

## Presentation By Prasant Paikray

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The market oriented economic reforms initiated in the 1990s created new challenges for defending human rights of vulnerable citizens in the eastern Indian state of Odisha.

The rich minerals deposits such as coal, iron ore, bauxite and many other metals were seen and marketed as new areas where multinational and private corporations can venture and extract them for profit.

Mining was an area where only state owned Odisha Mining Corporation had the monopoly of mineral extraction. When bauxite exploration and aluminium production started in the state in the 1980s it also happened in the state sector.

But, in the 1990s, mining sector was opened up for exploration by private players who were not so known for keeping good records of human rights protection.

This led to serious conflicts between private business interests and indigenous people's rights to life and livelihood everywhere in the state with the state government seen as disowning its own people and openly standing with corporations accused of gross human rights violations.

The consequences are visible and have generated a greater debate on the relevance of human rights agencies who are failing to protect basic human rights of citizens when they are assaulted by business interest. Even when some intervention is seen, it has been happening after tremendous mobilizations at all levels starting from the resisting people to that of civil society organizations and agencies and also individuals. All victims of violations can't afford such a large scale mobilization.

The approach towards displacement or victims of displacement is even more disturbing. Their right to live with dignity, with a secured livelihood and safe habitat is not at all respected by the business interests that are targeting their area for any profit making mineral or mineral based industrial project. Most of the areas are full with good natural resources and significant indigenous population survive on those lands. Some of them have been treated as endangered tribal communities such as the Dongarias of Niyamgiri (targeted by

London based Vedanta company) or the Paudi Bhuyans of Knhandadhar ( where POSCO will mine its iron ore). In some other places one would find them being displaced again and again like Lakhanpur of Jharasuguda where the American AES company is running a power project with Odisha government.

A vast majority of displaced populations are suffering because of want of livelihood options and dispossession though accumulation has become the order of the day in tribal areas.

The serious part of this tragic situation is that dissent is not tolerated by the business agencies and their supporter the state. Either they have to say yes to displacement or they have to face criminal action by the state. The ultimate tragedy begins when they are branded as Maoists and attempts are made to crush them with no one raising any voice of concern. Most areas in the state where Foreign Direct Investment (FDI ) projects have been launched now report hundreds of incidences where protesters have been arrested or charged with serious offences which they never did. For example, more than 400 false and fabricated cases and 2500 warrants have been issued against the people who are democratically fighting against the establishment of an integrated steel plant at Jagatsinghpur district of Odisha by a South Korean company Pohang Steel Corporation (POSCO).

Since 2000, the number of deaths because of police action in corporate project areas is quite significant. Kashipur of Rayagada district reported death of 3 tribals in police firing on December 16, 2000. Norsk Hydro, ALCAN, HINDALCO were part of the consortium called Utkal Alumina International ltd involved there. 14 tribals got killed in police firing on January 2, 2006 in Kalinganagar while resisting a Tata steel project. Four protesters have died because of violence in proposed POSCO project areas. I am not talking here about others who have sustained injuries or who have died in mysterious situations while the agitation was going on.

We have the following major concerns:

Human Rights of the citizens of our democracy are seen as hurdles on the path of progress of business interests who are promising good FDI and eyeing on extraction of precious minerals which incidentally are found in areas where vulnerable and indigenous populations are living with dignity with a secured and sustainable livelihood.

The alternatives given to them should be better than what they have to create any kind of motivation to leave their secured livelihood, safe and peaceful habitat but the options offered to them are worse than they can ever think of. This is happening because of lack of willingness on the part of project proponents to treat them as equal and dignified human beings. The rights and laws of the land are violated and manipulated with impunity as the state is helping the violators, as it happened in the POSCO and the Vedanta case and when violations of human rights or laws of the land are challenged in the court of laws their money power helps them in the legal battle. The Forest Rights Act of 2006 which guarantees land rights to tribals is seen as a hurdle by

corporate powers.  
The human rights agencies are failing badly in their duties to uphold the rights of the citizens when they are violated more particularly when business corporations are involved. Not a single action has been taken so far by State Human Rights Commission or National Human Rights Commission in any case reported to them from Kashipur to Kalinganagar in the last 15 years. The displaced populations seem to have been abandoned by Indian democratic institutions and no one can hear their voice if the civil society groups or well motivated pro people political groups keep silent. Disappearances of the displaced have become a common phenomenon as the state or no other agencies have the details of persons who are once evicted from a place.  
Our Demands;

