

**Independent People's Tribunal
On
Development, Displacement & Repression**

IN JHARKHAND TODAY

**7th & 8th February 2009
Ranchi, Jharkhand, India**

REPORT

INDIAN SOCIAL ACTION FORUM (INSAF)

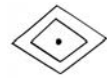
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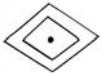
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ACKNOWLEDGMENTS

We are extremely grateful to

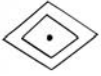
- " The members of the Jury, who had sincerely and seriously heard the people's voices, interacted with the intelligentsia, social activists and people's leaders during the people's tribunal hearings on 7th & 8th February, 2009 at Ranchi, Jharkhand.
- " Each member of the jury for their contribution in writing the Final Report. But we place on record our special thanks to Mr. Rajindar Sachar and Adv Sanjay Parikh for taking trouble in going through the Report time-and-again, and giving it a final shape.
- " Adv Aagney Sail, who provided research, documentation and background information to the IPT, and also assisted in finalizing the Report and Recommendations.
- " Shree Prakash, Chittaranjan Singh (both of INSAF), Shekhar and Shrawni (both from Judav), who provided necessary secretarial assistance, documentation and filming during the Public Hearings.
- " Anil Chaudhary (PEACE), Ghanshyam (Jharkhand Ulgulan Manch), Faizal Anurag (Free-lance Journalist), Dayamani Barla (President, INSAF) who were instrumental in mobilizing the people's organizations, political parties and intelligentsia in raising their voices freely and without fear in front of the IPT.
- " All the representatives of people's organizations, political parties, social action groups, NGOs, Human Rights organizations, social activists, journalists, people's leaders, and victims of various development projects in Jharkhand who deposed before the IPT.

WITHOUT THEIR PARTICIPATION AND SUPPORT, THIS EFFORT WOULD NOT HAVE BROUGHT TO LIGHT THE UGLY FACE OF DEVELOPMENT THROUGH STATE REPRESSION!

On Behalf of Indian Social Action Forum (INSAF)



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INDEPENDENT PEOPLE'S TRIBUNAL
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 7th & 8th February 2009 : Ranchi, Jharkhand, India
Organized by: Indian Social Action Forum (INSAF)

Chapter - I



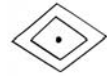
INTRODUCTION

The State of Jharkhand came into existence on 15th November 2000. The formation of the new State was the outcome of the long struggle by the people of Jharkhand, mainly consisting of tribal people.

Unfortunately, not even three months had passed that eight persons were killed and many injured in a police firing at Tapkara, Torpa Block, Sub-Division Khunti of District Ranchi, where people of the region had gathered to lodge their protest against the police excesses, which had taken place on 1st February 2001. It will be appropriate to point out that there has been a people's movement going on for decades against the proposed Koel Karo Hydro-Electric Project. The social groups and individuals fighting for human rights throughout the country had reacted with concern and dismay.

INSAF (Indian Social Action Forum), as a national forum of social movements, social action groups and intellectuals committed to resisting globalization, combating communalism and defending democracy had then jointly with the Indian People's Tribunal participated in organizing a Public Hearing in November 2001 to (i) investigate the incident, (ii) suggest steps to provide relief to the affected, and (iii) to recommend appropriate measures to the State Government.

It was thus that a Tribunal of the Indian People's Tribunal (IPT) chaired by **Shri Rajindar Sachar** (Retd. Chief Justice of the Delhi High Court and



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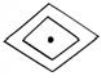
Former President of PUCL) was constituted, along with **Shri Sanjay Parikh**- Advocate, Supreme Court; **Shri Chittaranjan Singh**- People's Union for Civil Liberties (PUCL), Uttar Pradesh; **Dr. Vinod Raina**- Educationist and Environmentalist; and **Ms. Sudha Bharadwaj** - Advocate & activist of Chhattisgarh Mahila Mukti Morcha. This tribunal held public hearings at Ranchi and Tapkara on 1st and 2nd November 2001.

The Report and Recommendations of the Indian People's Tribunal were widely circulated and accepted. The Koel-Karo Project had to be shelved, and never took off due to people's resistance.

However, in the new era of Globalization, various governments of Jharkhand formulated and pursued the State Industrial Policy in 2001 based on the maxim of liberalization, privatization and globalization (LPG). During the past seven years, the Government of Jharkhand has signed more about 74 Memorandum of Understanding (MoU) with various players for investment in industries. All these projects require people's resources, especially land, water and forests (*jal, jangal aur zameen*) - their only means of Life & Livelihood. Thus, people have been resisting against setting up of mega-projects by destroying the people's resources, especially through the Land Acquisition Act.

Struggles after struggles are being waged in various parts of Jharkhand. The response of the State has been in utter disregard to the fundamental rights of the citizens guaranteed in the Constitution of India, and systematic repression to crush the people's resistance.

The police firing on 6th December 2008 and harassment of social activists in Kathikund, Dumka District in Jharkhand are the recent examples of the State repression. INSAF had sent a **Fact-Finding Team** to enquire into the police firing at Kathikund, Dumka. The Team consisted of **Adv. Rajendra K. Sail** (Human Rights Activist, Chhattisgarh), **Adv. Chittaranjan Singh** (Human Rights Activist, Uttar Pradesh), **Com Sheikh Ansar** (Vice-President, Chhattisgarh Mukti-Morcha) and **Ms. Dayamani Barla** (National President, INSAF). The Team visited the region on 21st & 22nd December 2008 and presented its preliminary report and recommendations. One of the recommendations of the Fact-Finding Team was to set up an Independent People's Tribunal to look into the entire ambit of Development, Displacement and Repression in Jharkhand. Thus, this Independent People's Tribunal (IPT) was formed by INSAF.



The panel of jury had heard the affected people belonging to villages Potka, Khunti, Gumla, Dumka etc. of Jharkhand as well as journalists, intellectuals and representatives of political parties on 7th & 8th of February, 2009 at Ranchi, Jharkhand. The preliminary observations and interim recommendations of the IPT were also handed over to the Hon'ble Governor of the State of Jharkhand. It may be necessary to point out that at the relevant time there was no State Assembly as it stood dissolved. The State Assembly Elections in Jharkhand have been finally announced to be held from 27th November to 18th December 2009.

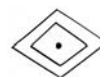
It is not mere coincidence that the State of Jharkhand is celebrating 9th anniversary of its formation on 15th November, 2009. It is also not an act of isolation but part and parcel of a larger design of development backed by the global capital and international market that a former Chief Minister of Jharkhand, Madhu Koda has been caught by the State Enforcement Agencies in possession of ill-gotten wealth running into thousands of crores of rupees. It is, therefore, only apt that the Panel of Jury have added one of the recommendations as ***"The rule of law requires that all acquisitions and clearances that took place during the tenure of Madhu Koda and Arjun Munda must be cancelled and a probe be ordered."***

The Final Report of the IPT along with Conclusions & Recommendations is provided here for generating wider public debate on the key issues and concerns confronting the people of Jharkhand, and for creating conducive environment to build pressures from below for pro-people plans and policies of development with justice, peace, equality and dignity -- a vision of the new state of Jharkhand for which the people had struggled, and even sacrificed their lives.

