thriveni pays the women 10,000 INR per month for an eight-hour shift. First shift commences early in the morning at 6 and concludes at 2 pm while the second shift starts at 2 pm and winds up at 10 pm. A company bus ferries village women in shifts to the stitching centre and drops them back at the defined pickup points. Some of the women who work at the stitching centre complained about the “odd shift hours” of duty. The odd duty hours also affect women’s familial life. This has been the primary reason why many village women dropped out from the stitching centre after receiving training at Dumka.

Along the demarcated boundary line of the mines, colourful company-flags flutter on sky high metallic towers. 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 the Managing Director of Thriveni Sainik, Prabhakaran flies drones that hover in the air space around the mines, including over villages and its surroundings. Such infrastructural design for surveillance, architecturally, in the name of disciplinary requirement is similar to institutions like prison.

Resettlement & Rehabilitation Colony: A Mound of Sand

The condition of the Resettlement and Rehabilitation Colony of the NTPC, which is under construction, has also been a site of violent struggle. The construction work could not proceed before incidents of indiscriminate police firing on protesting villagers.¹⁴⁶ The security guards constantly patrol at the entry gate of the colonies. Built within a perimeter wall encapsulating approximately 200 ha of land area, the R&R Colony appears out of place. In the vast square miles of the maze of concrete are endless crammed single storied grim and gloomy buildings (approximately 1200 in numbers) painted in monochrome pale yellow colour (Figure 2 a), b), and c)).

¹⁴⁶ There were two episodes of indiscriminate police firing. First incident took place on July 23, 2013 which led to death of a 55-year-old farmer Keshar Mahto and serious casualties to five others at Pagar village, Keredari block. The second incident occurred on August 14, 2015 right at the construction site of the R&R Colony. Tens of farmers were injured along with some police personnel and state officials when reacting to an impromptu baton-charge the protesting farmers halted ongoing construction work and resorted to arson. Subsequently an arrest warrant was issued against the area Member of Legislative Council (MLA) and 66 other unnamed persons under arms act (Act no 27); GR No. 167/15.



Figure.2. a) A panoramic view of the Resettlement & Rehabilitation Colony of the NTPC, Dhenga village.



Figure.2. b) & c). Close view of the resettlement quarters in the Colony

Architecturally, the R&R Colony was a disparate and monotonous cramped dwelling space built in a grid. The resettlement quarters or future ‘homes’ of the forced evictees of Pakri-Barwadih Coal Mining Project, outwardly, appeared like crouching concrete cubes built in rows fronted on either side by asphalt streets that ran through the deserted Colony (Figure 3).



Figure.3. Deserted roads amidst concrete

Occasionally, there were few multi-storied buildings; a middle level school, a Health Centre, Community Centre, and a temple, which stood amidst low-height resettlement quarters. The quarters comprised of a small common room (8 x 10 feet), single bedroom (7 x 11 feet), one more very small room, a kitchen space cum staircase with exhaust ventilation (5 x 7 feet), and a small veranda at the front (Figure 4 a), b) and c)).¹⁴⁷ 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. A pair of window frames cast a dim light across the rooms, which were otherwise very dark. 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 (Figure 5 a) and b)). The structures including community toilets, staircases, and cattle-sheds were top of the line bespoke fixtures which is hardly suitable for living. It was nearly impossible to recreate home in the Colony quarters for the displaced rural families who were 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.¹⁴⁸ During this time, the walls of the quarters have turned damp, musty and flaky. Fragments of plaster have fallen on to the floor, and thick layers of dust and damp have accumulated on the ceiling and window frames. The cracks on the wall

¹⁴⁷ For a critical overview of the poor R&R infrastructure refer to the report 'How to Mine a Valley and Alienate Communities' by Javed Iqbal; The Wire, August 14, 2018.

¹⁴⁸ Refer Footnote 23.



Figure.4. a) Bedroom, b) drawing room, c) kitchen of resettlement quarters at R&R Colony, Dhenga.



Figure. 5. a) Common sanitation toilet, and b) Cattle shed attached to toilet at R&R Colony, Dhenga

and ceiling indicated that these houses were not secure structures and it would be risky to live in them.

Almost all those interviewed during the course of the study, including residents of Itiz and Urub village (that are under immediate eviction order) categorically declined to move to the R&R colony built by the NTPC at Dhenga village. It is important to take note of such strong resistance across the affected region, especially when NTPC continues to officially endorse the 'colony' as "strongly built on the pattern of an adarsh gram" (an ideal village).¹⁴⁹ The villagers resent the use of cheap quality cement and bricks which has been used by the NTPC in the construction of these quarters. They claim that the company has used cheap fly-ash bricks in the construction of these houses, which lack strength, are light weight, and

¹⁴⁹ Claims made in 'Pakri-Barwadih Coyala Khanan Pariyojna ke Visthapiton hetu ban rahe awasiya Parisar'[Tr. Construction of Residential Complex for the people displaced by Pakri-Barwadih Coal Mining Project], black & white Pamphlet printed in vernacular language (Hindi) that was distributed by the NTPC Limited, Pakri-Barwadih Coyala Khanan Pariyojna, Hazaribag across the affected villages prior to construction of the R&R Colony.

hence not durable. The fly-ash out of which the bricks were baked was the reject (Kiln bypass) of iron-ore smelting factories of Usha Martin Company, running in iron-ore rich belts of Jharkhand.¹⁵⁰ Besides, the quarters lacked some basic amenities such as power (electricity) and piped supply of portable water as well. Although tall, black electric pillars were seen affixed on either side of the asphalt streets, there was no electricity. 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.

A villager at Dhenga village who worked as masonry labourer at the construction site reported that the sanctioned amount of each single storied resettlement quarter was 9,85,000 INR. However, the registered contractor paid only 3,50,000 INR per quarter to the petty contractors, besides the cost of the material which was directly supplied by NTPC. Pointing at corruption in the building of these quarters, he further added, "...both the contractors and the petty contractors accrued profit by a huge margin. From this, one can easily guess the quality of building in the Colony".¹⁵¹ Another respondent, a lawyer by profession, who has been fighting court cases for the farmers vehemently added:

*The R&R Colony is nothing more than 'a mould of sand'. A normal family usually comprises of at least five persons, but in the Colony quarters only one bedroom is available for them. Besides family members, we also tend to rear goats, cows, buffalos, pigs, and domestic fowls. But unfortunately, hardly any thought has been given to these cultural aspects in the construction of the Colony. Also, when there is no grazing field in the Colony, how would we feed our livestock? These are the reasons why the villagers refuse to move to the Colony.*¹⁵²

In a similar tone, the residents of Itiz and Urub village, who are the first victims of the onslaught, had mockingly denounced the R&R Colony saying that NTPC wants them to be reduced to "slum pigs." Their current village homes are spacious both in terms of floor space and height of ceiling whereas these congested quarters hardly qualify as 'homes' and lack all attributes which are essential to carry forward their culture and tradition.

¹⁵⁰ Information furnished in 'Pakri-Barwadih Coyala Khanan Pariyojna ke Visthapiton hetu ban rahe awasiya Parisar'[Tr. Construction of Residential Complex for the people displaced by Pakri-Barwadih Coal Mining Project], black & white Pamphlet printed in vernacular language (Hindi), NTPC Limited, Pakri-Barwadih Coyala Khanan Pariyojna, Hazaribag.

¹⁵¹ 22 September 2019, Personal interview.

¹⁵² 20 September 2019, Personal interview.

Inadequate Monetary Compensation

In 2018, under the protection of a convoy of armed police, NTPC forcefully conducted a detailed survey of 68 households situated on the leased-out properties of three lower hamlets of Itiz village viz. Mandap Tola, Tilaiya Tand, and Hed Khoye (Figure 6). These households, who were unwilling to part with their ancestral homes, were forced to comply with immediate eviction orders issued by the Additional Collector of the district (an official exclusively appointed for expediting land acquisitions for NTPC in Hazaribag district).



Figure.6. One civil engineer of NTPC guarded by 8 armed personnel during napi (measurement of houses)

Shortly after serving eviction orders many houses were flattened and fruit-bearing trees on people's homestead lands were razed down by a bulldozer. The owners of houses served with eviction orders were offered relocation to a poorly built R&R Colony, which they categorically denied. Instead, sixty of such households chose to construct new houses within the boundaries of their village by spending a part of the meagre compensation amount they received on account of the razed houses (Figure 7).



Figure.7. New houses built by evictees at Itiz village in proximity of Pakri-Barwadih coal mines.

On an average, each evicted household received a compensation amount of 5-6 lakh INR which is, not enough to rebuild their lives.¹⁵³ It is feared that the new brick-houses which the evictees have constructed at their 'own risk and expense' yet again falls within the lease area, and therefore, sooner or later, they might face another round of expulsion. When asked, the evictees had two concrete reasons to give to defend their decision. First, with the petty compensation money, they could not afford to buy a piece of homestead land outside the leased area and additionally bear the cost of constructing a new house given the sky rocketing price of land in the district. Secondly, they were anticipating that they would get compensation for the newly built houses as well. They expect to add their savings from the first round of compensation received with another round of compensation, which they anticipate receiving when they will get evacuated from the newly built houses.

Some of the Itiz residents anticipated the fall out of future expansion of the mines. Three of them who are also members of the Committee have collectively purchased a big parcel of tenant land (3 acres and 4 decimal) situated at the foot of Mahaudi pahad; they say this land is situated outside the company's lease area. They collected chanda (donation) from fourteen interested households of the village in order to meet expenses of the land registry and transfer certificate. The contributors would construct houses on equally distributed plots

¹⁵³ These figures of compensation were arrived on the basis of a government 'schedule' which involved weird mathematical calculation of plinth area of ancestral homes, materials used while constructing wall, floor and roof of houses etc. For instance, for mud houses the compensation was determined at the rate of INR 330 per square feet while for cemented brick house and RCC roofs it was INR 640 and 840 respectively.

(4-6 decimals of land) if the company initiates complete eviction of the Itiz village in the future. Most intriguingly in the above case, the ad hoc arrangement for resettlement was made at the behest and aid of the Thriveni Sainik management, with motives that are beyond comprehension. Besides this, there are 62 more households of Chandan Tilha, the upper hamlet of Itiz village, which is facing the ominous reality of eviction in the near future. Since NTPC's R&R policy does not have a 'land in exchange of land' component as option nor mandatory relocation to the colony, villagers have been left to make their own arrangements in order to secure the future.¹⁵⁴

Despite being subjected to systematic coercion, most residents who were interviewed during the course of this study were unwilling to leave their ancestral village. The living condition in the hamlets of Itiz was hit hard by mining in every aspect. Even after receiving compensation, some of the villagers continued to live in their broken old mud houses that were dangerously situated in very close proximity to the mine. The team met an elderly woman (in her 80s) living in her dilapidated house, and who did not wish to move out despite repeated warnings. Her sons had shifted to the new temporary house leaving her behind. The roof of her house was about to crumble due to heavy blasting at a radial distance of hardly 100 meters (Figure 8). In fact, 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.



*Figure.8. A broken house at Itiz where a woman continues to live.
(Source: Fr. Tony Herbert)*

¹⁵⁴ Refer footnote 23.

	PAKRI- BARWADIH COAL BLOCK 15 MTPA	CHATTI- BARIATU COAL BLOCK 3 MTPA North-West	KERENDA RI 6 MTPA	Cumulative figures of the three Coal Blocks
Total Mining Lease Area	3280	485.159	1173	4938.159
No. of affected villages (As per approved mining plan and EIA documents of respective Coal Mine Projects of NTPC Ltd.)	17	8	7	32
No. of PAFs and land losers (As per approved mining plan and EIA documents of respective Coal Mine Projects of NTPC Ltd.)	8339	NA	1453	9792
Primary Census Abstract Data, Census 2011				
1. Total No. of HHs in affected villages	29297	2332	1641	33270
2. Total No. of persons inhabiting affected villages	156248	11805	8134	176187
3. Total Working population in the affected villages	60566	5335	3311	69212

Table 9

Ground Resistance and Forms of Suppression

Karanpura Bachao Sangharsh Samiti

A resident of Guruchatti and a doctor by profession, D Mahto runs a small private clinic at the Barkagaon bazar (market). In 2005, when NTPC officials paid a visit to Dhenga village with the proposal of constructing the R&R Colony, the resident farmers feared that the construction of the colony would soon ply over their lives and desolate their fertile farmland. Some 141.70 ha of one the most fertile multi-crop yielding contiguous patch of well-irrigated low land was under stake, if they did not oppose the construction.¹⁵⁵ The plots officially earmarked for the Colony (under Land Acquisition Act, 1894) belonged to the farmers of five native villages namely Dhenga, Barkagaon (proper), Kadmadih, Kerigera and Guruchatti. The alert residents immediately convened a joint Gram Sabha meeting of five villages and pleaded the Deputy Commissioner of Hazaribag to either reconsider the proposal or reallocate the project elsewhere since the land under acquisition was highly productive and multi-crop in nature. However, the state administration did not pay any heed to their repeated pleas. The aggrieved farmers finally decided to take resolute and concrete action against forcible and involuntary land acquisition under the banner of Karanpura Bachao Sangharsh Samiti, which was already spearheading the protest movement across 23 villages hit by Pakri-Barwadih coal mines. D. Mahto along with local karyakartas (volunteers) of Karanpura Bachao Sangharsh Samiti started mobilising farmers and organising sit-ins at the proposed site of construction of the R&R Colony. Simultaneously, the company officials were also using their might and proximity with the state administration to intimidate the farmers to accept the petty compensation money (which was 7 lakh INR per acre of land at that time) and surrender Khatiyani documents (the land ownership/registration documents) to NTPC. Recalling those days, D. Mahto testified:

Every now and then, the NTPC officials would come to our village under the protection and cover of armed state police and would threaten us to give up fighting. The Company employed all means to break our solidarity.¹⁵⁶

¹⁵⁵ Area marked for the construction of the Colony as mentioned in a letter from T. Chandini, Director, Ministry of Environment & Forest, Government of India, New Delhi, to A.B. Haldar, Additional General Manager (CM), NTPC Ltd., Noida. In 'Pakri-Barwadih Coal Mine Project (15 MTPA) of M/s National Thermal Power Corporation Ltd. (NTPC Ltd.) located in villages Barkagaon, Itiz, Chiruadih, Urub, Chepa, Kalan, Nagri, Jugra, Sindauri, Churchu, Carahara, Sonbarsa, Pakri-Barwadih, Chepa-Khurd, Deora-Kalan, Lakura, Langatu, Keri, Dadikalan, Tehsil Barkagaon, District Hazaribag, Jharkhand-environmental Clearance-reg.' EC Letter no. J-11015/692/2007-IA.II (M), Annexure XI, Ministry of Environment & Forest, Government of India, New Delhi. 19 May 2009.