More effective mechanisms need to be established to monitor the 100 plus Memoranda of Understanding the Odisha state has signed with Business Corporations in the mineral sector which would make them accountable for any kind of violations happening in the natural resources rich regions. Independent Groups should be formed to assess every year human rights situations in a FDI induced project area and the report to be made public. To spare unwilling population from any kind of forcible displacement To ensure safety and security of rights guaranteed under Indian constitution and laws such as the Forest Rights Act of 2006 and ensure that the sustainable livelihood systems of natives are not taken away. To ensure that green projects come up in barren land with no damage to the livelihood diversities of local and indigenous populations-their land, their forests, their streams.  
Please, go through the annexure for a wider understanding of things presented here.

#### Annexure1

Human rights defenders and fighters for justice are facing a highly hostile regime in the state. The number of false and fabricated cases is constantly on the rise. The present has signed about 100 Memoranda of Understanding facilitating entry of FDI to extract minerals and to have mineral based industries particularly in the coal, iron ore and bauxite sector. This has given rise resistances across the state resulting in police firing, illegal arrests and fabricated cases. We are giving below a tentative list of cases we have noticed in the struggles and movements.

- 1.1- Anti-POSCO movement (steal plant) Dinkia (Jagatsingpur dist.) Criminal cases-350,Civil cases (encroachment of land case)-51,total-401,people involved -2500, casualty - 4persons, Injured by police firing -150,
- 2.2- Niyamagiri(anti-Vedanta buxite mining movement)(Kalahandi dist.),100 cases, 1000 arrests, casualty 1 person.

- 3-Niyamagiri(anti-Vedanta mining struggle)(Rayagada dist.), case-10,people-50
- 4-Anti-aluminium industry & mining movement, Kasipur (against Utkal Alumina- a consortium of MNCs)Rayagada district,case-56,people-1100
- 5-Anti-Tata Steel Plant struggle, Kalinga Nagar(Jajpur dist.),case-150,people-400
- 6-Anti-Mittal steel plant movement, Patana(Keonjhar dist.), case-100,people-100
- 7-Lower Suktel dam project(Balangir dist.),case-150,people-1000
- 8-Narayan Patana, anti-land grabbing movement by tribals(Koraput dist.),case-210,people-2000
- 9-Bandhugan, land grabbing struggle (Koraput dist.),case-30,people-250
- 10-Mali hill mining movement against Hindalco (Koraput dist.), case-12,people-200
- 11-Anti-Vedant University struggle, Beladala (Puri dist.),case-17,people-300
- 12-Sipasarubali seashell TTheirism project(Puri dist.),criminal case-12,people-200,civil case-550,people-550
- 13-Anti-Tata steel plant struggle, Gopalpur(Ganjam dist.),case-45,people-200
- 14-Anti-Adani coal mining struggle(Angul dist.),case-3,people-150
- 15-Anti-GMR power plant movement (Dhenkanal dist.),case-40,people-700
- 16-Anti-Urbanisation struggle by tribals, RTheirkela (Sundargada dist.), case-17,people-500
- 17-Subernarekha port movement (Baleswar dist.),case-2,people-120
- 18-Sahara power plant movement, Titlagada (Subernapur dist.), case-5,people-20
- 19-Bhusan steal & Power ltd. ,Kabtabania(Dhenkanal dist.), Case-60, people-200
- 20-Tata power plant struggle,Naraj,(Cuttack dist.), Case-7,people-30
- 21-Jindal steal & power ltd. (Anugul dist.),Case-15,people-110
- 22-Mangilal Rungta Ferrow Always,Meramandali(Dhenkanal dist.), Case-10,people-30
- 23-RSB Metalic on Almina industry,(Rayagada dist.) Case-4,people-30
- 24-Ultra Teck Cement Company,Khamaranuagan(Cuttack dist.),Case-2,people-62
25. People's Movement against Tata in Chilka lake – FTheir people died in the village Soran, Khurda district, Odisha on May 29, 1999.
26. Maa Tarini Sponge Iron at Balanda G.P, Near Kalunga, Police Station Brahmani Tarang, Dist. Sundargarh, Odisha. 112 Adibasi people were arrested in the year 2000,. Cases are still going on. Many are innocent peoples