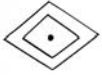
Wilfred D'Costa
National Secretary, INSAF

November 10, 2009, New Delhi

Rajendra K Sail
Secretary, IPT



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HOMAGE TO PRABHASH JOSHI

We are grieved to hear of the sad demise of one of the members of the jury, Sri Prabhash Joshi (72 years), on 5th November 2009 of a heart attack. His demise was widely mourned as the passing away of a "fearless editor" who was dedicated to "ethics and transparency". Joshi began his career with "Nai Duniya" and became the founder-editor of the leading Hindi daily "Jansatta" in 1983.

We are saddened by the fact that Sri Prabhash Joshi died during the finalization of this IPT report. However, his contribution in expressing solidarity and strengthening of people's resistance movements against the senseless and ruthless industrial development at the cost of the right to life and livelihood of the toiling masses of India has been well recognized, and should bring forth fruitful results in the coming days.

We acknowledge his valuable services in struggles for creating a new society based on justice, peace, equality and dignity; and comradeire with the IPT jury and INSAF.

With Peace to the departed soul, and solace to the family and friends of Sri Prabhash Joshi!



Listening attentively are the members of the Jury: l to r: Sri Prabhash Joshi and Adv Mihir Desai. It is sad that Sri Prabhash Joshi expired on 5th November 2009 of a heart attack. A "fearless editor", Sri Joshi was dedicated to "ethics and transparency". We offer our condolences, and pray for the peace to the departed soul!

PANEL OF JURY

Justice Rajindar Sachar is the former Chief Justice of Delhi High Court. He was the President of the People's Union For Civil Liberties, Commissioner of UN Commission on Habitat, and chaired the Prime Minister's High Level Committee on the social, economic and educational status of the Muslim Community of India.

Shri Prabhash Joshi- Senior Journalist, well known writer, political analyst and former Chief Editor of Janasatta. He writes a Sunday column Kagad Kare in Janasatta.

Adv. Sanjay Parikh is a lawyer in the Supreme Court of India. He is associated with several leading cases on Environment, Development and Human Rights.

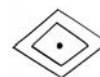
Adv. Vrinda Grover- A lawyer in the Supreme Court of India and an activist. She is the Executive Director of MARG- Action Research Group.

Adv. Mihir Desai- A lawyer in the Supreme Court and Bombay High Court. He has represented the marginalized and working class in legal matters including the Best Bakery case of Gujarat in 2002.

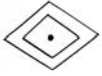
Dr. Arijita Dutta is an economist at the University of Calcutta. She specializes in Health Economics and Economics of Education.

TERMS OF REFERENCE OF THE TRIBUNAL

1. To assess the Industrial Policy of Jharkhand Government and the impact of the proposed projects on the lives, livelihood and environment of the peoples in the region;
2. To assess the nature and content of people's resistance in the region of the proposed Projects with specific reference to Dumka (Dam and Power Plant), Khunti & Gumla (ArcellorMittal's Mining), and Potka (Jindal);
3. To enquire into the State response to the people's resistance, including the forms of repression, violation of constitutional provisions like PESA, etc.,
4. To critically look into the various State policies including the Land Acquisition, Resettlement and Rehabilitation policies of Jharkhand Government;
5. To make a set of recommendations for action and agenda for restoring the Right to Life, Livelihood and Liberty of the people affected by these policies and projects of the Jharkhand Government.



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The panel of jury had heard the affected people belonging to villages Potka, Khunti, Gumla, Dumka etc. of Jharkhand as well as journalists, intellectuals and representatives of political parties on 7th & 8th of February, 2009. The panel of jury had decided on conclusion of hearing that looking at the seriousness of the issues as well as the urgency involved, preliminary observations along with certain interim measures should be recommended. Accordingly the preliminary observations of the panel of jury were released to the media on 8th February, 2009. These preliminary observations and interim recommendations were also handed over to the Hon'ble Governor of the State of Jharkhand. It may be necessary to point out that at the relevant time there was no State Assembly as it stood dissolved. The preliminary observations and recommendations as interim measure prepared by the panel of jury have been put at the outset.

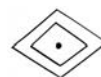


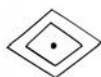
Chapter - II

Preliminary Observations

We have heard the affected people of various villages in particular of Potka, Khunti, Gumla, and Dumka etc. of Jharkhand, journalists, intellectuals and representatives of political parties on 7th and 8th of February, 2009. We are told that the government officials and the concerned industries were also invited to present their point of view, but, no one has appeared before us. Most of the affected persons have given their statements/depositions in writing. They have also submitted documents in support of their statements. We are hereby giving our preliminary observations which will be followed by a detailed report and recommendations.

It has been brought to our notice that the Government of Jharkhand has signed as many as 74 Memorandum of Understandings (MoUs) with different companies, which include mining and steel plants by ArcelorMittal, Bhushan Steel & Power, Jindal Steel, and Thermal Power Plant and Dam by Calcutta Electricity Supply Company (CESC). The execution of these projects will result in displacement of thousands of persons - predominantly tribals, damage to the natural resources, flora and fauna; diversion of rich agricultural land and forest land for non-agricultural purposes. As these tribal areas are designated as Schedule V areas under the Constitution, The Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 which is an extension of the 73rd Amendment (commonly called PESA Act) is applicable besides several special laws like The Chotanagpur Tenancy Act, 1908 & The Santhal Parganas Tenancy (Supplementary





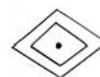
Provisions) Act, 1949. The prior consultation of Gram Sabha is necessary under the PESA Act for acquiring tribal land for any developmental project and for their resettlement and rehabilitation. It has come in the statements that notices have been served on individuals as well as on Gram Sabhas stating that the land is to be acquired for the projects of ArcelorMittal / Bhushan Steel & Power/ Jindal/ CESC etc. Surprisingly some documents show that the revenue authorities are illegally mutating the land belonging to the tribals in favour of some of these companies. We have been shown the documents where signatures on stamp papers for purchase of their lands have been taken. It is stated that the villagers were misled and that the signatures on these documents were taken under coercion; some of these documents appear to be forged and fabricated. It is also brought to our notice that some acquisition notifications exist under Section 4 of the Land Acquisition Act, 1894 for acquiring land in favour of a private company! The persons deposing before us are seriously aggrieved and objected to the manner in which the henchmen and touts of private companies have been moving in the villages pressurizing the villagers for selling their land. It is stated that most of the Gram Sabhas have passed resolutions against selling of their agricultural land to the companies. From the statements, it also comes out that the lands which are being cultivated by the villagers are fertile; they are getting fair yield from it, a portion of which is sold in the market and that they are quite happy and contented.

