

# THE ECONOMICS OF LAND ACQUISITION IN THE INDIAN COAL MINING SECTOR-A CRITICAL REVIEW

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***Abstract:** The asymmetries of power and information that had characterized colonial land takings persisted well after independence into the 2000s with large scale displacement of poor people as the modern state needed vast amount of land for dams, irrigation, transportation and mining. The continued pressure on mining companies for extracting more coal as a result of intense industrialization, has led to large land acquisition and consequently massive involuntary displacement of the inhabitants, especially the indigenous/tribal people, with inadequate compensation and rehabilitation. This gives rise to wide number of 'impoverishment risks' and raises the issue of human rights violations and exploitation of the indigenous population. This sense of apathy of not being part of the 'mainstream development' process and to suffer acute poverty, creates an atmosphere of alienation among the tribals, and leads to the emergence of protests and conflicts against the ruling dispensation risking energy security of the country.*

**Key Words:** Displacement; Tribal; Rehabilitation; Human rights; Impoverishment; Sustainability

## 1. INTRODUCTION

*"We must act so that poverty will be alleviated, our environment protected, social justice extended, human rights strengthened. Social injustice can destroy economic and political advances." (James D. Wolfensohn, 1995).*

Land acquisition is frequently cited as the 'biggest problem' facing Indian development today. The International Monetary Fund has identified land acquisition as a significant constraint to India's infrastructure needs (IMF, 2011). In growing economies and social transformation from rural to urban societies, land acquisition and the resultant 'involuntary displacement' of the people from their agricultural lands and homestead for setting up industrial and infrastructure projects is not a new phenomenon. Since the Independence in 1947, large scale investments were made to

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execute various developmental projects like mega dams, roads, mines, power plants, heavy industrial establishments, defense base, new cities, wild life sanctuaries, national parks, transportation corridors, airports and other projects all of which had the mandatory pre-requisite of land acquisition. This led to major changes in land use patterns, water and natural resources and subsequent dispossession and displacement of large number of people who depended upon land, forest and other natural resources for their livelihood, and lose their ultimate sources of subsistence. Aside from the well-known cases of very troubled and violent acquisition processes in Nandigram, Singur, Kalinganagar, POSCO, and Yamuna Expressway, there are hundreds of small and large cases of land acquisition processes in trouble. From a road - widening project in Meghalaya to port expansion projects in Tamil Nadu, from soap factories in Gujarat to steel factories in Odisha, there is resistance to land acquisition all over the country (Chakravorty, 2013).

The information compiled here corroborates the findings in *Land—A Critical resource*, which leads its report with the following summary statement (Sarkar, 2009):

“An official review of projects that have been delayed indicates that 70 percent of the 190 delayed [infrastructure] projects are on account of land acquisition problems .....60 projects being implemented by the Indian Railways, 40 by the National Highways Authority of India, and 28 power projects across the country are facing difficulties in acquiring land .....[A] survey conducted by the confederation of Indian industry has revealed that .....land acquisition continues to be the top most concern for project developers .As much as 81 percent .....felt that land acquisition was the most important impediment to infrastructure project implementation.”

Large scale of displacement as a consequence of massive land acquisition has resulted into greater impoverishment risks for the population among whom majority of them are poor. In India, between 1951 and 1990 around 21.3 million persons were displaced by myriad development projects. Among this number 8.54 million (40 per cent) were tribal or indigenous people and only 2.12 million (24.8 per cent) were resettled (Government of India, 2002: 458). According to an estimate, the total number of people displaced during the last 60 years has reached almost 60 million (Mathur, 2008: 3). In recent years this displacement has become more intensified due to the conditions created by globalization and economic liberalization, which favor the growth of many mineral based industries set up by the MNCs and large Indian corporate houses (ICHs) in the mineral rich tribal regions of the country. For every 1 per cent that mining contributes to India's GDP, it displaces 3-4 times more people than all the development projects put together (Heldin *et al.*, 1994 and WHO, 1989). Of the 21.3 million development-induced IDPs, mining is responsible for the displacement of 2.55 million inhabitants from their land (IDMC, 2007).

Mining and extractive industry forms the backbone of any ambitious economy as mineral resources such as copper, bauxite, uranium, iron ore etc. are needed for greater industrialization and to achieve high economic growth. The state of India equates coal with national development, energy security and hence energy sovereignty. Coal

is presented as indispensable to meet India's huge energy needs (Lahiri-Dutta, et.al. 2012). Prime Minister Modi's "Make in India" campaign will bring in foreign firms to build factories, expand economic growth, and elevate India's living standards, still among the lowest of the emerging markets. India's real GDP/capita is just \$1,700, versus \$4,560 for the rest of the developing world. Importantly, India has watched neighbor China leverage coal power to lift 650 million people out of poverty since 1990, and sail past the global average for Human Development Index. So it becomes imperative for the Indian state to expand production of coal at a large scale. The coal industry, in 2007, had a turnover of Rs. 340 billion, which was around 1.2% of the GDP (KL Dutt 2007).

The coal mining sector contributes to 80% of the total mining in India and Coal India Limited (CIL) together with Singareni Collieries Company Limited (SCCL) both state owned company are responsible for above 90% of coal production in India. The demand for coal for generating electricity and other allied industries such as cement, steel, fertilizer leads to large –scale land acquisition for mining and subsequent displacement of people from their land and livelihoods. Over a million people have been displaced due to coal mining between 1950 and 1995 with inadequate compensation and rehabilitation (Bhushan and Hazra, 2008: 164). According to an estimate, between 1981 and 1986 major Indian coal companies have displaced more than 32,700 families. The estimates of displaced persons in Singrauli I-II alone are about 49,000 (Mishra and Reddy, 2011). And again, the coal sector picture in itself is never complete. In the one geographical area, mining displacement is compounded by displacement caused by power stations, dams, ancillary industries and other projects. 90 percent of all coal and around 50 percent of the remaining minerals come under region with low land acquisition costs (in the global market) and poor definitions of land tenure system (Singh, 1989) inhabited by mostly tribal people characterized by skewed distribution of power and information vis-s-vis the acquirers.

The doctrine of 'eminent domain' that forms the basis of expropriation laws such as the land acquisition act (LAA) of 1894 (revised 1984), has been used for the compulsory acquisition of land and other natural resources of the tribals. Most of the tenancy land acquired for mining in the country has been through the application of the Land Acquisition Act of 1894 or the Coal Bearing Areas (Acquisition and Development) Act (CBAA) of 1957, which has led to a large pool of involuntarily displaced persons (Banerjee, 2004). The CBAA act of 1957 gives the government the right to acquire the land where the mine needs to be developed (Government of India, 1976). The local inhabitants, due to the introduction of mining projects in their areas gradually lose their control over the resources they had once access to on the one hand and, they are shifted to a pattern of an economy with which they are not acquainted on the other. While their resources are exploited intensively by the project authorities, they are not able to enjoy their benefits because the process of development is heavily loaded against them" (Pandey, 1998: 2).

On the rehabilitation side, CIL's record of awarding employment to the affected families has been extremely poor. Only 30% of the affected families were given paid work (Fernandes, 1998). CIL's coal mining is causing nothing less than the forceful marginalization and pauperization of large sections of the affected population. This fuels resentment among the people against land acquisition for prospective coal bearing areas. Mining-induced displacement increased substantially in India when, compelled by commercial and technological demands, the country's coal production shifted from underground mining to open cast mining. The issue has presently gone beyond economics or the environment. An NGO known as Operations Research Group (ORG) has reported that displacement due to mining is leading to a 'gross violation of human rights' and 'enormous trauma in the country'.

The situation has reached such an impasse that the old land acquisition law of 1894 has been repealed and replaced with the 'Right to fair compensation and transparency in land acquisition, Rehabilitation and Resettlement Act', 2013 by the central government with effect from 1<sup>st</sup> January 2014. This act attempts to address the problems with land acquisition act 1894, which have been the center of debates and controversies for many years. This include, among others, unclear definitions and clauses and absence of requirements for compensation, participation and R & R (Resettlement and Rehabilitation) in the act. With this in backdrop, it becomes very pertinent to critically analyze the land acquisition governing system and its social-economic implications upon the displaced indigenous population who are confronting with multiple dimensions of MIDR (Mining Induced Displacement and resettlement) risks and that have consequently led to resistance movements against land acquisition for coal mining.

