

Commercial Coal Mining Auctions

Legal, Social & Ecological concerns around inclusion of mines in Mand Raigarh of Chhattisgarh



Manthan Adhyayan Kendra

September 2020

Inclusion of five mines in Mand Raigarh, Chhattisgarh raises serious legal, social, ecological concerns as the area severally polluted.

NGT has ordered “No further expansion or new projects in the area before thorough evaluation”

Author:

Manthan Adhyayan Kendra

www.manthan-india.org

contact:

Shripad Dharmadhikary,

manthan.shripad@gmail.com

Acknowledgements:

We would like to thank Rinchin and Shweta Narayan for their comments and inputs

Photo Credits:

Shripad Dharmadhikary, (Manthan Adhyayan Kendra)

Manshi Asher

Shweta Narayan



Context

On 18th June 2020, Prime Minister Narendra Modi launched the auction process for 41 coal blocks where coal can be mined for entirely commercial purposes¹, without any restrictions on end use or end user, on sale or on utilisation, on gasification, liquefaction and on exports². This has been projected as a major reform of the coal sector as a part of the *AatmaNirbhar Bharat Abhiyan*.

Speaking on the occasion³, Prime Minister Narendra Modi said,

“India has taken a major decision to fully open the coal and mining sectors for competition, capital, participation and technology. Coal sector reforms will make eastern and central India, our tribal belt in, pillars of development. Self-reliance is not possible without a strong mining and mineral sector.”

A closer look at the situation around the coal mines listed to be auctioned begs the question: self reliance for whom, and at what cost?

This question has assumed particularly serious proportions in the Raigarh district in the state of Chhattisgarh and this note deals with the concerns that have emerged due to the inclusion of mines from this region in the auctions for commercial coal mining.

Mines Listed for Auction in Chhattisgarh –Threatening Eco-sensitive Areas

The list of 41 mines offered for auctions on 18th June 2020 included 9 mines from Chhattisgarh: three from Hasdeo Arand region in Korba district, two from Sarguja district and four from the Mand Raigarh block in Raigarh and Korba district.

However, there was strong resistance from communities as well as the Chhattisgarh state government to some of these mines as they were in areas of high bio-diversity and falling in a proposed elephant reserve⁴. The state government asked the centre not to auction coal blocks falling under the pristine Hasdeo Forest, the proposed Lemru Elephant Reserve and Mand river catchment area. *Sarpanchs* (village heads) of nine villages of Hasdeo region wrote to the Prime

¹ <https://pib.gov.in/PressReleasePage.aspx?PRID=1632309> Press Release, PMO, Government of India dated 18 June 2020

² Pre-bid presentation at Stakeholders Consultation webinar organized by Ministry of Coal on Auction of Coal Mines for Commercial Mining, 14 July 202

³ <https://pib.gov.in/PressReleasePage.aspx?PRID=1632309> Press Release, PMO, Government of India dated 18 June 2020

⁴ See, Letter by Chhattisgarh Minister for Environment and Forests to Prakash Javdekar, central Minister for Environment, Forests and Climate Change, dated 20 June 2020, and media reports like <https://www.hindustantimes.com/india-news/no-coal-mining-in-hasdeo-arand-coal-ministry-accepts-chhattisgarh-govt-proposal/story-VlyluqQtbv0OPd6hK01h3H.html> It should be mentioned that this does not mean that other mines were not seriously impacting the environment, but these mines came into focus.

Minister⁵, demanding the removal of the blocks for auction located in one of India's last remaining contiguous stretches of dense forest.

Changes in Mines for Auction in Chhattisgarh – Adds Mines in Highly Polluted Areas

On September 1st 2020, the original list of mines for auction was amended⁶. In a welcome move, five coal mines from Chhattisgarh were withdrawn as they were in the eco-sensitive areas - Morga South, Fatehpur East, Madanpur (North), Morga – II and Sayang. However, in place of these, three mines were added, namely – Dolesara, Jarekela and Jharpalam – Tangarghat.