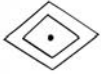
Another important issue on which statements were made is regarding the police firing and lathi charge which took place on 06.12.2008 at Kathikund, Dumka District, Santhal Parganas in which one Lukhiram Tudud died and Shiv Lal Soren, Ravan Soren, Saigat Marandi and Sagram Hansda were seriously wounded. FIR has been lodged against 24 named persons and 2500 unknown persons as accused. Shivilal Soren was hit by a bullet in the eye with the bullet still lodged in the brain. At present he is admitted in the AIIMS, New Delhi after a direction was given by the Delhi High Court. We were shown newspaper report of Hindustan Times, dated 07.02.09 that the Jharkhand police dragged him out from the hospital which was resisted by the doctors / hospital authorities. We have also seen photographs, newspaper reports and video clippings with Shivilal Soren and Saigat Marandi hand-cuffed and shackled to the hospital beds. Sri Parmeshwar Marandi, brother of Saigat Marandi deposed before the Tribunal and gave details of utter neglect and indifference of the Government in providing adequate and timely medical treatment to the injured. The reports of People's Union for Civil Liberties (PUCL), Indian Social Action Forum (INSAF) and National Alliance for People's Movement (NAPM) have also

been submitted with regard to the said incident of police firing, and confirm the gross violation of civil liberties & democratic rights by the State Government and its officials.

It is always projected that displacement is inevitable if development is to take place. Whereas, it is acknowledged world over that true development should take care of and should not be at the cost of massive displacement of people, damage to the environment and natural resources and diversion of agricultural land. It is possible to have development which takes care of environment and human problems where nil or minimum displacement happens and wherever even minimum displacement takes place, prior rehabilitation with better living conditions is ensured which is not only mandated by the Constitution but also reinforced by the Supreme Court of India and the International Human Rights Law. In the tribal areas, a different and rigorous parameter should be applied because of the need to protect the tradition, culture and customs of the tribals living in that area; as mentioned above prior informed consent and consultation of the tribals is a must. It also needs emphasis that while execution of these projects no cost-benefit-analysis is done, nobody calculates the loss to the environment, cultivable land and loss of social and cultural rights of the people. The government authority, while designing the development policy framework, must give strong preferences in favour of decentralization of planning at the panchayat level and overall 'inclusive growth' options.

Villagers, whom we have heard, unanimously voiced their anguish on the state machinery conniving with big companies, in pressurizing and coercing the villagers and creating an atmosphere of fear and insecurity. It is quite well known that the tribals have deep attachment to their lands and also their way of living. It is surprising that the panchayats and tribal councils which are an essential part of the law governing these tribal areas have been completely bypassed and are not even consulted before the decision making process. Not only has the state government so brazenly allowed the violation of law by the private companies which have created a situation of desperation amongst the villagers but has in some cases issued acquisition notices which on the face of it are legally untenable. We strongly recommend that an inquiry should be instituted by the Jharkhand government as to how notices regarding mutations in favour of private companies have been illegally issued by the revenue authorities. This is creating an impression in the minds of villagers that the State has already given its approval to the acquisition of their lands. We deprecate the effort of the Jharkhand government to deceive and pressurize the villagers by

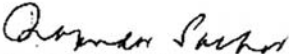




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creating an atmosphere of fear and uncertainty and not telling them the true facts. It is quite well known that wherever big or small projects have been executed in the country, rehabilitation of the people has always been a casualty. Even after decades, affected people have been awaiting their rehabilitation. The persons who deposed, expressed their total lack of faith in the State machinery in providing them any fair and prior Resettlement & Rehabilitation. Their categorical statement is that they do not want to be displaced from their existing position which, sustain their livelihoods and identity.

We are shocked at the police firing and lathi charge on what appears to be a peaceful demonstration, resulting in the killing of Lukhiram Tudu, and injuries to many, including Shivlal Soren and Saigat Marandi who were shackled and are still struggling for life. It is standing policy of the human rights organisations that in such cases a judicial enquiry by a High Court judge must be inevitably held and the Home Minister should immediately resign. The latter, however, is not possible because there is no ministry in existence. However, the judicial enquiry by a High Court judge is insisted upon. We feel that compensation of Rs. Five Lakhs be given to the family members of the deceased and Rs. Three Lakhs to each injured person as an interim measure immediately. The government should also ensure that the innocent persons should not be harassed by the police under the cover of 2500 unknown accused as mentioned in the FIR.


Justice (Retd.) Rajindar Sachar


Prabhash Joshi


Sanjay Parikh


Vrinda Grover


Mihir Desai


Dr. Arijita Dutta

8th February 2009 (Ranchi)

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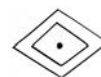
Chapter - III

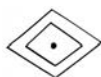


Socio Economic Profile of Jharkhand (Selected Districts)

Jharkhand, the land of legendary Birsa Munda, has been recognised as a separate Indian State since November 15th, 2000. The State, rich in minerals and natural resources, including forest produce, has not been able to successfully utilise its potential and still is being identified as a backward State in India. Its economic weakness can easily be demonstrated by the indices of low per capita income, its growth rate, health and education indicators and poverty estimates. Demographically 26.3 per cent of the population is represented by Scheduled Tribe people, only second in proportion in India, after Chhattisgarh (Census 2001 figures). Culturally Jharkhand is a very rich State in India, primarily because of existence of large numbers of tribal people.

Coming to its sectoral composition, the primary sector contributed only 23.6 per cent of total Gross State Domestic Product (GSDP) in 2006-07, while secondary sector, including manufacturing, contributed to 42.2 per cent of GSDP. The rest 34.2 per cent owes to expansion of tertiary sector of services. In fact, Jharkhand's share in manufacturing is considerably higher than its counterparts not only in neighbouring States like Orissa or West Bengal, but also in rich States like Maharashtra and Punjab. Traditionally, the share of manufacturing and services are looked as indicators of development in the economy and thus we can expect that such high shares in these two sectors would automatically set Jharkhand on the path of long term growth. However, to our chagrin, we find that in almost all social and





economic indicators for 'Sustainable Development', Jharkhand stands towards the end of the State rankings. According to Planning Commission data on 2004-05, 40.3 per cent of the population is living under poverty line and the figure is almost twice that of all India figures. The situation is critical in social sectors as well and today a vast literature on economics and other social sciences identifies the crucial importance of these sectors in long term development. Health indices show that only 34.2 per cent of the total child population in the age group of 12-23 months is fully immunized in 2004-05 in the State, far behind the national average. Another important set of indicators of development are related to education as it improves the quality of life by adding human capital. The overall literacy rate is 58 per cent only, again lower than the national average. Only 45 per cent of children above 10 years completed primary schooling in Jharkhand. Considering the availability of educational infrastructure, the number of pre-college Institutions and schools per million people decreased from 817 in 2001-02 to 802 in 2005-06, which is not only unexpected from a democratic government, but also critical for a State, which severely lacked social infrastructure through out the plan period.

The above evidence suggests that large scale industrialization does not necessarily results in sustainable, inclusive development. There has not been any automatic link between industrial expansion and people's welfare. The result actually depends on the linkages present in the economy. Such linkages can be of different nature.

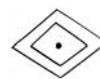
- Whether the industrialization process has been able to create sufficient jobs for the people is the most critical issue. The rapid industrialization in this area since 1980s, depending upon local minerals and electricity, has not created enough jobs in Jharkhand. The low labour intensity of the projects under private multinationals in the post-globalization era has worsened the situation even more.
- The second issue is whether the local people of Jharkhand can take advantages of whatever employment is created. Extremely poor education and health scenario answers the question in negation. The poorly educated people, particularly the tribals stand excluded from the process of industrialization; still 62.48 per cent of total population are non-workers, while another 13.59 per cent are marginal workers in the State according to Census 2001 data. Also the net out-migration from rural areas of Jharkhand was 0.87 males and 1.47 females per 100 population between 1991 and 2001. This figure explains the same fact

that the rural people in the State rarely got any opportunity to work here. The higher women's migration might hint the existing feminization of casual workers all over the country in the post-globalization era.