While there are a number of daunting issues that need to be addressed as India attempts to increase coal supply to meet its growing energy needs, perhaps none present as much of a hurdle as the social and economic challenges resulting from displacement of populace due to mining of coal. Production of coal in the country, and to do so in a humane, and socially acceptable manner, it is with this perspective that this paper briefly reviews the Indian coal sector and discusses key challenges for its development, and proposes policy approaches and suggestions regarding land acquisition and rehabilitation of displaced people to move it towards a more sustainable path.

## **2. METHODOLOGY**

This analysis is based on a review of over 100 pieces of pieces of Indian academic literature and government reports on coal mining, displacement and rehabilitation in India as well as the actual dynamics of Indian energy system in the context of social and economic transformation of the displaced people in the coal mining area.

## **3. AN OVERVIEW OF THE INDIAN COAL SECTOR**

India has the fifth largest proved coal reserve in the world after the United States, Russia, China, and Australia. Coal is the primary source of supply of commercial

energy in India and ranks third amongst the primary producers of coal (Red Herring, 2010). Coal is India's most important source of energy, and it is likely to remain so for the foreseeable future. It supplied about 53% of the primary commercial energy in India in 2011 and is expected to supply about 47% of primary commercial energy in 2031-32 even in the least coal usage scenario of the Integrated Energy Policy (IEP) (Planning Commission, 2006a). The coal sector is also critical to India from an energy security point of view as official numbers suggest that India has significant coal resources while being generally poor in other hydrocarbons (National Statistical Organization, 2012). In particular, the coal sector is important for the power sector in the country, given that about 76% of coal consumed in the country is used by the power sector and that 67% of the electricity generated comes from coal (CCO, 2011; CEA, 2012b). India's coal demand structure has evolved from 54% power generation in 1990 to 68% today, against 85% in the EU and 93% in the U.S. Since 2000, India's coal power has nearly doubled to 800 TWh, while real GDP/capita doubled and Health Adjusted Life Expectancy increased 5 years to 58. As per the International Energy Agency (IEA), coal is expected to rise from 43% of total energy supply today to 46% in 2020 and 51% in 2035, while maintaining its ~68% hold on electricity.

The production of coal in India is dominated by two public sector companies i.e. Coal India Limited (CIL) which accounts for approximately 80-82% of the production and Singareni Collieries Company Limited (a joint venture between the Central Government (49%) and the State of Andhra Pradesh (51%)) accounting for approximately 9.5-11.5% of India's coal production in the 2010 fiscal (TERI, 2007). Although license of mining blocks to private companies for "cap-tive" coal mining was granted in 1993. But for the last 2-3 years coal production growth has been stagnated against galloping demand for the fuel. Consequently, CIL's (Coal India Limited) production grew only at 3.5% CAGR (Compounded Annualized Growth Rate) to 436 MT during the 11<sup>th</sup> Plan, on account of stagnated production in the last three years.

### **3.1. Demand-supply scenario for coal in India**

The IEP expects that domestic coal demand will grow at an average of 5.2% p.a. and reach 1580 mtpa in 2031 even in the scenario requiring the least coal (Planning Commission, 2006a, p. 47). Such an increase in demand necessitates a corresponding increase in production, as recognized by the working group report on coal for the 12th five year plan which states that coal production in the country should go up from 552 mtpa in 2011-12 to 715 mtpa in 2016-17 in the business-as-usual scenario or 795 mtpa in the optimistic scenario – an increase of around 5.3% p.a. or 7.6% p.a. (Ministry of Coal, 2011, pp. 47, 51). The Production target, actual production and estimated demand and supply of coal in India in the last three years is given in **Table 1**.

MoC in its annual report 2010-11 listed three following reasons for reduction in production

**Table 1**  
Coal demand –supply chart for India

<i>Year</i>	<i>Production target</i>	<i>Production</i>	<i>Demand</i>	<i>Supply</i>
2010-11	572.4	532.7	656.3	523.5
2011-12	554.0	539.9	696.0	535.2
2012-13	574.4	557.7	772.8	569.8
2013-14	244.2	244.3	769.7	269.1*

All figures in Million Tonnes;

Demand estimates are as per the respective Annual Plan of the Ministry of Coal.

\*Supply relates to indigenous sources; Up to September, 2013.

1. Delay in environmental and forest clearances of major projects.
2. Delay in land acquisition of the projects.
3. Resettlement and rehabilitation, and law and order problem in some of the states.

In a survey conducted by TERI in 2007, 43.5% respondents concurred that Presence of stiff legislations concerning land acquisition, rehabilitation and environment management is responsible for lack of competition in the Indian coal sector and hence supply-demand mismatch.

### 3.2. Status of ongoing projects

There are 117 mining (excluding 13 projects of WCL approved subject to finalization of Coal Supply Agreement on cost plus basis.) and 26 non-mining projects costing ' 20 Crores and above, under implementation. Out of 117 mining projects, 55 projects are running on schedule & 62 are delayed. Out of 26 non-mining projects, 21 are on schedule and 5 are delayed. Details are given in **Table 2a and 2b**.

**Table 2a**  
Status of ongoing projects costing '20 Crs. and above

<i>Projects</i>	<i>Total projects</i>	<i>Projects on schedule</i>	<i>Projects delayed</i>
Mining	117	55	62
Non mining	26	21	5
Total	143	76	67

**Table 2b**  
Reasons for delay mining projects

<i>S.No.</i>	<i>Reasons for delay</i>	<i>No. of projects</i>
1	Adverse geo-mining condition	1
2	Delay in land acquisition + R & R	42
3	Miscellaneous	19
	Total	62

### **3.3. Impact of the Imported Coal**

Traditionally, India imported a very small volume of coal. In 1990, India's coal import rate was 3% and all imported coal was coking coal, which is rare in India. In 2010, the absolute volume of India's coal import reached 90 Mt or 14% of total coal demand (IEA database). About one third or 30 Mt of imported coal was coking coal, whose demand grew fast due to the expansion of the steel and iron industry in India. For coal imports, India spent nearly USD 9.3 billion in 2010, a considerable increase from 1990 when India spent USD 416 million on coal imports. As of 2010, based on import volume, Indonesia was the largest source of imported coal, representing 49%, followed by Australia with a share of 28% and South Africa with 17%. WEO 2011 projects that India's dependence on imported coal will increase to 30% or 280 Mt (178 Mtce) of coal demand in 2020 and to 34% or 460 Mt (294 Mtce) by 2035. Increasing import dependence is generally due to rising coal demand and stagnating domestic production.

### **3.4. Financial viability**

And as per the new mining law in Indonesia which provides for annual alignment of coal prices with international rates, increased the price of Indonesian coal substantially. Currently imported coal is three times costlier than indigenous coal and this will have direct impact on the cost of the power production. More recent Indonesian Government mandate that requires that Indonesian coal producers must allocate 24.2% of their annual production for domestic use has added to existing concerns. Around the same time, Australia also issued a draft mining law to impose a carbon levy on coal and iron ore projects from this year. Since power developers have acquired power projects on tariff based bids and by the very structure of the competitive bidding agreement power developers cannot demand hike in tariffs. On the one hand their cost of production will increase and on the other the cost cannot be passed on to the final consumer. This will severely affect project feasibility. Therefore, domestic coal production becomes indispensable for meeting India's energy needs, most of which comes from opencast mining covering large tracts of land area.

### **3.5. Demography of the coal bearing area**

India's tryst with coal mining can be traced back to the colonial times, judging from the Ministry of Coal's proud proclamation of the early coal mining days of 1774 near the Damodar river in Jharkhand. The country's reliance on coal and coal based power generation was evident from the first five year plan period itself when the need for increasing coal production and its efficiency was one of the tasks set out for independent India. With the gradual establishment of a nationalized coal mining sector, most of the coal mining in India has historically concentrated on feeding the domestic demand. The coal reserves of India up to the depth of 1200 meters have been estimated by the Geological Survey of India at 276.81 billion tonnes, as on 1.4.2010. As per projections, coal consumption is projected to increase to about 1500 million tonnes per year by 2031-32.