OLD HISTORICAL MOVEMENT-

1-Hirakud Dam displacement movement-year-1954-55,1st displacement(Undivided Sambalpur dist.), CTheirt Arrest 4000, displaced families - 27,000, Presently 9,913 families didn't get any compensation.

2-Ib Thermal(2nd displacement),year-1991-92,(Jharsuguda dist.),Case-100,people-464

3-Lachipali Seeds Farm,Laxmanpur(Jharsuguda dist.) year-1955,Arrest people-2600

4-Subsidiary Dam,Basantpur(Sambalpur dist.),year-1956, Arrest people-2022

5-Rengali Dam-year-1970(Sambalpur dist.), Arrest & displace people-2000

6-Raurkela steal plant,(Sundargad dist.) year-1961-62,displace people-464,Arest people-600

This data sheet has been prepared with inputs from concerned local leaders inputs only. This should not be treated as 100 percent accurate. The list as I have mentioned in the beginning is tentative and most authentic among the tentative reports.

Case Study 1

FACT SHEET ON HUMAN RIGHTS VIOLATIONS IN KALINGA NAGAR INDUSTRIAL ESTATE AREA, JAJPUR DISTRICT, ODISHA & APPEAL TO UN Special Rapporteur on Human Rights Defenders

- Tribal activists & leaders killed by Police and Mafia
- Tribal villages cordoned off & denied medical care
- Indigenous people's land acquired forcefully without FPIC

1. Background: Kalinga Nagar Industrial Estate is a large tract of land in Jajpur district of Orissa that has been earmarked for setting up mineral based industries like steel plants. The project was initiated in the early 90s and so far more than 12 iron projects have been setup in the area. Land was acquired from the pre-dominantly indigenous population without following Free Prior Informed Consent. Many villages were forcefully evicted which led to the formation of 'BBJM - Bisthapan Birodhi Jan Manch (Anti-Displacement People's Forum). From 2005 onwards, BBJM organised mass protest against new projects in the Kalinga Nagar which would displace even a larger number of people than already displaced. Some of these projects are the Tata Steel Plant and Maharastra Seamless Steel Plant. People's opposition to these projects was expressed in democratic and non-violent means but the District Administration responded with repeated lathi charges and tear gas shelling during demonstrations, rallies

and protest meets. On 2nd January 2006 Tata Steel tried to start construction forcefully and when people protested the police opened fire on the people living 14 indigenous people dead including women and children. All those who died were members of the indigenous people's organisation BBJM. The dead bodies were returned to the people in a mutilated form which enraged public sentiments even further.

2. After the police shootout on 2nd January '06 there were some half-hearted attempts made by the Govt. to resolve the issue through dialogue but were not pursued to a conclusive state. Rather another wave of repression was unleashed upon the people as on one side the leadership of the tribals was targeted by Tata goons and on the other key activists and leaders were framed under false charges. There were several murderous attacks on active leaders like Dabur Kalundia and Jogendra Jamunda.

3. The tribal villages protesting against displacement in general and Tata in specific under the aegis of the Bisthapan Birodhi Jan Manch (People's Forum Against Displacement) located amidst ten steel factories by companies like Jindal, Mesco, Mathan, Nilachal, Rohit, Dinabandhu, etc. have been ghettoed from all sides now.

4. The tribals are considered encroachers though they have been living on that land for generations and their demands for land in lieu of land has not been taken seriously by the Govt. On the other hand they have been repeatedly portrayed as Maoists though not a single incident of Maoist violence has been reported in the area in the last 5 years. Rather a non-violent democratic movement is being suppressed by a Govt. that is evidently working like a private mercenary of Tata Steel.