¹⁵⁶ 20 September 2019, Personal interview.

Despite their efforts, the Company ultimately gained success in enticing upper caste farmers in favour of the acquisition by way of promising them petty contracts. These upper caste tenants, particularly Brahmins and Bhumihars of Dhenga village, had ownership over relatively large land holdings. They eventually found themselves in a win-win situation since they were to fetch huge compensation money owing to large land-holdings while, at the same time, allured to accrue profit from petty contract on offer by company agents. Thus, they readily got enticed to part with their land against the will of fellow villagers; particularly at the cost of some 230 small farmers who mostly belonged to backward caste. Under similar compelling circumstances approximately 70 per cent of farmers were forced to forfeit part of their land-holding to NTPC.

In Dhenga village, 90 per cent farmers (mostly upper caste) have surrendered their land. This paved way for the construction of the R&R Colony which began in 2015 amid protest by the farmers of five affected villages. The pitted battle over the acquisition of land for the R&R Colony was incidentally ongoing in this hinterland of Jharkhand at the time when National Democratic Alliance government at the centre was pushing hard to dilute LARR Act, 2013, and bring 'multi-crop' land within the ambit of land acquisitions for the public purpose.¹⁵⁷ The local state government, also led by the same political party ruling at the centre, was also not sympathetic towards these farmers. These were also the reasons why farmers felt compelled to surrender their multi-crop land for the Colony as they did not see any hope with the political ideology of the ruling dispensation.

However, once they received the support of Karanpura Bachao Sangharsh Samiti, they revamped their struggle against the construction of the R&R Colony which, by that time, had already begun. The families who were losing their farmland camped at the site of the construction for nine months, drove the contractor out, and halted the construction work. Women were leading from the forefront in their peaceful and democratic protest, risking police brutality and threats from the company and administration. However, despite ongoing protest the local state administration enforced resumption of the construction work in July 2015 through intimidating means. The contractors engaged in construction of the Colony were given civil police protection; women battalion and State Task Force were deployed.

On July 12, 2015, false FIRs were instituted against five peaceful protestors (Dr. D Mahto, H. Dangi and others) for disrupting government work. They were booked for beating contractors on the basis of fake complaints and medico-legal certificates. Mahto angrily recalled; "Virodh ke bavzood bandook ke bal pe R&R ka kaam shuru kiya gaya" (R&R work

¹⁵⁷ See Yadav, Anumeha; 'Land Wars: Jharkhand's coal conflicts show the lapse of land ordinance hasn't doused the fire'; Scroll.in, September 23, 2015.

was resumed at gunpoint, in spite of resistance). Such unsolicited state action instead of dialogue further flared up anger among the already aggrieved farmers against the local state administration. They decided to organise a massive protest march so as to get their demands heard and register their accumulated anger.

The residents of 7 mine-affected villages along with area MLA Nirmala Devi and Ex-MLA Yogendra Sao joined hands with these farmers, since they too were angry about the poor quality of construction material being used by the NTPC in building the Colony infrastructure where they were to move after eviction. The contract for the construction of the R&R Colony was initially given to National Buildings Construction Corporation Limited, a government enterprise, which desperately failed to initiate the work due to massive local opposition. The company was marred with corruption charges following which an inquiry was commissioned by CM Raghubar Das to look into the complaints of using substandard construction material. Later, a Kolkata based private 'turnkey solutions' firm McNally Bharat Engineering Company (MBC) Limited was roped in to complete the construction of 2111 resettlement quarters.

Due to continued sit-ins at the construction site, MBC could also not push the work further. Under the watch of armed state police, MBC accelerated the pace of construction of the R&R Colony to clear its backlogs. All these developments contributed to the flare up of anger among affected farmers. On August 14, 2015, hundreds of villagers assembled at GDM School, Barkagaon, to register their protest against the forcible land acquisition of their multi-crop land, institution of fake criminal charges against the andolan leaders, and resumption of construction work of Colony at gunpoint ignoring the allegations of rampant corruption and use of cheap construction materials by the NTPC. Called as Kishan Sabha (the farmers meeting) the protest march was led under the leadership of sitting MLA of Barkagaon, Nirmala Devi and her husband and ex-MLA Yogendra Sao. Both these political leaders had been spearheading peoples' movement against the NTPC in the Barkagaon region and had become a pain for the local state administration as well.

When hundreds of farmers were peacefully demonstrating at GDM School, suddenly 400 state armed police stormed in and vandalised the sit-in site.¹⁵⁸ The police poured kerosene oil in khichdi (dish made of rice and lentils) prepared for the demonstrators, cordoned off the sit-in site with iron-barricades, and indiscriminately beat women and children. This unprovoked police action irked the protesting farmers and hundreds of them started marching towards the R&R Colony where contractors were building resettlement quarters under the watch of security personnel. Mounted with loudspeaker, the farmers from a tempo announced that they wished to sow paddy seedlings at the construction site to reclaim their agricultural land from NTPC and do not wish to harm anyone. Soon a high-pitched battle

¹⁵⁸ Prabhat Khabar, 22 August 2015.

ensued between the protestors and the state administration as officials attempted to stop farmers from sowing paddy-links. In their official written testimonies, the officials claimed that protestors were demolishing the R&R Colony quarters.

The police retaliated with tear gas shells and opened fire on the protestors, injuring dozens of farmers, including a journalist.¹⁵⁹ The injured farmers (10 persons), including a woman who had received bullet injury to her hip-girdle, were immediately arrested when they reached Sadar Hospital, Hazaribag. The local state administration, rebuking the charges of violence and unprovoked firing on the peaceful farmers, claimed in the press and media briefings that 'the police resorted to baton charge and firing in order to control the violent mob and establish law and order'. Soon after the incident of police firing, the construction of the R&R Colony resumed, under heavy security overlooking the resentment and demands of the concerned farmers. On August 25, MLA Nirmala Devi was arrested in Ranchi, accused of violating Section 144 of CrPC in the area and a series of IPC sections that were leveled against her on a warrant issued by a Hazaribag court.

For over five consecutive days and nights, around 250-300 armed personnel of Jharkhand Special Task Force (Jaguar police) and CRPF battalion continued raiding and rampaging houses of the farmers who opposed the construction of the R&R Colony. Remembering those dreadful times, D. Mahto said:

The police would break open doors during night hours, intimidate family members, indiscriminately beat women and thrash children to the floor. They would leave the household after vandalising kitchenware and pouring kerosene oil in stored food grains. Whoever was caught was subjected to severe police brutality.¹⁶⁰

D. Mahto and 35 others were later arrested and incarcerated at the Jai Prakash Narayan Jail (District jail) where they spent more than six months as undertrial prisoners before being released on bail. The police atrocity was followed by harassment at the court premises. D. Mahto said:

My family paid 22,000 INR to get me released on bail. There were 35 named accused and hundreds of unnamed persons from our villages who had to meet similar expenses. At that time dalals (brokers) had also popped up at the district court. They would fool

¹⁵⁹ Yadav, Anumeha; 'Land Wars: Jharkhand's coal conflicts show the lapse of land ordinance hasn't doused the fire'; Scroll.in, September 23, 2015.

¹⁶⁰ 20 September 2019, Personal interview.

*innocent villagers saying that their names featured in the said FIR and would offer to strike out names in exchange for money.*¹⁶¹

In May 2016, in spite of heavy protests from people, mining started in the area.

Anatomy of State Violence

The story of such systematic state violence extended to other villages as well. At the Sindwari village road, live Karinath Ram and Reshmi Devi, parents of the 17-year-old boy Ranjan Kumar Das who was one of those shot dead by the state police.¹⁶² Reshmi Devi shared her acute grief over the loss of her beloved child as she sang a mourning song. The verses of her mourning song were an emotive account of what had happened on that fateful day: how Ranjan Kumar Das left for tuition, how his body was dumped lying in a pool of blood unattended on the roadside, and how the family was not allowed to touch his body placed in the police vehicle which carried him to the hospital.

Karinath said that his son's death was confirmed by a cousin. The frantic family made several queries and pleaded with the police administration to be allowed to accompany injured Ranjan to the hospital, but in vain. Ranjan and two young men, Pawan Kumar Saw (19) and Abhishek Kumar Rai (19), who were shot dead by the police represent 'figures of the bad death' (untimely death) whose remembrance gives fellow villagers aftershocks and warning of the pervasive threat of State violence.

Ranjan's parents say that they never took part in the protest movement against the NTPC's coal mining project. Ranjan succumbed to bullet injury on October 1, 2016 when the police opened fire on defenseless villagers at Dadikala village while they were blockading approach roads leading to the working area of Pakri-Barwadih coal mining project. At the time of the incident of police firing, early morning, between 6:30 to 7 am, Ranjan was returning home on his bicycle after attending a private coaching at Barkagaon.¹⁶³ Prima facie, it was a case of targeted murder since he was shot on the hind side of the left part of his neck with due precision.¹⁶⁴ Post mortem report revealed that the fatal bullet (fired from a distance of approximately 100-300 meters) pierced through his neck, fracturing his cervical vertebrae which culminated in death. The police deliberately took his life (along with two others boys,

¹⁶¹ 20 September 2019, Personal interview.

¹⁶² 20 September 2019, Personal interview.

¹⁶³ Petition by Karinath Ram, father of deceased Ranjan Kumar Das in the district court; Karinath Ram V/s Shailesh Kumar and 25 Others, Complaint no. 1613/2016, in the Court of The Principal District and Session Judge, Hazaribag, 21.11.16.

¹⁶⁴ The details of the Post Mortem examination conducted on dead body of Ranjan Kumar Das by Medical board of Sadar Hospital, Hazaribag comprised of Dr. M.P. Chaudhary, Dr. Major P.K. Sinha, and Dr. Tapas Kumar Rajak on 2.10. 2016 at 12 pm; JH. 277761; vide letter no. 2542 of Mithilesh Kumar Jha, Dy Collector In-charge, Confidential Section, Hazaribag.

who had also received bullet injuries to the neck, and an adult labourer) over trying to crush and dissipate the public outrage against forcible land acquisition, dismal compensation and resettlement policies of NTPC.¹⁶⁵ The evil act of senseless murder of these innocent teenage boys was, in fact, aimed at generating fear and intimidation among villagers and to render them docile (Figure 9).



Figure.9. Father Pawan Kumar Rai sharing debilitating experiences with court and district administration during his struggle for justice for his deceased son Abhishek Kumar Rai, Sonbarsa village.

Every year on 1 October, the karkyakartas of the andolan commemorate the death of all four victims of police firing as Shaheed divas (martyrdom day; Figure 10 a) and b)). The active remembrances of the deceased children help the afflicted community in consolidating social experiences of violence and to invoke collective memories of the andolan.

¹⁶⁵ The Post Mortem examination report of Abhishek Kumar Roy also confirmed bullet injury in right part of the neck. See details of the Post Mortem examination conducted on dead body of Abhishek Kumar Roy by Medical board of Sadar Hospital, Hazaribag comprised of Dr. M.P. Chaudhary, Dr. Major P.K. Sinha, and Dr. Tapas Kumar Rajak on 2.10. 2016 at 1 pm; JH. 277763; vide letter no. 2542 of Mithilesh Kumar Jha, Dy Collector In-charge, Confidential Section, Hazaribag.



Fig. 10 (a). Pamphlet of Shradhanjali Sabha (Condolence meeting), Karanpura Barchao Sangharsh Samiti; (b) Martyrdom day observed on 1 October in active remembrance of the victims of Dadikala police firing (Mehtab Alam, Ranjan Kumar Das, Pawan Kumar Sao, and Abhishek Rai).

A Pre-Planned Attack

Under the stewardship of Prime Minister of India, Mr. Narendra Modi, the mining and power sector has suddenly assumed pivotal role in materialising the ambitious political project and vision of 'Make in India'. On September 28, 2016, hardly two days before the police firing incident at Chirudih area, PM Modi had reportedly shown a keen interest in the Pakri-Barwadih coal mining project. According to a news report published in local news daily Prabhat Khabar, the PM personally spoke to the Additional Chief Secretary of Jharkhand State over video conference to take stock of progress of Pakri-Barwadih coal mines.¹⁶⁶ He reportedly took stock of the law and order situation and security arrangements around the mines and expressed concern over delay in land transfer and disbursement of compensation money. PM Modi also vowed to give free hand to the state administration in taking all possible measures to liquidate local resistance to the mining project. Coincidentally, the very next day (on September 30, 2016), the Managing Director of the Pakri-Barwadih Coal Mining Project Mr. T. Gopal Krishna lodged an FIR at Barkagaon police station against the area MLA Nirmala Devi and those who were staging Kafan (shroud) Satyagraha for two weeks near Chirudih area, close to the mines.¹⁶⁷ The MD in his written complaint accused Nirmala Devi and Yogendra Sao, who were spearheading the farmer's protest, of unlawfully

¹⁶⁶ 'Pakri-Barwadih ke raiyaton ko kab tak milega muavja', Prabhat Khabar (Ranchi edition), 29 September 2019.

¹⁶⁷ First Information Report (FIR) registered by T. Gopal Krishn, Managing Director, NTPC (Pakri-Barwadih) at Barkagaon P.S. against Nirmala Devi and Others; Case no. 226/16, 30.09.2016 u/s 147/148/149/341/353/ 120 (b)/ 188/109 of Indian Panel Code (IPC), u/s 57 (3) C.M.R. Act 1957, and u/s 48 (6) of Mines Act 1952.

obstructing and halting mining operation.¹⁶⁸ All these developments mounted political pressure on the district administration to swiftly act in order to break the impasse. On the intervening night of September 30 (at 11 pm) the key district officials (SP, DDC, ASP-mission, SDPO, SDM Sadar, Director of DRDA, ASI Barkagaon and Keredari PS and NTPC officials) reportedly convened a secret meeting at Barkagaon Police Station where they conspired a surprise attack on demonstrators at odd hours (4:30 am early in the morning) and arrest Nirmala Devi from the spot.¹⁶⁹ As per the plan, the state officials (CO of Barkagaon, ASP Abhiyan, and the Director of DRDA invested with magisterial powers by the DC, Hazaribag) accompanied by an armed police convoy (escort party) vandalized the sit-in site at Chirudih, brutally baton charging 100-150 peaceful demonstrators, including women, to disperse them and forcibly arrest MLA Nirmala Devi without showing any arrest warrant or court order.¹⁷⁰

When the state officials pulled her along in a police vehicle and drove away from Chirudih area towards Barkagaon, the injured demonstrators feared that the police had abducted their leader during odd hours "with a clear intention to kill her".¹⁷¹ They tried to stop the police convoy from detaining Nirmala Devi while the Circle Officer dragged her by her hair and clothes to the police vehicle. As the news of her unwarranted arrest spread across mine-affected villages, villagers gathered on roads leading to Barkagaon. Out of rage and apprehension that she would be murdered, hundreds of men and women farmers intercepted the police vehicle carrying Nirmala Devi at Nagri village and then again at Dadikala village (1 km away from the sit-in site) respectively. The crowd stopped the police vehicle and protested until they released Nirmala Devi.¹⁷² In the skirmish CO and ASP (Mission) and his bodyguard, who were resolved to arrest the then MLA, bore the wrath of agitated villagers and reportedly received minor injuries. Once rescued from the clutches of

¹⁶⁸ See also claims made by NTPC Limited in their response to the Amnesty International in NTPC Ltd. 2016. 'Reply to the email dated 03.10.2016 from Amnesty International. 'NTPC Ltd. Pakri-Barwadih Coal Mining Project. (not specified). Accessed on 3 September 2019, <https://amnesty.org.in/wp-content/uploads/2016/10/Reply_to_Amnesty_Rev1_06.10.161.pdf >

¹⁶⁹ Deposition by the witness Shri Narayan Vigyan Pranhakar on 06.10.2018 in the Court of Additional District Judge, Hazaribag, State v/s Yogendra Sao & Others, S.T. Case No. 183/2017.