The availability of coal is mainly concentrated in the states of Jharkhand, Chhattisgarh, Orissa, a West Bengal and Andhra Pradesh comprising of majority of tribal population of India residing on the vast swaths of coal underneath whose economy and livelihoods depend upon CPRs (Common Property Resources) i.e. community use of land, water and forests. The Indian state of Jharkhand, where indigenous groups comprised of 85 to 90 percent of the total population of the state (Areeparampil, 1996a), alone accounts for 29% of India's coal reserves and contains the largest number of collieries in the country, accounting for 21% of Indian coal production in 2004-05 (Bhushan and Hazra 2008: 159). According to the 2001 Census, Chhattisgarh (31.8%) has the highest percentage of ST people in its population followed by Jharkhand (26.3%) and Orissa (22.1%). The tribal communities in these states have faced rampant exploitation, displacement and dispossession from their resources at the hands of the state. While they constitute only about 8% of the country's population, they comprised almost 40% of the displaced people until 1990 and nearly 50% by 1995 (Guha, 2005). These indigenous groups have been the worst hit by the large-scale exploitation of the natural resources of the region through the development of mines, industries and commercial exploitation of forests. The majority of them live in a state of semi-starvation throughout the year. The increase in absolute poverty as a result of displacement together with widening equity gaps in these parts established a rich environment for social unrest. This is further compounded by a collapsing political environment with the elite taking control, directly or indirectly of the political institutions of these regions. Pushed into a vicious spiral and seeing no solution, many of the marginalized groups resorted to demonstrations which were often violent, causing casualties and damage.

The main reason for antagonism between local administrations and tribal peoples is regarding land ownership. Their society, culture, religion, identity and their very existence are intimately linked to the land they hold (Areeparampil, 1996b). Land inhabited by many generations is the most significant area of economic, social, and cultural reference. For them land and blood are homologous. The fusion of human and land is highly visible in the case of indigenous and tribal people who have limited adaptive mechanisms to the new reality. Over 80% of Scheduled Tribes work in the primary sector against 53% of the general population. About 45% of Scheduled Tribes are cultivators against 32.5% of the general population. According to available statistics, the number of STs who were cultivators, declined from over 68% to 45% in 2001 whereas agricultural laborers increased from about 20% to 37%, an indication that the Scheduled Tribes are steadily losing their lands. **(Insert Table 3).**

#### **4. MINING LAND ACQUIRED AND RELATED DISPLACEMENT**

The size of the mines at present is taking a gigantic leap as compared to over the years. Coal caters to a third India's energy needs. Coal mines have expanded from an average of 150 acres in the 1960s to 800 acres in the 1980s over the last three decades due to shift from underground to opencast mines for exploiting lower quality coal

**Table 3**  
**Socio-economic indicators for scheduled castes (SCs) /scheduled tribes (STs)**

S. No.	Indicators	Year	SCs	STs	Others group
1	Literacy Rate (Rural)%	2007-08	60.5	58.8	76.9
2	Literacy Rate(Urban)%	2007-08	74.9	7.8	89.9
3	Unemployment Rate	2007-08	11.9	7.5	8.4
4	Women with BMI<18.5(%)	2005-06	41.2	46.6	29.3
5	Women with Anaemia (%)	2005-06	58.3	68.5	51.2
6	Infant Mortality Rate (%)	2005-06	66.4	62.1	48.9
7	Household with pucca houses (%)	2008-10	38.3	39.5	66.1
8	Household with electricity (%)	2008-10	61.2	18.8	75

Source: Indian Human Development Report 2011, towards social Inclusion, Institute of applied Man power Research, Planning Commission, Government of India.

that resulted untaking over some 1500 acres of land as open cast mines require more land and induce displacement of more persons without even creating jobs to absorb people. Industries and mines give a job each to the families they displace but ever since the mechanization process starts, the scope of absorbing people subtly begins shrinking. (Insert Table 4 & 5.

## 5. COAL MINING AND ITS SOCIO-ECONOMIC EFFECTS ON INHABITANTS

Nearly 90% of CIL's coal mines are opencast (MOC, 2011b). Coal production from underground mines in 2012-13 was 37.78 Million Tonnes compared to 38.39 Million Tonnes in 2011-12. Production from Open cast mines during 2012-13 was 414.435

**Table 4**  
**Company-wise Status of Land Acquisition by Coal India Limited (CIL) and its Subsidiaries in India upto June 2007 (Area in Hectares) is given below:**

Company	TLA	TTLA	TLP
Eastern Coalfields Limited (ECL)	13093	12022	9145
Bharat Coking Coal Limited (BCCL)	4280	3857	1937
Central Coalfields Limited (CCL)	35736	12758	4883
South Eastern Coalfields Limited (SECL)	20538	12812	11873
Western Coalfields Limited (WCL)	19785	17089	14330
Northern Coalfields Limited (NCL)	15948	5612	5275
Mahanadi Coalfields Limited (MCL)	19965	9180	4252
North Eastern Coalfields Limited (NECL)	25041	41.47	41.47
Total	154386	73371.47	51736.47

Source: Lok Sabha Starred Question No. 198 dated 22.8.2013

TLA- Total Land Acquired

TTLA- Total Tenancy Land Acquired

TLA- Tenancy Land in Possession

**Table 5**  
**Mining Land and Associated Displacement**

<i>State</i>	<i>Years</i>	<i>Numbers displaced</i>	<i>Land under mining (acre)</i>
Andhra Pradesh	1980-95	100541	92,300
Assam	1980-2000	41200	28,140
Goa	1980s	47,40	1,33,900
Jharkhand	1980-95	402,882	5,15,100
Odisha	1960-95	300,000	4,10,100
West Bengal	1960-2000	41,8061	28,500

*Source:* From Fernandes' working paper (<http://onlineministries.creighton.edu/collaborativeMinistry/NESRC/Walter.html>, accessed on 14 October 2014).

Million Tonnes which was 91.65 % of total raw coal production (Annual report 2012-13, CIL). Open cast mines require more land and displace more persons but create fewer jobs than underground mines do. It results in larger loss of habitats and livelihoods. Displacement leads to forced relocation of thousands of people, uprooting their communities and shredding to pieces, their essential social fabric. The failure to address adequately the complex social and cultural problems inherent in the resettlement process has only magnified the scale of suffering. The labyrinth of broken communities, broken families and broken lives remain beyond numerical calculations. There are weaknesses in the public participatory processes, often not all those affected (e.g. landless villagers) are deemed eligible for compensation and even those eligible for compensation are often offered inadequate and /or delayed compensation (Chikkatur, Sagar, and Sankar, 2009; Prayas Energy Group, 2012). Such practices lead to considerable social distress, alienation of local population and eventually popular resistance to coal mining.

### **5.1. The Jharkhand Scenario**

The tribal people displaced by the coal mines of Jharkhand have been subjected to livelihood insecurity notwithstanding adequate cash compensation and provision of one job to each of the displaced family members in the mines operated by Coal India Limited (CIL) in the region. The North Karanpura Valley in Jharkhand has been a witness of strong people's resistance to coal mining expansion. The entire North Karanpura coal field covers an area of approximately 118,668 ha, of which 41,457 ha. is forest land. While existing coal mines like Piperwar, Ashoka I and II have already impacted the forests and people's livelihoods, there are many more mines which are planned for the region. The Piperwar coal project displaced 460 families officially; unofficially estimates of this are, however, 15,000 families. The Rajmahal coal project displaced 6,000 families and the Parej East Opencast mine, has displaced a total of 595 families. Piperwar opencast project was executed under a bilateral agreement with the government of Australia while Parej East opencast mine was funded by the World Bank. According to a study, by 1993, Piperwar project had acquired 35 percent of the

area covered by nine villages in this region, which were predominantly owned by SC and ST people (Sherman, 1993 and Mahapatra, 1991).

The sleepy hamlets around Punkhri-Barwadih in Jharkhand, witnessed violent resistance to the prospect of losing their fertile farmland to an industrial venture. The NTPC (National Thermal Power Corporation), the largest power utility in the country, has a joint venture agreement with CIL, one of the world's largest coal producing company. Apart from the loss of over 10,000 acres of well-irrigated farmland and dense forests, NTPC's planned opencast coalmine is likely to obliterate, or at the very least damage irreparably, Punkhri-Barwadih's megaliths. This is in fact one of the last vestiges of a prehistoric civilization, which flourished in the region. Punkhri-Barwadih project at a total cost of Rs 40,000 million was scheduled to commence operations in December 2007. The project would displace some 14,000 families. In November 2006, a mob of thousands of farmers tore down NTPC's project-site office at Barkagaon. It was further reported that the villagers in the remote hamlets in this region were busy in reorganizing themselves for a stronger assault before the process of land acquisition by the government was stopped. In order to show their protests and resentments against the land acquisition by the project the affected villagers have formed the anti-land acquisition organization Karanpura Bachao Sangharsh Samiti (KBSS) and the Karanpura Bisthapita Morcha (KBM) (Greenpeace, 2012).

