

UPDATE FROM POSCO PRATIRODH SANGRAM SAMITI - 10TH MAY 2013

Dear Friends,

We are surprised to see the Supreme Court judgment on mining lease allotment to controversial POSCO Company which has made our lives miserable. At least after the welcome judgment on Niyamgiri where the Gram Sabhas have been given the authority to decide what constitutes their rights, the natives of Khadadhar area should have asked also to decide in Gram Sabha whether such a mining was needed or not. Now asking the central government to take crucial decisions will inevitably harm the interests of Tribals protected under FRA 2006 as the central government is more than favourably disposed towards POSCO. We too strongly feel that our Gram Sabhas views so clearly and so categorically resolved on October 18, 2012 must also be considered while deciding the fate of mining involving POSCO.

The peaceful demonstration is continuing at Govindpur Village against the trench cutting work for boundary wall construction for POSCO. Today more than eight hundred villagers have assembled at the site to peacefully oppose the construction work.

On 9th May 2013, with the help of eight platoons of police forces, the Jagatsinghpur administration along with IDCO and POSCO officials started the trench cutting work for boundary wall construction for POSCO. The district administration indiscriminately axed fruit bearing trees. This shows how the police and the District Collector and the Superintendent of Police in Jagatsinghpur district, Odisha, are colluding with each other to suppress our opinion and to serve the interest of POSCO Company with utter disregard for the verdict of National Green Tribunal (NGT).

Our villagers held demonstrations and raised slogans against the illegal construction of boundary wall. This is a violation of the direction passed by National green Tribunal on 31st 2013. As a result, the police went back.

Meanwhile a seven-member-team comprising representatives of two human rights organizations made a visit to our area and released a report. The group demanded scraping of the Posco project as it was being set up in violation of guidelines laid down in the industrial policy document of the Union government.

I would like to convey our heartfelt thanks for responding to our last request update and sending the number of petitions to the Central and state government authorities.

Kindly forward this mail widely.

Hoping for Solidarity.

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Annex - 1

DEMOCRATIC RIGHTS FORUM (DRF)

ORGANISATION FOR PROTECTION OF DEMOCRATIC RIGHTS (OPDR)

POSCO Issue – A Preliminary Report by DRF & OPDR Team

Release to Media

6th May 2013, Lohia Academy, Bhubaneswar

A 7 member team of two human rights organizations – Organization for Protection of Democratic Rights (Andhra Pradesh) and Democratic Rights Forum is in Odisha on 4,5,6 May 2013 to look into “POSCO problem”. The immediate context of the team’s visit is opening an armed Police Camp at Village Gobindapur and the subsequent reported repression.

The Team met representatives of PPSS, CPI (ML), CPI, and SUCI(C) at Bhubaneswar on May 4. The team visited the villages Dhinkia, Gobindapur, Patana, Nuagaon and Gada Kujanga on 5th. The team interacted with scores of people in those villages, especially in Dhinkia and Gobindapur. The Team had a long talk with Mr Abhoya Sahu, the President and Sisir Mahapatra, the General Secretary of “Posco Prathirodh Samgram Samithi” (PPSS) at Dhinkia village.

We have gone through various documents like i) MOUs between POSCO and Govt. of Odisha in the year 2005, ii) Forest Rights Act, 2005, iii) Judgement of Supreme Court of India CLIA 2134 OF 2007, IV) N.C.Saxena Committee Report, v) Meena Gupta Committee Report and vi) Ray Paul Committee report.

The team members observed the area is rich with Betel vine orchids, Casuarina Plantations, live paddy fields, big and small fish ponds and many water resources, domestic backyard vegetable plots, mango trees, coconut

trees, etc. We rarely found poverty stricken people in the area. It is like Nandigram of West Bengal and Kakinara coast belt of A.P.

We are informed the daily wages of agriculture labour varies between Rs.200/- and 350/- per day depending upon the nature of work and the season. It is heartening to learn that the area provides work to thousands of migrant labour from far away districts like Mayurbhanj, Keojarh & Ganjam of Odisha in paddy fields. So the economic position of the villages in which POSCO Project is proposed to be established is bountiful and all sections of people were leading a peaceful and happy life until the Salvo of POSCO is fired upon them jointly by the Government of India and Govt. of Odisha in 2005.

For the last eight years the people are restless and passing through many sleepless nights and faced severe repression and four persons paid with their dear lives. Our team visited the house of Manas Jena, a martyr of 2 March 2013 bomb blast. This family is the worst affected in 8 years long anti-posco movement Kalandi Jana, father of Manas losing his right leg in a bomb attack by goons of POSCO, the wife of the later committing suicide and sister of martyr Manas Jana, Kuni going through severe mental depression. According to Prashant Paikray, the spokesperson of PPSS at Bhubaneswar, around 200 cases are filed against 2000 people of the anti POSCO movement.

Issues Involved:

i) The biggest issue involved, we consider, is the life and living of the people which given top most priority in the two most crucial chapters of Constitution of India, Directive principles and Fundamental Rights.

