

INDIAN PEOPLE'S TRIBUNAL (IPT) ON ENVIRONMENT AND HUMAN RIGHTS

3 October 2005

PRESS RELEASE: FOR IMMEDIATE RELEASE

INDIAN PEOPLE'S TRIBUNAL VISITS KASHIPUR TO INVESTIGATE THE ENVIRONMENTAL AND HUMAN RIGHTS IMPACT OF BAUXITE MINING

An eight member panel of the Indian People's Tribunal on Environment and Human Rights (IPT) held a public hearing at Kucheapadar in Kashipur Block of Rayagada district, Orissa on October 2, 2005 to assess the environmental and human rights impact of the ongoing bauxite project of Utkal Alumina International Ltd. (UAIL) in Kashipur block. The panel was headed by Justice S.N. Bhargava (Retd. Chief Justice Sikkim High Court and Chairperson of the Assam and Manipur State Human Rights Commission), and the other members are Mr. Dilip Singh Bhuria (Former Chairperson of National Commissions for Scheduled Castes and Scheduled Tribes), Prof. Ram Dayal Munda (Former Vice Chancellor, Ranchi University), Dr. Iina Sen (Women's Studies Department in Mahatma Gandhi International Hindi University, Wardha), V.T. Padmanabhan (Environmental Scientist at BIRSA Ranchi), Mr. K. Balagopal (Secretary, Human Rights Forum, A.P), Prof. S. Parasuraman (Director, Tata Institute of Social Sciences, Mumbai) and Mr. Sagar Dhara (Environmental Scientist and Analyst).

On October 1, 2005 some of the panel members also visited Lanjigarh in Kalahandi district, Orissa and discussed the displacement and rehabilitation situation with the people affected by the bauxite project of the Vedanta Aluminum Ltd at Lanjigarh.

The purpose of this press conference is to acquaint the public with the material gathered by the IPT in the course of the public hearing at Kucheapadar and the site visit at Lanjigarh. A detailed report giving the conclusions and recommendations of the panel will be published in due course.

The UAIL bauxite project proposes to mine the Baplimali hills for bauxite and transport the mined ore a distance of 22 km to a refinery at D. Karol in Kucheapadar village limits. The proposed alumina production is 1 million tonnes of Alumina per annum to begin with, to be expanded to 3 million tonnes during the course of the project. The company acknowledges that a total of 3 villages will be displaced by the refinery site but also estimates that 26 villages will be affected by the project. No smelter is planned since the alumina is to be exported straight from Vishakhapatnam port.

The first person to depose before the public hearing was Prof. Bhagwath Prasad Rath, a noted Gandhian of Rayagada. He informed the panel that the villages likely to be affected by the UAIL project have been resisting the project for the last 12 years on the grounds that they would be deprived of their livelihood and will in no way benefit from the development brought about by the project. Prof. Rath added that it was not only the ruling party but all the political parties and the bureaucracy that are hostile to the people's opposition to the project and therefore tremendous force has been used to obtain their consent. He pointed out that the royalty of Rs. 62 per tonne to be obtained by the government of Orissa was miniscule compared to the subsidized facilities and

expenditures on policing that is being provided by the government to UAIL. Prof. Rath further stated that because Aluminum is an essential metal in the war industry, Western developed countries are exerting pressure on countries like India to permit the mining of bauxite. He added that not only himself but eminent social personalities like the late Manmohan Chowdhary and Kishan Patnaik have written to the government of Orissa protesting against their repressive attitude but the government has not even bothered to reply to date.

Debranjana Sarangi of Prakrutik Sampada Suraksha Parishad (PSSP) told the panel that although the company has admitted that 26 villages would be affected, in fact at least 42 villages will actually be affected by the refinery and the waste disposal ponds (red mud and ash ponds). He further said that the company has stated that they will give employment to one person per family in the three totally displaced villages. However, it is not known if there is any binding written agreement to that effect. He pointed out that the entire project falls in the Vth Schedule area and hence a lease given by the government of Orissa to a private company is illegal and in fact unconstitutional as held by the Supreme Court in the famous case of Samata vs. State of Andhra Pradesh (popularly known as the Samata judgement). The contention of the government of Orissa that the judgement applies only to Andhra Pradesh is belied by a plain reading of the text of the judgement. The judgement makes it clear that it applies to the entire country since it is based on the Vth Schedule of the Constitution. He further categorically stated all the gram sabhas of the affected villages had passed a resolution in terms of the PESA Act as far back as 1994 refusing to give consent for the project. He added that till the year 2004 the people have stood steadfast against the company to protect their livelihood and refused to be tempted even by an increase in compensation. It was only by deploying police to crush the people's dissent that a few of them were pressurized to accept compensation in the first few months of this year. He also stated that in 1996 the State Pollution Control Board, while considering the two bauxite projects proposed at that time, had stated that no further bauxite projects should be taken up in addition to these two in this area. In spite of this order, the State government has given leases to four bauxite projects.