It is reported that NTPC was allotted three coal blocks in Jharkhand – Punkhri-Barwadih, Chatti-Bariatu and Keredari – by the Union Coal Ministry in October 2004. The government is acquiring land under the Coal Bearing Area Acquisition and Development Act of 1957, which is exclusive and binding for India's coal-bearing areas. The company will acquire a total of nearly 40,000 acres for the three projects together. In the wake of acquisition, those set to lose their homes, farmlands and forest-based livelihoods are largely small farmers in the area. In such a rich ecological base, it is natural and obvious that people strongly resent this public sector company depriving many of them of the source of their sustainable living and their dispossession from the land. The protesters say that they would rather die fighting for their land than give it away to NTPC or any other company while alive. It is reported that much of the land which is to be acquired falls under the Gair Mazurwa (GM) category. This means that the land is owned by the government but has either been officially granted to some villagers to cultivate or has been in their illegal possession for many decades and is being used for residential or agricultural purposes. In this situation, very few among the tribal people to be displaced are likely to be compensated adequately by the NTPC, although all those affected have been enjoying usufruct rights to the land since time immemorial (Das, 2007).

The tribal activists of the state paint a gloomy picture of mining and mineral-based industries that cause massive displacement of people from their traditional ecosystems without absorbing them in the modern manufacturing and service sector economy. The many protests and demonstrations of the tribals in Jharkhand reveal that they are completely disillusioned and apprehensive of the present development

efforts of the state that encourages growth of mines and industries in the name of developing the income earning capability of the poor tribals and the revenue generating capacity of the government.

### **5.2. The Case of Madhya Pradesh and Chhattisgarh**

The Singrauli district of Madhya Pradesh was carved out of Sidhi in 2008. However, the 'Singrauli coal field' is a much larger area which also includes small parts of the neighbouring districts of Sonbhadra (UP) to the East, and Koriya and Surguja (Chhattisgarh) to the South. It is now the eastern most district in Madhya Pradesh. 5872.18 hectares of forest in the Singrauli region have been officially diverted for non-forest use, from the initiation of the Forest Conservation Act in 1980 till mid- 2011 (Greenpeace, 2011). The area includes 5760.55 hectares of reserve forest and 111.60 hectares of revenue forest. In Singrauli, the proportion of landless people, due to coal mining skyrocketed from 20% before displacement to 72% after (Reddy, 1997).

Since the government reforms stimulating economic liberalization have been enacted, all doors for private investment are open in Chhattisgarh. The state's Mineral Policy 2001 has facilitated large-scale private sector investment in the mining sector and this has had its fall out effects on the tribal people and other subsistence farmers. In the coal bearing zones of Sarguja, Raigarh and Bilaspur districts, more than 72,000 acres of land have been granted on lease to South Eastern Coalfields Limited (SECL), a subsidiary of CIL. Moreover, because of the increasing mechanized operation of the mines, employment opportunities for the illiterate tribal workers have been squeezed over the years.

Although the entire Sarguja district is a Schedule Five area that supposedly protects the interests of tribal population, not a single village council meeting has been held to consult tribals and other villagers about the opening of mines, the selling of their lands or the granting of mining leases. The land of over 200 farmers most of whom are tribals have been coercively purchased or acquired since 1997. Similarly, in Raigarh district of Chhattisgarh, organizations like Adivasi Majdoor Kisan Ekta Sangthan and Jan Chetna have used legal forums to raise issues of regulatory lapses as well as impacts on people's health and livelihoods against coal mining and related industrial processes in the area. In particular the resistance has been against the setting up of a coal mining and coal washery at Gare village in Tamnartaluka of the district (Kohli, 2010, Dhar, 2012).

### **5.3. The Orissa Case**

Since the mid-1990s, the villagers of Kulhapada in Sundargarh district have staged several protests and resorted to blockades in front of the Basundhara coal mines office demanding higher compensation and jobs for the people displaced. They are aggrieved at the inadequate compensation and loss of hundreds of acres of land to Mahanadi Coal fields Limited (MCL) in Orissa, a subsidiary of Coal India limited (CIL). It is

reported that many displaced persons have not been paid adequate compensation or given employment for the loss of their land. The displaced tribals report that although the Basundhara mines in Sundargarh district started operating in the early 2000s many persons have not been given any employment. Also, their compensation settlements have not yet been finalized. They have appealed repeatedly to the district administration and the MCL but none of their grievances has been redressed. In the 1st July 2007 edition, *The Times of India* reported that the ousted villagers of Kulhapada had resorted to a blockade of coal production and transportation from the Basundhara mines, thereby causing huge average production loss of 10,000 tonnes of coal per day, apart from the loss caused to the company due to idleness of manpower and machinery. In recent years notwithstanding the higher incidence of poverty, Orissa has witnessed massive protests against industry-led developments that cause the forced displacement of people dependent for their subsistence on the land and forests. The killing of 13 tribal protesters by the police in the Kalinganagar industrial area of Jajpur district on 2 January 2006, intensified the protests by tribal and civil society groups against the continued development of mineral-based industries in the tribal regions.

In Orissa, among the mining displaced families, 16.7% of the tribal and 13% of the Dalit DPs (Displaced Persons) became landless against 3.6% of the general castes (Pandey, 1995a). Sociological and anthropological studies have proved that for farm families loss of land generally has far more severe consequences than the loss of a house. Support mechanisms such as ponds, wells, poultry, cattle and draft animals that supplement the farm income decline (Bharali, 2007). Access to work among the mining DPs declined from 89.3% to of 57.5%. The Shift was much greater among the tribal DPs because very few of them own Patta land so CIL did not give them a job (Pandey, 1995b). Another study of seven projects causing displacement during 1950-94 in Orissa (Pandey *et al.*, 1997) found the problem of common property resources (CPR) in the post-displacement period.

Those losing jobs include land less laborers, enterprise or service workers, artisans, or small businessman. Unemployment among resettlers often endures long after physical relocation has been completed. Joblessness among resettlers often surfaces after a time delay, rather than immediately, because in the short run they may receive employment in project –related jobs. This employment, however, is not sustainable. Joblessness two forms lower access to work and downward occupational mobility In Andhra Pradesh, almost 45% of the cultivators became land less agricultural laborers or daily wage labourers (Fernandes *et al.*, 2001).

In West Bengal access to work declined from 91.02% to 53.18 % (Fernandes *et al.* 2006). Loss of family's individual home is linked with the loss of a group's cultural space, resulting in alienation and deprivation (Low and Altman, 1992). In India, 59% of the displaced families were found living in temporary/semi-permanent houses 10-15 years after their relocation (Joseph, 1997). The International Labor Organization estimates that 12 million jobs were lost in India during the first six years of liberalization (VAK, 1997). CIL's coal mining is causing nothing less than the forceful marginalization

and pauperization of large sections of the tribal population. Therefore, the compensation offered for land, rehabilitation of people and benefit –sharing of the gains from coal mining with local population are all important from the perspective of social justice as well as gaining local support for coal mining.

## **6. THE LAND ACQUISITION CONUNDRUM –LEGISLATIVE PERSPECTIVE**

Most of the tenancy land acquired for mining in the country has been through the application of the Land Acquisition Act (LAA) of 1894 or the Coal Bearing Areas (Acquisition and Development) Act of 1957, which has led to a large pool of involuntarily displaced persons (Banerjee, 2004). Mining of all minerals has been the second-largest cause of displacement—an estimated 2.55 million people have been displaced by mining, of which 55% are members of scheduled tribes (Bhushan, 2007). In Jharkhand, coal lies under forest tracts owned (or customarily used) by the tribals. India had legislated Chhotanagpur Tenancy Act (CNTA), 1908 and Panchayats Extension to Scheduled Areas (PESA) Act, 1996 to prevent acquisition of tribal land for coal mining and to make such land legally inalienable. In India, the provisions like the fifth and sixth schedules of the constitution provide a historic guarantee to the adivasis on the right over their land and have been hailed as ‘constitution within constitution’ so far as tribal rights are concerned. The Panchayat (Extension to Scheduled Areas) act (PESA), gives substantive powers to the tribals with regard to natural resource management and self-governance. The forest rights act, 2006 also grants community rights over common resources apart from the individual rights to integrate the conservation and livelihood rights of some of the poorest of the poor people of the country. The ability of the State and corporate bodies to acquire and control land has been facilitated by a series of strategic amendments to the CNTA of 1908 and Bihar Tenancy act (Sharan, 2009).