Next we cast a glance on the agricultural scenario of Jharkhand. Planning Commission data reveals that 81.3 per cent of total rural households have land in this State. The net irrigated area in Jharkhand, however, is lowest in India; only 9.3 per cent of total agricultural area was irrigated in 2005-06. According to RBI figures, the farmers' access to institutional credit is extremely low in this State. These two have collectively resulted in low yield per acre. However, one startling fact about Jharkhand is that in spite of low productivity in agriculture, a very small proportion of the total population is 'food insecure'. Only 0.59 per cent of its population lives without two square meals a day, while the corresponding figure for Bihar is 2.69, for Orissa is 5.24 and for West Bengal is 8.91. These figures might seem to be contradictory with high levels of poverty. Two plausible explanations can be offered:

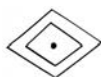
1. The food intake might not be in accordance with standard calorie norms, thus showing high presence of poverty. The rural population seems to be more involved in 'self sufficient' agriculture, leaving the options of buying different kinds of food (carbohydrate, protein and fat). The presence of extremely high levels of malnutrition may be explaining this. According to NFHS-3 data, 47 per cent of rural adult women are malnourished, while 63 per cent of rural children under age of 3 years are malnourished.
2. The other explanation might be in terms of non-food items included in poverty estimates. Only 10.9 per cent of the households have pucca houses, in rural Jharkhand. The figures for sanitation and piped drinking water are 5 and 0 respectively in the State! It can also be added that the data, with possible errors in it, explains that even if the poverty rate is high in the State, due to the very nature of subsistence farming, most of them are actually 'mild poor', staying just below poverty line and at least managing two square meals every day.

The second point in fact becomes even more important when we try to look at the possible negative effects of industrialization. The foremost among them is forced displacement. The large dams and factories have so far displaced a large population, a significant share of it being tribals. The total number of people displaced in Jharkhand from the year 1951 to 1995



is 15, 03,017. Out of which 6, 20,372 belong to the scheduled tribe, 2, 12,892 belong to the scheduled caste and 6, 76,575 belong to other categories (Rajni Soren 2007). The displaced people do not have any houses in most of the cases. These rural people, owning land and continuing subsistence agriculture within village, are being ruined once their land is being taken away. A large proportion of them are also migrating out to other states.

Finally, coming to the inter district analysis, we find from the IPT that the upcoming industrial projects are located in Gumla, Potka, West Singhbhum, Dumka, Khunti etc. These are the very districts where the shares of tribal population are very high (Table 1). The poverty levels too are significantly high in these areas, explaining 'defenselessness' of the local people. Their low literacy rates make them even more vulnerable when they lose their land and are left with no other alternatives for alternative livelihood. We add the figures of relatively developed districts (Bokaro and Ranchi) for comparison.



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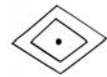
Table 1: Demographic and Socio Economic background of districts

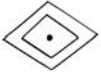
District	ST	Poverty	Children fully immunised	Literacy
Dumka	40	45.2	5.5	45.04
Gumla	68	71.3	25.8	56.71
Pakur	45	52.6	46.7	48.3
W. Singhbhum	53	50.7	13.9	46.45
Potka	NA	NA	NA	NA
Khunti	72	NA	NA	57.65
Bokaro	12	37.4	51.9	61.67
Ranchi	42	22.1	47.1	60.94

Source: Jharkhand Government Website and Indicus Analytics 2009

Thus in a nutshell, we can summarize the situation in the following way:

- Jharkhand already has significant share of GSDP coming from Industries, but it has not been able to create employment for the people of the State. Industrialisation in corporate hands is not their suitable development model at this juncture.
- The social sector indicators (Health and Education) are extremely bad for the State, showing incapability of the local people to take advantage of immediate industrialisation.
- The people lack basic infrastructure for non-food items, as well as that for agriculture.
- The people extensively use the forests and other Common Property Resources.
- Most of the recent proposed projects are coming up in tribal dominated districts, making the situation even more critical.
- The 'nearly food secure' tribal communities lose their every possession, their 'asmita', their identity, once they are uprooted from their land and forest. They are the most vulnerable section of our society and the democratic government owes responsibility to save them. Otherwise the very process of development would lose its character of inclusive growth.
- The alternative development model would be first to improve agricultural infrastructure in Jharkhand and secondly to uplift the social indicators in the State to raise the intrinsic value of the backward classes and thus make them ready to take advantage of market expansion.





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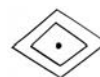
Chapter - IV

PROJECT DETAILS

With the above background, it becomes important to look out at the profile of projects which are coming up in the districts of Gumla, Khunti, East Singbhum & Dumka in the State of Jharkhand. The material resources which belong to the State have to be utilized that they empower the people in such a manner that the ultimate goal of equality is achieved. This is what our Constitution provides. The project profile of these companies will show not only the questionable modus-operandi of the industries in getting hold of the land and resources in these areas but the same being done in collusion with the Government/officials. The prominent projects, among others, which are coming up in the abovementioned districts are as follows:

1. Mittal Project - Gumla & Khunti District.
2. Bhushan Steel Project - East Singbhum District.
3. Jindal Steel Project - East Singbhum District.
4. CESC Project - Dumka District.

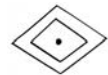
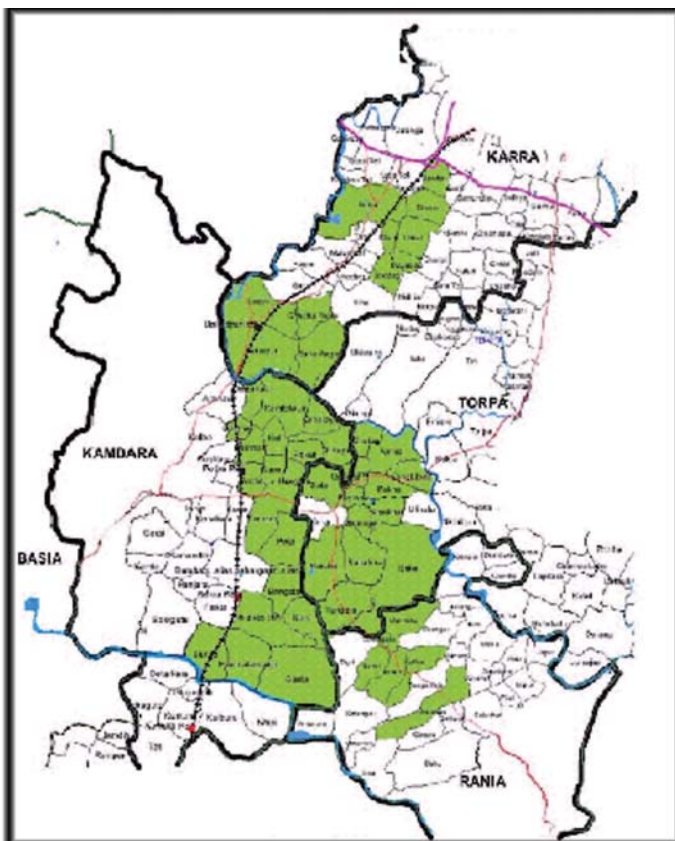
The detailed profiles of these projects are as follows.



