Resettlement and Rehabilitation Policy Remedies for Project Affected People in Kusum Tola Open Cast Mining, Jharkhand

<table>
<thead>
<tr>
<th>Masthead</th>
<th>Demanding the Implementation of Resettlement and Rehabilitation Policy 2007 and Seeking Changes in the Coal India Limited RR policy of 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Alienation of Livelihood Productive Land, Forestry Resources, Water Sources of Kusum Tola Villagers and Burring the Aspirations and Life Choices of Communities-women and children by Extractive Public Limited Company -Fiddling with Resettlement and Rehabilitation</td>
</tr>
</tbody>
</table>

Provide just compensation of all lands acquired, allow Project affected people to live in homesteads and Implement RR policy 2007 in letter and spirit.

<table>
<thead>
<tr>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>• In the tiny village Kusum Tola, Jharkhand under Purnadih Open Cast Coal Mines, lands of 207 families have been acquired by Central Coalfields Limited (CCL) using the Coal Bearing Areas (Acquisition and Development) Act (CBA Act), in 1990s without knowledge of affected communities.</td>
</tr>
<tr>
<td>• Only on May 28 2008, in the Public Hearing, communities came to know that their lands are no more under their legal possession. They were not able to register their written objection against acquisition within 30 days that stipulated by the Land Acquisition Law when land acquisition process initiated.</td>
</tr>
<tr>
<td>• The Purnadih mine, the one affecting Kusum Tola and adjacent villages, opened officially on 21-8-09.</td>
</tr>
<tr>
<td>• In 2010, villages of Kusum Tola received notice to leave the area.</td>
</tr>
<tr>
<td>• Communities, without any option, look forward to receive due compensation and jobs that were assured during the Public Hearing of 2008.</td>
</tr>
<tr>
<td>• As per 2015 CCL list, out of 207 PAFs in Kusum Tola, 98 families have opted for plots and 109 have opted for a lumpsum grant.</td>
</tr>
<tr>
<td>• While villagers have accepted 95 non-permanent and lower grade jobs in 2015 against land that has been acquired they have not yet accepted compensation for the land nor have they accepted rehabilitation package.</td>
</tr>
</tbody>
</table>

Current demands of the Project Affected Communities-PAPs are
1. Compensation for Rayati land (privately owned land) and Gair Majurwa Khaas (GMK-nonagricultural land owned by the government but transferred to the villagers)
2. Speed up the re-verification process of GMK Land by the District Commissioner (DC) and award compensation for the PAPs.
3. Stop intimidation and reprisals of members of local Gramin Sangharsh Samiti (GSS-Villagers Struggle Committee), by filing false cases and put them behind bars of HRDs as GSS has filed a Public Interest Litigation in Jharkhand High Court bearing case no. WP (PIL) 3197/2012against CCL on 8th June, 2012.Suresh Oraon and eight of members of GSS had to go to jail for more than 2 months.
4. Stop mine-blasting in the proximity of habitations and houses and award compensation for the damages inflicted on houses and schools that were affected in the blasting on December 10, 2015.
5. Rs 12 lakhs per acre of land (Minimum Rs 9 lakhs per acre)
6. Job to one family member per 2 acres of land
7. 10 decimal land to every adult in the family including unmarried girls (1decimil = 435 sq. ft.)
8. Other compensations as per rehabilitation policy provisions.

REHABILITATION Demands
1. The villagers prefer remaining in existing homesteads the most.
2. Relocate to Pipratola and Amatori as another choice
3. They prefer to rehabilitation to the site proposed by CCL near Jamdi.
4. The Rehabilitation Action Plan-RAP should be formulated in consultation with PAPs and State Government as per CIL RR policy of 2012 and that should be implemented.

**Policy demands**

**FOR CIL**
- Pay compensation before taking possession of land.
- Ensure human rights impact assessments are conducted prior to land acquisition proceedings.
- Incorporate requirements to consult with non-landowners who may be affected by land acquisition, such as landless labourers.
- Adequate protection to communities from forced evictions.