¹⁷⁰ Final Report filed by Suresh Tudu, Investigation Officer (I.O.) on 02.03.2019 following the inquiry instituted against the FIR lodged by Pawan Kumar Rai, father of deceased Abhishek Kumar Rai; G.R. 1988/18 of 04.07.18 in the Court of S.D.J.M., Hazaribag. State v/s Shailesh Kumar and 25 Others; See also Barkagaon 106/18, GR. 1688/18, Court of C.J.M., Hazaribag.

¹⁷¹ 20 September 2019, Personal Interview.

¹⁷² Deposition by the accused state official Shri Narayan Vigyan Pranhakar In 'Final Report' filed by Suresh Tudu, Investigation Officer (I.O.) on 02.03.2019 following the inquiry instituted against the FIR lodged by Pawan Kumar Rai, father of deceased Abhishek Kumar Rai; G.R. 1988/18 of 04.07.18 in the Court of S.D.J.M., Hazaribag. State v/s Shailesh Kumar and 25 Others; See also Barkagaon 106/18, GR. 1688/18, Court of C.J.M., Hazaribag.

the police party, Nirmala Devi safely fled the scene under the cover and protection of her supporters.

Meanwhile police station in-charge of Barkagaon, Keredari PS arrived along with Hazaribag SP on the scene with additional police force (RAP, Crowd Control Unit, and Civil Armed Police) equipped with anti-riot and mob control gears.¹⁷³ Foiled in their attempt to arrest Nirmala Devi, the DRDA Director Narayan Prabhakar, exercising his magisterial power, ordered the civil police to open fire on the protestors when they refused to retreat and surrender Nirmala Devi.¹⁷⁴ The reckless firing claimed the lives of three young men and a labourer, reportedly due to fatal bullet injuries received in the neck coupled with delay in medical attention. Five grievously injured persons were hospitalised by relatives at trauma centre (RIMS, Ranchi) and a private medical facility, Medica at Ranchi, at their own expenses.¹⁷⁵ Additionally, some 40 villagers bore serious injuries.¹⁷⁶ The police arrested one of the critically injured villagers, but left after admitting him in a private trauma centre as soon as his medical condition deteriorated. Even as the grievously injured villagers were left to die at the scene, the injured state officials (CO, ASP (Abhiyan) and his bodyguard) were quickly air-lifted to a private super-specialty trauma centre at Gurgaon, Delhi (Medanta Medicare) on state funds.¹⁷⁷

When some of the injured villagers were rushed to Sadar hospital, Hazaribag, they were immediately arrested. This differential treatment and medical negligence meted out to grievously injured villagers, whose life could have been saved if they were given proper medical attention on time, in contrast to state officials who were air-lifted despite minor injuries, illustrates the callousness and apathy with which the local state administration treats the lives of these villagers as expendables.

Following police firing, the atrocities by the civil police intensified. The local state administration cracked down heavily on villagers and movement leaders accusing them of

¹⁷³ Narration of the chain of events by Shri Narayan Vigyan Prabhakar who ordered civil police to open fire on protestors during court trial in the above case.

¹⁷⁴ Ibid.

¹⁷⁵ Fact Finding Report MASUM & PACTI. 2016. 'Hazaribgh police firing - Jharkhand govt waged war against its people - school students were killed - MLA abducted by police then disappeared.' Kirity Roy. Bangar Manabadhikar Suraksha Mancha-MASUM and Programme Against Custodial Torture & Impunity (PACTI), Hooghly, West Bengal. Submitted to Justice H.L. Dattu, Chairman, National Human Right Commission (NHRC), New Delhi, on 7 October. Accessed on 7 August 2019, <<http://www.masum.org.in/FactFindings.aspx>>

¹⁷⁶ Claim made by villagers in an open letter to Chief Secretary, Jharkhand. 'Seeking protection of life from civil police and paramilitary forces working for profits of corporate and their associates'; Karnapura Bachao Sangharsh Samiti, Barkagaon, Hazaribag to the Chief Secretary, Jharkhand State, Ranchi; 3 October 2016.

¹⁷⁷ Deposition by the accused state official Shri Narayan Vigyan Pranhakar on 06.10.2018 in the Court of Additional District Judge, Hazaribag, State v/s Yogendra Sao & Others, S.T. Case No. 183/2017.

stone pelting on the police party and attacking the Circle Officer of Barkagaon and Additional Superintendent of Police during commotion. This also led to the shutdown of Barkagaon for weeks, while hundreds of villagers fled away fearing police atrocity and arrest. Curfew remained imposed for weeks as paramilitary cordoned off the entire region disallowing media personnel, leaders of mainstream political parties, and human right activists from entering the area.¹⁷⁸ The intensified police action; imposition of curfew, registering FIR against area MLA and effecting arrests, 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.

When the villagers tried to register complaint against this illegal act, the local police administration initially refused to accept an FIR against its own state officials.¹⁷⁹ The survivors of the deceased persons had to approach the court to get the FIR filed against state officials and company managers.¹⁸⁰ It took two long years of rigorous persuasion, several RTI petitions, and finally the court intervention for parents of the deceased youth, to get the FIR lodged against the shooters at Barkagaon police station. Lastly, in 2018, an inquiry was set up against 25 accused persons (police personnel, state administrative officials, and company officials of Thriveni Sainik and NTPC) whom the survivors of the deceased persons held responsible for the murder of their wards.¹⁸¹ During the investigation, many contradictions surfaced in the written submissions and testimonies filed by the accused state officials who were part of the convoy which resorted to police firing on October 1, 2016.¹⁸²

According to the inquiry report and case diary of investigation officer pertaining to the said FIR, several diachronic account of the chain of events emerged from the accused state officials. This, they claimed, led officials to resort to police firing on villagers on October 1, 2016. Written testimonies filed by different state officials who were part of the convoy, which cracked down on villagers, were factually marred with contradictions. For instance, ASP Kuldeep Kumar testified before the inquiry officer that the supporters of Nirmala Devi

¹⁷⁸ Refer footnote 175.

¹⁷⁹ Pawan Kumar Rai v/s Shailesh Kumar and 25 others, Court of Miss Saudamini Singh, Judicial Magistrate, 1st Class, Hazaribag; GR 1569/26, C-1592/16 heard on 17.11.2016 yet the case lingered till another FIR was instituted afresh at Barkagaon P.S. under GR 1988/18 on 04.07.2018 following which trial began at the Court of C.J.M. Hazaribag against the accused state officials.

¹⁸⁰ The FIR was instituted afresh against the 25 accused state officials after the High Court, Ranchi issued order in this regard following a Writ Petition filed by Nirmala Devi; WP (C.R.) 145/18.

¹⁸¹ State v/s Shailesh Kumar and 25 Others, Court of S.D.J.M., Hazaribag, GR-2737/16; See also Barkagaon 106/18, GR. 1688/18, Court of C.J.M., Hazaribag.

¹⁸² Refer to case diary of the I.O. In 'Final Report' filed by Suresh Tudu, Investigation Officer (I.O.) on 02.03.2019; G.R. 1988/18 of 04.07.18, Court of S.D.J.M., Hazaribag. State v/s Shailesh Kumar and 25 Others.

were brandishing traditional weapons (machetes, baton, axes, and stones) including firearms. He also said that the firing was first started from their side, attacking the police, following which the state police was forced to resort to open fire in self-defence.¹⁸³ Rebuking such claims, findings of the Amnesty International India suggest that the deceased villagers were shot above the waist and in their backs, which explicitly shows that the civil police had no intention to observe restraint.¹⁸⁴

Contradicting the ASP's submission, another official, who was overseeing the operation as a Magistrate, did not testify that the supporters of Nirmala Devi opened fire on the police convoy and officials. Similarly, Narayan Vigya Prabhakar, the Director of District Rural Development Agency (DRDA) who was also part of the operation, did not mention the incidence of firing by the supporters of Nirmala Devi. He submitted that since the prohibitory order was in force at the site of the Kafan Satyagraha, the demonstration was held unlawful, and hence the arrest of the leader was justified. Whereas the CO of Barkagaon, who had purportedly received head injury during the clash between the mob and police convoy, declined to have knowledge about any prohibitory order in force in the area. The CO, in his submission, also admitted that at the time of operation, the officials did not have any formal written court order to arrest Nirmala Devi. Again, no formal information was passed on to the Deputy Speaker of the Legislative Council of Jharkhand State about the plan of arrest of Nirmala Devi, which is legally mandatory before effecting an arrest of a sitting MLA. During cross-examination of facts, the CO of Barkagaon, did not produce any documentary evidence (medico-legal certificate) to support the claim of state administration about the grievous head injury he suffered when the violent mob attacked him. To defend the irresponsible act of police firing, the Superintendent of Police, Hazaribag, asserted before the press that the police resorted to firing in response to the "atrocities met on the police," accusing villagers of stone pelting.¹⁸⁵ However, the Superintendent of Police, Hazaribag had briefed the media about the injury of 30-35 police personnel. However, the report of a Fact Finding team (of MASUM- Banglar Manabadhikar Suraksha Mancha & PACTI- Programme Against Custodial Torture & Impunity) submitted to the National Human Rights Commission (NHRC) mentions that when the team visited the district hospital to enquire about the

¹⁸³ Deposition of the accused official during cross-examination in case diary of the I.O. 'Final Report' filed by Suresh Tudu, Investigation Officer (I.O.) on 02.03.2019; G.R. 1988/18 of 04.07.18, Court of S.D.J.M., Hazaribag. State v/s Shailesh Kumar and 25 Others.

¹⁸⁴ Amnesty International India. 2016. 'Communities affected by Jharkhand's NTPC-supported coal mine not adequately consulted.' Counterinterview.org. 28 October, Accessed on 5 August 2019, <<https://counterinterview.org/2016/10/28/communities-affected-by-jharkhands-ntpc-supported-coal-mine-not-adequately-consulted/>>

¹⁸⁵ Superintendent of Police, Hazaribag made such comments when interviewed by a representative of the Amnesty International India. Refer Footnote 184.

injured police personal, the hospital administration failed to furnish any records to confirm the fact of hospitalisation.¹⁸⁶

Even though the accused state officials contradicted each other's statements in their written submissions, the inquiry officer seems to have categorically ignored the discrepancies. Instead, the inquiry cleared the accused officials of all criminal charges (of planned murder u/s 304/34 of IPC) against them, concluding that the filing of the FIR was actually "motivated" so as to harass state officials who were performing their duty and that the admission of FIR itself was "a mistake of fact" in law.¹⁸⁷ This was a severe setback and injustice to the aggrieved parents of the deceased persons who met violent deaths and also to the villagers who were subjected to harassment, police atrocity, incarceration and torture. On the other hand, the lifting of criminal responsibility and charges against the state officials encouraged the local state administration to continue acting with complete impunity.

On October 18, 2018, MLA Nirmala Devi, was arrested from Oakni Mohalla, Hazaribag and lodged in the district jail.¹⁸⁸ This was on the basis of a written complaint filed by Anuj Prasad, SDO (Sadar), Hazaribag. An FIR (GR No. 167/15) was lodged against Yogendra Sao and Nirmala Devi along with 66 others at the Barkagaon police station in order to further harass the resisting farmers and leaders of the andolan.

Cost of Fighting for the Common Good

In May 2017, the contractor Thriveni Sainik started flattening trees and clearing space for construction of a 10-metre-wide coal transport road at Jugra village without consulting the village Gram Sabha. In particular, the residents of Jugra had serious objections to the 'faulty road alignment' conceived by the NTPC engineers. The proposed alignment of the haul road was to raze over 30 acres of multi-crop raiyati land, engulf common village pastures, a 100-year-old functional concrete irrigation canal Pankhwa nahar (and a dam built over it in 1912 by Ramgarh Raj; Figure 11. a) which was recently renovated under MNREGA scheme with an expenditure of approximately 13 lakh INR and which irrigates a vast catchment area covering six neighbouring villages (Jugra, Chepakala, Arahara, Chepakhard, Langatu and Keri villages; Figure.11. b), two common natural water bodies of Jugra that were used for the purpose of bathing cattle and where wild life also frequented to quench thirst, six ring wells, along with significant numbers of fruit-bearing Mahua and other useful trees. Besides

¹⁸⁶ Fact finding report on police firing filed by Kirty Roy, Secretary, Banglar Manabdhikar Suraksha Manca (MASUM) and National Convener, Programme Against Custodial Torture & Impunity (PACTI) to the Chairman, National Human Right Commission (NHRC), New Delhi.

¹⁸⁷ Concluding remark of the I.O. in the 'Final Report' filed by Suresh Tudu, Investigation Officer (I.O.) on 02.03.2019; G.R. 1988/18 of 04.07.18, Court of S.D.J.M., Hazaribag. State v/s Shailesh Kumar and 25 Others.

¹⁸⁸ An FIR was instituted against Nirmala Devi, the seating MLA, at Barkagaon P.S. based on the testimony given by Anuj Prasad, Sadar S.D.O. (Sadar), Hazaribag; GR 167/15.

'village commons' and raiyati plots, the haul road was also to take over forest land, GM land, Bhoodan land, and Bakasht land that were under cultivation.¹⁸⁹

Aggrieved residents of Jugra raised objection to the construction work on village commons that was being forcibly undertaken without prior information and consultation with the village Gram Sabha. They accused that NTPC brazenly defied the provisions of LARR 2013 (which prohibits acquisition of multi-crop land for mining purpose) and FRA 2006, and overlooked due rights, compensatory entitlements, and interests of the farmers whose lands were falling in the area marked for the haul road.¹⁹⁰ Nevertheless, the villagers' genuine concern pertaining to the 'faulty road alignment' of the haul road, forcible acquisition of cultivable land without proper land acquisition and compensation, and destruction of village commons, were met with police repression. Instead of addressing genuine grievances of the villagers, the local state administration chose to deploy armed police at the construction site (Figure 12).