The concept of ‘eminent domain’ allows both the LAA and CBAA (Coal bearing area act, 1957) to have precedence over any such acts (Guha 2006: 157). The CBAA was passed in 1957 to “establish greater public control over the coal mining industry and its development, provided for the acquisition by the state of un-worked land containing coal deposits or of rights in or over such land”. More importantly, by virtue of the CBAA, the mining of coal generally supersedes the community rights (Sharma 2003). The CIL symbolized ‘public interest’ and acts such as the CBAA legislated to circumvent the protective legislation for tribals. Procurement of land, particularly tribal land, without free and prior consent, can have devastating effects on small landholders. When the state acts as the facilitator of the land transfer process, its partiality towards large corporations is exposed (Levien 2011: 71). The LAA (Land Acquisition Act, 1894) is invoked in three major ways. First, land is acquired under part -2 of the Act, 1984 instead of part-7, paying part of the compensation from the government exchequer. Second, land is acquired by invoking the emergency clause section 17(Singh, 2010). Third, since there is no definition of public purpose given in the act, the collector can define any industrial project as a public purpose (Chaudhary,

2009). Moreover, the Land Acquisitions Act (1894), a draconian law from colonial times, does not have any provision for rehabilitation (Guha, 2005). A lack of rehabilitation policy violates Right to Life under Article 21 and Right to Equality under Article 14 (interpreted as right against arbitrariness) of the Constitution of India. Ironically, article 19(e) of the Indian Constitution guarantees to its citizens the freedom 'to reside and settle in any part of the territory of India' and Article 21 says that 'no person shall be deprived of his life or personal liberty except according to procedure established by law'. Thus when land is forcibly acquired by the state, article 19 and 21 turn into a paper rights (Vaswani, 1992). When the state takes away land and deprives CPR-dependent communities of their livelihood on the assumption that the natural resources are state properties 'the right the state has appropriated to itself goes counter to citizen's fundamental rights' (Fernandes and Paranjypte, 1997). The public purpose is not even vaguely or loosely defined in the amended LAA Act of 1894 (Dhagamwar, 1997). It is also ironical that while Article 19(d) allows reasonable restrictions for the protections of the interests of any scheduled tribe, the 29<sup>th</sup> report of the commissioner of scheduled castes and tribes in India has noted that 40% of those displaced till 1990 were tribals.

One of the reasons for the high proportion of tribals among DPs/ PAPs is that many resources such as minerals are concentrated in the regions that they inhabit. This includes 80 per cent of coal and more than 60 per cent of most other minerals (Areeparampil 1996: 6). Of greater importance, however, is the non-recognition of their CPRs. The Indian land laws recognize only individual *pattas* and the Land Acquisition Act of 1894 makes compensation mandatory for individually owned land. Since, according to this law, CPRs are State property and no compensation need be paid for them, the acquiring agencies give preference to the CPRs. This explains why between 1951 and 1995, more than 50 per cent of the land acquired in Orissa (Fernandes and Asif 1997) and 32 per cent in AP consists of CPRs.

Only in the Sixth Schedule areas does the law recognize community ownership, but the approach of the State favours individual male ownership and class formation. This results in a series of transformations of the social structure that are induced both by market forces and administrative procedures. Moreover, the LAA's section 23(1) provides for just compensation at 'market value' for the acquisitions made by the state. It postulates the price of the land prevailing on the date of the publication of notification under section 4(1) of the LAA.

## **7. COAL INDIA AND ITS RESETTLEMENT & REHABILITATION (R & R) POLICY**

Realizing the need for R & R, CIL is one of the few public sector organizations, which has adopted a policy on R & R. This policy defines the displacees by dividing them into two major categories (a). Landowners, including those owning government settled land including tribals cultivating land under traditional rights; and (b). The landless such as sharecroppers, tenants, day laborers, tribals dependent on forests produce and persons whose homesteads has been acquired. The policy also defines

compensation and rehabilitation packages for all the aforementioned categories. There are provisions for monetary compensation, employment, land for land compensation, and non-farm self-employment. However, if the displacees do not come under any form of compensation, it has been specified that the subsidiary will provide rehabilitation assistance, so that the project affected persons (PAPs) will regain their former standard of living. Till the mid-1980s, the T. N. Singh Formula, 1967, had stipulated that industries and mines give a job each to the families they displaced. The policy for resettlement followed by Coal India Limited (CIL) has had been quite popular among affected populations, for the simple reason that the company offered jobs to the displaced population (Adhikary and Ghosh, 2005). Thus, the affected population received a share in the benefits of the project and CIL, in turn, could use the hope of a job as a bargaining chip to acquire land for mining (World Bank, 1996). However, with increasing mechanization and downsizing, this is no longer being offered as an option (Herbert and Dutt, 2004). Infact, a radical curtailment of the workforce in the CIL subsidiaries was one of the conditions of the coal sector loans given by the World Bank. The curtailment is now being implemented through voluntary retirement schemes, retrenchment, and radical reduction in new employment to make way for more mechanized processes.

One can see its impact, among others, in the jobs given by CIL. It gave a job each to 11,901 (36.34%) of the 32,751 families displaced 1981-1985 (Govt of India, 1985). But till 1992 immediately after mechanization in the Upper Karanpura Valley of Jharkhand the first 5 of the 25 mines that were to have 1,00,000 DPs, gave a job each to 638 (10.18%) of the 6,265 families displaced (BJA & NBJK 1993: 36). Much of the claimed rehabilitation is actually not done. By the government's own admission, only a small proportion of those displaced are rehabilitated. The coal sector has effectively rehabilitated less than 35 percent of displaced people (Govt of India, 1985). According to an estimate by the commission of ST and SC, over 40% of those displaced upto 1990 come from these communities, even though the tribal people make up only 7.5% of India's total population (Kothari, 1996). Heavy displacement of tribal population persisted in the subsequent years compounded by dispossession and other impoverishment risks. Coal India Limited introduced a very ambitious R&R policy in 1994 known as Coal India Resettlement and Rehabilitation Policy (CIRP) for people displaced by coal mining, under the pressure of the World Bank, after 19 years of its formulation and more than two decades of nationalization of coal mining. This was the first formal policy it ever released. Subsequent experience with the World-Bank-funded project intended explicitly to assist in environmental and social mitigation during expansion of 25 coal mines revealed some serious shortcomings in implementation (World Bank, 2002; Herbert and Dutt, 2004). The project was known as Coal sector environmental and social mitigation project (CSESMP) and was financed by the International Development Association (IDA) credit of \$ US63 million, and, was linked to the \$US 530 million IBRD (International Bank for reconstruction and development) loan for coal sector rehabilitation project (CSR). Many villagers remain skeptical that the company (CIL

and its subsidiaries) will actually meet these provisions and are unwilling to settle for an uncertain future. The government's R&R policies have been criticized both for their formulation processes, and because of the perception that they support industries over the concerns of the people, particularly for land acquisition. The regulatory mechanism to implement EIA (Environmental impact assessment) and ensure the follow-up action is generally weak and the regulatory agencies in India within the open cast (OC) coal mines are not able to discharge their responsibilities of checking compliance effectively' (Jha-Thakur and Fischer 2008:457). Consequently, the 'regulating agencies act as policing agents, but the power in the regulation process is tilted towards developers'. A wide gap between stated policies and the reality of implementation gives rise to an atmosphere of mistrust, which is difficult to overcome and hinders future rehabilitation efforts. CIL's R & R policy of 1994 was revised many a times; the latest revision occurred in 2012 (CIL, 2012) after the Indian government drafted the land acquisition and rehabilitation bill, 2011. Prior to this CIL R&R policy 2008 was in effect, which was revised version of earlier R & R policy and which followed the National Rehabilitation and Resettlement Policy (NRRP), 2007. The 2012 R& R policy aims to ensure a humane, participatory, informed consultative and transparent process for land acquisition. The 2012 policy permits the option of providing permanent employment to the dispossessed in addition to time compensation for lost land. Although the 2012 policy appears to be non-committal on permanent employment, the strict exclusion of the provision of employment in the 2008 policy has been omitted. The 2012 policy offers the option to people owning less than two acres of land to club their lands to the extent of two acres and nominate any one person for employment with the subsidiary company. It also includes provision for 'lump sum monetary compensation for those dispossessed who are not eligible for employment. They are entitled to Rs. 500000 for each acre of land on pro-rata basis. The policy provides for persons eligible for employment to opt for monetary compensation, if they do not wish to take up employment (CIL, 2012); such compensation can be paid in monthly odd annual installments. CIL Board in its meeting held on 2<sup>nd</sup> February 2011 has decided to enhance compensation in lieu of employment to the extent of Rs. 5 lakh for each acre of land on pro-rata basis subject to a minimum of Rs. 2 lakh. In many cases, the land oustees do not receive the full amount of compensation. Even if the money is deposited in the bank in the name of oustees, there are middlemen who take a share. Jobs are denied on account of the already existing surplus labour while contract labourers are appointed whenever the need arises.