The three replacement mines all lie in the Mand Raigarh coalfield and in Raigarh district, a region just as rich in forest and biodiversity. More



Image 2: Contaminated water from groundwater near Gare Pelma IV/2 mine (File Photo)

seriously, *it is a region already reeling*

from severe impacts of coal mining and thermal power generation⁷. To remove five coal mines on grounds of potential for environmental devastation and replace them with three mines that are likely to deliver the same fate to the people and forests of Chhattisgarh exposes the true intention at play here: that of ensuring coal is mined, come what may.

Further, two other mines from the same area in Raigarh district - namely, Gare Palma IV/1 and Gare Palma IV/7 coal blocks - were already in the original list of 41 mines, making it a total of five mines up for auctions in this highly polluted area. The five mines now up for auction all lie adjacent to several existing operational coal mines in the Gare Pelma coal block. This can be seen clearly in the map in Figure 1.



Image 1 : Fly Ash deposited in houses in Raigarh district (File Photo)

⁵ <https://thewire.in/rights/chhattisgarh-sarpanchs-modi-hasdeo-arand-atmanirbhar>

⁶ <https://www.mstcecommerce.com/auctionhome/coalblock/RenderFileCoalBlock.jsp?file=comm-Revised-List-of-Coal-Mines-01092020.pdf>

⁷ Numerous orders of the National Green Tribunal, reports of committees consisting of members from pollution control boards, MoEFCC, reports of independent investigations by civil society, media reports and issues highlighted by an intense movement led by the local community all testify to this. See later in this note for some details, as well as the Annexure.

There is no dearth of information and of documented evidence of high levels of pollution in this region owing to coal mining and related operations (thermal power plants, washeries, ash disposal etc). Auctioning these five mines for commercial coal mining is likely to significantly exacerbate the environmental and health impacts in the area.

More importantly, inclusion of new mines in the area is likely to be a clear violation of the orders of the National Green Tribunal and likely to face serious legal challenges.