¹⁸⁹ Plea made to Sub-Divisional Officer, Hazaribag, by Nageshwer Saw and residents of Jugra Village, 26.05.17.

¹⁹⁰ Press release of the resolution taken by the Gram Sabha of Jugra village. 26.05. 2017.

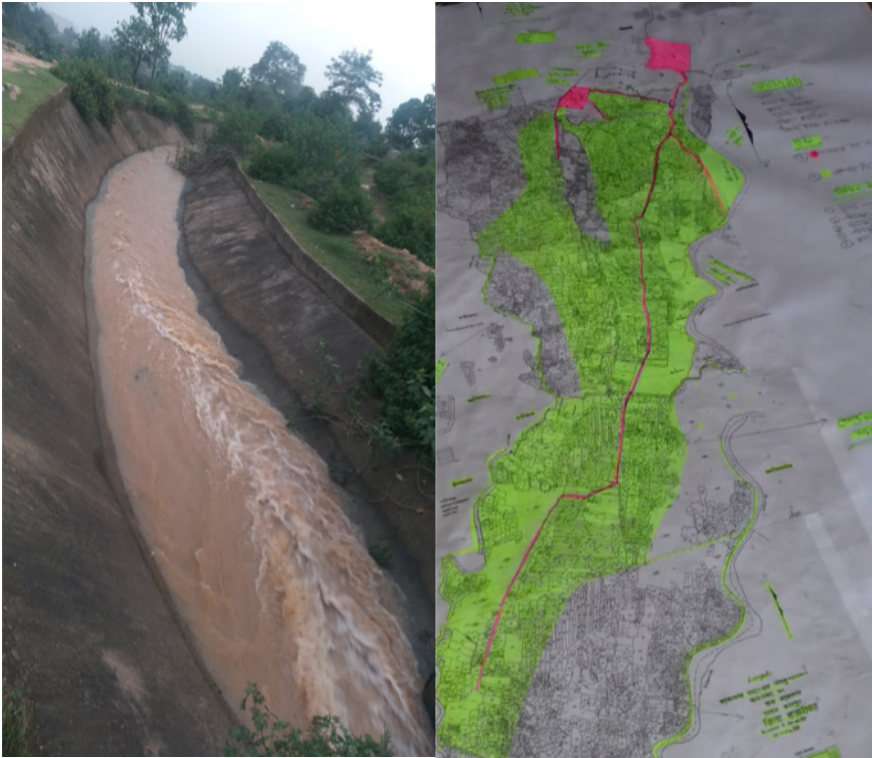


Figure 11. a) Pankhwa Nahar flowing through Jugra, Figure 11.b) Vast catchment area of Pankhwa Nahar shaded in green colour over revenue map of Barkagaon.



Figure 12. Armed police protection to engineer constructing the haul (coal transport) road at Jugra village

At Jugra village, the company has forcibly constructed broad supply roads passing through the paddy fields.¹⁹¹ Residents of Jugra claim that their consent was not sought while secretly transferring 11.81 ha of paddy lands to NTPC for road construction.¹⁹² Despite severe intimidation, N. Saw (67 yrs.) of Jugra village did a 32 days long amaran ansan (hunger strike till death) at the construction site (at Khokhiya tand near Pakwa dam) (Figure 13) against the forcible construction of a haul road in his village. Following N. Saw, six more elderly people: B. Saw (60 yrs.), J. Gope (80 yrs.), S. Bhuiyan (80 yrs.), B. Saw (70 yrs.), T. Devi (80 yrs.) and J. Devi (70 yrs.) from Jugra, along with 400 supporters sat on a hunger strike to get their rightful demands heard. The Gandhian style protest by seven senior citizens drew attention of the local media as the health condition of the protestors began to deteriorate. The photographs of the satyagrah and N.Saw's house have been provided by N.Saw.



Figure. 13. N. Saw and six other senior villagers sitting on an amran ansan at haul road construction site at Jugra village.

Under moral pressure from various quarters and in order to save its face, the local district administration sprang into action by constituting an eleven-member committee to look into the possibilities of 're-alignment of the transport road' and to consider demand of fair compensation for the land oustees.¹⁹³ NTPC finally agreed to the three point demand of the

¹⁹¹ Protestors halt NTPC mining in Hazaribag, The Times of India, July 7, 2013.

¹⁹² Niyogi, Deepanwita Gita; 2018. 'Jharkhand village continues its anti-NTPC stance'; Down to Earth, December 12

¹⁹³ Letter from Circle Officer, Barkagaon to Managing Director, Pakri-Barwadih Coal Mining Project, NTPC Limited, asking him to cooperate to the committee constituted by the district administration to look into the possibilities of re-alignment of the transport road at Jugra, Letter no. 553, 28.06.2017.

villagers and the strike was called off.¹⁹⁴ However, when the media attention dissipated, NTPC paced up the construction work and built a 40 feet wide haul road as against the agreed width of 24 feet. Again, to the peril of land oustees, the company never compensated affected farmers, including permanent tenure holders or raiyatis whose entire landholding went under the haul road. In 2018, the NTPC contractors stealthily filled a huge water body called Navahara Talab of Jugra in order to further broaden the coal transport road (Figure 14 a), b), and c)). When met with resistance, seven people were falsely implicated and lodged in the district jail for six months. N. Saw who had earned fame for his satyagraha was also incarcerated in jail for six months in spite of his old age. However, the harassment and humiliation did not end there.



Figure. 14. a), b) & c). Destructions brought about by the coal transport road constructed at Jugra

In July 2019, N. Saw received two notices by the Circle Officer of Barkagaon (first on July 12, 2019 and then on July 17, 2019) to immediately vacate so that his house could be demolished.¹⁹⁵ He was informed that the particular plot (Plot no. 1091 of Khata No. 43, Raiyati plot) of his homestead land was acquired by the NTPC under the Land Acquisition

¹⁹⁴ Letter from T. Gopal Krishn, General Manager, Pakri-Barwadhi Coal Mining Project, NTPC Limited, Hazaribag to the Circle Officer, Barkagaon, Hazaribag. letter no. NTPC/PBCMP/2017. 17.06.2017.

¹⁹⁵ Two notices served to N. Saw by Office of Circle Officer, Barkagaon, Hazaribag; Notice no. 460 and 481 of the issued on 12.07. 2019 and 17.07. 2019 respectively.

Act and therefore, the residential structure on it (the house he had built) was held to be “illegal” (avaidh sanranchna). However, upon cross verification, it was ascertained that the particular plot in question was not included (among 76 raiyati plots of a total area of 29.20 acres) in the officially released schedule of land acquisition in Jugra village for the construction of the Conveyor Corridor of NTPC.¹⁹⁶ Sensing foul play, N. Saw rushed to the High Court to plead for a stay order on the demolition notice.¹⁹⁷ On July 20, 2019, the very day he had gone to file a writ petition against the demolition order in the High Court, his house was razed down to rubble in the presence of the CO; his family could do nothing. When he returned late in the evening, he was met with a huge crater in the place of his house (Figure 15 a) and b)).



Figure 15. a) N. Saw's home on the day of the house warming party, b) N. Saw's son K. Saw showing a crater dug in place of his house.

N. Saw summarises the chain of events thus:

So far as the construction of the road was concerned, we requested them to carve it out alongside the forest area. But they traced the road cutting across the agricultural fields at gun point. Having been left with no choice, we sat on hunger strike demanding realignment of the road. The Company promised us in writing that it would go for realignment of the road. However, later, police force was applied to forcibly construct the road running through the agricultural fields. There is enough evidence to believe that the

¹⁹⁶ Plot also compared with the summary sheet of land acquisition of 29.20 acres of land at Jugra village; 'Land Required for Conveyor Corridor, Approach Road and Canal Area (1st Priority 0-2 Year and 2nd Priority 3-5 Year)' issued by the District Land Acquisition Officer, Hazaribag.

¹⁹⁷ Writ Petition (C) (no. not available) filed by N. Saw at the High Court, Ranchi pleading for the stay order on notices issued to him by Circle Officer, Barkagaon, whereby he was asked to vacate his house. 20.07.2019.

Company bribed the state administration. At the time of smashing my house, the Circle Officer threatened to open fire if we chose to oppose demolition.¹⁹⁸

In a written submission to the Circle Officer, NTPC had assured residents of Jugra that it will not touch the village for over 15 years.¹⁹⁹ However, afterwards, the residents of Jugra (and neighbouring Arahara village) faced threat of mass eviction for the making of a huge O.B. dump that has been scheduled in the mining plan of the Pakri-Barwadih Coal Mining Project. For the constructing of the said O.B. dump, NTPC would acquire 134.76 acres and 39.55 acres of raiyati plots in Jugra and Arahara village respectively.²⁰⁰ N. Saw's parting words for the team were:

I was on a complete fast for 32 days. But alas! Our peaceful satyagraha was a huge waste. Not only did the Company successfully build the coal transport road, but even widened it than they had initially proposed. The NTPC mocked its own 'written agreement' which was reached with the intervention of the local administration in order to call off the amran ansan (hunger strike). The Company continues to openly flaunt rules and regulations... Our lives have been left in limbo. The NTPC has devoured our future. We are dumbstruck by fear worrying that soon our existence will be blown away in a single stroke.²⁰¹

In the initial years, when the andolan was at its peak, villagers would not allow company officials to even enter the village boundaries. But things took a turn in 2014 when 20 members of a banned extremist group Tiritiya Prastuti Committee (TPC) came to Itiz village brandishing firearms.²⁰² In a personal interview, a young member of the community mentioned how they were forced into withdrawing from the andolan due to direct threat to

¹⁹⁸ 24 September 2019, Personal interview.

¹⁹⁹ Letter from T. Gopal Krishn, General Manager, Pakri-Barwadih Coal Mining Project, NTPC Limited, Hazaribag to the Circle Officer, Barkagaon, Hazaribag. letter no. NTPC/PBCMP/2017. 17.06.2017.

²⁰⁰ Aam Suchna (General Information) issued by the District Land Acquisition Branch, Officer of the Deputy Commissioner, Hazaribag pertaining to Land Acquisition Dispute No. 14/06-07 (Jugra, P.S. No. 54) and 12/06-07 (Arahara, P.S. no. 55).

²⁰¹ 24 September 2019, Personal interview.

²⁰² The Tiritiya Prastuti Committee (TPC), literally meaning the Third Preparatory Committee, was formed in 2002 after a number of cadres of the Communist Party of India-Maoist (CPI-Maoist) in Jharkhand out of their parent outfit complaining of the domination of the Yadav caste in the decision-making process of CPI-Maoist. The TPC cadres are mostly from the Dalit (downtrodden) castes including Ghanju, the caste which predominantly inhabit Itiz village. Since its inception, the outfit has indulged in fratricidal clashes with the CPI-Maoist and other Maoist outfits including the Jharkhand Liberation Tigers (JLT) in Jharkhand. See, South Asia Terrorism Portal. 2017. 'Tiritiya Prastuti Committee (TPC), <' https://www.satp.org/satporgtp/countries/india/maoist/terrorist_outfits/TPC.htm.>

their lives if they opposed the coal mines.²⁰³ The intervention of TPC brought about tension within the village community and also shaped the perception of youngsters who felt pressurized from both ends; the extremist outfit and the movement leaders.

A. Ganjhu, an educated youth of Itiz, holds that in recent years “greediness” and “weariness owing to rampant unemployment” among youngsters of his village have been deceitfully harnessed by Thriveni Sainik to mobilise a significant number of village youth in the company’s favour.²⁰⁴ Initially, the contractor company enticed 5-10 key persons in each affected village, paying some of them around 25,000 INR to cause rift within the community and create mistrust among the people. The implicit purpose of illicit favour was to catalyse and fasten the land acquisition process. These hand-picked youth were also assigned the task of mobilising unemployed persons into contractual labour to meet the workforce requirement at the newly opened coal mine. Slowly, by way of facilitating contractual employment to desperate youth, these handful of company patrons earned legitimacy and power to influence decisions of villagers.

In September 2016, a couple of days before the scheduled date of inauguration of the Pakri-Barwadih coal mines, Thriveni Sainik purportedly sought help of these youngsters to secretly transport heavy mining machinery through the forest at night. The protesting villagers, hundreds of whom had formed a human shield to block roads that led to the proposed site of the coal mines, were taken aback with the arrival of mining equipment. Bringing heavy machinery to the marked-out spot amid huge protests implied involvement of the locals. The bringing of machinery into the location played a pivotal role in operationalising the Pakri-Barwadih mine which was inordinately stalled for more than a decade. Later the band of youth who made this happen had to endure the wrath of fellow villagers. It brought friction within the village drawing a clear-cut line of separation and animosity between those who opposed and those who were now coerced to be in support of the company. On the day of inauguration of the mines, the entire region was cordoned off by paramilitary troops of CRPF, JAP, and RAP forces.

Mounting Pressure

In spite of the above exigencies, twenty-five farmers denied parting with their agricultural land or bow down to the excesses of the NTPC officials. Until December 2019, they have neither accepted any compensation nor have taken annual agricultural pension of 25,000 INR that NTPC offers to those who have forfeited multi-crop land. D. Mahto happens to be one among those who continue to cultivate his 2 acres agricultural plot in the land allotted to the R&R Colony (Figure 16.a), despite all odds. As compared to the annual return over

²⁰³ Respondent’s name deliberately kept confidential. 19 September 2019, Personal interview.

²⁰⁴ 19 September 2019, Personal interview.

sale of agricultural produce, which include bumper sale of cereal, pulses, and range of vegetables, the agricultural pension being offered by the NTPC seems abysmal.

In the R&R Colony, the team met a farmer who was meeting the expense of his ward, enrolled in a private engineering college at Haryana from the sale of horticulture produce grown in a 66 decimal of land (Figure 16.b.). He had also not forfeited his land to NTPC. Approximately 30 such farmers still continue to sow paddy, wheat, maize and summer vegetables in the piece of land they have yet not surrendered. Out of 50 irrigation wells, around 20 wells still remain intact, even after the construction of the Colony, which are used for irrigating left out agricultural plots of these farmers. There are around 150 farmers (out of 250-300 farmers) who have forfeited only a portion of their land. One could see patches of paddy cultivation in the midst of the mess of concrete which is the so-called R&R Colony. However, those who have not yet surrendered their land to NTPC are dogged by a perpetual fear of losing land in the immediate future.