5. Jogendra Jamuda, another activist of BBJM was shot at close range from behind on 13 March 2008 while he was returning on a motorbike from a market with his wife and

mother riding pillion. The incident happened in front of the Kalinga Nagar police station but the assailants are yet to be caught.

6. Dabur Kalundia, a BBJM Leader-Activist of Baligotha village in Kalinga Nagar belongs to the Ho tribe. He has been spearheading the democratic movement against forced displacement in Kalinga Nagar. There have been several attempts to eliminate him by hired assassins as well as the police. On 1st May 2008 gunmen tried to shoot him down but Dabur Kalundia managed to escape. Another senior BBJM activist Amin Banara of the same village got killed though. Though some of the assailants were held by the police no strict action was taken. Dabur Kalundia and other eye witnesses claim that the main assailant had identified himself as an employee of Tata Steel. There have been repeated attempts by such hitmen to kill Dabar Kalundia. There was an assassination bid inside his village as well. Dabar kalundia has also been targeted by the police and district administration for being a key activist of BBJM. His bank accounts have been freezed. His payments for contract works with nearby factories have been

denied to him. His life is under constant threat.

7. On 30 March 2010 state police attacked and pillaged Dabar Kalundia's village Baligotha. 29 platoons of armed police with 60 officers and hundreds of ruling party cadre and Tata Steel project supporters surrounded the village. They first denied media any entry to the place and then started attacking the villagers. At least 50 women and children were injured in indiscriminate rubber bullet firing, steel pellet firing and lathi charge. One BBJM activist, Member Kalundia received bullet wounds in the chest and legs. The pillaging force demolished houses and set them ablaze. Cattle were indiscriminately shot at. All houses have been ransacked and valuables stolen. Foodstocks were set afire. Televisions, radios, etc were destroyed. After the attack the village was cut-off from the rest of the world as a mixed mob of policemen and Tata Steel project supporters guarded all entry points to the village for several weeks not allowing anyone to go in or out.

8. Dabar Kalundia's house was particularly attacked along with the house Rajendra Kalundia, the elected leader of the village council (Sarpanch). All cash and important documents were taken away.

9. The 30 March attack was the culmination of months of sporadic aggression by the Police and Tata goons. That day the Police simply did not try to maintain law and order, rather they first sprayed rubber bullets, steel and plastic pellets upon the tribals, entered Baligotha village, set foodstocks afire, poured kerosene in the wells, killed cattle, vandalised the memorials of the martyrs of 2nd Jan 06 police shootout, looted valuables, stole livestock and destroyed all sorts of electronic machines like TVs, DVD players, Sewing machines, etc.

10. This planned attack by some 27 platoons of armed security forces and 2 platoons of Operation Green Hunt forces along with a hundred odd crowd of Tata goons happened exactly two days after the District Magistrate met the villagers and assured them their grievances would be looked into. After the attack the DM did a volte-face and said to the media they would carry out construction of the Common Corridor Road (which the people are opposing) at any cost with the District SP adding that

protestors would not be spared. Since 30 March the area has been out of bounds for the rest of the world with all roads leading to the devastated village being guarded by Tata goons, ruling party cadre and the police. Many political activists and leaders were attacked and not allowed to visit Baligotha. In one of these attacks three journalists were beaten up, their cameras were snatched and their valuables were looted.

11. The Kalinga Nagar Common Corridor road project is being espoused by the District Administration and IDCO as a harbinger of development to the area. But the locals point out that every factory in the area is well connected by road and has been functioning smoothly over the years. Moreover, the proposed 4-lane road project will cut through a 7-km stretch of tribal land including fertile farmland. The locals say that the rationale behind such a road project can only be to bring the much opposed Tata project as the Common Corridor will cut through

the villages resisting the steel giant for the last 5 years. One of the natural advantages of the people opposing Tata has been that they have been able to assemble easily from across villages as the villages are next to each other. With a road cutting through they will be isolated and the police will gain easy access. The most surprising thing about this project is that as per Tata Steel's proposals the road will actually be located within its proposed premises proving the people's fears that this road is not for easing traffic problems.