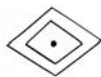
As per the MoU, the Government of Jharkhand will endeavour to provide the required land. It will endeavour to facilitate grant of all statutory clearances for withdrawal of water, power, diversion of forest land, etc. Mittal Steel will be given the first fill of the reservoir for its requirement of 10 million cubic meters per hour. Water from North Karo and/or South Koel River will be taken in addition to the Latratu dam water.

On the face of the severe protest from almost all the project area villages, the State government has recently in March 2009 offered 1,000 acres of government owned land in 10 villages of Kamdara Block at the cost of Rs. 15.48 Crores. Interestingly this land which the government claims to own is in collective ownership with the people and also includes the village religious and cultural plots of land which the government cannot alienate as per the tenancy laws in a tribal area.

MITTAL PROJECT



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MITTAL PROJECT

MITTAL PROJECT

- | | | |
|--|---|--|
| 1. Name of Company | - | Mittal Steel Company, |
| 2. Registered Office | - | Hofplein 20, 15th Flr., 3032, AC
Rotterdam,
The Netherlands. |
| 3. MoU signed on | - | 08th October, 2005. |
| 4. Project | - | Integrated Steel manufacturing
operation
Comprising Steel Mill of capacity
12 million tonnes per annum,
Iron Ore mines
Captive power plant, Township
Water supply infrastructure |
| 5. Investment | - | Rupees Forty Thousand Crores Only. |
| 6. Land required: | | |
| (i) Steel Plant | - | 5,000 hectares. |
| (ii) Captive power plant, | - | 3,000 hectares.
downstream facilities, ancillary
units etc. |
| (iii) Township | - | 2,000 hectares. |
| (iv) Land may also be required for power transmission lines, roads,
railway links, water and other service pipelines etc. | | |
| 7. Iron Ore Mines | - | 1 billion tonnes of iron ore
reserves
sufficient for 50 years. |
| 8. Coal Mines | - | 1.28 billion tonnes of coal
reserves for 50 years. |
| 9. Manganese Ore | - | 60 million tonnes of manganese
ore for 50 years. |
| 10. Water | - | 10,000 cubic meter per hour for 6
million tonnes per annum
capacity. At full capacity it'll need
20,000 cubic meter per hour. |
| 11. Captive Power Plant | - | 2500 MW
(may be thermal) |
| 12. Project head office at Ranchi | - | allocation of 5 acres of
Govt. land within Ranchi city. |

BHUSHAN STEEL

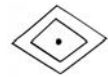
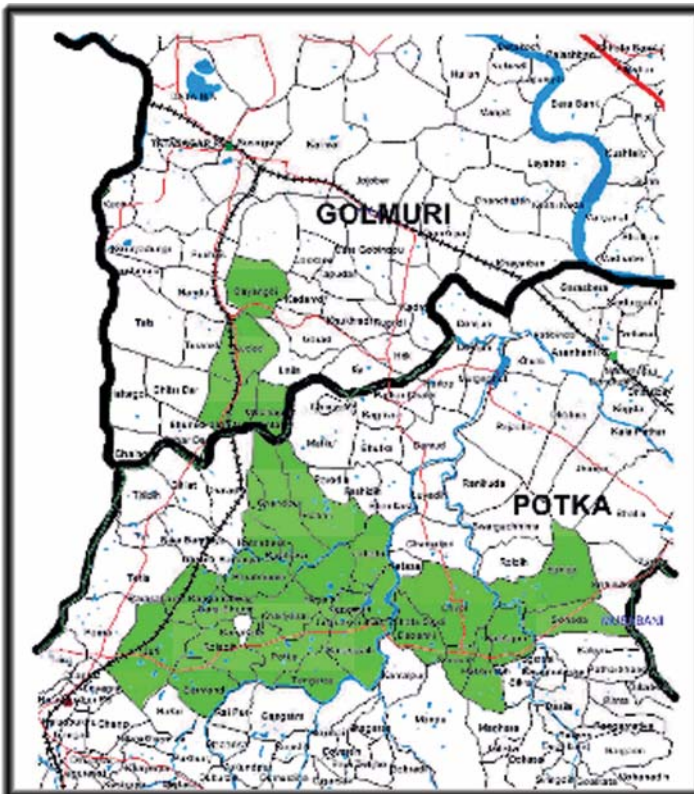
Bhushan Steel signed its MoU with the Jharkhand government on 23.07.05 for setting up an integrated Steel Plant of 3.1 million tonnes per year capacity. The total investment is of Rs. 7,000 Crores and the project is spread over an area of 3,400 acres in Golmuri and Potka blocks of East Singhbhum district. The project includes a thermal power plant of 900 MWs.

The company has already acquired about 100 acres directly from the farmers and will get 333 acres from the government.

BHUSHAN PROJECT

BHUSHAN STEEL PROJECT

1. Name of Company - Bhushan Steel Limited,
2. Registered Office - M/s Bhushan Steel Limited,
F-Block, 1st Floor, International
Trade Tower,



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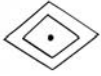
- | | | |
|-------------------|---|--|
| 3. MoU signed on | - | Nehru Place, New Delhi- 19
23 July, 2005. |
| 4. Project | - | Integrated Steel Plant of
3.1 million tonnes/annum,
Thermal power plant - 900 MW,
Rupees Seven Thousand Crores
Only. |
| 5. Investment | - | |
| 6. Land required: | - | 3,400 acres |

NOTE: Bhushan has already acquired 100 acres directly from farmers & would get 333 acres from the government.

- | | | |
|------------------------|---|---------|
| 7. Thermal Power Plant | - | 900 MW. |
|------------------------|---|---------|

JINDAL STEEL

Jindal Steel signed a MoU with the Jharkhand government on 05.07.05 for setting up an integrated steel plant of 5 million tonnes per year capacity with an investment of about Rs. 20,000 Crores. The project will acquire 3,000 acres in three blocks of East Singhbhum district spread over 24 villages involving prime agricultural land.

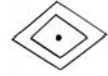
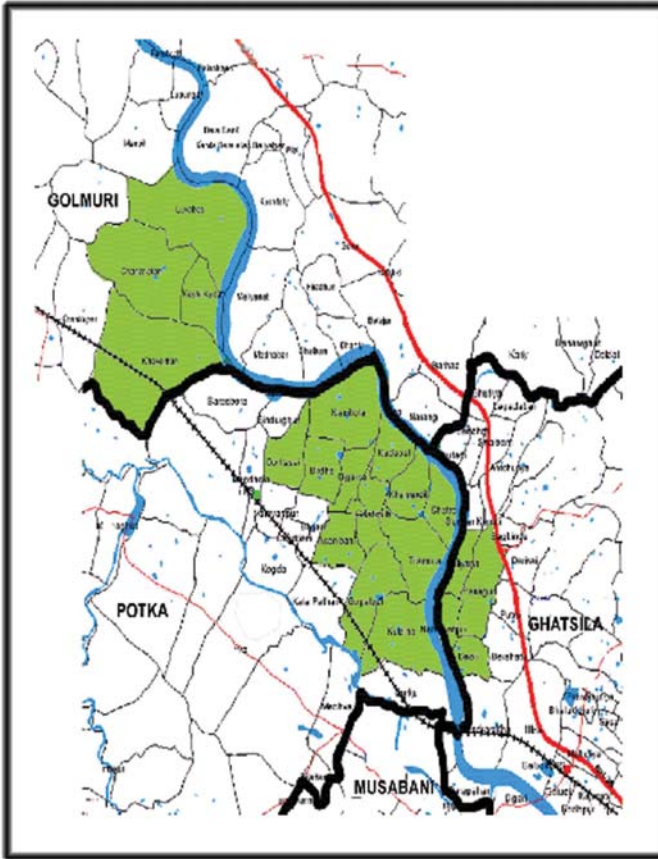