Figure. 16.a) Standing paddy crop at the Colony



Figure. 16.b) A horticulture plot situated in the middle of the R&R Colony

T. Ghanju from Itiz, a predominantly Dalit village that has been terribly hit by the opening of Pakri-Barwadih Coal Mines told the research team in a disheartened voice, "We have already lost the battle".²⁰⁵ The vigorous collective opposition or andolan of villagers which had successfully stalled the opening of this ambitious coal mining project of NTPC for nearly twelve years had been in a lull after police repressions and killings.²⁰⁶ T. Ghanju claimed that during firing at Dadikala village, the state police deliberately targeted three innocent young men who were not part of the dharna (sit-in) only to instill fear among the protesters.²⁰⁷ He opined that 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.²⁰⁸ The atrocious trail of violent repression of the andolan by local state administration went on for several days.

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.²⁰⁹ Fearing police atrocity, many villagers, including those who were wounded, fled from there only to return after a month when things became normal. The spiral of violent repression went on for months across five villages that are situated in the surroundings of the sit-in site at Dadhikala village and in the neighbourhood of Itiz. 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.²¹⁰

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

²⁰⁵ 19 September 2019, Personal interview.

²⁰⁶ Amnesty International India. 2016. 'Communities affected by Jharkhand's NTPC-supported coal mine not adequately consulted.' Counterinterview.org. 28 October.

²⁰⁷ For a brief profile of the deceased see Pandey, Prashant. 'The 4 Victims of Jharkhand Police Firing: 3 schoolboys and a labourer', Indian Express, October 6, 2016.

²⁰⁸ 19 September 2019, Personal interview.

²⁰⁹ Fact Finding Report of Jharkhand Jan Adhikar & All India Peoples 'Federation. 2016. 'Fact finding report of human right activists on atrocity by local state administration and police on villagers protesting forcible land acquisition under Pakri-Barwadih Coal Mining Project.' Fr. Sten Swami, Arvind Avinash, Prashant Rahi, Anil Anshuman and Shikha Rahi. 7 June.

²¹⁰ After firing and beating villagers the local state administration filed three FIRs at Barkagaon P.S. between 17 and 20 May 2016 against Nirmala Devi and several villagers; Case no. 226/16 (GR-2737/16), Case no. 134/16 (GR-1421/16), and Case no. 136/16 (GR-1423/16).

petitions was too much for the villagers to withstand. The chain of events which unfolded after the incidents of police firing, T. Ghanju observed, reduced villagers' will to fight back to a considerable extent. Slowly, the fervour of andolan against the NTPC coal mines went down in the North Karanpura region since the flag-bearers of the movement, the villagers, struggled against the onslaught of violence directed against them. 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. Shamefully, an auspicious day for inauguration was chosen, while villagers were mourning the death of innocent people, leaving no doubt of the administration and company's capacity for viciousness.²¹¹

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 peaceful 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. Besides repeatedly rebuking existing laws (concerning conservation and protection of forest and environment, land acquisition, and rehabilitation and resettlement), NTPC could also be held responsible for creating several conditions that is harmful for the people of the villages. Stripping constitutional rights of the affected population, masquerading interest of a muscular Indian State as 'public interest', murder of protestors, and harassing leaders of Karanpura Bachao Sangharsh Samiti through criminal litigations, et al. served to create an atmosphere of fear and intimidation across the region. Owing to these debilitating experiences, the project affected persons harness a feeling that they are expendable citizens of the Indian State in contrast to the indispensable Pakri-Barwadih Coal Mining Project of NTPC. Moreover, gathering thousands of people in the badly constructed R&R Colony and subjecting them to deplorable living conditions without a secured job could lead to communal tension/riots among the displaced population, as has been witnessed in the past at Rourkela and Bhilai industrial townships and resettlement colonies.

²¹¹ The mining activity informally began on 17 May 2016, soon after the incident of Chirudih police firing. However, the formal inauguration ceremony was held on 3 October 2016 followed by another incident of police firing on 1 October at Dadikala village which claimed life of three minors and a labourer.

Ecological, Cultural and Livelihood Hazards

The Pakri-Barwadih opencast coal mining pit in Itiz village depicts the compound destruction brought about by the mine in just a three-year timespan (Figure 17). The topsy-turvy, messed-up, scarred and excavated surface of earth was once a sprawling tropical forest. Extensive mining operations have altered the beauty of the landscape to an irreversible extent. Hundreds of heavy mining equipment incessantly howl from the bottom entrails of the earth. From the edge of the pit (mouth of the mine) these gigantic machines look like ants crawling over a mud hill. The mine is apparently a 250-300 meters deep hollow void.

Illegal Encroachments for Overburden Dump Construction

The residents of Churchu village, a dense settlement situated two kilometres from the operational opencast Pakri-Barwadih coal mines, are increasingly realising the destructive potential of the coal mine. Churchu unfortunately shares boundaries with Urub village where Thriveni Sainik has piled up a huge mountainous Overburden (O.B.) dump. These O.B. dumps are sites for disposal of excavated rejects or tailings which is the by-product of opencast coal mining. It has been two years since the company negotiated some 50 acres of cultivable land that belonged to land owning upper caste Bhumiars of Urub village for disposal of overburden tailings. However, the vigorous scale of mining, enabled by high-end technology, generated unprecedented volumes of O.B. within a very short span of time. By March 2019, Thriveni found it difficult to contain tailings within Urub dump area and



Figure 17. Pakri-Barwadih Coal Mines of the NTPC

therefore illicitly proceeded to dump tailings on agricultural plots in the vicinity of the existing dump area that belonged to Churchu farmers.

The residents of Churchu stated that they entered into an agreement with Thriveni Sainik to give up their land for O.B. dump out of fear of police action. In March 2019, a new police camp was set up at Dadhi village, a few miles away from Churchu. Earlier, the armed police were sheltered at the company run private dispensary. A CISF camp which was running in the primary school of Chirudih village had to recently be shifted to the Urub School, after being blasted for mining. In addition to these camps, two battalions of paramilitary force (RAP and SSB) are stationed near Nagri village to deal with any exigency (Figure 18 a) and b)). The police parties and paramilitary patrol the area frequently and periodically carry out flag-marches in the mines affected villages in order to instill fear among the villagers.

In May 2019, farmers resisted this illegal occupation of their private property and the contractor of the company sought protection of the armed forces. The contractor also started forcefully felling tailings on land belonging to Churchu farmers. The episode of police clampdown (September 2016) on Churchu residents continues to trouble them as a lingering threat of violence. Illegal overnight detention and arrests are very common in the villages. The local company managers resort to protection of police and armed forces constantly to run extractive facilities. It can be observed that the police clampdown was precisely due to the involuntary nature of acquisitions under CBA 1957 where the company has the least obligation to take the consent of disaffected people before taking over their land and ancestral village.



Figure. 18 a). A paramilitary camp at Nagri, Figure. 18 b) Karbala built by Thriveni Sainik that went under O.B. dump.

Vivid memories of police atrocity of the recent past coerced these farmers to submit and surrender before the company. As an alternative to protest, some 70 farmers of Churchu whose 20 acres of raiyati plots were recently brought under O.B. dump took self-initiative to amicably resolve the issue through undergoing a mutual agreement with the Thriveni Sainik management. Consequently, an agreement letter was prepared on a non-judicial

stamp paper to which Additional Collector (Revenue) of Hazaribag, Circle Officer of Barkagaon, Public Relations Officer (PRO) of Thriveni Sainik, and Deputy General Manager (DGM) of the NTPC bore witnesses.²¹²

Meanwhile, NTPC kept on serving notice after notice to the land owners warning them that they collect compensation money by submitting original land registry papers at the NTPC office at Langatu, failing which, the company will deposit it to a Tribunal court, that has been set up at Ranchi exclusively for hearing compensation and land acquisition related disputes. This was practically difficult for the villagers as very few of them had ever been to Ranchi, the seat of power of the Jharkhand state. To claim compensation from the Tribunal court would be extremely torturous, if not impossible, for the financially disadvantaged land owners. The legally specified timeline of sending three notices had already expired, but raiyats looked largely reluctant to claim compensation money. Most of them were under the false impression that technically they will remain in possession of their land since they had not consented to leasing it out. However, seeing what was happening in various parts of Jharkhand at the same time, villagers feared that the mighty company could forcefully evict them at any point of time. In fact, the entire Churchu village has been served eviction order under Coal Bearing Area Act, 1957. At the time when farmers were charting out an agreement with Thriveni Sainik over expansion of dump area, these pressure tactics were also simultaneously operating in the backdrop.

Additionally, 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. Similarly, Gwala (24 households), Yadavs (40 households) and Sao (100 households), including Muslims (8 households) have also considerably reduced their herd size due to unavailability of fodder after the recent expansion of the O.B. dump. Rajputs and Prajapatis of the village too scantily afford to buy fodder at the market price. The fertile rice field that has been taken over for dumping O.B. largely belonged to the Gwala, Sao and Yadavs; all belonging to the OBC community. A fair number of youths from these castes are now serving as contractual labourers at the mining facility.

The strip of 20-acre land under agreement for the expansion of the O.B. dump area is stretched across West Bhind of Karonja-Ahara, a natural drainage, to upper part of Jamuna Pain, at the boundary of Churchu and Urub village. The Churchu farmers have permanent occupancy rights over this strip of the most fertile land of the village. In the agreement letter, the farmers demanded compensation from Thriveni Sainik in lieu of loss of agriculture until

²¹² Agreement between Raiyats of Urub village and S.D. Singh Public Relation Officer (PRO) of Thriveni Sainik Mining Limited countersigned by parties in presence of General Manager, NTPC Ltd. and Additional Deputy Collector (ADC) (Land Acquisition), Hazaribag district, certificate no. IN-JH17180314114088R, 28.05.2019.

the land compensation issue lingered at the Tribunal court. To this, the contractor company agreed to offer fasal ki kshatipurti (compensation on account of loss of agricultural) on annuity basis. The second demand of the farmers was to give assurance that the company would employ at least one adult person from each affected household at the mining facility. The agreement also covered provisioning of public goods such as drinking water and school facilities under the company's Corporate Social Responsibility (CSR) programme. The company eventually agreed to extend contractual employment to youth purportedly under its CSR policy. However, as per the existing legislative regulations on CSR, it remains questionable if contractual employment could be flaunted as CSR activity by a company.²¹³ The company also agreed to give pension for the loss of agricultural land to the concerned farmers at a rate of 1000 INR per decimal of land on an annual basis.²¹⁴

However, the agreed rate of the agricultural pension seems too little when compared to an average one and a half year of food security for the land holders and an average 2 to 3 lakh INR net annual income from sale of produce from a 50 decimal, multi-crop yielding plot of agricultural land. With the loss of livelihood from agricultural activity, many youths who actively participated in the andolan joined Thriveni Sainik as unskilled contractual labourers (mostly as helpers and watchmen) on a meager monthly wage of 20,462 INR.²¹⁵ As per the agreement, a list of 109 youth was given to Thriveni Sainik by villagers deeming them fit for employment. However, the company hardly employed 47 people. Moreover, names of the youth from neeche tola (lower hamlet) of Churchu were missing from the said list. The Committee members reportedly held up their names with an intention to foment intrigue and in-fighting among social groups. The lower hamlet has 50 Bhuiyan (Scheduled Caste) households who had suffered loss of a big parcel of GM land and forest land to the development of the mine. None of the Bhuiyan household was given compensatory relief on account of the loss of agriculture nor were the youth offered contractual employment.

The preference given to OBC households in contractual employment has created a rift between two major social groups of the village, namely Bhuiyans and Saos. The Thriveni

²¹³ The new Companies Act, 2013, passed by the Indian Parliament on 29 August 2013 made it mandatory for any company having a specified net worth (and/or turnover or profit) to constitute a CSR committee comprising its Board of Members, formulate a robust CSR policy, and ensure that at least 2 % of its average net profit of three preceding financial years gets spent on CSR activities, preferably in the areas where company operates. Though the act sparsely defines CSR, it conspicuously enforces a narrow and scant list of activities (schedule VII) that would qualify as a CSR activity for the income tax exemption purpose.

²¹⁴ Agreement between Raiyats of Urub village and S.D. Singh Public Relation Officer (PRO) of Thriveni Sainik Mining Limited countersigned by parties in presence of General Manager, NTPC Ltd. and Additional Deputy Collector (ADC) (Land Acquisition), Hazaribag district, certificate no. IN-JH17180314114088R), 28.05.2019.

²¹⁵ Irrespective of nature of job assigned to youths by Thriveni Sainik, all of them were invariably offered 20,442 INR. However, in contrast to Churchu village, for similar job profile youths are being paid 18,000 INR. There is also disparity in monthly payment rates offered to contractual workforce hired from different villages.

Sainik further took 10 acres of raiyati land (in addition to 20 acres of land under the said agreement) through direct deal with individual farmers on the pretext of giving them contractual jobs.²¹⁶ Since these farmers were not party to previous agreements, the company conveniently managed to bluff them. In addition to these people, there are 47 farmers whose agricultural plots lie peripheral to the O.B. dump.

Destruction of Water Bodies

Below is the picture of Mandap Tola of Itiz village where an acreage of paddy field was inundated with flood water (Figure 19). Since 2018, the farmers have stopped cultivating these rice fields due to the problem of artificial floods. These floods have become routine with the disruption of natural drainage post the construction of the mine and a haul road. Earlier these abandoned fertile agricultural plots used to yield bumper paddy crop (approximately 35 quintals of rice per acre of land) and assured food security for over a year and a half to a family of six people even after selling half of their annual produce in the local market.



Figure 19. Artificial flood and inundated rice fields at Itiz village

The villagers complained that the Pakri-Barwadih mine swallowed up a huge natural water body and a dam built over it that they fondly remember as Andhru Thaan (meaning 'an abundant source of water'). Today, there is no trace of it. This natural water body used to irrigate fertile multi-crop yielding fields of the adjacent villages namely Churchu, Urub, Sonbarsa, Debariyakalan and Chamgardha. The company has constructed a concrete dam (barrier) so as to check the natural flow of Khawa nadi (the river Khawa) which descends from the slopes of the Mahodi pahad (mountain) to irrigate a vast catchment area of North Karanpura valley. The course of the river was purportedly interrupting construction of the proposed mine. After being tamed, the Khawa River has become a standing pool of dirty

²¹⁶ 23 September 2019, Personal interview with group of farmers at Churchu village.

water (Figure 20). Additionally, Thriveni Sainik is pumping out hazardous water that collects in water lagoons at the bottom of the mining pit (water-lagoons are a problem for opencast mines which slows down the extraction process due to water logging) directly into the Khawa River through rejection pipes. Siltation has already begun in the Khawa river which, villagers claim is the lifeline for Itiz village. At present 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.