12. The cordoning off of the villages led to great misery for the tribal villagers. On 5 April 2010 a man from Gobarghati village died from cerebral malaria as he could not receive any medical aid on time due to the situation in Kalinga Nagar where the police, BJD cadre and Tata goons were not allowing anyone to come out or enter the villages like Baligotha and others resisting the Tata Steel factory and the Common Corridor road. BBJM Activist-Leader Ghanshyam Kalundia of Baligotha village died succumbing to undiagnosed diseases. Others like Sikandar Kalundia and Balema Goipai Also died that week for not having any medical aid.

13. The prevailing conditions in Kalinga Nagar do not allow anyone to go out to avail medical help neither doctors are allowed to go to the villages. For months the villages of Kalinga Nagar have been cut-off and cordoned off from the rest of the world by the police and Tata supporters who are forever on the lookout for them. Some 21 people have already been arrested under false charges when they stepped out of their villages. Some of them were arrested when police and Tata supporters raided the villages at midnight on two occasions. During these raids the villagers were shot at with rubber bullets and many women were severely beaten up with sticks.

14. While people were dying due to forced denial of medical care some large contingents of police were deployed in the area to start demolition of houses. assembled there.

15. On the morning of 23 April 2010 a dead body was discovered near Gadapur. The deceased was Rasananda Patra, about 40-years old and a Dalit trolley puller from the Dalit hamlet Bandragadia located about 200-300 meters from Gadapur. Bandragadia hamlet no longer existed as a few days ago as it had been completely demolished by authorities. Villagers of Gadapur said that Rasananda was personally opposed to displacement and had been coerced by others to leave Bandragadia.

16. On 23rd April 2010 during a demolition drive at Gobarghati village, tribal leader and BBJM activist Nati Angarai's house was forcefully demolished. Nati Angarai is also languishing in ill health since then as there are chances he will be killed by hitmen or arrested under false charges by the police if he steps out of his village.

17. Many people have been randomly arrested from markets, roads, hospitals and during the midnight raids on the villages in the last five years ever since the 2nd January massacre took place.

18. On 29 April 2010, exactly a month after the savage attack on 30 March by armed forces and Tata goons, a large contingent of armed forces arrived again at Baligotha village alongwith some JCB machines. Then they unleashed another round of devastation upon the village that was yet to recover from the last attack and two villagers had already lost their lives due to lack of medical care.

19. On 6 May 2010 morning a large contingent of armed forces reached Chandia village where key BBJM activist and tribal leader Rabi Jarika resides. People threatened to commit mass suicide if any force was used. Despite that Police lathi charged at people on 10 May 2010. A large contingent of armed security forces arrived entered the village and demolished the homes. More than 50 people mostly women and children were injured. The next day the police returned to Chandia for more demolitions. On 11 May 2010 in the name of demolishing houses the villagers of Chandia were terrorised by large contingents of police forces. Villagers said the police was constantly provoking them and find a reason to attack them.

20. On 12 May 2010 by 9 AM police forces arrived to carry on with the demolition. Firstly they bullied the people into not assembling at the village center. Then people from neighboring villages like Gobarghati and Baligotha were on their way to stand by Chandia people but the police stopped them midway. And then the final part of the strategy was played out as houses of people who have not been displaced were targeted for demolition, and ultimately it was declared that all houses not having record of rights ((which tribal people rarely have) would be demolished. The women of Chandia bravely resisted all attempts to demolish the houses but the police first lathi charged at the women and then when they refused to be scared they were shot at with rubber bullets, steel and plastic pellets, etc. One BBJM activist and tribal leader Lakshman Jamuda, aged between 50-55, was killed in the police firing. Two women have been seriously injured. One of the women, Jema, aged 32 and unmarried has been seriously injured with reports indicating that 6 bullets have hit her waist. The other woman Basanti Bankiri, aged 30, is married and has 4 children. Her legs are injured.

21. On 14 May 2010 Lakshman Jamuda was secretly cremated by the police and the BBJM activists feel it was to ensure nobody gets to know how he died. Jamuda's nephew who went along with the body was kept captive by the police and tortured.

22. Demolitions continued and BBJM activists and leaders were targeted the week after Lakshman Jamuda was killed. Meanwhile more people died of untreated diseases. One of them, Mechcha Hanaka aged 45, had been secretly admitted in a hospital in

Cuttack by activists but succumbed to TB and renal failure on 18 May 2010.