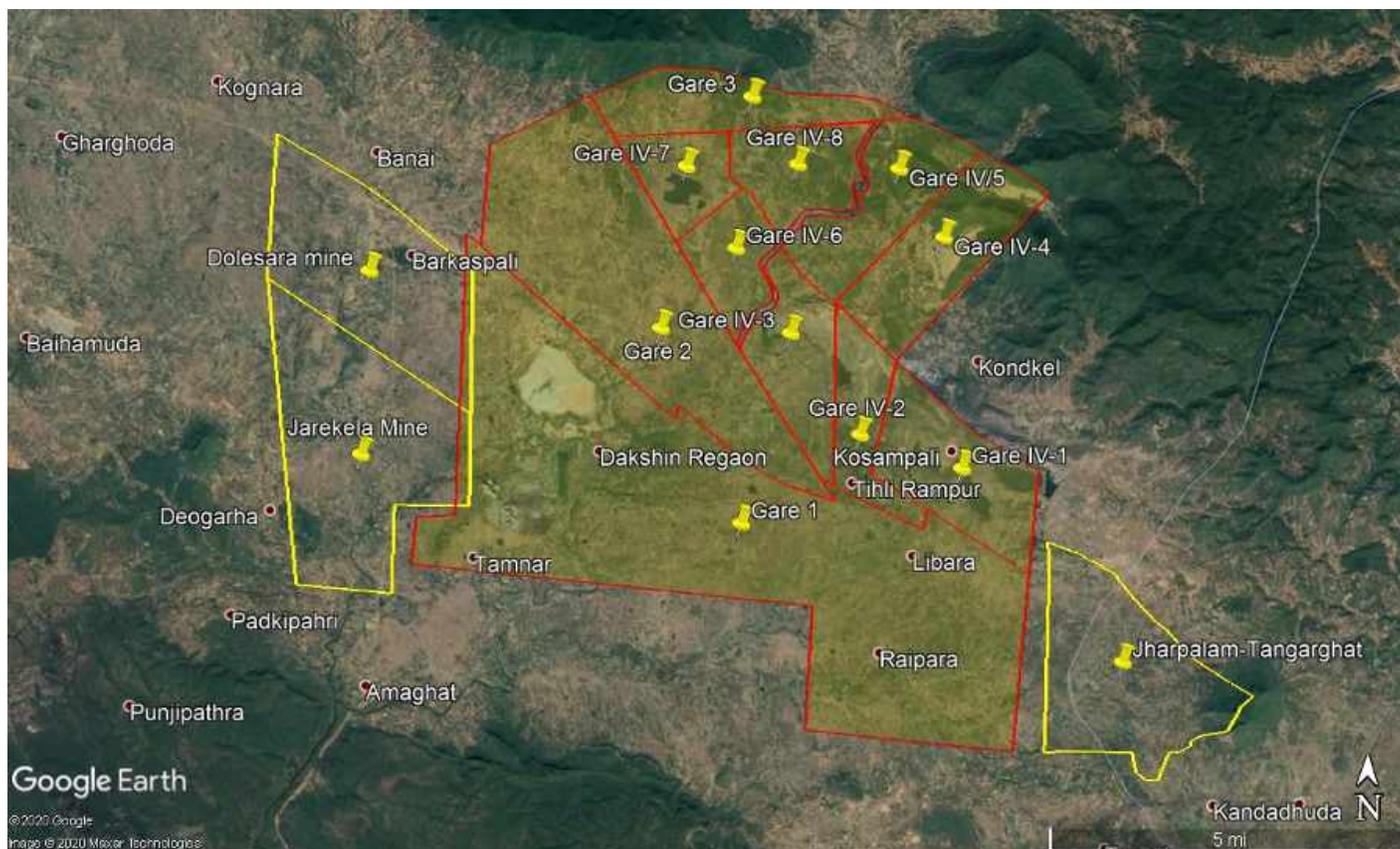


Figure 1: Map showing mines already designated for operation / allotted and/or operational in the Gare-Pelma coal block (areas demarcated by red lines) , as well as the three new mines added for auctions for commercial coalmining (areas demarcated in yellow). New mines are plotted from data from mine auction website. Earlier mines in Gare-Pelma blocks are plotted from map of Mand Raigarh coal field prepared by CMPDI. Some discrepancies are there between the two data sets so mine boundaries should be taken as indicative. Two mines from the mines in the red line demarcated areas will also be part of the commercial coal mining auctions, namely Gare IV/1 and Gare IV/7. Map by: Manthan Adhyayan Kendra.

New Mines in Raigarh Area Violation of NGT Orders

The ecological devastation and serious health impacts caused in the Gare-Pelma region due to operations of coal mining and power generation industries has been terrible. There has been a vibrant local movement that has challenged this, and several legal actions have also been undertaken. In particular, the National Green Tribunal (NGT) has been looking at the issue in

two matters over last many years – namely Shivpal Bhagat & Ors vs UoI & Ors case (OA 104/2018) and Dukalu Ram and Ors Vs UoI and Ors (OA 319/2014CZ). Over the years, the NGT has recorded many instances of serious violations and harm to the environment and health of people. The NGT has also fined Jindal Power Ltd. Rs. 154 crores, while South Eastern Coalfield Ltd. with Rs. 6 crores for multiple violations of Environment Clearance conditions meant to safeguard the environment. These violations were specifically in the case of the Gare IV/2 and Gare IV/3 mines and the fines have been confirmed by the NGT in its order dated 27 Feb 2020 in the Dukalu Ram and Ors. Vs UoI and Ors.

Coming to more recent developments, in its order dated 22 July 2019 in the Shivpal Bhagat case (OA 104/2018) the NGT had directed a committee to visit various coal mines in Raigarh district and submit an inspection report. The committee comprised of representatives from Central Pollution Control Board, MoEFCC's Expert Appraisal Committee (Coal Mining & Thermal Power), National Environmental Engineering Research Institute, Ministry of Environment, Forest & Climate Change, and the Chhattisgarh Environment Conservation Board.

The committee conducted site visits in August 2019 and its report, submitted on 11th October 2019 presented scathing observations on how coal mining and thermal power plants are affecting the health of the people and natural ecosystems.