The argument that the Directive Principles are not maintainable in a Court of Law may be anything but spacious and many a judgements of the highest Court of India testified it. But it is painful to know that none of the Committees appointed by Government of India to study POSCO related problems have not properly investigated and reported keeping in view the Directive Principles.

ii) To whom the land belongs? Much hair-split is being done by various wings of the State including higher courts. The issue is whether the land belongs to the people or Government (s). We heard from Abhay Sahu, Leader of PPSS, the Govt of Odisha did lot of hair-split and now arguing that because the land under dispute is not a forest land between 1962-65(sic) and is saying the Forest Rights Act, 2008 does not apply. We consider this is ridiculous. It is against the reports of various committees

appointed by the Central Govt. also. Who existed first on earth? People or Governemnt(s)? Every sane person agrees it is People.

iii) Norms of Industrialisation : The paper of Government of India on Industrialisation unambiguously states that the land under cultivation should not be diverted to industrialisation. Everyone including the entire machinery of the state knew that 99% of the land under the three Gram Panchayats is under intensive cultivation. So the law maker has become the law breaker and hence Govt. has no locus-standi to govern. People are totally justified of their revolt from ethical, judicial as well as from Bharatiya ethos stand point of view.

Present situation:

i) In the villages the team toured, we do not come across a single person who is a votary of POSCO. **In Govindapur village, the people who were pro-posco and neutral joined anti posco movement very recently and the whole village unitedly demonstrated against posco and police camp on 3 March 2013.** They say the experience of the people displaced by the neighbouring oil refinery shows that if POSCO become a reality, they either become beggars in various towns of the State or go away to unknown places as migrant labour in search of work. The people say neither of the two options is acceptable.

ii) State Government established an armed Police Camp of about 10 battalions in Gobindpur Village. The police regularly patrol all the villages and threatening the people not to even sit together. The people, rightfully content, the very presence of the camp is an intereference in their otherwise peaceful way of life. They rightfully demand the immediate withdrawal of Police Camp.

Perceptions of the people about the rulers:

The perception of the whole people of the area about the Governments at the State and Centre is mirrored in the words of Chandan Mohanty, one of the evictee from his land and living in the POSCO transit camp at Badagabapur village for the last six years - "POSCO is like East India Company. There is neither a State Government nor a Central Government. POSCO is the real ruler. The Indian and Odisha Governments are mere agents of POSCO."

Appeal of the POSCO affected villages:

Now, the trio of Government of India, Govt. of Odisha and POSCO are held bent upon establishing the project at the declared place and hence once again unleashing terror against US. A very strong statewide solidarity movement is the need of the hour. Please save us and thus save the whole people of Odisha wherein the Governments are resorting to destructive industrialisation including wreck-less mining of various minerals and diverting of huge amount of water for those purposes.

DEMANDS OF THE FACT FINDING TEAM:

We demand the State Government:

- i) Immediately withdraw the police camp from the village Gobindapur which is disturbing the very peaceful way of life of the people of the 8 villages.
- ii) Unconditionally withdraw all the cases filed against the people and leaders who resisted the forceful act of State in favour of POSCO. Identify the agent provocateurs of the POSCO Company, arrest and prosecute. Identify the erring officials and prosecute.
- iii) Pay proper compensation to the bereaved families of those people killed in bomb blasts.
- iv) Constitute a comprehensive enquiry commission, consisting eminent persons from different walks of life like eminent personalities from socio-cultural field, human rights campaigners and Bar & Bench to investigate into all aspects of the issue.
- v) Withdraw the suspension of the Post Master of Dinkia Post Office, Mr Babaji Samantaray immediately and restore postal communication to Dinkia, Govindapur, Patana etc which is an established legal and constitutional right.
- vi) Repair the road to Dinkia via Trilochanapur and via Balitutha immediately which has become unnavigable.
- vii) Scrap POSCO project because it is the violation of guidelines laid down in the industrial policy document of Government of India on against established well-meaning interest of the people.

An Another Human Tragedy Crying For Solution :

52 families of village Patana under Dhinkia Panchayat were allegedly attacked by the people of other villages immediately after Panchayat elections, 2007. The victims had approached the District Administration for protection and resolution of the dispute. Instead, the administration shifted them to a place adjacent to the village Badagabapur. These people hoped that the administration would send them back safe to their natural habitat, after few days. To their utter shock and agony, the district as well as the State Administration, in spite of repeated appeals, turned a blind eye, they complained to the visiting team. In one hour non-stop narration to the team, these people detailed their distress and difficulties at the transit camp. They stated in a single voice that they oppose POSCO in to-to. They want to go back to their own houses in Patana to live with honour and dignity. They appeal to all the democratic forces of the State to help them in this regard.

The fact finding team fully appreciate their position and a just demand and appeal to all the pro people political forces of the State to intervene in the matter and to hammer out an amicable and honourable solution.

The members of the Team are:

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- 2. Ch Sudhakar Rao, President, OPDR, AP**
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