

ENVIRONMENT, HUMAN RIGHTS AND DEMOCRACY UNDER THREAT

DIRTY COAL'S ENERGY ILLUSION

WHAT INDIA DOESN'T LEARN FROM ITS LESSONS

Dr. Subash Mohapatra
Executive Director, Global Human Rights Communications

History of repression, slavery and corruption

- 242 years: Commercial coal mining in India started in 1774 by M/s Sumner and Heatly of East India Company in the Raniganj Coalfield along the Western bank of river Damodar
- The British forced locals and indigenous peoples to work for free, enslaved them
- Having unholy nexus with East India Company, the local Kings provided many slaves as “offerings” to their British master.
- On 23 June 1757, the English East India Company defeated Siraj-ud-Daula, the Nawab of Bengal, in the Battle of Plassey. The British thus became masters of east India (Bengal, Bihar, Orissa). A large amount of children are being forced into labour due to the increasing need of cheap labour to produce large numbers of goods.
- Millions of people are forced to work for “Bethhi” (Bethi- free labour for master)
- After India became independent (1947), the new government formed the National Coal Development Corporation in 1956 (as a Government of India undertaking).

History ...Contd...

- Along with the Singareni Collieries Company Ltd. (SCCL) which was already in operation since 1945 and which became a Government company under the control of Government of Andhra Pradesh in 1956, India thus had two Government coal companies in the fifties
- The nationalization was done in two phases, the first with the coking coal mines in 1971-72 and then with the non-coking coal mines in 1973. In October 1971, the Coking Coal Mines (Emergency Provisions) Act, 1971 provided for taking over in public interest of the management of coking coal mines and coke oven plants pending nationalization.
- Another enactment, namely the Coal Mines (Taking Over of Management) Act, 1973, extended the right of the Government of India to take over the management of the coking and non-coking coal mines in seven States including the coking coal mines taken over in 1971. This was followed by the nationalization of all these mines on May 1, 1973 with the enactment of the Coal Mines (Nationalization) Act, 1973 which now is the piece of Central legislation determining the eligibility of coal mining in India

History...Contd...

- All non-coking coal mines were nationalized in 1973 and placed under Coal Mines Authority of India. In 1975, Eastern Coalfields Limited, a subsidiary of Coal India Limited, was formed
- Coal allocation scam (or Coalgate) is a major political scandal concerning the Indian government's allocation of the nation's coal deposits to public sector entities (PSEs) and private companies. In a draft report issued in March 2014, the Comptroller and Auditor General of India (CAG) office accused the Government of India of allocating coal blocks in an inefficient manner during the period 2004–2009.
- Ruling political parties got donation for elections under electoral trust formed by companies, majorities are from coal sector.
- Coal reserve in India is one of the largest in the world. As on April 1, 2012, India had 293.5 billion metric tons (323.5 billion short tons) of the resource. As on 2011, India ranked 3rd in world coal production. The energy derived from coal in India is about twice that of energy derived from oil, whereas worldwide, energy derived from coal is about 30% less than energy derived from oil.

India's Forest Depletion

- Between April 2014 and 2016, the Union ministry for environment, forest and climate change (MoEFCC) diverted 34,620 hectares of forest land, granting them final clearances, also known as stage-II clearance while diversion of 40,476 hectares will soon happen once the ministry grants them final clearance, environment minister Prakash Javadekar informed the Parliament. The ministry has approved forest land diversion both stage-II clearances for 1,513 projects under 22 project categories. The mining sector has been granted nearly a third of the diverted forest land, to the tune of 10,309 hectares. This primarily involves **coal mining projects** and few iron mining and bauxite mining projects and projects related to minor minerals.