Among other things, the Committee observed:

“... The existence of these coal deposits has led to the setting up of a number of coal mines and coal-based thermal power plants in this region over the past two-three decade. In spite of the existence of multiple environmental regulations, these activities have generated and continue to generate significant quantity of pollution in multiple forms.”

Secondly, its report provided details on air, water and soil pollution, groundwater depletion, loss of forests and agricultural lands, health impacts and displacement of settlements due to the mining and thermal power generation activities. The committee found the sheer scale and intensity of the impacts to be so bad that it was forced to conclude:

“Based on evidence summarised above, the committee is of the opinion that the Tamnar- Gharghoda block region is close to exceeding its environmental carrying capacity. However, the precise extent of current environmental load and the likely impacts of future mining and industrial activities has to be worked out through a detailed and comprehensive environmental load carrying capacity study, to be carried out by a reputed environment research institute or a consortium of such institutes over a 24-month period.”

The NGT accepted the recommendations of the Committee and in its order dated 27th February 2020 directed that

“We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the ‘Precautionary’ and ‘Sustainable Development’ principles require that any

further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation.”

The mines added on 1st September 2020 to the list of mines for auction are in the same region that the NGT Order deal with. As far as we are aware, no “thorough evaluation” as mandated by the NGT order has been undertaken before adding these mines to the auction list; nor do we know of any carrying capacity study that have been initiated.

Given this, there is little doubt that the operation of the three mines that have been added to the list of mines for auctions would be a gross and blatant violation of the NGT Order, apart from seriously aggravating the pollution and health problems that are already rampant in the area. In fact, even the Gare IV/1 and Gare IV/7 mines which were earlier operational but have not been working for several years now would be counted as expansion or new projects and would be subject to the NGT order.

Local Communities, Independent Researchers Raising Issues since Years

The NGT orders and findings of official committee only re-affirm what local communities have been highlighting for years – the massive social, environmental and health impacts of the mining and power generation activities in the area, as well as the continuing negligence of the project owners and operators in addressing these issues. This includes the Gare IV/2 and Gare IV/3 mines.



Image 3: Fly Ash dumped in open fields near Gharghoda, contaminating fields and water. (File photo)

Since 2015, Gram Sabhas in the area have strongly objected and opposed any new mining activity till the issues created by the earlier activities have been addressed. The intensity of this feeling was clearly seen when the public hearing for the Gare II mine in Sept 2019 faced heavy opposition from the local people⁸.

Apart from this, several independent researchers and public health specialists have documented in detail the air, water and land pollution in the area, and the health impacts on local communities. Some key findings from their reports are given in the Annexure to this note.

⁸ For example, see report in Nai Duniya 29 Sept 2019 “People of 56 Villages Oppose Public Hearing” (in Hindi)

Allocations Go Against Promises in Congress Manifesto

The Manifesto of the Congress party for the 2018 Assembly elections, on the basis of which it came to power, says the following about mining and related activities:

“To ensure the preservation of natural resources for the coming generations a policy shall be prepared based on the principles of inter-generational equity, for which a scientific commission shall be established which shall also include economists and social work organisations as members.”

No such policy is seen to have guided the selection and inclusion of the mines in the list of commercial coal mining. In fact, the mines included for commercial coal mining in Gare-Pelma regions clearly and blatantly violate the principle of inter-generational equity as they are recklessly destroying natural resources and leaving behind a legacy of high levels of pollutions.

Thus, the listing of these mines for auctions clearly goes against the promises made by the Congress government in its manifesto.

Conclusion and Recommendations

Five of the coal mines proposed for commercial coal auctions in Chhatisgarh lie in the Mand Raigarh coalfield and in a cluster around the Gare Pelma area where other mines and power plants are already operational. There is extensive evidence of environmental degradation due to coal mining, power generation and related activities in Tamnar Gharghoda region of Raigarh district where these five mines for auction are located. Legal cognizance of the region being close to exceeding its environmental carrying capacity has also been taken. Going ahead with the auctions for these mines is the first step in making them operational and will be a gross violation of the NGT Order that requires a prior thorough evaluation before any expansion or new project can be taken up in the area. It would also mean putting the health of the people of Raigarh district at further risk.