Figure.20. Dying river Khawa, Itiz

Almost every Bhumihar household has a personal drinking well within the premises of their fenced home. They do not let the Bhuiyans fetch water from these private wells. The Bhuiyans of the Dalit basti solely depended on the running water of the Khawa River for drinking and domestic consumption. The diversion of the natural course of Khawa, construction of a concrete dam and dump-road on it, and opening of the coal mine at its proximity, has left the water in the river contaminated and extremely unfit for domestic consumption. The acute scarcity of drinking water in the basti compelled Bhuiyan households to dig a broad-well through shramdan (voluntary labour contribution) when the civil engineer of the Thriveni Sainik turned down their application to install a deep bore well under CSR, purportedly 'on technical grounds'. Another river called Hulsa which flows through the neighbouring village Kandaber (about two kilometres away from Urub) serves as the alternative source of water to the Dalit basti, when the newly constructed broad dries up during the summer season.

Residents of Itiz have a long-standing demand to the company to dig a deep bore well in the village. However, the mining engineer of Thriveni Sainik discourages such proposals,

saying sinking bore wells are not feasible in the immediate surroundings of the mines. Having been left with no alternative, around 200 households of Itiz are now compelled to drink contaminated water of the dying river, Khawa.

Mining has completely destroyed Tilayan Tand and Chirudih Tand, both upland forested tracts which once constituted part of the thriving Barkagaon reserve forest. Along with a large chunk of forest, a common grazing land of adjoining six villages went under mining operations. However, Itiz residents, unlike other proximate villages such as Churchu, Urub, and Chirudih, still have access to some forest stretch called Mohdar jangal that remains intact at the opposite side of the village. But it is practically out of bound for other villages since busy mineral transportation roads and dump roads, which connect the mine to the site of the O.B. dump, serve as physical barriers to access forest resources.

Damaging of Agriculture: Spectre of Slow violence

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 (Figure 21 a), b) and c)). The farmers complained that they incurred severe loss because Thriveni Sainik was not interested in digging up a proper trench around the highly unstable 90-meter-high pileup of O.B (Figure 21 d)). The 3 feet thick quagmire of mercuric white sludge was spread all over the paddy field in the surroundings of the dumping site. Despite anchoring huge losses, this set of farmers was not given any annuity on account of damage to their standing paddy crop since their lands technically fall outside the dump area.

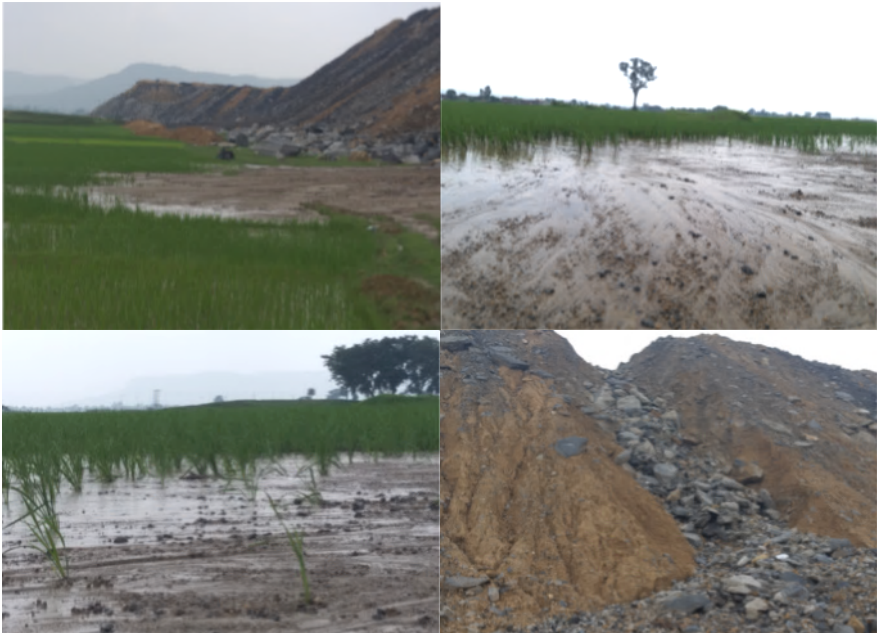


Figure. 21 a). Boulders fallen on rice fields, b). Hazardous sludge seepage from O.B. dump, c) Quagmire of sludge in rice fields, d). Unstable mountain of O.B. dump at Churchu and Itiz village.

Due to the construction of the gigantic O.B. dump, the Churchu residents are totally cut off from neighbourhood villages such as Bagh, Devariakalan, Kandaber, Urub and Itiz and mobile network has reportedly stopped working. They can't even access Budhvar Bazar (Wednesday market), a weekly market held at Kandaber village, to sell their produces and purchase daily consumables. A natural drainage called Khawa nahar which irrigated rice fields of Churchu (and other 8 surrounding villages) has also been blocked to give way to mining. All these developments have pushed the existence of Churchu village to the threshold. The O.B dump also erased Karbala (a holy shrine or tomb) which was a site of a congregation for Muslims from across 25 villages and a burial ground of Hindus.²¹⁷

There were tendencies among company officials to hide, manipulate, and cover up any catastrophic event and accidents which routinely occur near the dumping site (for instance

²¹⁷ The company has constructed a small tomb at the entry gate of Nagri Police Camp as part of Corporate Social Responsibility activity in order to compensate for the loss of Karbala that went under O.B. dump.

flash-flood and road accidents). Besides, the hazardous overburden piled up at the dumping site defies imposition of any technical expertise due to its high instability and fragility. The manner in which company officials manipulate village youth to bargain land as well as their slack management of the hazardous O.B. dump hints towards Thriveni Sainik's larger apathy, malicious intent, and irresponsibility towards the affected villagers and the natural resources they are dependent upon.

Implications on Health

The village settlements (dwelling houses) of Churchu residents are located hardly at a distance of 150 meters from the dump area. 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. An anganwadi sevika (village level health extension worker under ICDS programme) of Churchu 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 (Figure 22 a), b)). According to an official record she maintains at the centre, around 47 women (including adolescents) of the village were anemic and two children were facing acute malnourishment beyond recovery.



Figure.22 a). Anganwadi Kendra of Churchu Figure.22 b). Anganwadi shevika and children of Churchu

The villagers show signs of weariness and hold the understanding that the dump has shortened their lifespan. The residents were particularly concerned about the outbreak of tuberculosis, respiratory diseases, and general sickness due to a constant exposure to dust, pollution, and screeching noise of monstrous transport vehicles. The ground water profile of the village has also turned poor owing to the sheer depth of the coal mining pit and ongoing uncontrolled blasting in the region. The seepage of hazardous material from the O.B. dump spread across 80 acres of land is discouraging farmers to profitably engage in

agriculture and allied activities. The fruit bearing trees (mango and blackberry) have also stopped bearing fruits.

After winning the contract for operating the Pakri-Barwadih Coal Mines, the first thing that Thriveni Sainik did was to open a dispensary named Thriveni Sainik Mining Dispensary at Darikalan village. This was on March 21, 2016.²¹⁸ They opened another new dispensary near the Pakri-Barwadih mining site at Nagri village, purportedly a couple of years later to quickly respond to mishaps and accidents at the coal mine. The villagers, however, prefer to go to private health facilities and nursing homes at Hazaribag since they do not trust treatment provided at the company's dispensaries. The villagers are even more apprehensive because the Nagri dispensary is in the same building where a police camp has also been constructed that provides security to the mines.

The contractor company Thriveni Sainik, however, remains largely unscathed, unconcerned and unresponsive towards these vivid instances of slow violence over the villagers. Downplaying villagers' claims, the lessee company NTPC officials keep asserting bold statements in local news media that it "endeavours to improve the quality of life in the neighbourhood community" and that, by principle, the PSU employs "state of the art technologies" and "best measures" for environmental control and protection.²¹⁹ The lease holder NTPC claims most of its CSR expenditure remains directed towards environmental protection (more than 55 per cent of total CSR expenditure).²²⁰

Slow Shattering of the Bhuiyan Community

NTPC has filled the river bed of Khawa with overburden and converted it into a dump-road to ply vehicles from the mines to the dumping site. The leftover rice fields under cultivation at the river bank, in a later stage of construction, was also forcibly encroached by the company. Many fruit-bearing trees were razed to clear space for the construction of the dump road.²²¹ Further, the company spread overburden over 20 acres of rice fields, which belonged to Bhuiyans, in order to widen the dump road. The road connects the opencast coal mine to the stockpile of O.B. dump constructed just behind the Dalit basti. The construction of dump road and a concrete check dam has forced the course of the river to

²¹⁸ The dispensary, as the company claims, provides free healthcare and diagnostic services to the Project Affected Persons. It carries out general health check-up, minor surgeries, lab/diagnostic, and referral services through an in-house team of Medical Officer, staff nurse (female ANMs), and technicians/para-professionals (lab, X-ray etc.). The dispensary also serves the mine-workers and conducts medical examination of new recruits in the company's contractual workforce from the affected villages.

²¹⁹ India CSR Network. 2016. 'CSR and Sustainability Policy of NTPC.' 11 July.

²²⁰ NTPC Limited. 2018b. 'Annual report 2017-18.' National Thermal Power Corporation Limited. Accessed on 7 October 2019, <<https://www.ntpc.co.in/en/investors/annual-reports.>>

²²¹ Some 60 Mahua (*Madhuca Longifolia*), Jamun (*Syzygium Cumini*), Aam (*Mangifera Indica*), and Chironji (*Buchanania Lanzas*) trees were fell some of which were more than 200-year-old.

drift as far as 2 kilometres away from the Dalit basti. The shamshan ghat (cremation ground) of the Bhuiyans which was situated at the river bank went under the dump road. Now Bhuiyans have to take a two kilometres long detour to cremate dead bodies. The dump road also acts as a physical barrier as Hywa (tipper tyre mining lug) and dumpers ceaselessly ply on the road leaving villagers and livestock prone to accidents and death. These forcible encroachments initially drew ire of villagers leading to flashpoints of clash between Thriveni Sainik officials and the Bhuiyans. At some point, these resistances were met with violent crackdowns. Recalling one such incident, D. Bhuiyan of Urub said:

When they [NTPC] took over our forest land, we couldn't oppose as we were not shown as rightful occupants in government records. But when they started to encroach upon our non-forest land, started spreading overburden on standing rice crops and the river bed, we vehemently opposed. When the conflict ensued over the construction of the dump-road, Thriveni Sainik called the police to their aid. They charged baton on us and mercilessly beat men and women who had formed a human shield to stop the ongoing construction. The construction had started soon after the incident of police firing and therefore, we were already on the back foot. We had no option but to retreat and silently endure these excesses.²²²

The people feel helpless as they know that the police and law enforcement authorities would never acknowledge the complaint against the NTPC as all these atrocities are being done with their knowledge.

The villagers state that recently, the Thriveni Sainik officials have been frequently visiting the Dalit basti, coercing Bhuiyan residents to immediately evict their ancestral homes. They have been served several eviction notices by NTPC, summoning them to immediately submit Aadhar Cards (identity cards issued by Unique Identification Authority of India) and bank passbook details so that compensation could be disbursed. However, the residents of Urub, particularly those of the Dalit bastis, are averse to the idea of moving to the poorly built R&R Colony. One of the Bhuiyan residents at Urub shared:

When in May-June 2018, the NTPC officials were forcibly conducting survey of our houses for the estimation of compensation of our ancestral homes, we explicitly told them that: 'Well! If you

²²² 19 September 2019, Personal interview.

wish to conduct the survey using might of the police force then let it be! But we are resolved not to move to the Colony.' We pressed demand that at least our homes be spared since the little compensation we will fetch on account of the loss of our present mud houses would be desperately insufficient to buy homestead land and construct house elsewhere in the region.²²³

The Bhuiyans of Urub who were among the first victims of the corporate onslaught out of 7 other villages under immediate eviction order (viz. Chirudih, Itiz, Nagari, Arahara, Pakri-Barwadih, Dadikala, Chepakala), even in such coercive conditions, continue to denounce the R&R Colony constructed by the NTPC. Notwithstanding their bold stance and aversion towards the Colony, the Bhuiyans particularly remain anxious that circumstances might compel at least 60 per cent of the poorest households of the Dalit bastis to finally move to the R&R Colony. Still they are paddling hard to explore any alternative of the Colony. They shared that they are also considering moving deep in the reserve forest and occupy forest land since rightfully buying land is out of the question for most of them.

The close proximity to the opencast coal mines is, with the passing of each year, proving more atrophying for the Bhuiyans than being rehabilitated in the R&R Colony. 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.

This has been the situation in the areas of NTPC's operations, despite constant claims by the company that it is taking mitigating measures towards environmental protection, and that it values life.²²⁴ The Divisional Forest Officer in a written submission, in response to an RTI, had acknowledged presence of wild life in the forest area under the proposed mining lease. He stated that 12,65,338 INR has been borne by the Forest Department on account of loss due to wildlife (mainly against damage to house and crop, death and injury of

²²³ 19 September 2019, Personal interview.

²²⁴ Six monthly progress report filed by T. Gopalakrishna, Group General Manager, PB, CB, & KD CMP, NTPC Ltd., Hazaribag, to Additional Principle Chief Conservator of Forest (C), Ministry of Environment, Forest and Climate Change, Regional Office (ECZ), Ranchi (Jharkhand), In, 'Status of the compliance of conditions stipulated in the Environmental Clearance by MoEF and CC & Progress Report for the period April 2017 to October 2017 for NTPC Limited Pakri-Barwadih Coal Mining Project (15 MTPA). 'ref. No. 1040/PBCMP/EMG/2017/F-47, 16 November 2017, <<https://www.ntpc.co.in/sites/default/files/downloads/PakribarwadhiCoalMine.pdf>>

civilians) in the fiscal year 2015-16.²²⁵ However, the company's environmental clearance application had no mention of the presence of any wildlife, except sloth bear.²²⁶ It is to be noted that the company has been granted forest clearance to run coal mines despite the fact that Barkagaon Reserve Forest is situated within the core and buffer zone of the coal mines project.²²⁷ To prove this, the villagers even captured a fairly grown deer and handed it over to the forest officials confirming the presence of wild life in the mining zone (Figure 23).



Figure. 23. Full grown deer captured by villagers that was later handed over to the forest department.

²²⁵ Reply of Assistant Conservator of Forests (cum Public Information Officer), Hazaribag West Forest Division, Government of Jharkhand, to Mr. Ankit Raj, a resident of Hazaribag under Right to Information Act, 2005 regarding details of the Forest land proposed to be diverted to Pakri-Barwadih Coal Mines of NTPC; dated 4 May 2016; letter no. 2378. The RTI reply states that the forest division has compensated civilians a sum total of 2,533, 262 INR from FY 2009-2016 on account of loss of life (including injuries), property, and crop due to wildlife.