**FOR GOVERNMENT**
- RR Policy 2007 makes provisions for adult sons to get compensation but not for adult females. The absence of such a provision has meant that the women headed households, unmarried-daughters, widows, and deserted or divorced women are not liable for compensation.
- The policy merely reiterates the fact that for STs each Project Affected Family of ST category shall be given preference in allotment of land and will be re-settled close to their natural habitat in a compact block so that they can retain their ethnic, linguistic and cultural identity and very generously mentions free of cost land for community and religious gathering.
- The price paid by the government for the loss of CPRs and customary rights/ usages of forest produce to each tribal PAF shall be additional financial assistance equivalent to 500 days’ minimum agriculture wages, i.e., Rs 43,310.
- The policy very categorically mentions that the rehabilitation grants and other monetary benefits proposed would be minimum and applicable to all project affected families whether belonging to BPL or non-BPL category.
- Absence of any provision of penalization for R & R officials in the policy is another serious lacuna and is clearly visible where it says, “It is expected that the appropriate Government and Administrator for R&R shall implement this Policy in letter and spirit to ensure that the benefits envisaged under the Policy reaches the Project Affected Families, especially resource poor sections including SCs/STs”
- The 1998 policy draft had made land for land mandatory for tribals and had applied it to non-tribals “as far as possible”. The final policy, however, ignores the tribals and finds a bigger escape route by saying that those who lose their land will get some if it is available with the government in that district.

**Recommendations**

<table>
<thead>
<tr>
<th><strong>PROBLEM</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No compensation has been awarded for all types of land.</td>
</tr>
<tr>
<td>No jobs have been given except 95 persons and people demand livelihood support.</td>
</tr>
<tr>
<td>No resettlement in other places is desired by PAPs, PAPs would need existing homesteads be allowed.</td>
</tr>
<tr>
<td>Land to Land in the rehabilitation is not considered.</td>
</tr>
</tbody>
</table>

**BACKGROUND, CONTEXT**
- 207 families have lost their livelihood support of lands due to the acquisition by Central Coalfields Limited (CCL) using the Coal Bearing Areas (Acquisition and Development) Act (CBA Act), they have been prevented to go to forest lands for collecting resources, their water level has been depleted and contaminated due to open cast coal mining, their houses and schools damaged due to blasting of coal mines. Project Affected People - PAPs were not aware of their lands have been acquired even in 1990s, they were aware of land acquisition only in 2008 in the Public Hearing and due to that they were not able to register...
objections within 30 days, CCL was silent after land acquisition in 1990s till 2008, promised of jobs, compensation and resettlement as well as rehabilitation were given in the Public Hearing, but jobs offered for only 95 persons whereas PAPs demand jobs per 2 acres acquired, compensation of 12 lakh per acre for all types of lands and proper resettlement.

- Central Coalfields Limited (CCL), 207 Affected Families and local Gramin Sangharsh Samiti are direct stakeholders involved in the case.

Causes of current situation

- PAPs/ Villagers are not accepting the compensation that CCL is willing to pay as 902,019 INR per acre of Rayati land as compensation for GMK land has not yet been decided.
- CCL has stated that it will provide compensation for GMK land only when a re-verification process of GMK lands is completed by the District Commissioner (DC).

Effects of current situation

- Meanwhile, 9 HRDs of local struggle committee have been arrested and spent more than two months in jail because they have filed a PIL against CIL in 2011. Thus, intimidation and reprisals have been unleashed against mobilization and collective bargaining under the banner of GSS.
- Central Coalfields Limited (CCL) is engaging in arm-twisting of activists who are resisting land acquisition and demanding total Resettlement and Rehabilitation by filing cases of damage to the Public Properties.
- The open coal mining activities have had a harmful impact on agricultural yields due to heavy dust piled up that affects soil fertility, which have made these lands not suitable for agricultural practices and food production. This has affected the community’s food security overall, with dramatic implications for children’s nutrition.
- Since losing their land and forests, their accessibility to a large number of traditional food like wild seeds, various fruits, nutritional leaves, and flowers, which were important components of their daily food intake, were lost as many of these food items are not available in the market. In turn, they are left having to consume food items available in the market, many of which are highly inaccessible to them due to their high prices and their low income.
- Due to the blasting in the mines nearby, school buildings have become damaged with severe cracks. Thus, many parents do not send their children to the schools for fear of walls collapsing. Other parents are sending their children to study in private schools, which can be costly and further increases the financial vulnerability of these families.