The cancellation of 5 mines (in the proposed elephant reserve) from the auctions list was a welcome step, but its overall impact has been nullified to a significant extent as the impacts are merely being shifted to a different location, a location that has already been reeling from the impacts of coal mining for over two decades now.

Given all this, we recommend that these five mines be delisted from the list of mines opened up for auctions, and no mines from this region should be included till the orders of the NGT and the recommendations of the committee have been carried out in letter and spirit. Further, the State Government should set up the commission to prepare the mining policy on the basis of



intergenerational equity as promised in the manifesto, and include key representatives from affected communities and civil society in it. Decision to undertake mining in any block must be based on this policy.



Image 4: Forests in the region cleared for mine expansion

ANNEXURE

Select excerpts and key findings pertaining to health and environmental impacts of coal mining and power generation in Raigarh district documented by several independent researchers, civil society groups and official agencies.

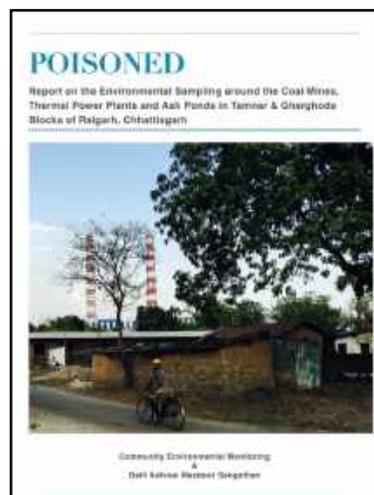
Poisoned - Report on the Environmental Sampling around the Coal Mines, Thermal Power Plants and Ash Ponds in Tamnar Block of Raigarh, Chhattisgarh⁹

Author: Shweta Narayan

Publisher: Dalit Adivasi Mazdoor Sangathan and Community Environmental Monitoring

August 2017

The report provides detailed analysis on high levels of air, water, soil and sediment pollution based on a series of sampling from different locations in Tamnar, Raigarh district.



“Total of 4 air samples, 7 water samples, 9 soil samples, 2 fly ash and 6 sediment samples were collected from various locations in the region. Results of analysis indicated that the air, water, soil and sediment in and around Kosampali, Dongamahua, Kodkel, Kunjemura and Regaon were severely contaminated with various toxic heavy metals.”

“The levels of very fine particulate matter in the filtered air sample (PM2.5) from Sakta Sitapur greatly exceed the 24-hour WHO standard ... and the Indian MoEF standard by 2.8 times... Levels of PM2.5 in the sample is so high that the US EPA would issue an advisory for very unhealthy air quality.”

“Levels of toxic heavy metals such as Aluminum, Arsenic, Boron, Cadmium, Chromium, Manganese, Selenium and Total Dissolved Solids in water were above the Indian drinking water standards or the WHO standards or the Canadian Council of the Ministers for the Environment guidelines. Presence of toxic chemicals in high levels in the waterbodies also indicates a threat to the aquatic life in the region.”

“Nine of the 17 soil and sediment samples are suspected to be heavily contaminated by escaped fly ash. Three of the 17 samples are suspected to be heavily contaminated by escaped coal dust. Five samples are suspected to be impacted by releases from either coal washeries or coal mines.”

“It is clear that there is an increased cumulative threat when the exposure is to many toxic chemicals at the same time.”

⁹ <http://www.sipcotcuddalore.com/reports.html>

Environmental Violations in and around Coalmines, Washeries and Thermal Power Plants of Tamnar & Gharghoda Blocks, Dist. Raigarh, Chhattisgarh¹⁰

Authors: Manshi Asher and Shripad Dharmadhikary
November 2016

The report provides analysis on pollution due to coal mines and thermal power plants in Tamnar & Gharghoda, with an emphasis on impacts on water. It is based on field visits supplemented by government data.