²²⁶ For instance, see, NTPC Limited. 2018a. 'Technical Speculations for Environmental Impact Assessment (EIA) study for North-west Quarry of Pakri-Barwadih Coal Mine Block (3 MTPA)'. 'Doc. No. 7010/999/GOG/M001, Environmental Engineering Department, NTPC Limited, Noida. 10 October. Accessed on 7 August 2019. <http://environmentclearance.nic.in/writereaddata/Online/TOR/11_Oct_2018_1657423379KIU3JFCProposedTOR.pdf>

²²⁷ Anwer, Tarique; 'Jharkhand: Is Pakri-Barwadih Coal Mine Another Tuticorin in Making?'; Newsclick; May 29, 2018.

In May 2016, citing delay in construction of conveyer belt, an amendment was made in the environment clearance permitting NTPC to use village transit roads (state highways and public roads) for coal transportation to the Banadag railway siding.²²⁸ All these arrangements are conveniently made under the pretext of environmental control. All the above facts and figures suggest that in reality, the pretext of a techno-managerial and scientific data based Environmental Impact Assessment (EIA) has tactfully been used by NTPC to cover up the violence over villagers and even legitimising it. The affected village population lacks the expertise to dispute the scientific data (of the periodic six-monthly Environmental Impact reports) which NTPC has been concocting and submitting to the State Pollution Control Board (SPCB) to create the impression that it is a law abiding corporate.²²⁹

It is increasingly proving dangerous for the residents to continue living at the Urub Dalit basti, which is in the immediate vicinity of the ongoing blasting work. Their cattle often get hit by rock splinter that flies off from the site of blasting. Fly rocks, as powerful as gun shots, travel long distances; some even up to the residential areas. Though, the company might claim it observes safety measures and has fixed blasting hours (screeching siren is blown at intervals from 1 pm to 3 pm) more than 20 mud houses in the Dalit basti have damaged rooftops and cracked walls due to the menace of uncontrolled blasting (Figure 24. a), b), c) and d))

²²⁸ Subsequent amendment letter issued by S.K. Srivastava, Scientist E, Ministry of Environment & Climate, Change IA-II (Coal Mining) Division, Government of India, New Delhi, to Managing Director, M/s NTPC Limited, New Delhi. See 'Pakri-Barwadih Coal Mine Project of 15 MTPA Capacity in an area of 3319.42 ha of M/s National Thermal Power Corporation Ltd located in District Hazaribag (Jharkhand)- Amendment in EC reg.' EC letter no. J-11015/692/2007-IA-II (M); Ministry of Environment, Forests & Climate Change, Government of India, 29 June.

²²⁹ Six monthly progress report filed by T. Gopalakrishna, Group General Manager, PB, CB, & KD CMP, NTPC Ltd., Hazaribag, to Additional Principle Chief Conservator of Forest (C), Ministry of Environment, Forest and Climate Change, Regional Office (ECZ), Ranchi (Jharkhand), In, 'Status of the compliance of conditions stipulated in the Environmental Clearance by MoEF and CC & Progress Report for the period April 2017 to October 2017 for NTPC Limited Pakri-Barwadih Coal Mining Project (15 MTPA). 'ref. No. 1040/PBCMP/EMG/2017/F-47, 16 November 2017, <<https://www.ntpc.co.in/sites/default/files/downloads/PakribarwadhiCoalMine.pdf>>



Figure. 24. a) & b) Menace of uncontrolled blasting in Urub Dalit basti of Bhuiyans

Denial of Rights and Access to Forest Resources

Prior to the onset of mining operation and the construction of O.B. dump, the women of Churchu and other neighbouring villages used to collect firewood and non-timber forest produce (NTFP) from the Tilaiya Tand forest. The forest was brought under mining after MoEF- the supposed trustee of government forests in India- decided to give away the whole of the Tilaiya Tand forest to NTPC so that the company could kick-start mining operations amidst the thick air of local resistance against involuntary acquisition of private land. 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) (Figure 25 a) and b)). While scavenging coal, women remain vigilant as they might get beaten and verbally abused for stealing coal by the company guards patrolling around the O.B. dump. Dust keeps swirling in the village due to non-stop dumping, mineral transportation, and extractive activities in the neighbourhood. The company has imposed prohibitory orders on grazing cattle within 3 kilometre radius of the mines and used to book villagers for trespassing company's property.



Figure.25. a) A man squandering rejected coal negotiating dangerous slope of O.B. dump, Churchu, b) Women showing a heap of coal, Churchu

Before opening of the mines, the Bhuiyans were dependent on the forest lands which they cultivated. It yielded enough produce to ensure round the year food security for a family of 5 persons. During the lean agricultural period, they also used to build Bangla enta-bhatta (indigenous brick kilns) and sold bricks to supplement annual household income.

But since the land around the river bed has been confiscated for mining, they face acute difficulty in gathering soft clay and soil which is locally used in casting indigenous bricks. The villagers reported that it has now become too risky for them to bring coal from outside the village to fire the indigenous brick kilns. The company security keeps vigil on lifting of coal from the mining site and routinely harasses villagers, particularly women, with theft charges when found taking coal pieces. Fearing harassment from the company security, the Bhuiyans of Dalit basti have completely given up firing brick kilns. The villagers, especially Bhuiyan women, reported many incidents of being beaten up and humiliated for collecting rejected coal from the O.B. dump area. A Bhuiyan woman who was disabled after being beaten up vengefully said, "We have now become thieves in our own lands" mocking how the identity of the displaced Bhuiyans has been reduced to that of miscreants or chor (thief).²³⁰

²³⁰ 19 September 2019, Personal interview.

Erasing Cultural Markers

The Bhuiyans have had to forgo forest resources because the Pakri-Barwadih mine has been constructed on the very forest they culturally valued and which was a source of food security for them. Other than growing vegetables, pulses and paddy, the Bhuiyans also used to collect firewood, Chirchiri patta²³¹, and Biri patta²³² from the Tilaiya Tand forest and sell them in the local weekly market to supplement household income. The opening of the mines erased many important cultural markers and places of religious significance that were central to the Bhuiyan lifeworld.

One of the first constructions done by the company was a makeshift Control Room close to the boundary of Itiz village. Earlier, this place carried a native name mahua tand owing to the abundance of mahua trees (approximately 150 trees). The trees were razed down on a single day to give way to the construction of the Control Room. The fence of the Control Room was painted with murals encouraging workers to observe industrial safety and environmental protection measures. Behind the Control Room was the Mandap tola, a desolate hamlet of Itiz village, which has a dense grove of pristine banyan trees spread over a few acres of undisturbed forestland. The space is considered sacred by the villagers and one is supposed to walk barefoot. The sacred grove is the abode of a locally revered deity called Gawanth-devta (Figure 26.a). The deity is embodied in a beautifully carved out rectangular stone anchored by meticulous rhizomes of an ancient banyan tree and devotees apply fresh vermilion powder on it. T. Ghanju, who accompanied the team explained,

*Gawanth-devta is offered sacrifices and prayer by devotees to avert death spell, and in grim hours when someone fears imminent police arrest. Invoking Gawanth-devta is also believed to avert unnatural and accidental deaths.*²³³

He also recollected how on the eve of the opening of Pakri-Barwadih coal mines, the company officials of Thriveni Sainik spent around 5 lakh INR offering sacrifices to Gawanth-devta seeking blessings for the safety of Pakri-Barwadih coal mining project workers. After sacrificing the goat, the company threw a sumptuous feast to the residents of Itiz village.

K. Ghanju, the Mahto (village priest) of Itiz village is said to have been very happy to receive 1000 INR from Thriveni Officials in lieu of performing elaborate rituals. T. Ghanju believed that by offering sacrifice to Gawanth-devta, the company has “bribed and bought over the village deity in the company’s favour” at the peril of villagers. He informed that the company is now adamant to destroy the sacred grove and reallocate Gawanth-devta elsewhere

²³¹ Chirchiri plant (*Achyranthes aspera* L.A) is an herb having medicinal importance.

²³² Biri patta (*Diospyros Melanoxylon*) are used for wrapping Bidis, popular smoke especially among natives.

²³³ 19 September 2019, Personal interview.

despite huge opposition to the proposal. Other presiding deities of the village like Devi Mandap (a temple porch of goddess Durga where marriage ceremonies are conducted; Figure 26.b), 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.



Figure. 26. a) Gawanth Devta and the sacred grove & b) Devi Mandap.

The Bhuiyans are upset that the invasive mine has enveloped the deity within its fold, such that the once venerated God now lies disrespected and abandoned amidst the vast desolate landscape. The deity is no more accessible to devotees for safety reasons. The Bhuiyan residents claimed that the particular spot where the earth crust was first ripped open to inaugurate the Pakri-Barwadih coal mine was the burial ground of deceased Bhuiyan children. 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. The Bhuiyans used to make intercession to these spirits for all good things they received from the forest in abundance.

Hardly five meters away from the boundary wall of the coal mines is a big banyan tree which is worshiped by Bhuiyans on the eve of Sarhul and Karma festivals. The revered Banyan tree, the Bhuiyans believe, has been defiled by the mines since "the coal represents menstrual blood of the earth".²³⁴ 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.

²³⁴ Suresh Bhuiyan, Urub, 19 September 2019, Personal interview.

NTPC: A Shambolic Turn

The preceding chapters depict how NTPC, in complicity with Thriveni Sainik and the state apparatus, has been instrumental in flouting rules and regulations, and unleashing violence on the villagers, who have rightfully demanded their rights be conserved and respected. Not only have NTPC and Thriveni Sainik been culpable of developing mines at the cost of lives and livelihoods of the villagers, even their joint responsibilities are of a vacuous nature when translated on the ground. The villages have their existence at stake, their culture and sanctity in peril, their environment disregarded, their health brought under hazardous conditions, and their socio-economic lives fractured. To all these damages and threats caused, NTPC and its MDO, Thriveni Sainik, are purblind to the gravity of the situation, and marching ahead with their 'developmental' agenda. A parallel law and order apparatus erected by the mining company has terrorised the villagers into submitting to their ill-gotten fate, and is conveniently veiled by manipulation of facts to suit vested interests to the media. There is a wide-gulf between what media reports and what transpires on the ground, and with any media trying to report ground realities, intimidation follows suit. NTPC, is a public Maharatna, and is under obligation to have transparency in its dealings, and is answerable to the people it purports to serve, or impact, either adversely or otherwise. The company's lack of transparency exacerbates its accountability towards the people, and unless it comes out to earn the goodwill, its operations would continue to mar its status. Despite lack of expertise in coal mining, the very logic of entering the mining business, and thereafter outsourcing it to a private MDO is a self-defeating logic at best. NTPC needs to realise that its national status is at risk of getting tainted if its policies hurt, rather than not.

At the international front, the Maharatna PSU claims to comply with Global Reporting Initiative.²³⁵ However, its benevolent spirit of 'caring' does not reflect in the engagement of its MDO, Thriveni Sainik at Barkagaon. The NTPC, in its successive annual reports, claims to implement community building activities around its Pakri-Barwadih mines but it is not clear whether Thriveni is replicating NTPC's Corporate Social Responsibility (CSR) vision and approach or acting on its own? It is also questionable how the NTPC's commitment towards 'cleaner energy', fits into the framework of coal resource extraction. The annual reports of the NTPC valourise its power projects with least mention of how it is procuring coal at the cost of local environment and communities.²³⁶ The conspicuous invisibility of these concerns

²³⁵ GRI; a techno-managerial system of reportage about sustainability plans, waste and water management, bio-diversity, and promotion of renewable energy. Global Compact_NTPC_COP_2016-17_.pdf; Accessed at: <[https://s3-us-west-2.amazonaws.com/ungc-](https://s3-us-west-2.amazonaws.com/ungc-production/attachments/cop_2017/435761/original/NTPC_COP_2016-17_.pdf?1509952302)

production/attachments/cop_2017/435761/original/NTPC_COP_2016-17_.pdf?1509952302>

²³⁶ Annual Reports of NTPC; Accessed at: <<https://www.ntpc.co.in/>>

in the annual reports, with least mention of ongoing political tussle with local communities around Pakri-Barwadih Coal Mining Project, suggests how the rhetoric of Triple-bottom-line of sustainability- People, Planet and Profit, is flawed and hollowed in practice by the NTPC.

Equivocal-Commitment Towards Coal Mining and Renewables

Though, NTPC has successfully launched its coal mining company, it is also diversifying its portfolio by affiliating with renewable sources of energy. By 2032, around 30 per cent of NTPC's energy portfolio would come from its non-fossil sources. NTPC has 17.73 per cent of the total national capacity, though it contributes 24 per cent of the total power generation by extracting high efficiency from its plants.

Hitherto, Coal India which has been the biggest supplier of coal to NTPC is now feeling the jitters.²³⁷ If NTPC develops its own coal mining capability in the next 5-7 years, Coal India risks losing 100-120 million tonnes of coal supply to NTPC. The Government approved 100 per cent foreign direct investment (FDI)²³⁸ in the coal sector and allowed commercial mining of coal under automatic route for sale of coal for coal mining activities, including associated processing infrastructure. NTPC's forays into coal mining, takes on an added dimension with Coal India feeling apprehensive of losing consumers and its pricing power in the market.

With this development/diversification, state-owned NTPC has become India's second largest coal producer in ensuring long-term fuel security for its power plants. This might contribute to a more than 90 per cent reduction in imported coal, which is in alignment with the government of India's long-term aim of zero imports of thermal coal. NTPC's coal imports plummeted from 10.8 million tonnes in FY14 to one million tonnes in FY17.²³⁹ As imported coal is more expensive than Indian domestic coal, the reduction in imported coal has restricted average tariffs from rising in nominal terms (declining in real terms) through

²³⁷ This despite the fact that in 2012-13 there were differences between Coal India and NTPC over the alleged poor quality of coal supplied by CIL. The issue was contentious because the ceasefire dependent on both companies agreeing to a common method of calculating the gross calorific value (GCV) of coal supplied, and at the miner's end. Calorific value refers to the amount of heat that can be generated by burning a certain amount of fuel. Typically, the calorific value falls when the fuel is of poor quality or has impurities, which means more of it will need to be burned to generate heat, and consequently, electricity.