The inhabitants of Kusum Tola have been living and engaging in agricultural work for generations. The ancestral land is a foundation of the Advasi community livelihood source and foundation for food crops. Land used to be fertile and farmers were able to grow rice, wheat, wild seeds (tisi), mustard, lentils, and other crops. They grew food primarily for their own consumption and they used the income that was supplemented by the sale of minor forest products and seasonal labour work in the off season for their necessities during the remainder of the year.

Rapid development of open cast coal mining in the North Karanpura Valley in Hazaribagh and Chatra districts of Jharkhand State is destroying the resources of food and water of the original inhabitants- Adivasis (indigenous people) of more than 200 villages. The village Kusum Tola with a population of about 1000 people is a case in point. Its inhabitants have been living at that place for generations doing agricultural work. Central Coalfields Limited (CCL) an Indian Government company has undertaken coal mining about Kusum Tola since 1992.

Land acquisition for coal mining by the government is carried out under the Coal Bearing Areas (Acquisition and Development) Act (CBA Act). The Ministry of Coal is responsible for monitoring the implementation of the Act. There is no requirement to consult affected communities, or seek the free, prior and informed consent of Indigenous peoples, as stipulated by international law.

This small hamlet Kusum Tola comes under the Purnadih Mining Project Area of Central Coalfield Ltd (CCL). CCL has been mining coal from the North Karanpura Coalfields for over thirty years in projects namely Dakara, Ray, Chura, Bachara, Manki. In 1991, it opened the...
Piparwar mine, followed by the Ashoka mine. As per the senior villagers, they came to know about the notice for land acquisition, during a public hearing, organised by CCL on May 28, 2008 during which villagers were told that everyone would get job. In the Public Hearing affected people were informed that land has already been officially acquired under Coal Bearing Areas Acquisition and Development Act in 1990s through physical possession has been taken up by company only in 2010. Purnadih mine, the one affecting Kusum Tola and adjacent villages, opened officially on 21-8-09.

In 2010, villagers of Kusum Tola received notice to leave the area, to give way for mining operations there as well. They were not known the acquisition within legally stipulated 30 days for written submission on their land acquisition.

As per 2015 list prepared by Central Coal Fields Limited (CCL) the total number of Project Affected Families (PAF) in Kusum Tola village is 207. Entire lands under these 207 families have been acquired by CCL in Kusum Tola.

As per a recent CCL list, out of 207 PAFs in Kusum Tola, 98 families have opted for plots and 109 have opted for a lumpsum grant. While villagers have accepted 95 non-permanent and lower grade jobs in 2015 against land that has been acquired they have not yet accepted compensation for the land nor have they accepted rehabilitation package. Regarding compensation for land there is disagreement between villagers and the CCL. As the land, has been acquired under Coal Bearing Areas Acquisition and Development Act, if the objection is not registered within thirty days, then the land automatically goes to the company and the land owner cannot do anything to protect his/her land. They are left with no option but to give the only thing they can do is to negotiate over compensation.

Land acquired by CCL from the villagers of Kusum Tola can be divided into two categories. The first category is Rayati land and the second is Gair Majurwa Khaas (GMK) land. Rayati land refers to privately owned land whereas Gair Majurwa Khaas (GMK) land refers to nonagricultural land owned by the government that has been transferred to the villagers.

CCL is willing to pay 902,019 INR per acre of Rayati land and the compensation for the same is said to be already available. However, the villagers of Kusum Tola have not yet accepted this compensation as compensation for GMK land has not yet been decided. CCL has stated that it will provide compensation for GMK land only when a re-verification process of GMK lands is completed by the District Commissioner (DC). Meanwhile, 9 HRDs of local struggle committee have been arrested and spent almost two months in jail because they have filed a PIL against CIL in 2011.

**Policy implications**

- Considering the provision of jobs only in lower grade, CCL RR Policy of 2012 need to amended from "A person receiving a job foregoes all claims of monetary compensation and a person receiving above compensation foregoes all claims to employment” and PAPs should be entitled to both decent jobs and reasonable compensation as they might lose monetary compensation in short time due to consumer spending or they might not gain remuneratively with lower grade jobs. Hence for livelihood sustainable support, both should be considered.