“Coal ash from power plants was dumped in and near agricultural fields and places of habitation leading to contamination of water sources, which would ultimately enter the food cycle;”

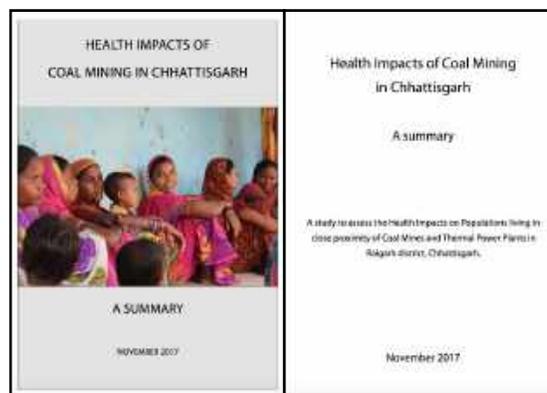
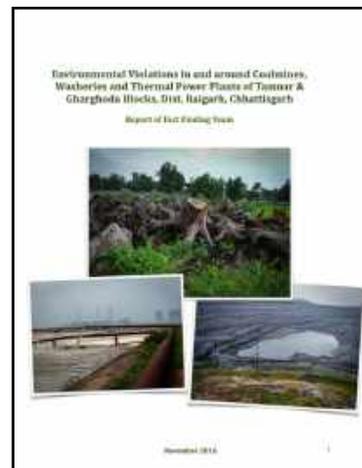
“Serious contamination of surface and ground water was noticed. It was primarily through:

- a. Direct discharge of pollutants and waste water streams from mines, TPPs and washeries, including the Captive Power Plant at Dongamahua, Gare IV/1, IV/2, IV/3, IV/4, IV/5 mines, the ash dumps of Jindal Power plant and Mahaveer Power plant, and several others sources;
- b. Contamination of surface and ground water and agricultural fields due to leaching and overflow of pollutants from ash ponds, ash dumps, coal dust, fly ash dust etc.”

Health and Environmental Impact of Coal Mining in Chhattisgarh¹¹

Authors: Ms Rinchin, Dr Prabir Chatterjee, Dr Manan Ganguli, Dr Smarajit Jana
Publisher: People’s First Collective
November 2017

Research for this study was conducted amongst villagers ... in the Tamnar Block of the district of Raigarh, Chhattisgarh. All live adjacent to, or within a maximum 2-kilometre distance from coalmine and coal-fired power plants.



¹⁰ <https://www.manthan-india.org/wp-content/uploads/2017/01/CG-FFT-Report-Nov-2016-FINAL-BY-SKD-VER-2-3DEC16.pdf>

¹¹ https://pfirstcollectiveindia.files.wordpress.com/2017/11/raigarh_report_final-2.pdf

“All toxic metals have been found in the [7 water] samples; Arsenic and Manganese levels are strikingly high. The levels of Aluminum, Boron, Cadmium and Selenium – all are above permissible standards.”

“A total of 12 toxic metals including aluminium, arsenic, antimony, boron, cadmium, chromium, lead, manganese, nickel, selenium, vanadium and zinc were found in water, soil and sediment samples taken from sites...”

“A prevalence was noted of dry, mucus-less and non-productive coughs; Connections were likely between Fine Particulates and a high prevalence of respiratory complaints;”

“The presence of high levels of pollutants originating from coalmining and coal-fired power plants adjacent to their lands indicate a strong likelihood that such toxic substances are linked to their poor health... These populations have been living in the area for generations but now struggle to survive as they have lost their lands, rivers and forests.”

**Site Visit Inspection Report by MoEFCC Regional Office (Western Central Zone) to
Gare Pelma IV/2 and IV/3 coal mines
January 2017**

“It was observed during inspection that water sources specially ponds and handpumps in the adjacent villages of Kosampalli and Sarasmal were totally dried up”.

“Local nallah named Karra nallah (tributary of Kelo river) ... was observed to be laden with coal dust rendering it black colour. During the inspection, it was gathered that discharge from the CHP of the PP is poured into the nallah causing its contamination.”