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JINDAL STEEL PROJECT

- | | | |
|------------------------|---|--|
| 1. Name of Company | - | Jindal Steel & Power Ltd. |
| 2. Registered Office | - | Jindal Centre, 12, Bhikaji Cama
Place, New Delhi |
| 3. MoU signed on | - | 05th July, 2005. |
| 4. Project | - | Integrated Steel Plant of
5 million tonnes/annum,
Rupees Twenty Thousand
Crores Only. |
| 5. Investment | - | |
| 6. Land required: | - | 3,000 acres |
| 7. Thermal Power Plant | - | 900 MW. |

JINDAL PROJECT



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CESC PROJECT

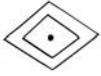
Calcutta Electric Supply Corporation (CESC) of RPG (Goenka) group signed a MoU with the Jharkhand government on 15.09.05 to set up a 1,000 MW thermal power plant at an estimated investment of Rs. 4000 Crores. The project requires about 700 acres of land in Aamgachi and Pokhria villages of Kathikund block in Dumka district. CESC has been allotted captive coal mines at Mahuagarhi coal block which is 12 kms near the proposed power plant site at Aamgachi by the Ministry of Coal in 2008. The project would require 3.33 million cubic meters of water per month made available from Brahmani river during five months of monsoon season. For the rest of the year there is a proposed check-dam with capacity to store about 25 million cubic meters for which more land is required. Out of the

proposed production of 1,000 MW, the company would provide 250 MW to Jharkhand State Electricity Board (JSEB) at a regulated price while the remaining 750MW would go the national grid.

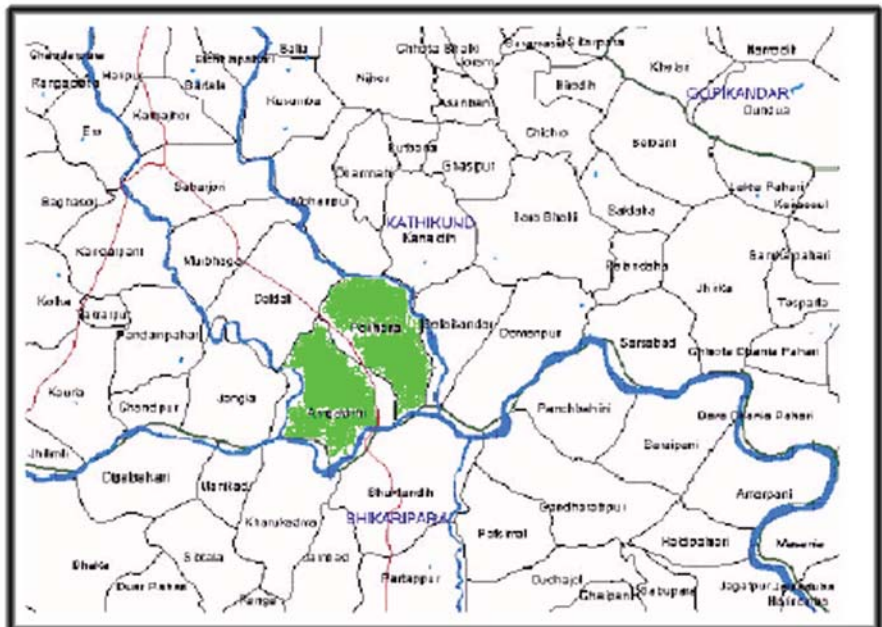
The firing on 6th December 2008 in Kathikund was just before the 154th Foundation Day of Santhal Parganas which came into existence on December 22, 1855 following the Santhal Hul (rebellion) led by Sino and Kanhu against the British.

CESC PROJECT

1. Name of Company	-	Calcutta Electric Supply Corporation (CESC)
2. Registered Office	-	CESC House, Chowringhee Square, Kolkata - 700 001
3. MoU signed on	-	15.09.2005
4. Project	-	Thermal Power Plant
5. Investment	-	Rupees 4,000 Crores
6. Land required:	-	700 acres
7. Thermal Power Plant	-	1000 MW.



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Chapter - V



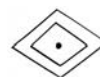
Industrial Policy of Jharkhand

The Industrial Policy of Jharkhand, the newly constituted state on 15th November 2000, is no different from that of the Global regime of the country, and focuses on promoting LPG (Liberalization, Privatization and Globalization) with scant regard to rights-based people-centred development with social justice.

At the very outset, it proclaims *"to optimally utilize the available resources of the State in a planned manner and to accelerate the industrial development of the State."* It is based on the realization that as large as 40 per cent of the total minerals of the country are available in Jharkhand; it is the sole producer of cooking coal, uranium and pyrite. It ranks first in the production of coal, mica, kyanite and copper in India. The geological exploration and exploitation of gold, silver, base metals, decorative stones, precious stones, etc. are the potential areas of future.

The Policy clearly identifies the fact that the State is also endowed with other resources such as surface and ground water, land with immense biodiversity, moderate climate, disciplined and skilled manpower, adequate availability of power, which are the basic essentials for the growth and development of industries.

How does the Government propose to achieve its object? *"The Industrial Policy aims at making Jharkhand one of the most preferred destination for investment, both from inside and outside the country and to ensure*



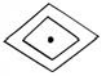
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accelerated implementation of infrastructure related projects, increasing employment opportunities, improving productivity, ensuring homogenous and balanced development of all Geographical regions of the State with emphasis on development of small, tiny and cottage industries."

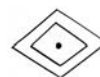
Among the 12 stated objectives in the Industrial Policy of the State, it is worth noting that it declares openly to provide easy access to the private sector such as "simplification of procedures and to ensure administrative and legal reforms so as to provide hassle free sensitive administration and time bound effective disposal of matters in a transparent manner."