23. Swarnalata Banara, a woman Sarpanch of Gobarghati has been specifically targeted for spearheading the women's resistance movement against Tata Steel. She has given interviews to media persons highlighting the sexual violence

perpetrated on displaced tribal women. On 31 May 2010 she along with 3 other tribal women, Mina Banara, Snehalata Hembram and Basmati Tiu were beaten by a mob of Tata Steel project supporters in the presence of the Police. They mob attacked Swarnalata and the other women and beat them up. One photograph in a local newspaper, the Aromv showed the crowd beating up a lone woman lying on the ground with sticks. Another two show women being dragged and Swarnalata pulled by her hair. Eyewitnesses say that the police was present all along about a 100 meters away. The SP, the ADM and other officers were present all along with 10 platoons of police forces. They waited for the mob to beat up Swarnalata and the other three, and captivate them. Then the police stepped in and arrested Swarnalata and others under false charges of setting a truck on fire. Swarnalata is one of the several women who had appealed to the Orissa High Court against police atrocities and forced eviction. She is one of the strongest female tribal leader of the people and has always boldly spoken out against injustice.

24. Madan Kalundia, a 34-year-old Adivasi man from Baligotha village of Kalinga Nagar was arrested on 15 September 2009. He is one of the several Bisthapan Birodhi Jan Manch activists who have been randomly picked up and framed under false charges. Madan had 6 criminal cases against him the most severe being a case under Sec 506 of the IPC. 3 cases were of 2007, 2 cases of 2008 and 1 case of 2009. Then another 8 cases were slapped against him on the 5 Oct '09 including one under Sec 307 for attempt to murder. 2 cases were of 2006, 2 of 2007 and 4 of 2008 which included the attempt to murder case. Then on 10 Feb '10 one case from 2005 was brought up against him and on 23 Feb '10 another case from 2006 was made against him. In the 1st week of May Madan got bail in 14 cases and 2 cases were still pending. That day Madan had requested the judge to direct authorities to provide him with immediate medical aid as he was in severe ill health. The judge did not acknowledge his plea and Madan died on 3 August '10 either in Chowduar jail or at SCB Hospital, Cuttack. It is not yet clear what the official cause of death is but an investigation into a few recent incidents indicates what might have transpired with Madan in the jail. Before being shifted to Chowduar jail on 26 July '10 he was being held at Ragadi jail in Jajpur. While in Ragadi jail, news reached Madan's relatives in Baligotha village that he was suffering from jaundice. So the widows of his two deceased brothers visited him in jail with herbal medicine for jaundice. One of Madan's deceased brothers is Ghanshyam who died earlier the same year due to lack of medical aid in the village that still remains cordoned off from the rest of the world by the police and Tata goons. When Madan's relatives met him in the jail they found several injuries on his body likely to have incurred from torture. Madan was also unable to walk by himself and had been brought to the visitors area with the aid of two wards of the jail. His eyesight had also deteriorated badly and he could recognise his relatives. The herbal medicines brought by the relatives was denied by jail authorities who said they would take good care of him. Madan's relatives had visited him around the 20 July '10. On 10 July '10 he had been taken to Jajpur hospital where the doctors said he had no physical problem and

his ill health was due to psychiatric problems.

25. Madan's death again exposes the ugly & brutal reality of a State that is ready to torture people, deny them medical aid and kill them in captive for the sake of companies like Tata and Vedanta. Whether Madan died from torture or jaundice the blame definitely rests on the Govt. The Tata project seems to be setting up a mega a graveyard of Adivasis rather than a steel factory.

26. Janga, a 12 year old girl from Baligotha village went missing since 30 March 2010 when the police attacked her village. In the midnight of 31 Dec 2010, she was killed by the police in Tomaka forest near Kalinga Nagar. The police alleges that she was a Maoist guerrilla. Locals allege that Janga had been in police captivity since 30 March and was killed in a staged encounter on 31 Dec 2010.