Case Study: National Thermal Power Corporation/NTPC

- NTPC's Darlipali Super Thermal Power Station, at Darlipali village in Sundargarh district in Indian state of Odisha, is one of the coal based power plants of NTPC Limited. Coal will be obtained from Dulanga and Pakri Barwadih Coal Block and water supply will be sourced from the Hirakund Reservoir on the Mahanadi River through a pipeline at over a distance of about 30.0 km from project site.
- On January 16, 2014, has accorded the investment approval for Darlipali Super Thermal Power Project, (2x800 MW) to appraise current estimate cost of Rs. 12532.44 crore subject to environmental clearance of Ministry of Environment and Forests (MOEF). That the Ministry of Environment & forest, Govt. of India in their letter dt.17-2-2014 while granting environment clearance in favor of the said power plant, stipulated certain terms and conditions.
- NTPC acquired 1,115 acre private land in Darlipali village and 90.33 acre private land in Raidihi village for the project. Besides. Government of Odisha has alienated 339.49 acre land. That a thermal power project for 1600 MW is under construction

Project Location: NTPC AND TOSHIBA WORK



Violation of environmental laws

- The area concerned has varied ecosystems including agricultural to forest cover. The forest cover mainly comprised of regenerated Shorea robusta and Diospyros melanoxylon. Ib river and Basundhara nalla are the main water bodies in the said area. Land use pattern covers 55.17% of agricultural lands, 29.58% of Forest area.
- NTPC violated section 2 of Forest Conservation Act 1980 (**Restriction on the dereservation of forests or use of forest land for non-forest purpose**) by **dumping its waste in forest.**
- NTPC violated the provisions of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, thereby failing to comply with the provisions of the Environmental Protection Act, 1986 causing substantial damage to the ecology at large
- NTPC also violated Explosive Rules, 2008 by caring blasting and explosion

Violation of Human rights

- Denial of compensation for affected/likely to be affected people, which infringed the right to life and contrary to the domestic laws related to rehabilitation and resettlement policy and fundamental rights enshrined in Indian Constitution. It also violates the UN Guiding Principles on Internal displacement : Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected
- Principles No.9 of the UNGP on internal displacement asks to States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands
- Denial of adequate standard of living to project affected people and near by areas where indigenous peoples live which contrary to Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Basic health, water , road, electricity and other infrastructure denied

Violation human rights contd..

- Illegal detention of project affected communities who are from indigenous communities.
- Central Reserve police force (CRPF), who is engaged in NTPC security, illegally confines and detains the indigenous peoples who live now in project site. Their movement is restricted. They are subjected to torture and degrading treatment. The police also refuse to receive the complaints from the victims. CRPF and Company mercenaries enjoys impunity
- The Indian government engaged in violating its obligations under Convention on Torture, Convention on Racial Discrimination and Internal Covenant on Civil and Political Rights
- Complaints and grievances are not registered. It is violation of Article 350 of Indian Constitution and fundamental rights. Further, project level grievance mechanism are not functional.

Threatened Indigenous people

Indigenous peoples lost their livelihood due to NTPC coal project and their survival is endangered. The community was dependant on forest economy as they collect non-timber forest products. They lost indigenous life support system including their indigenous health as the herbs lost due to heavy deforestation, destruction of hill rocks through explosions. The community's glorious cultural and traditional life destroyed as life style changed as coal based power project destroyed their land and livelihood including cultural places of worship.



Peoples control over natural resources and Forest Rights denied

Forest Rights Act 2006 ensures indigenous and native peoples rights over forest land since they live from immemorial time. The record of rights for the communities recognises under the Act, but after the NTPC's coal project, the said rights were denied and the indigenous people were subjected to all forms of denial. Community protest such denial.



HIRAKUD DAM: ODISHA'S ENERGY SOURCE AT DANGER DUE TO ILLEGAL BLAST BY NTPC



Violation human rights contd..

- Denial of transparency and accountability: No transparency maintained in project, not only for the project affected people, but also NTPC is engaged in suppressing all the facts related to environment, human rights and adverse social effects.
- It violates the Right to Information Act which makes NTPC to ensure public disclosure
- UNGPs on business and human rights and PHRA act 1993 are not complied.