The subsidiaries of CIL are supposed to provide a school and playground, roads with street lights, sewer drainage, a well for the supply of drinking water, a community centre, a place of worships, a dispensary, and a grazing land for cattle (CIL, 2012). Land acquisition in coal mining has also been characterized by the application of state force, and state coercion by both company representatives and state agencies. Gram Sabhas are often poorly informed regarding plans for land acquisition (Lahiri-Dutta, 2012). The EIAs (Environmental Impact Assessments) and SIAs (Social Impact Assessments) are

generally insensitive to the multiple impacts of displacement, on local communities. Moreover, the PH (Public Hearing) components of EIAS, has no legal standing and the ministry of Environment and Forest (MoEF) is not bound by its decision.

It should be noted that even with resettlement and rehabilitation, there are multiple dimensions of human, social and economic impacts on displaced people: breakdown of family and community structures; greater class and caste conflicts; women, the aged, and children particularly vulnerable; loss of livelihoods; and worsening of economic situation due to disruption (verma, 2004). CIL faces a growing and wide groundswell of disillusion among the people who no longer have confidence in it to honor its commitments, especially in the area of displacement rehabilitation. CIL's new look approach, under cover of apparent enlightenment, spells out some hard facts: no jobs, no land, only welfare and minor development schemes, and the deeper reality of structural pauperization and virtual racial victimization.

Investigating upon the implementation of R & R related mitigation project in the opencast mines of CIL, Bhattacharya (2003) found that despite reasonable success of the project, the infrastructural facilities created for the displacees were purely on the temporary basis and become defunct sooner or later (Bhattacharya, 2003). He also pointed out that the success achieved in capacity building was unlikely to be sustainable because of the indifferent attitude of the company officials. He further suggested a review of the policy of cash compensation adopted by the CIL, as displacees normally ended up wasting the money provided, leading to further impoverishment of the forcibly migrated people.

Srihari (2003a), while studying the Dipika mine area of Chhattisgarh reported that the institutional mechanisms and procedures employed in the mining areas benefitted most of the displacees in resolving their problems relating to resettlement and community development activities. Such procedures also augmented their level of awareness about the ongoing project and processes adopted, thereby reducing drastically the number of demonstrations, strikes and stopping mining operations. However, he found that such mechanisms had helped the better-off sections more and the marginalized groups did not seem to benefit, despite the involvement of NGO workers (Srihari, 2003b).

CIL at the moment has little credibility in areas of environment and community consultation. Such environmentally and socially weak mining practices naturally lead to increasing resistance to mining among local indigenous population. **(Insert Table 6)**

Thus, due to the lack of a detailed and comprehensive R and R policy, the process of resettlement and rehabilitation of uprooted people has been minimal and not very successful (Morse and Berger 1992). Similarly, commenting on the quality of R & R provided, a study conducted by MARG (2001), a Delhi-based organization, observed that 'resettlement is approached as a welfare measure rather than being part of the whole development plan and objectives'. It has often been dealt with in ad hoc manner lacking clear objectives, consistent procedures and adequate resources leading to serious adverse effects on the people displaced.

**Table 6**  
**Employment offered to Tribal family for the period from 2007 to 2010**

<i>Company</i>	<i>State</i>	<i>2007-08</i>	<i>2008-9</i>	<i>2009-10</i>
BCCL	Jharkhand	37	00	00
ECL	West Bengal	01	00	00
	Jharkhand	16	10	06
CCL	Jharkhand	26	115	82
WCL	Maharashtra	13	00	02
	Madhya Pradesh	00	00	00
SECL	Madhya Pradesh	00	01	00
	Chhatisgarh	29	08	136
MCL	Orissa	80	19	19
NCL	Madhya Pradesh	Nil	Nil	Nil
NEC	Assam	Nil	Nil	Nil

No instance has come to notice that the coal blocks have been allotted to the private sector in the country including in tribal and forest areas of Chattisgarh in violation of rules framed by the Union and State Government.

This information was given by the Minister of State in the Ministry of Coal, Shri Pratik PrakashbapuPatil in reply to a written question in the Lok Sabha today.

## 8. DISCUSSION AND POLICY IMPLICATIONS

Land is an important aspect of human existence which cannot be evaluated through market mechanisms because there are cultural and emotive aspects (i.e. dignity, justice, community, memory) associated with those lands. There are two key reasons for why many tribals desperately oppose land acquisition: the first set of reasons is rooted in culture, the close relationship with land, and the tribal identity and existence being so entwined with land and with a long history, not just of suffering and exploitation, but also of resistance. The second set of reasons is rooted in the dependence on land-based resources for daily subsistence.

The indigenous people have a special relationship with their land. To them land is not simply a factor of production as it is for other people, but a source of spirituality as well. Regarding ownership of land the indigenous people have different concepts, often incomprehensible to outsiders. In the first place, ownership of land is vested in the community. No individual has the right to permanently alienate the land from the community. The tribe is the trustee of the land it occupies. The community or tribe includes not only the living members but also the ancestors and future generations. That is why for the indigenous people land and blood are homologous. Their society, culture, religion, identity and their very existence are intimately linked to the land they hold. To separate the indigenous people from their land is tantamount to tearing them apart from their life-giving source.

India had legislated the Chhotanagpur Tenancy Act (CNTA) of 1908, and Panchayats Extension to Scheduled areas (PESA) to make tribal lands inalienable. But at the same time the government legislated the coal Bearing Areas (Acquisition and Development) Act, 1957(CBAA), to circumvent the protective legislation for tribals,

and acquiring land for mining areas. By virtue of the above principle the CBAA, 1957 and LAA, 1894 supersedes the community rights of tribals (Sharma, 2003) and acquire lands that are legally inalienable. Moreover, the imperative of energy security and national development, forcefully overcome any obstacles that might obstruct the expansion of coal mines. The procurement of land, particularly tribal land, without fair and prior consent, can have devastating effects on the land holders, who are already poor and marginalized sections of the society. The tribals represented 8.08 per cent of India's total population in 1991, but are estimated to represent much more, as some 40 percent of the DPs/PAPs (Fernandes 2007: 204) are tribals. At least 20 per cent are Dalits (Mahapatra 1994) and a big proportion of the rest are other assetless rural poor like marginal farmers, poor fishermen, and quarry workers. A number of them have been illegally dispossessed of their land. Many have been forced to leave their homes to work in the brick kilns and stone quarries of north Bihar, West Bengal, UP, Punjab and other places as contract and even bonded labourers. The Indian government began the policy drafting process only in 1985 when the National Commission for Scheduled Castes (former untouchables) and Scheduled Tribes indicated that about 40 per cent of the DPs/PAPs were tribals.

The 2001 Census shows that STs represent 8.2 percent of India's population ( as opposed to 8.08 percent in the 1991 Census) and continue to be at the margins of the development process "incidence of poverty was higher among tribals in 1999-2000 at 44 percent, while that among 'others' (i.e. non-*adivasi*, non-*dalit*), was 16 percent. Between 1993-1994 and 1999-2000, while the poverty ratio among *dalits* fell from 49 to 36 percent, and that of 'others' (non-*dalit*, non-*adivasi*) even more from 31 to 21 percent, that of *adivasis* fell from 51 to just 44 percent". Thus, the tribal population has recorded not only a higher rate of poverty but also a slower rate of decline in poverty. Shortfalls in the policy mechanisms, both at the planning and implementation levels is responsible but much of the blame has to be borne by the industrial and large projects development model adopted for most of India, tribal areas included.