27. For all the facts illustrated above except for Fact No 26 about the killing of Janga, the 12-year-old tribal girl, there is extensive video footage and supporting media literature available in the public domain. Please visit this website to see videos on Kalinga Nagar human rights violations:

[www.youtube.com/samadrusti](http://www.youtube.com/samadrusti)

Appeal to UN.. :-

The tribal people of Kalinga Nagar are a peace loving agrarian community and such brutalities committed up them by the State and mafia groups backed by Corporations is an extremely heinous and inhuman way of oppression. Without eliciting Free Prior Informed Consent, the State should not hand over any tribal land to corporations. Using police force on women and children is a severe violation of the most basic human rights. The Govt. has no right to terrorise, kill, maim, torture and deny people medical aid. On the contrary the Orissa Govt is answerable to its people for the crimes it has committed against the indigenous people of Kalinga Nagar and the human rights activists and tribal leaders of the region.

To uphold democracy and the rights of indigenous people as guaranteed by the U.N.D.R.I.P. to which India is a signatory, we on behalf of the tribal organisation Bisthapan Birodhi Jan Manch, Kalinga Nagar request the United Nations to intervene in this grave matter and facilitate the immediate delivery of justice and protection of BBJM activists and tribal leaders, women and children from the violence of the state and other players .

Case Study 2

Under the banner of POSCO Pratirodh Sangarm Samiti (PPSS) (Anti-POSCO People's Movement), 22,000 people are making a relentless struggle against the establishment of integrated steel plant and captive port by POSCO, a South Korean company in the Jagatsinghpur district of Odisha . People have been opposing this project for the last 10 years and have chosen peaceful, democratic forms of struggle to express their resistance to this project and Their refusal to give up Their lands and livelihoods for it mostly because they all know that their resources fish, betel leaves and rice does not only feed them , but also will

continue to feed all their generations to come.

There have been number of undemocratic tactics used by the POSCO company and the state government to break Their democratic struggles. Instead of acting as a welfare state , the state government is very much interested for the welfare of POSCO thereby depriving the land and livelihood of more than 22,000 people. The state police in collusion with the POSCO sponsored goons have launched an assault on the peaceful protesters who have been fighting an exemplary democratic struggle for their survival (Jal, Jangal, Jameen) over the last ten years. After inflicting severe physical injuries on people, old and young, the administration has slapped numerous fictitious cases and booked a large number of them on these fictitious grounds.

Their life has been severely disrupted since the state government signed the said project with POSCO. The police force has been using coercive measures to suppress Their constitutional right to dissent. They have been peacefully resisting all types of criminal forces for more than seven years, but ironically hundred of cases are being lodged by the police against us. They have been facing killings, hired goons, bomb attacks, police attacks etc. Local authorities ignored their demands for recognition of their right to the land. Instead, equipped forces were hired to silence their voices. Till now 250 cases have registered against villagers by the government, 2000 warrants have issued out of which 340 are women.

People cannot go out and receive treatment because of the threat of arrests. Many cases did not have any basis and some cases were concocted by the police to keep them inside jail for as many days as they could to spoil their democratic movement.

Concerns with the project:

\* Forceful Acquisition of land

Official statistics indicate that only 438 acres of the 4004 acres required for the POSCO site is private land. The rest of the land required officially belongs to the government, and this has been recorded as “under forest” in official documentation. Government records do not show that the majority of this land has been under cultivation by the people living in these areas for generations[1].

The people of Jagatsinghpur are dependent upon the beetle, paddy and fish for their livelihoods. Around 20,000 families earn about Rs one lakh (approx \$ 2000) yearly from these cultivations. There are approximately 5000 vines of beetle in the three panchayat areas, which are tended by about 10,000 cultivators. Many landless families depend on basket making, work as daily labourers on the betel vine farms or are engaged in pisciculture, mostly prawns.

In response to the claim of this land by POSCO, the local people have submitted applications for claims on titles repeatedly however regularization and

settlement of the betel vine lands has not yet been initiated by the government. The Settlement record was prepared last in 1984.

POSCO began its operations in India by registering POSCO-India. The first attempt by the district administration to acquire land for the proposed plant and port was thwarted by strong local opposition, which began in early 2006 under the banner of 'POSCO Pratirodh Sangram Samiti' (PPSS) (Anti-POSCO People's Movement), based in Dhinkia village.