Some of the major Strategies to be adopted for achieving the Objectives are broadly as follows:

- "(i) Rationalise fiscal concessions.*
- (ii) Provide adequate good quality infrastructural support at a reasonable cost for efficient functioning of the industrial sector.*
- (iii) Amend laws / rules for encouraging private sector participation in various sector.*
- (iv) Simplify rules, regulations and procedures to remove bottlenecks for smooth functioning of the industrial sector.*
- (v) Improve the quality of services to entrepreneurs with sharp focus upon SC/ST categories, handicapped and women to encourage them to actively participate in the developmental process.*
- (vi) Introduce latest scientific data collection system to make the planning process more realistic.*
- (vii) Make the "Single Window System" more effective at the district, the industrial area and State level.*
- (viii) Strive to put in place appropriate arrangements for ensuring timely and adequate flow of credit to industries, specially the SSI sector.*
- (ix) Assist Industrial Sector in their marketing efforts by providing adequate support services backed by appropriate enabling provisions in the legislations / rules.*



- (x) *Facilitate availability of technical and financial support for modernisation through increased access to Research & Development facilities.*
- (xi) *Give thrust to entrepreneurship development through Establishment of Entrepreneur Development Institute (EDI) and other specialized institutions.*
- (xii) *Diagnose incipient sickness and initiate timely measures for revival of sick industries and develop a monitoring system at district level to avoid sickness in industry.*
- (xiii) *Identify the areas of concentration of traditional skills and provide training, improved design, technological back up and marketing support. Development of "Craft Villages" and organising "Craft Bazaars" to provide adequate market access to artisans and craftsmen.*
- (xiv) *Encourage setting up of fruit processing, vegetable processing, spice processing, horticulture and other food processing industries in the State by providing special incentives and basic infrastructure to these industries.*
- (xv) *Develop Industrial Parks for specialised activities in the fields of Information Technology, Tassar/Mulberry, Electronics, Plastic, Chemicals, Biotech and Herb, Exports and Food Processing with adequate power, water, communication, transport and other common facilities.*
- (xvi) *Emphasis on small power generating units and developing non-conventional sources of energy through private participation."*

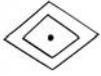


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FISCAL INCENTIVES AS PER 2001 POLICY:

As per the 2001 Jharkhand Industrial Policy (Paragraph 29) there are nine heads on which incentives are doled out to the industries as follows:

1. Capital Investment Incentive
2. Captive Power Generating Subsidy
3. Interest Subsidy
4. Stamp Duty and Registration
5. Employment Generation Based Incentives
6. Special Incentives for Threat Areas/EOU and SC-ST/Women/Ex-Servicemen and Handicapped Persons
7. Feasibility Study Project Report Cost Reimbursement Subsidy
8. Pollution Control Equipment Subsidy
9. Incentive for Quality Certification



Interestingly, the incentives disclosed in the policy document are not for Mega Units (investments above Rs. 50 Crores) for which there'll be a 'Special Package' formulated on a case to case basis (read Para 29.11 of the Industrial Policy). Hence, the amount of loss borne by the State is neither disclosed nor fixed to the big industrial giants like CESC, Mittal etc.

It is a matter of concern that Annual loss of more than Rs. 181 Crores is estimated to be incurred from the old Industrial Policy framed in 1995.

In the year 1995 the erstwhile Bihar State Government formulated its Industrial Policy (hereinafter Bihar Industrial Policy, 1995). Under this policy various exemptions pertaining to sales tax were provided to various industries situated in the erstwhile Jharkhand district of Bihar. The Bihar State Government issued Notifications Nos. S.O. 478 and S.O. 479 both dated 22.12.95 granting exemption from payment of sales tax on purchase of raw material, under the Bihar Finance Act, 1981 and exemption from payment of sales tax on the finished goods under the Bihar Sales Tax Act, 1981 and the Central Sales Tax Act, respectively. These exemptions were provided for a period of 8 to 10 years from the date of production depending on the category of the districts.

EXEMPTIONS GIVEN TO SOME OF THE INDUSTRIES UNDER THE BIHAR INDUSTRIAL POLICY 1995

- (a) Tata Steel Ltd., East Singhbhum:**
Cold Rolling Mill, Jamshedpur.
Granted exemption from payment of sale tax with effect from 1st August, 2000 for a period of eight years or 150% of the investment amount, whichever is less.
- (b) ACM FUELS Pvt. Ltd.:**
Kashitand, G.T. Road, Govindpur (Dhanbad).
Granted exemption from payment of sales tax on purchase of raw material and sale of finished products for the period from 7th March, 2005 to 6th March, 2013.
- (c) KRISHNA COKE Pvt. Ltd.:**
Ratanpura, G.T. Road, Govindpur, Dhanbad.
Granted exemptions under S.Os. 478 and 479 on 22nd June, 2005 valid up to 3rd March, 2013.

(d) Ashirwad Steel and Industries Pvt. Ltd.:

Phase-V, Adityapur Industrial Area, Gamharia Jamshedpur.

Granted exemption certificates dated 29th April, 2002 under S.Os. 478 and 479, valid for the period from 30th August, 2000 to 29th August, 2008.

(e) Bisco Sponge Iron Pvt. Ltd.:

Phase-6, Adityapur Industrial Area, Gamharia Jamshedpur.

Granted exemption certificates dated 22nd January, 2002 under S.Os. 478 and 479, valid for the period from 14th August, 2000 to 13th August, 2008.

(f) Bihar Raffia Industries Ltd.:

Phase-V, Adityapur Industrial Area, Gamharia, Jamshedpur.

Granted exemption certificates dated 22nd December, 1999 under S.Os. 478 and 479, valid for the period from 10th May, 1999 to 9th May, 2007.

(g) Dayal Ferro Alloys:

Chaha, Ramgarh Cantt., District- Hazaribagh.

Granted exemption certificates dated 17th July, 2002 under S.Os. 478 and 479, valid for the period from 1st February, 2001 to 31st January, 2009.

(h) Dayal Alloy & Steel Castings:

Chaha, Ramgarh Cantt., District- Hazaribagh.

Granted exemption certificates dated 17th July, 2002 under S.Os. 478 and 479, valid for the period from 1st February, 2001 to 31st January, 2009.

(i) Chandil Industries Ltd.:

Village Kurli, P.O. Chandil, P.S. Chowka, District- Seraikella-Kharswan.

Granted exemption certificates dated 29th April, 2002 under S.Os. 478 and 479, valid for the period from 2nd March, 2001 to 1st March, 2009.

(j) Shivam Iron and Steel Co. (P) Ltd.:

Three units at Jambad, Udnabad, District- Giridih.

Granted exemption certificates in respect of its all the three units, situated within the same premises, under S.Os. 478 and 479 with validity periods from 4th November, 1999 to 3rd November, 2007, 4th July, 2000 to 3rd July, 2008 and 1st February, 2001 to 31st January, 2009 in for each unit respectively.

(k) J.C.I. Cement Pvt. Limited:

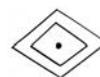
Morangi, Demotand, District-Hazaribagh.

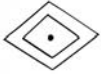
Granted exemption certificates dated 10th August, 2000 under S.Os. 478 and 479, valid for the period from 6th May, 1999 to 5th May, 2007.

(l) Ram Krishna Industries:

Dumka Road, Jamtara.

Granted exemption certificates, valid for the period from 28th April, 1998 to 27th April, 2008.





After creation of the State of Jharkhand on 15.11.2000, in the interest of the corporate sector at the cost of the State exchequer, all the exemptions provided by the Bihar Industrial Policy, 1995 were made applicable to the newly formed State of Jharkhand by a notification dated 15.12.2000. Owing to continuous fiscal deficit in the State budget since 2001 and recurring annual loss of more than Rs. 181 Crores to the State due to the incentives to the industries under the Bihar Industrial Policy, 1995 the State Government vide notification dated 30.03.2006 withdrew all the notifications extending the Bihar Industrial Policy, 1995 and exemptions given under it. This was done to avoid the extension of incentives given after the passing of the Jharkhand Value Added Tax Act, 2005 which was made effective from 01.04.2006. The State government extended the incentives given to industries under the Bihar State Industrial Policy, 1993 by notification dated 31.03.2006 just one day before the Jharkhand VAT Act came into effect so that these few favoured industries continue to get exemption.