Much of tribal economy, which is rooted in locally available natural resources (forests, land, water, etc.), has been threatened by the industry-led development model adopted by both the colonial and post-colonial state in India. Such 'modern' forms of economic activity have limitations in tribal areas owing to the geographical factors, while older and perhaps, more sustainable livelihood patterns have been severely disrupted by the commercialization of resources. This leaves tribal communities with very few options, severely threatening their rights. The sense of alienation and victimhood with added 'impoverishment risks' as a result of involuntary displacement from their land instill fear, anger and insecurity among the tribals. This may leads to protests and at times armed conflicts.

The tribals are deprived of compensation and rehabilitation benefits as per the Land Acquisition Act, 1894 (as amended in 1984) because they do not possess any legal documents to prove their ownership right on the land they occupy and earn their livelihood even if for centuries together. A serious weakness of the Land

Acquisition Act is that it only offers cash compensation for the land being acquired in the project. The resettlement and rehabilitation of affected / displaced people does not fall within the scope of the Act. Moreover, many are unwilling to give up their lands as they realise that a one –off cash payment will not compensate for the permanent loss of livelihoods. Still many believe that payment is not commensurate with the financial revenues from marketing the coal. An equitable benefit-sharing mechanism is the call of the hour where social and economic rights of the stakeholders are accommodated. The state has experienced intense struggles over land, minerals, forests, agriculture and water; resource ownership is contested and its control is linked with power (Jewitt, 2008). Upadhy (2009) affirms that the demand for a separate state of Jharkhand symbolized tribal aspirations of regaining control over land and resources. (Insert Table 7).

**Table 7**  
**Tribal Land Acquired for Coal Excavation**

The details of tribal land acquired by Coal India Limited and its subsidiaries during the last three years, company-wise and State-wise are as follows:-

Year	Tribal land acquired (in acres)								
	ECL			WCL			SECL		
	WB	JH	Total	MH	MP	Total	M.P.	CH	Total
2007-08	16.32	30.49	46.81	116.03	11.31	127.34	0.00	219.72	219.72
2008-09	0.00	16.06	16.06	0.00	13.09	13.09	0.00	210.78	210.78
2009-10	6.56	10.17	16.73	13.02	6.22	19.24	22.72	803.79	826.51

ECL= Eastern Coalfield Limited, WCL=Western Coalfield Limited & SECL=South Eastern Coalfield Limited.

Source: Press Information Bureau, Government of India, Ministry of Coal, March 9, 2011.

Several studies have documented the qualitative consequences of forced development. These consequences vary with local circumstances, but the ultimate common factor underlying the displacement effect is impoverishment. This occurs along the following crucial dimensions: landlessness, homelessness, joblessness, food insecurity, social disarticulation, loss of common property increased morbidity and mortality (Cernea 1990). The consequences of displacement upon the affected populations do have important common characteristics: massive loss and destruction of assets, in many cases- loss of life; sudden drop in welfare and standards of living; prolonged uprooting, alienation and unemployment; cultural and identity loss; several long-term psychological effects, political disempowerment, etc. L.K. Malhotra has added ‘loss of education’ as another impoverishment risk in situations of displacement (Mahapatra, 1999). Almost all such coerced displacement involve human and civil rights infringements’ (Cernea, 2004).

Tribal regions are more particularly affected in this process of development. A significant number of displaced tribals have historically been dependent on natural and common resources for their subsistence. Their displacement on a massive scale adds a serious dimension to the problem. These tribal communities have an ethos and

a way of life based significantly upon their natural resource base. Due to developmental projects, they are forced to move out of areas where they have lived for generations. Apart from depriving them of their lands and livelihood, displacement, other traumatic psychological and socio-cultural consequences, tribals also have been victimized on the basis of their political rights.

The risk of 'morbidity' or the psychological stress produced by displacement and fear of an unknown place because of the uncertainties has been felt by a large majority. Mental stress produced by the loss of land and livelihood, joblessness, lack of economic and educational opportunities and hunger have caused physical and mental distress among the displacees. Fear of eviction from their homes as the PAHs (Project affected households) are considered 'encroachers' has been stressful. A few stress related suicides, unheard of before the land acquisition, have been reported in the post-displacement phase. Economic success cannot be dissociated from the goal of promoting human capabilities and of enhancing well-being and freedom (Dreze and Sen 1996:43) as well as mitigating, if not eliminating, human suffering.

Alcoholism, due to stress has increased among men and women, after they lost their land. 'Social disarticulation' although less quantifiable than landlessness and economic marginalization, does exist as support network-Kin-Systems mutual help arrangements, labour-exchange relationships, child care reciprocity, borrowing of food, help for burial and such multifaceted resource have been lost. Although, they have lost their vital and permanent assets-land and related livelihood, the effect of social disarticulation is not felt acutely since people have not yet vacated their homesteads and still live in close proximity to each other.

Loss of forests and easy access to the river has resulted in economic deprivation that has, not been compensated for. Besides, the people have felt the risk of 'marginalization due to the loss of tangible economic assets. They have also undergone social and psychological distress due to the loss of land and the severe alterations in their existent social norms. The influx of immigrant workers on the dam site and their lack of respect for the tribal customs has produced a sense of inferiority among the tribals. This addresses the issue of investigating the impact of migrants on social capital, i.e., to what extent the presence and active role of social organizations affects incomes, including non-monetary income such as food security or access to public services in the host communities. Researches have shown a positive relationship between social capital and income and wellbeing. For the poor it may be a more important resource than, say, education level (Narayan and Pritchett, 1999). Thus it is highly relevant to study how the coming of a large number of persons would affect social capital. To the affected people themselves, the loss of social capital is an important element of their deprivation, and it may be a principal cause of the 'refugee syndrome' (Allen and Turton 1996).

The situation is further compounded by inadequate rehabilitation measures. According to several case studies only 25 per cent of those displaced have been

rehabilitated properly. In most development projects it is found that the attitude of project authorities towards affected people is apathetic and negligent. More particularly, the situation gets aggravated by (a) the absence of a strategy for re-addressing the problems resettlement creates and (b) by inadequate planning and execution.

Many sociologists and anthropologists have documented the above qualitative consequences of forced displacement. A survey which was carried out among tribal households in five villages at Talcher, Orissa (Pandey, 1996) found an increase in unemployment from 9 per cent to 43.6 per cent, accompanied by a large shift from primary to tertiary occupation, and reported reduction in the level of earning upto 50 to 80 per cent among tribes and scheduled castes.

The struggle to protect tribal customs and the resistance against land acquisition are linked with and feed into, each other. The desire to preserve tribal culture partly arises from the perception that it is by circumventing traditional tribal customs and practices that celebrate community ownership and control of land, the state alienates tribals from their land. This is one of the reasons why the tribals are hanging tenaciously on to CNTA and PESA.

And with the entering of privately –owned corporate entities into coal mining business, it becomes problematic for the state to justify ‘public interest’ for acquisition of land through old legal instruments of colonial vintage such as land acquisition Act (LAA) of 1894. When a privately owned company requires mineral rich land, the “eminent domain” principle which vests sovereign ownership of all land and natural resources embodied in the state and the notion of ‘public intent’ cannot be invoked (Singh, 2010; Choudhary, 2009). The unholy alliance between the state and “vulture capitalism” actually embodies a predatory growth (walker, 2011) that enables corporate access to land but dispossess the poor. Such neo-liberal developmentism raises the question of social justice and questions the very legitimacy of the state.

### **8.1. The case of Common Property Resources**

Under the Land Acquisition Law of 1894, the community resources are labeled common property resources (CPR) which is not owned by individuals (and can be acquired by the authorities without compensation to the community). Thanks to the archaic law of nineteenth century, they don’t enjoy legal rights on the common surrounding resources – the common property resources (CPR) – which the community shares for survival. Indian land laws going back to the colonial age recognize only individual ownership. More than 15 million hectare of landmass in India has been acquired between 1951 and 1995, a quarter of it was forest and about 20 percent comprise CPRs. The CPRs dependents who were displaced have not been compensated (Fernandes, 2002). The CPR dependent who have lived on that land for centuries before this law was enacted are considered encroachers. Many of them are thus evicted and are not counted among the displaced (Ramanathan, 1999). If the CPR land is taken away their

very survival is threatened. As mentioned, this CPR land can be acquired without worries of compensation and opens the ground for further exploitation of the helpless poor folks. Their whole lifestyle come under attack and a threatening crisis develops when the common community resource is alienated from them.