\* Scarcity of water for Irrigation

The volume of water required for the project is predicted to have a detrimental impact on water irrigation for the local population. According to the Memorandum of Understanding (MoU), the Government of Orissa is to permit draw and use of water (near about 12 thousand to 15 thousand crore liters) from the Mahanadi barrage at Jobra and Naraj in Cuttack for construction and operation of the "Overall Project".

Concerns have been repeatedly raised over the past two years by citizens of the area and technical experts that this would severely impact the drinking and agricultural water supply of Cuttack and neighboring districts. These concerns have not been addressed by the government yet.

Destruction of the Environment :

The proposed port to be built by POSCO at Jatadhari (Estuarine region of Ersamma) has also evoked environment concerns of damage to the coastline Conservationists. They have pointed out that any damage to the coastline by the construction of the port could pose a threat to the nesting habitat of the endangered Olive Ridley turtles. Especially at risk are the turtle-nesting beaches in the Gahirmatha Marine Sanctuary, where nearly 400,000 Olive Ridelys come to nest every year.

Environmental research has shown that the nesting turtles are already threatened by illegal mechanized fishing, rapid loss of nesting beaches due to casuarinas plantations and industrial pollution. The proposed POSCO port poses a fresh threat. The port if built would also directly displace the livelihoods of several fishing communities as the Jatadhari estuary serves as a spawning and breeding ground for several species of fish. The recent analysis report prepared by Centre for Science and Environment, New Delhi on Environmental Impact

Assessment (EIA) report of POSCO Captive port at Jatadhar Mohan Creek Paradeep Port points out that the “EIA report has completely missed out on addressing the issues of cumulative impact on people and habitat residing in the close vicinity as well as the land where the project is proposed”. [2] Implication of proposed mining in Khandadhar hills

Khandadhar waterfall at the mining site

The mining sites which have been proposed in the district of Keonjhar are also predicted to have detrimental impacts. Communities within these areas are already suffering under the social and environmental impacts of large-scale mining activity. Health problems are rampant in the region, particularly amongst the mine workers and their children. The poor health status of the mine workers and the increasing incidence of waterborne and respiratory diseases have been highlighted in a recent ‘State of the Environment’ report. The Khandadhar hills where POSCO is being allotted the mines, spread over 6000 hectares, are covered with forests, inhabited by a wide variety of wildlife and as well as flora. The adivasi (Indigenous people) communities, which form 74% of the population in the surrounding area will be severely impacted by the proposed mining.

#### Ongoing Human Rights Violations

Over the past ten years, there have been a number of allegations of government repression from the local community. Local anti-POSCO activists have stated that the Government has filed several false cases against them, and that POSCO has been working to suppress the movement. In October 2008, the leader of anti POSCO movement, Mr. Abhaya Sahoo was arrested and 64 “false cases” were charged against him. To date, the movement has been democratic and non-violent, however, a recently released video reflects that Mr. Abhaya is being kept against his will by the government. You can view this video online at the following link [www.youtube.com/watch?v=px3d52vTEuM](http://www.youtube.com/watch?v=px3d52vTEuM)

Demands of PPSS :

\* Immediate withdraw the police force from the proposed site.

\* Withdraw all the false charges against the local villagers.

\* Implementation of Forest Right Act 2006 in Their area and recognition of individual and community rights.

\* Prosecution of officials who have acted in violation of the law.

\* The government should ensure that POSCO immediately withdraws from the proposed project for the greater benefit of the state.

\* The government should come up with planned and sustainable initiatives for

social and environmental development in the area, such as the promotion of paddy cultivation and fishery related activities. These will ensure the future livelihoods of communities living there.

For more information, you can visit the following links  
[www.scribd.com/doc/159775632/Striking-While-the-Iron-is-Hot-Posco-Case-Study](http://www.scribd.com/doc/159775632/Striking-While-the-Iron-is-Hot-Posco-Case-Study)  
<http://stoposco.wordpress.com/>  
<http://www.freewebs.com/epgorissa/posco.htm>

Submitted

by

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