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## [India: annulling rights to allow mining](#)

On 8 January 2016, the Government of Chhattisgarh (GoC), India, passed an order cancelling the rights of the villagers of Ghatbara over a “community forest” area, which had been granted to them several years back under the Forest Rights Act (1). Even though the affected communities and legal experts question the legality of the state government’s action, there is another striking aspect around this decision. The GoC has annulled the village rights because, it says, these were being used to oppose mining of coal in the region. But the people have indeed very good reasons for doing so.

### **Coal mines and the Hasdeo forest**

At the heart of the debate is the region known as Hasdeo Arand (or Hasdeo Aranya – Hasdeo forest). Hasdeo Arand has deep forests in central India, but also huge coal deposits. This region, with its very rich forests, was marked as a ‘No-go’ area in the proposed ‘Go/ No-Go’ classification, which specified forest areas where no mining would be permitted.

In spite of this categorisation, on June 2011, the then Minister of State for Environment and Forests accorded forest clearance to mine the Tara, Parsa East and Kante Basan coal blocks in a speaking order. The coal blocks were assigned to the Rajasthan Government for its power utility Rajasthan Vidyut Utpadan Nigam Limited (RVUNL). The actual mining is done by a company of the Adani group, as a mine developer and operator.

As mining began, local communities started reeling under the many adverse impacts. During a recent visit to the area, people complained that mining had ruined their lands and water. “Our entire lands are coated with dust. In the rains, this dust is washed into the fields. The crop production on our lands has also gone down as a result,” said one of the villagers in Salhi village, next to the mining areas. They also pointed out that on-going mining had severely affected the groundwater levels.

It may be noted that mining, particularly open cast mining, is equivalent to digging a huge pit, and this pit can draw in groundwater from surrounding areas. In Parsa village, where people used to get two crops a year, the groundwater levels have dropped and they are barely able to get one crop. The heavy truck movement – one villager estimated at the time of the visit that close to 700 trucks went past the village every day– has not only added to the dust, but has also resulted in a number of accidents injuring local people.

However, the most serious of all problems has been the contamination of the local water sources, including several *nallahs* (streams) in which clear and clean water used to flow. The mines started discharging the contaminated mine discharge water directly into the stream, particularly the Ghatbarra *nallah*. This pollutant and sediment-laden water has rendered the stream unusable for the people, and their cattle. The fishery – very important for the people’s sustenance– has been affected too.

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The people started protesting, but their pleas fell on deaf ears. In a major accident, some 14 cattle died in one of the *nallahs* due to polluted water. It was only after long protests, and when people complained to the local Forest Officer at Ambikapur, that the officer conducted some enquires and forced the mining company to stop the discharge.

The impact on the Ghatbarra *nallah* has been so bad, that even the Ministry of Environment, Forests and Climate Change (MoEFCC) raised concerns. Adani Enterprises Limited has now proposed to set up a 270-MW thermal power plant in the mining area, a coal washery reject-based power plant. While considering its application, the MoEFCC's Expert Appraisal Committee put a condition on the company on January 2016 that "the Barra *nalla* shall be restored to its original state."

Given all this, local people have become fed up with the mines – the *atyachar* (atrocities) of the mines, as they put it. And they are apprehensive that if this is already the situation with just a couple of operational mines, what would not happen when many of the other proposed mines start operations in the area? So, they have declared that they do not want the mines at all. They have formed the "Hasdeo Aranya Bachao Sangharsh Samiti" to save the villages, and 22 village *gram sabhas* have passed resolutions that they don't want the mines.

But it is not just their own experience that makes them being resolutely opposed to mining in the region. People have also seen what has happened in Korba, just 100 kilometres downstream from Hasdeo Arand.

### **Korba: A critically polluted region**

Korba is called the power hub of Chhattisgarh, and sometimes even of the country. It has huge coal mines like the Gevra – the largest open cast coal mine in Asia - and many thermal power stations. In 1967, a barrage was built on the Hasdeo river to supply water to the industries. In early 1990, the Hasdeo Bango Minamata dam was completed upstream of the barrage. These power plants along with iron and steel industries are drawing huge quantities of water and dumping waste water in the local water bodies, *nallahs*, and even major tributaries of the Hasdeo. Vast areas of land have been taken over for dumping ash slurry from the coal power plants. The combined impact of coal dust and ash has led to the dust menace in Korba city.

As a large number of coal mines, followed by power plants, are lined up in Hasdeo Arand, the people see in Korba a frightening picture of their own future. This has further strengthened their determination to say no to the proposed coal plants. Ironically, even the MoEFCC itself had – at least at one time – ruled against any further mining in the Hasdeo Arand area.

### **MoEF's objection to mining in Hasdeo Arand**

As noted in the beginning of this article, in June 2011, the then Minister of State for Environment and Forests had given clearance for mining in Tara, Parsa East and Kante-Basan blocks. In his speaking order, the Minister himself noted that the Forest Advisory Committee had earlier rejected this permission three times, and it was their fourth rejection that he was overruling to grant clearance. Thus, it was clear that even then, the Ministry was reluctant to give permission for coal mining.

Further, even though permission was granted in June 2011, the Minister made it absolutely and unambiguously clear that this permission was being given only as an exception. Yet, now that the permission has been obtained and mining started in these areas, there are proposals to start mining in many more areas of the Hasdeo Arand, in complete violation of this explicitly stated order.

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It is clear that the people of the Hasdeo Arand region have been legitimately using the rights available to them under the Forests Rights Act, and other laws of the land to raise very important questions. To stifle these questions by arbitrary annulment of people's rights is nothing short of use of state power over the people to stop protests. Until actions that truly address people's questions and grievances in a meaningful manner, they are likely to continue to challenge the spectre of what they see as the transformation of some of India's forests into one more critically polluted area.

*This is a summary of the article from Shripad Dharmadhikary "Too many questions? Take away the right to ask!", published in India Together on February 2016. Access the full article in English at: <http://indiatogether.org/take-away-the-right-to-ask-environment>*