Manju Menon of Kalpavriksh Pune said that site clearance for the UAIL project was given in the year 1994 for a period of only 5 years with the stipulation that it would lapse if the project was not taken up during that period. The project has not been taken up within the five year period nor has the site clearance been extended. This means that the activity being undertaken by UAIL is in violation of the law. In addition, the site clearance granted in 1994 was only an environmental clearance and no forest clearance was granted. To date, there has been no forest clearance for the mines on Baplimali hills. In addition, the environmental clearance given to the power plant and refinery of UAIL is conditional on the stipulation that the company sets up monitoring stations. No such stations have been set up by the company. At the time site clearance was given in 1994, the company was also directed to submit its rehabilitation proposal and land use pattern within one year but this was not submitted until 7 years after site clearance was given. Ms. Menon further stated that the clearance given in 1994 was not based on a comprehensive Environment Impact Study (EIS) but a rapid EIS which was unusual considering that there should be no urgency to grant clearance. She said that in spite of being an expert environmental study group, Kalpavriksh was unable to obtain the basic data concerning the UAIL project. Such information which is of paramount importance to the people likely to be affected is being kept secret and allowed to be kept secret by the government.

Bhagwan Majhi Convenor of PSSP, Mukta Jhodia, Bulka Midiaka, Manohar Jhodia, Naveen Kumar Nayak, Makkari Majhi, and 14 year old Pradip Majhi deposed before the panel concerning the brutal repression unleashed against the villagers by the police, the CRPF, and private goondas engaged by the company. On January 5, 1998 when the affected villagers held a rally at Kashipur with police permission, goondas engaged by UAIL attacked and beat them

up including women and children. This occurred in full view of the police.

On December 16, 2000 unprovoked firing at Maikanch in Kashipur block resulted in the death of three adivasis. Although the P.K. Mishra Commission headed by the sitting judge of the High Court squarely found fault with the police in its report submitted in March 2004, no action has been taken against the police implicated in the attack.

On December 1, 2004, the then district collector Mr. Promod Mehta came with a large posse of armed police to set up a police outpost at D. Karol. The villagers realized that this was meant to overcome their resistance by force. A number of women from Kucheapadar and other villages sat on the road to prevent the inauguration of the police outpost. The Collector spoke rudely to them when asking them to clear the road, and then, taking the cue from him, the OIC Tikri PS threatened the women with rape if they did not clear the road. Eleven of the women confronted him by removing their clothes and challenged him to rape them. The police fired into the air, burst tear gas shells and lathi charged the women driving them back. Makkari Majhi, who was one of the women present during this incident, fell semi-conscious by the roadside and was picked up and thrown into the police van. She was beaten and kicked while being taken to the Tikri PS in the police van. At the police station she was again beaten and her hair was pulled. This was the treatment meted out to all the women. Makkari Majhi told the panel that she was jailed on the charge of obstructing the police and remained in jail for four months until she was let out on bail.

After this incident the CRPF and other paramilitary forces were deployed in large numbers. When 'shaheed divas' was organized in honour of the victims of the Maikanch firing on December 16, 2004 at Tikri, the police attacked the gathering which included two MLAs and arrested 47 people.

On June 15, 2005 at the village of Guguputu, 500 activists had gathered to discuss their agitation program. A large number of policemen raided the village without any provocation, fired into the air and lathi charged the gathering. Fourteen-year old Pradip Majhi told the panel that he along with 14 others were coming back to Kucheapadar on the night of June 21, 2005 after attending a marriage. Their vehicle was stopped at the police outpost at D. Karol and all of them were badly beaten and taken to the Tikri PS. Pradip Majhi was stripped, photographed and sent to a juvenile home at Berhampore. He was released after one month. The nine others who were arrested with him are still in remand. In the course of this assault the police repeatedly asked them why they had attended the Guguput meeting which had been disturbed by the police on June 15, 2004.

Shankar Prasad Muduli of Baghrijhola narrated how the CRPF repeatedly raided his village and insisted that the people should agree to hand over their land to the company. On May 10, 2005, they raided his house at 1.00 am, beat his mother, broke the door and stole the grain in the house. In no case were women police officials deployed when arresting or dispersing women agitators.

Both at Kucheapadar and Lanjigarh, the adivasis threatened by displacement made their stand clear to the panel. They have been living in the forest for thousands of ages and obtaining a decent livelihood by cultivating crops watered by the streams which flowed down from the hills. Many of the testimonies spoke of the threat of losing their livelihoods based on agriculture and forest that would ensue if the project was to come through. According to Mukta Jhodia, all the work that the women, now functioning independently in the fields and forests, could expect would be work in washing dishes in the homes of UAIL officials. The government which had done very little for their development in terms of education, health or other basic infrastructure was now asking them to sacrifice their livelihood for the sake of development.

The bauxite mining would drive them out of the forest and deprive them of their livelihood opportunities. It would also leave gaping holes in the forest after the ore is exhausted. The mining would also damage streams and ground water sources, permanently rendering the forest unfit for habitation. They were very resentful that in spite of the area being governed by the Fifth Schedule and in spite of the victims being adivasis, the government is so callously insisting on going ahead with the project in violation of the law and in the teeth of their objections. The panel met some Dongaria tribesmen at Belamba who are residents of the large number of hamlets located on the slopes of the Niyamgiri hills. They informed the panel that they had been living on the fruits of nature without any assistance from the government. The government did not even recognize their existence and there was no proposal to rehabilitate them.

The panel will gather further material from the Government and UAIL. A full report is forthcoming.

Justice S N Bhargava, for the IPT.

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