²³⁸ Tim Buckley, Director of Energy Finance Studies at the Institute for Energy Economics and financial analysis says he "expects foreign corporate responses to be muted, at best. One reason is that historically the government has favored the state-run Coal India for mines where it was easier, and cheaper, to access the coal, while the private sector was invited to bid for deposits that were generally in harder to access sites or with geological or land acquisition impediments. Bahree, M. 2019. India Just Opened Its Coal Sector To The World, But Is That A Good Thing? Forbes. 30 August. <<https://www.forbes.com/sites/meghabahree/2019/08/30/india-just-opened-its-coal-sector-to-the-world-but-is-that-a-good-thing/#242efef2645d>>

²³⁹ Dash, J. 2019. NTPC contains tariff rise with fall in coal imports, power blending. Business Standard. September 18.<https://www.business-standard.com/article/economy-policy/ntpc-contains-tariff-rise-with-fall-in-coal-imports-power-blending-119091801157_1.html>

reduced fuel expenses. This is possible through its vertical integration of its generation business with coal mining capacity, lower coal transportation costs, and the blending of its thermal power supply with cheaper renewable energy power.²⁴⁰ In FY19, NTPC supplied 7.3 million tonnes of coal from its new captive mines initiative, with a long-term target capacity of 111 million tonnes per annum.²⁴¹

The switch to renewable power²⁴² is what still needs to be looked into in detail, as this most likely clashes with its coal mining stint, even while promoting government's proactive approach to renewable sources. Also, during 2017-18, for the first time, India added more capacity in renewables (11,788 MW) than in the thermal or hydro sectors combined (5,400 MW). Thermal power contributes around 65 per cent to India's energy basket. All of this meant the companies that set up coal-fired thermal power plants were either unable to start production for lack of coal, or were unable to find buyers. In between the period FY 2018-19 to 2032, NTPC envisages 30 per cent of total installed capacity to come from non-fossil fuel resources, which till 2018-2019 was confined to a mere 2 per cent. At the investor meeting held in 2019, NTPC reported a massive 19.3 GW of coal-fired capacity under construction, of which 5.23 GW was targeted to be commissioned in 2019. According to IEEFA²⁴³, NTPC will experience a material shortfall, given the increasingly challenging risk-return metrics of new coal-fired power plants, as well as the slowly building financial pressures on NTPC.

At the same meet, the company also reported 6 GW of renewable capacity under various stages of development, which, once fully commissioned would be a massive jump in the

²⁴⁰ Shah, K. 2019. IEEFA India: NTPC spearheads electricity sector transition in India. September. <https://ieefa.org/wp-content/uploads/2019/09/NTPC-spearheads-electricity-sector-transition-in-India_Sept-2019.pdf>

²⁴¹ Ibid.

²⁴² NTPC has managed to drastically reduce thermal coal imports, successfully reflecting the Indian Government's long-term ambition to reduce thermal coal imports towards zero. Expensive energy imports are detrimental to India's trade account deficit, undermining the currency, boosting inflation and hence interest rates, and poorly affecting India's energy security. NTPC, along with Solar Energy Corporation of India has been playing an important role in facilitating renewable energy tenders by being a guarantor between renewable power producers and discos. However, NTPC's intentions to build its own ultra-mega solar park in Gujarat could be a transformational pivot. It also plans to gradually expand into EV charging infrastructure, and in so doing develop its strategic awareness of the building convergence of India's power and transportation industries. NTPC, with its financial and operational capabilities as well as its political clout, is one of the last entities in India that can procure sufficient capital access to risk building new coal-fired capacity amidst the ongoing distress in the thermal power sector. While it will continue to deliver thermal power for decades to come, NTPC's ongoing strategic shift to concurrently expand into renewable energy is timely. The target of 40 GW of renewables by 2032 represents a material component of India's overall renewable target, driving both deflation and a progressive decarbonization while working to reduce India's air pollution and water scarcity pressures.

²⁴³ Ibid.

thermal giant's renewable installed capacity, compared to 0.9 GW at the end of 2018-2019. NTPC unveiled a plan for building a 5 GW ultra-mega solar park in Kutch, and would share the stage as the world's largest solar park with another 5 GW solar park in the Dholera Special Investment Region (DSIR) in Gujarat, developed by the state government. The company aims to utilize superior solar and wind power potential in Kutch to implement least cost solar and wind hybrid generation to optimize usage of its generation and transmission infrastructure. The plan will fit directly into NTPC's aim to build 32 GW of renewable capacity by 2032. The site is expected to cost 25,000 crore INR and set to begin operations by 2024. Also, in the second week of January 2020, the Government of Rajasthan floated plans to ink an agreement with NTPC for developing a 925 MW Solar Park in Jaisalmer that would fetch nearly 4000 crore INR investment. The ultra-mega solar park at Nokh, spread over 1850 ha, will be the first project for developing a park under the new solar policy.²⁴⁴

The Turn Towards Green Energy: The Questions to be Asked

One reason why NTPC is turning to green energy for growth are the Government regulations to cap emissions from coal-fired plants, which increase the cost of building such projects. That apart, there's also a new global trend of coal majors exiting coal mining either entirely or divesting historic investments. Some of the companies that have announced those moves include Rio Tinto, BHP, Anglo American, South32, Mitsubishi, Mitsui & Co and Itochu. The number of globally significant financial institutions with formal coal policy restrictions is growing. In the words of Tim Buckley, Director, Energy Finance Studies, Institute for Energy Economics and Financial Analysis, "Global investor appetite for new thermal coal mine exposures is rapidly diminishing as global investors move to align with the Paris Agreement of 2015, which requires the total exit of thermal coal use by 2030 in developed markets, and by 2050 globally." Could this then open the doors for investments in India by companies who would be the worst violators of this pact?

Epilogue

As the world is graduating towards greener sources of energy, the once-thriving fossil-fueled energy sources are gearing up for their sternest challenges and criticisms. Global warming is obviously the bleakest of them all, but socio-economic and cultural challenges are surely raising their heads too. Coal mines are integral to such challenges. Coal mines raise eyebrows about their role in fighting climate change, dislocating people in the vicinity of mines, of despoiling agricultural lands, which in turn effect dependent livelihoods, and on

²⁴⁴ According to the Solar Policy 2019, the state of Rajasthan aims to achieve a target of 30 GW of solar power by the financial year 2024-25. Of this, utility or grid-scale solar parks will account for 24 GW, distributed generation is expected to account for 4 GW, the solar rooftop will total 1 GW, and solar pumps will make up the remaining 1 GW. The state will give extra attention to the development of solar parks by the private sector. The solar power park developer will be allowed to acquire agricultural land from the titleholder for developing solar parks above the ceiling limit per the provisions of Rajasthan imposition of ceiling on Agriculture Holding Act, 1973.

R&R policies and their efficacy in the wake of opening of mines. So, is there a way to switch from coal mines, by way of 'just transition'? Is there a way to restore the land and the ground that was mined to its prior status? If so, why isn't this happening more frequently? The best answer seems to be in not having these mines in the first place. But this is an ideal solution to a problem that never existed. On the other hand, for the mines in existence, a 'just transition' is possible only if all sides of the story are exhaustively treated, to say the least. But, the question remains, what comprises these other sides of the story? These are the problems of coping with job losses in mining, and closing down of mines, or repairing mines to a status prior to the beginning of mining (a term referred to as Reparations in the Objective of the Study, Chapter 1). 'Just Transition' was a term used by labour unions in the 1970s, when polluting industries were threatened by legislation. If not handled properly, the loss of jobs and mining land could create a backlash that is unprecedented. Jobs created as a result of mining, and mining in itself, are often a source of local revenue. In a country like India, it forms half the states' revenue where mining occurs. Therefore, it becomes crucial for Governments to prepare for closure of mines by helping engineer job opportunities for redundant workers and support schemes for families and communities on the one hand, while restoring the land to essentially its prior-to-mining status on the other. Both these are costly affairs. As a result, the Government is unwillingly to initiate and support creating new means of livelihoods, and companies or Governments are not supportive of restoration of land.

Closure of mines involves following a set of international guidelines and practices, such as closure criteria identification, residual risk reduction, reshaping of waste rock dumps, mine water treatment and management, surface subsidence and topsoil management, etc. This is often deterrence for investors, whose apathy towards following fair principles of mine closure impedes any possible 'Just Transition'.

India is in a strange quandary. While coal use is winding down in much of the world, India still foresees some growth of coal-based power,²⁴⁵ even though renewables sources are increasingly added to its capacity in recent years. India's ambitious renewable sources of energy will meet their challenge in changes to grid and to storage technologies subsequently. In the meanwhile, what is driving India's energy security is a reliance on cheap coal. But, cheaper domestic coal will not ultimately raise the competitiveness of coal-based power, even though it might mean fewer expensive imports. The final price of coal delivered to power plants has three components: the price the miner charges, government taxation, including royalty payments and levies, and transportation costs. Indian taxes are amongst the highest in the world, used to buttress state and central government budgets, and can

²⁴⁵ Ali, S. 2018. The future of Indian electricity demand: How much, by whom, and under what conditions? Brookings. October 31. <<https://www.brookings.edu/research/the-future-of-indian-electricity-demand-how-much-by-whom-and-under-what-conditions/>>

be almost as high as the notified price for low-grade coal to power plants. This includes a 400 INR per tonne “coal cess”, a pseudo-carbon tax amounting to between 200-300 INR per tonne of carbon dioxide.²⁴⁶ Transportation is also very expensive, as Indian Railways, the dominant mode of transporting coal in the country overcharges coal transporters by at least 31 per cent to subsidize passengers.²⁴⁷ This drives us to the question on how domestic coal mining as commercial mining, as announced by the Prime Minister, impact the energy sector in the country?

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. He 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 has thrown open the mining rights to 41 coal mines with auctioneering currently underway. While the private sector is showering plaudits on such a move, calling it an economic masterstroke, the states where these mines are located are not gung-ho over the move. The states not only call this announcement hastily made, but also hold the Union Government culpable for showing scant respect for environment protection. Jharkhand, where the Pakri-Barwadih coal mines are located and have been scrutinized in this report for operationality, be they at the hands of NTPC, or its outsourced MDO, Thriveni Sainik, has already raised its concerns and approached the Supreme Court calling such auctions ‘farcical’. It has also challenged the Central Government for lack of consultation with the State Government, which stands to lose not just the forest cover but also socio-economically, with its large tribal population on the tenterhooks of social dislocation. Jharkhand also has 9 of the 41 coal mines on auction. According to the suit filed by the State Government of Jharkhand,

On the one hand, the Defendant (the Central government) has opened up the mining sector to international participants purportedly to generate maximum revenue, and on the other hand, it has floated the tender for auction of the coal blocks during the COVID-19 pandemic and the resultant lockdown due to which all international commercial flights have been suspended....

²⁴⁶ Tongia, R. 2020. Why India’s push for private-sector coal mining won’t raise carbon emissions. Brookings. July 20. <<https://www.brookings.edu/blog/planetpolicy/2020/07/20/why-indias-push-for-private-sector-coal-mining-wont-raise-carbon-emissions/>>

²⁴⁷ Ibid.

Such auctions “would encourage and bring in undeserving, collusive, cartelized, restrictive trade practices”, the suit states.²⁴⁸ 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.

Between 2015 and 2018, when coal mines were auctioned, the floor price for the forward auctions was fixed at 150 INR per tonne of coal mined. The state was assured of getting this in the form of minimum premium above the usual royalty. But economics works differently with coal auctions in 2020, and calculations show that states stand to lose when compared with what they stood to earn between 2015 and 2018. Now, the floor price has been nominated at 4 per cent of the revenue earned by the private miner (company). With such a nominated figure, states would lose anywhere between 48 INR per tonne to 115 INR per tonne of coal mined in the form of premium compared to 150 INR that they were previously assured as premium. The Union Government has either volitionally or otherwise skipped the environmental and economic costs that the states would have to bear as a result of mining fallouts.

The opening up of the coal mining sector for commercial purposes wasn't decided overnight, but was already in the making, with steps laid out gradually by way of policies and tweaking of norms. The landmark 2014 judgment by the Supreme Court cancelling the 214 coal block allocations was the first opening for the Modi government. In 2015, the government passed a new law, paving the way for coal mine auctions which would allow companies to compete for a scarce natural resource through open bidding, but was still confined to captive use. Meanwhile coal imports were rising and putting pressure on foreign exchange, even as renewables as an energy alternative was gradually catching up both in the imagination and eventually on the ground. To save foreign exchange from further pressures, the Government decided to increase domestic coal mining in order to meet its coal needs and subsequently relying lesser on imported, better-graded (quality) coal. Then, in the middle of the pandemic raging through the world and stressing out economies globally, the Modi Government decided to lay the red-carpet for mining experts from across the world to invest in Indian coal. The deadline for bids in these mines is September 29, 2020 and the eligibility criteria for these bidders have been extremely relaxed.²⁴⁹ As with Thriveni Sainik, who prior to

²⁴⁸ Sarkar, S. 2020. Jharkhand moves SC, challenges auction of coal blocks for commercial mining. Hindustan Times. 20 June. <<https://www.hindustantimes.com/india-news/jharkhand-moves-sc-challenges-auction-of-coal-blocks-for-commercial-mining/story-cm7pwl91QY3HUpShiVoxAK.html>>

²⁴⁹ The Coal Ministry has introduced incentive for early production by the provision of 50% rebate to the mine owner in the revenue share paid to the state in case of early production. The methodology provides that the bid parameters will be revenue-share mode, thus orienting maximum coal availability at the earliest in the market. The Government has also reduced the upfront amount the miners pay to the mine-bearing state. Upper ceiling for

getting the status of MDO at Pakri-Barwadih, had no expertise in mining coal per se (they were established in the iron-ore mining sector), the Government in its declaration of eligibility criteria has made it clear that bidders need no prior experience, leave aside expertise in mining coal. This would mean opening up the sector to amateurs and non-serious players, who would have little to no understanding of the ground reality and the socio-economic and cultural-ecological fabric of the society they would be operating in, and thus more than likely to be apathetic to disruptions they would cause as a result of their engagement. The case of Thriveni Sainik, a private player, as highlighted in the present study, has clearly shown severe consequences faced by the local populace of Jharkhand, and a repetition of its kind and degree would only portend bleak days to come.

upfront amount is Rs. 500 crore with reserves above 200 million tonne, and Rs. 100 crore for reserves up to 200 million tonnes. Earlier, the miner was required to pay the full amount, larger the mine, higher the upfront amount. This opens the doors for smaller players to participate in the auction. This is where the catch lies. The miners will also have the freedom to explore coal-bed methane, coal gasification, and minor minerals at the coal mining site. There is effectively no strict eligibility criterion for participation, excepting that the companies/JVs should be registered in India. Bidders who have won coal mine under captive auction and have been convicted of an offense relating to coal allocation are disallowed to participate. Crucially, the auction or bidding process does not seek technical or financial eligibility as an explicit criterion.

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December 2016

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Pakri Barwadin Coal Block
December 2018
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In 2003, NTPC Ltd was allotted land in Hazaribag district of Jharkhand for coal mining. Since then, the North Karanpura area, one of the richest agricultural fields of the country has witnessed rampant land acquisition and destruction of natural resources violating the terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) 2006. The police and other military forces have disrupted demonstrations and meetings by the local community at various occasions including opening fire and killing innocent villagers. This report is an attempt to bring forth financial, ecological, cultural and social violations done by NTPC Ltd and the MDO Thriveni Sainik highlighting the need to measure them on counts of transparency, accountability and responsibility.