- Need to amend the provision C-3 under Lumpsum Monetary Compensation in CCL RR Policy to include all land losers to enable them to claim employment and monetary both. The CIL RR says that "The land losers who have clubbed their land in package deal, can claim employment for only one land loser of the clubbed two acres of land, and remaining land losers of the package cannot claim either employment or lump sum monetary compensation in lieu of the land contributed by them”

- Section 3-sub clause 4 of provision of monetary compensation in the form of Annuity in monthly and annually or at such intervals (not less than one year) and annuity be paid for maximum period of 60 years of age or the life of the project for which the land has been acquired, whichever is earlier – is totally against PAPs interest and this also should be amended as one time bulk compensation as annuity form would not lead to procure livelihood productive assets such as land and resources.

- Section 12 sub clause I deals with constitution of Project Group for resettlement and rehabilitation activities for planning, implementation, monitoring and evaluation of the
Rehabilitation Action Plan and Sub Clause II says that the PAPs, the village leaders including Pradhan's and NGOs will be consulted and associated with the implementation of the RAP. But PAPs should also be nominated as members of this Project Group instead of mere consultation and association.

- The policy reiterates the fact that for STs each Project Affected Family of ST category shall be given preference in allotment of land and will be re-settled close to their natural habitat in a compact block so that they can retain their ethnic, linguistic and cultural identity and very generously mentions free of cost land for community and religious gathering.
- The price paid by the government for the loss of CPRs and customary rights/usages of forest produce to each tribal PAF shall be additional financial assistance equivalent to 500 days’ minimum agriculture wages, i.e., Rs 43,310.
- The policy very categorically mentions that the rehabilitation grants and other monetary benefits proposed would be minimum and applicable to all project affected families whether belonging to BPL or non-BPL category.
- Absence of any provision of penalization for R & R officials in the policy is another serious lacuna and is clearly visible where it says, “It is expected that the appropriate Government and Administrator for R&R shall implement this Policy in letter and spirit in order to ensure that the benefits envisaged under the Policy reaches the Project Affected Families, especially resource poor sections including SCs/STs”
- The 1998 policy draft had made land for land mandatory for tribals and had applied it to non-tribals “as far as possible”. The final policy, however, ignores the tribals and finds a bigger escape route by saying that those who lose their land will get some if it is available with the government in that district.

### Conclusions

**APPEAL TO HONOURBLE MEMBERS OF LEGISLATIVE ASSEMBLY**

**YOUR LOUD VOICE IS CRITICAL IN SUPPORT OF THE MUTE DEMANDS OF PROJECT AFFECTED PEOPLE OF KUSUM TOLA**

1. **KINDLY RAISE THE ISSUE IN THE ASSEMBLY TO PROVIDE DUE AND JUST COMPENSATION FOR ALL KINDS OF LANDS ACQUIRED IN KUSUM TOLA WITHOUT ANY DIFFERENTIAL TREATMENT**
2. **RAISE DEMANDS TO PROVIDE JOBS FOR ALL AFFECTED FAMILIES AND JOBS IN UPPER CATEGORY WITH PERMANENT NATURE NOT CONTRACT JOBS UNDER CONTRACTORS**
3. **SUPPORT THE DEMAND OF PAPs TO REMAIN IN THE CURRENT HOMESTEADS OR THEIR CHOICES OF REHABILITATION SITE NEAR JAMDI**
4. **LEND YOUR INVALUABLE SUPPORT TO IMMEDIATELY STOP BLASTING NEAR SETTLEMENT AND SETTLE COMPENSATION FOR THE DAMAGES OF HOUSES AND SCHOOL**
5. **GIVE YOUR SUPPORT FOR GENDER PARITY AND JUSTICE BY ASKING CCL TO PROVIDE JOBS FOR WOMEN PAPs EQUALLY**
6. **GIVE VOICE TO VOICELESS, SILENT AND VULNERABLE CHILDREN AFFECTED BY OPEN CAST MINING 70% of children in the age group of 3-6 years old are affected by malnutrition and 80% of children in the age group of 6-14 years old are affected by stunting and poor growth. Because of this poor state of malnutrition, they are easily susceptible to diseases in the form of asthma, skin problems, digestion problems, and allergies, among others.**