### **8.2. Internalizing Inequality**

Once the CPR resource base is lost, many women end up with unskilled jobs in the informal sector. Patriarchal norms are reinforced and begin to dominate the social fabric. This is accompanied by a decline in their nutritional and health status because of deforestation and displacement.

With the internalization of women's subordinate status, in many cases, new gendered behaviour patterns emerge. Women themselves come to accept the dominant caste custom of the housewife eating last, after feeding the elders, her husband, other men, boys and girl children. In the context of food shortage, girls and housewives get very little food, with malnutrition being a consequence. For example, in a study in the Delhi slums, we found that because of this custom, two-thirds of the women survived on gruel alone three or four times a week (Fernandes 1990: 121–22). In other cases, impoverishment forces the family to send young girls out to middle-class families as domestic workers. We found these cases among the *adivasis* in Orissa (Fernandes and Raj 1992), Assam tea gardens, Jharkhand and elsewhere (Fernandes and Barbora 2002a).

Other psycho-social consequences also follow. Displaced persons are inserted as workers into the industrial economy and culture without adequate social and psychological preparation. The society and economy they encounter have a time frame and culture that are different from their own. It is not unusual for many to lose their jobs as did a large number of DPs employed by the Rourkela steel plant in Orissa because of what the management called 'drunkenness' or 'indiscipline'. The real cause of this behaviour was the shift that they had to make from an agricultural economy and time frame to an industrial situation, and its required discipline without any psychological or social preparation, or recovery from the trauma of forced deprivation. For some, a drinking is a coping mechanism, which results in frequent wife-beating (Fernandes and Raj 1992: 154–55).

### **8.3. Impact on Women and Children**

Displacement affects women more than men because of the gender inequalities in terms of ownership of productive assets, access to resources, control on and decision-making over the use of assets and resources. Alienation of land and forests deprives women of the resources that met the family's food, water and other needs but their role of providing for these needs remains unchanged. They have to attend to them with it with reduced resources (Ganguly Thukral and Singh 1995) particularly because after displacement joblessness is higher among women than among men. The rate of illiteracy is higher among the women. They have fewer rights and are marginalized

socially and economically and thus more vulnerable to exploitation and abuse. Women felt psychological pressure after displacement; their system of conflict resolution and coping with emergencies broke down (Ahmed, 2003). Displacement imposes a disproportionate burden on women in the post-displacement phase, as women get access to lesser benefits in comparison to men. The shift in role has increased the workload of women. Post displacement, they spend a lot of time to cover long distances, wait in queues to collect firewood or drinking water or wait for the contractor in the scorching heat to find out the availability of work for the day. Migration denies their children access to school, health care, child welfare and other welfare services (Parasuraman, 1999). The combination of landlessness, joblessness and lack of exposure to the market economy reduces women's access to food. Malnutrition is one of its consequences (George 2002). Studies have shown a significant reduction in calorie intake due to low yields and poor employment (Thukral, 1996) and an increase in mortality and morbidity among women (Ekka and Mohammed, 2000). Sharma (2003), investigating the need for a gender-sensitive rehabilitation programme development in the Rajmahal Open Cast Coal Mine, District Godda, Jharkhand, found that women lost their economic independence, their access to common property resources and traditional social structures. She strongly felt the need for training in vocational courses and counselling for forcibly migrated women to help them understand the new system of settlement (Sharma, 2003).

#### **8.4. International Laws regarding displacement of Indigenous people**

The right to development is one of the basic aspect of fundamental human rights. This right has been expressly guaranteed under principle 3 of the Rio declaration on environment and development, 1992 and also under International covenant on civil and political rights and under international covenant on economic, social and cultural rights, 1966. The latest United Nations Declaration on the rights to development adopted by the General assembly on 4<sup>th</sup> December, 1986, in the second paragraph of its preamble states that development is a comprehensive social, cultural, economic and political process which aims at constant improvement of the wellbeing of the entire population and of all the individuals on the basis of their active free and meaningful participation and in their fair distribution of benefits resulting therefrom. Articles 1 and 2 of third declaration recognizes right to development as an inalienable.

Human right which also implies full realization of right to self-determination. This right also gain further recognition under article 2 and 3 of the UNESCO Declaration on Ethno-development, 1981, also known as declaration of San Jose on Ethnocide and Ethno development, 1981. It is also recognized under article 7 of the ILO convention no.169 of 1989 and also under article 19 to 24 of the UN Draft Declaration on Indigenous rights.

#### **9. CONCLUSION**

From the above, it can be construed that the appetite for energy in India is growing as it is fast on course to industrialization and urbanization. Onus of fulfilling the coal

supply requirement of the country primarily rests on CIL. CIL is likely to remain as a dominant player in Indian coal industry in foreseeable future also. In order to restrict the gap between demand and indigenous coal availability to further rise, the extent possible, in coming years, CIL has no option but to raise its production level to a great extent by every means. Coal production cannot be started without possession of land and solving R&R problems.

Over the last two decades since the adoption of the 'New Economic Policy' in 1991 and the drive to speed up the growth process, a widening gap between the goals of national development and tribal development has emerged. The accelerated attempt to exploit natural resources in the name of economic growth has led to maladministration and misgovernance ('governance deficit') and neglect in terms of infrastructure, development and welfare ('development deficit') in tribal areas.

The main problem in India seems to be antagonism between local administrations and tribal peoples regarding land ownership. Land inhabited by many generations is the most significant area of economic, social, and cultural reference. Expropriation of land removes the main foundation upon which people's productive systems, commercial activities, and livelihoods are constructed. This is the principle form of decapitalization and pauperization of displaced people, as they lose both natural and man-made capital. Landlessness takes the form of downward mobility from large to medium landholders, from medium or small to marginal and small and marginal farmers to landlessness. It has a caste-tribe as well as gender dimension.

Displacement due to Coal mining inevitably leads to human rights abuse. The sovereignty and constitutional rights of the poor people are infringed upon in name of 'development' and neoliberal- policies mooted on behalf of the capitalist class with state acting as enabler. It has threatened the survival of affected people who get deprived of their traditional source of sustenance, the lands and livelihoods. The indigenous people who are reduced to destitution are forced to accept the role of a slum dweller or indebted bonded laborer (Berne Declaration, 1998). Land grabs for coal mining occur within a paradigm in which the contravention and manipulation of the law and the regulatory framework may be allowed with formal or tacit support of the state machinery. When companies face resistance and opposition in the process of acquiring land, they resort to informal strategies and methods which the regulatory framework is unable or unwilling to detect and control. The capitalist development and exploitation thus form a vicious circle for the indigenous people.

The constitution of India in its Preamble states to strive for delivering social, economic and political justice to its population. But the failure of the delivery mechanism to achieve these above stated goals and the exclusion of many from the growth bandwagon leads to social and economic-inequity which might lead to resistance movements challenging the authority of the state. This is exactly how the land acquisition conundrum in Indian coal mining sector has been shaped. These malaises of the land acquisition system in India is further substantiated and accentuated

by the faulty Institutional and regulatory framework of the policies mooted by the government.

Rehabilitation and the reconstruction of livelihoods should be the fundamental right of project –affected persons. The right of the displaced person to complete rehabilitation should be recognized and the project affected should be helped to rebuild their lives and live with dignity. It is a part of the fundamental duty of the state to resettle and rehabilitate the people who have paid the price for development and been impoverished (Fernandes, 2001).

The power of eminent domain also needs to be restrained through the empowerment of the local self-government bodies such as the panchayats and gram sabhas, and the active involvement of civil society. Further, the judiciary needs to reconsider its 'hand-off approach vis-à-vis governmental policies and demand that project authorities meet the higher standards of public interest. The compensation offered for land, rehabilitation of people and benefit sharing of the gains for coal mining with local population are all important from the perspective of social justice as well as gaining local support for coal mining.

An enlightened government policy will acknowledge the need to curtail displacement and to execute total rehabilitation. A policy that merely creates mechanisms to give more 'legal' leverage to displace more people will have its logical consequences: so called 'law and order' problems in the mines and militarization to handle them .Paradoxically, the forced displacement of India's own citizens will become an issue of national security.

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