Corruption and Impunity

National Human Rights Commission
New Delhi, India

Case Details of File Number: 14365/18/14/2015

Diary Number	212353/CR/2015
Name of the Complainant	SUBASH MOHAPATRA
Address	EXECTIVE DIRECTOR COMMUNICATION KHANDUAL VIHAR PO SARAKANTARA BHUBANESWAR SUNDARGARH , ORISSA
Name of the Victim	SUBASH MOHAPATRA
Address	EXECTIVE DIRECTOR COMMUNICATION KHANDUAL VIHAR PO SARAKANTARA BHUBANESWAR SUNDARGARH , ORISSA
Place of Incident	PS LEPHARIPADA SUNDARGARH , ORISSA
Date of Incident	10/8/2015
Direction issued by the Commission	<p>The complainant, a human rights defender, has alleged that he visited Lephripada Police Station of district Sundargarh, Odisha on 08.10.2015 'for filing an FIR regarding an event which discloses primarily of a matter cognizable offence in nature'. According to the complainant, the officer-in-charge refused to receive any letter/complaint from him, and, thus, violated his fundamental and constitutional rights. The complainant also sent the said complaint through speed post No. EO777907921IN on 06.11.2015 but the officer-in-charge refused to receive his letter. A detailed track event for the speed post No. EO777907921IN referred by the complainant has been downloaded from the CMIS, which does not show details of sender or recipient. It is also not clear as to what matter of cognizable offence was presented before the officer-in-charge of Lephripada Police Station by the complainant. Let a copy of the complaint be transmitted to SP, of district Sundargarh, Odisha for appropriate action in the matter. With these directions the case is closed. The complainant be informed accordingly.</p>
Action Taken	Disposed with Directions (Dated 12/22/2015)
Status on 5/11/2016	Disposed of.

Violation human rights contd...

- Violation of domestic laws and International human rights instruments, including environmental agreements
- It is not only India's commitment, but also Japan's human rights obligation as funder they cannot be instrumental to human rights violations in India by aiding finances and equipments. It is also violation of bilateral agreements between India and Japan on business and trade.

Judicial rescue...

Learned counsel for the petitioner has submitted that because of the blasting, there is danger to the human life and the houses in the area have developed cracks. In support of the same, the petitioner has filed certain photographs as Annexure-4 to the writ petition.

Keeping in view the aforesaid facts, it is directed that till next date listing, the operation of the order dated 09.06.2015 passed by the Collector and District Magistrate, Sundargarh shall remain stayed.

Issue urgent certified copy as per Rules.

Odisha High Court
WP PIL 5410/2016

Dr. V. Saran, C.J.



National Green Tribunal

- ❑ **NGT directs NTPC not to violate explosives rules**
- ❑ The National Green Tribunal (NGT) on Thursday issued an interim order asking the NTPC, which is setting up a thermal power project in Odisha's Sundargarh district, not to violate environmental conditions and explosives rules relating to open blasting.
- ❑ Acting on a petition filed by Global Human Rights Communications executive director Subash Mohapatra, the tribunal directed the [Odisha](#) chief secretary, Pollution Control Board and the Sundargarh district collector to file a status report within three weeks.
- ❑ The chief secretary was also directed to implement the order of the tribunal relating to the blasting issue and submit an action taken report at the next hearing on November 2.
- ❑ Mohapatra alleged that [NTPC](#) has indulged in rampant blasting activities in contravention of explosives rules for removal of hard rock on the land proposed for construction of a power plant, posing a risk to human life, property and domestic animals in the area.
- ❑ Source: http://www.business-standard.com/article/news-ians/ngt-directs-ntpc-not-to-violate-explosives-rules-115092401151_1.html

NGT Response

- On last hearing on 13th May 2016, NGT directed Subash Mohapatra of Global Human Rights Communications (www.globalrights.ngo) to file the survey of the affected people, who are in need to be compensated, for appropriate compensation. NGT observed that NTPC has badly failed to respect the rights of indigenous peoples, especially on their rehabilitation and resettlement. Next hearing is scheduled to July 7, 2016

Unfortunate!

- Unfortunately , the violence and violation continued by NTPC.
- India's tall claims and pledges at Paris exposed
- India's Coal Scam in 2011: Democracy threatened as company bribed and get coal blocks.
- Indigenous Peoples fights back. 8% of India's population IPs are in danger as all of the coal projects located on their land.



THANK YOU

www.globalrights.ngo

info@globalrights.ngo