{Information taken from the judgment of the Jharkhand High Court in the case of Tata Steel Ltd. and Ors. Vs. The State of Jharkhand and Ors. 2007(2)BLJR1153, [2007(2)JCR180(Jhr)], (2007)7VST109(Jharkh)}

NEGLECT OF TRADITIONAL CARFTS AND SMALL INDUSTRIES:

The contradiction in the Industrial Policy of Jharkhand becomes visible on cross-checking the stated strategies and comparing it with the list of industries not eligible for incentives stated in Annexure III of the Policy.

The Strategies include that the State would:

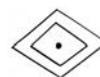
- "(xiii) Identify the areas of concentration of traditional skills and provide training, improved design, technological back up and marketing support. Development of "Craft Villages" and organising "Craft Bazaars" to provide adequate market access to artisans and craftsmen.***
- (xiv) Encourage setting up of fruit processing, vegetable processing, spice processing, horticulture and other food processing industries in the State by providing special incentives and basic infrastructure to these industries.***
- (xv) Develop Industrial Parks for specialised activities in the fields of Information Technology, Tassar/Mulberry, Electronics, Plastic, Chemicals, Biotech and Herb, Exports and Food Processing with adequate power, water, communication, transport and other common facilities."***

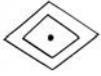
But, Annexure III includes 39 industries that are not eligible for incentives. Some of these are examples of glaring contradiction between the stated strategies and policy of exclusion. Take for example, the list includes:

1. Rice Hullers and Rice Mills (below 50 tonnes per day capacity);
2. Flour mills including manufacture of basen, pulse mills and chuda mills (below 50 tonnes per day capacity);
3. Making of spices, papad, etc.;
4. Carpentry;
5. Brick Making units;
6. Book Binding;
7. Tailoring;
8. Laundry/Dry Cleaning;
9. Lime Kiln;
10. Saw Mill and Sawing of timber.

LIST OF INDUSTRIES NOT ELIGIBLE FOR INCENTIVES

1. *Rice Hullers and Rice mills (below 50 tonnes per day capacity),*
2. *Flour mills including manufacture of basen, pulse mills and chuda mills (below 50 tonnes per day capacity),*
3. *Making of spices, papad, etc.,*
4. *Confectionery (excluding mechanized confectionery)*
5. *Preparation of sweets and namkeens, etc.,*
6. *Bread making (excluding mechanized bakery),*
7. *Manufacture of Ice Candy and Ice fruits,*
8. *Manufacture and processing of betel-nuts.,*
9. *Cracker making units.,*
10. *Coal/Coke screening.,*
11. *Production of Fire wood and Charcoal,*
12. *Painting and Spray painting units*
13. *Units for physical mixing of fertilizers,*
14. *Brick making units (except unit making refractory bricks and those making bricks from fly ash, red mud or similar industrial waste),*
15. *Manufacturing of tarpaulin out of canvas cloth,*
16. *Saw Mill and Sawing of timber,*
17. *Carpentry,*
18. *Drilling rigs, Bore well and Tube well installing units.,*
19. *Units of mixing or blending of tea,*
20. *Units for cutting raw tobacco and sprinkling, jaggery for chewing purposes and gudakhu manufacturing units.,*





21. *Units for bottling / repacking of drugs, medicines / chemicals without any processing and value addition excluding formulation and manufacturing units,*
22. *Book Binding,*
23. *Rubber stamp making,*
24. *Making Note books and Envelops.,*
25. *Photocopying,*
26. *Stenciling units,*
27. *Processing of stencil paper,*
28. *Distilled water units,*
29. *Tailoring (other than readymade garments manufacturing units),*
30. *Repacking and stitching of woven sacks out of woven fabrics,*
31. *Laundry/Dry cleaning,*
32. *Photographic studios and Laboratories,*
33. *Clinical/Pathological Laboratories/Nursing Homes and clinics,*
34. *Beauty Parlours,*
35. *Video Parlours,*
36. *Goods carriers,*
37. *Cassette recording Audio/Video, Clock and Watch Repairing shop, Vehicle repairing and servicing centres,*
38. *Lime kiln,*
39. *Petrol Pumps.*

AVAILABILITY OF LAND IN JHARKHAND VIS-A-VIS INDUSTRIAL POLICY

The Industrial Policy is very liberal in acquiring and providing land for so-called Industrial growth to the investors and entrepreneurs. In this regard, it is ready to overcome all hurdles created in the existing laws for land acquisition. The policy states that:

"The State Government shall constitute a "Land Bank" at District level to make available the required land to intending entrepreneurs to overcome the delay in land acquisition process. Waste land / Degraded forest land may be made available by the State Government on long term lease basis after taking prior approval from the Government of India under section `2' of Forest (Conservation) Act,1980 wherever required , for plantation development / tourism purposes which will encourage forest based / tourism industries."

For providing Land for Industries Outside Industrial Areas/Growth Centres, the policy generously declares that:

"The State Government will assist the entrepreneurs in providing land and also in acquiring land for locating industrial units outside industrial areas / growth centres. Enabling amendment in Chhotanagpur Tenancy Act 1908 has already been made to facilitate setting up of any unit for industrial purpose or for the purpose of mining (Bihar Act 2 of 1996). Similarly, enabling amendments have already been made in the Bihar Tenancy Act authorising conversion of agricultural land."

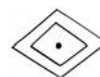
On the issue of Allotment of Government Land it states that:

"Allotment of Government land at times gets delayed mainly on account of the fact that the competent authority is required to make references to a number of departments before taking a view in the matter. To expedite the process, number of inter departmental references would be minimised along with decentralisation of powers to the level of Collectors. Collectors would maintain detailed information regarding all available Government land in the district in the form of 'Land Bank', out of which, while the Collectors would be authorised to lease up to 5 acres of Government land for industrial purpose, Government land in excess of 5 acres would be leased to entrepreneurs by the Collector with the approval of the High Level Empowered Committee headed by the Member, Board of Revenue. The land would be allotted at predetermined rates."

In promoting Private Industrial Estates, it is stated: *"Government would encourage establishment of Private Industrial Estates by acquiring and making available such land at the acquisition cost. The Government in turn will also provide infrastructure facilities such as water, electricity and road at the doorstep of such private industrial estate. The extent of such private industrial estate shall not be less than 100 acres. Such private industrial estate shall be allowed to install a Captive Power Plant to generate and distribute power directly within such industrial estate."*

The Industrial Policy stretches to its maximum generosity to the investors in creating the ultimate heaven called the Special Economic Zone (SEZ), when it declares in para 16.1 that:

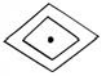
"Special Economic Zone will be paradise for investors. The investors are made available the land, power, water and communication facilities. A number of tax concessions by the State Government and the Central Government



are also offered as incentives. This zone acts as a magnet and over a period creates number of ancillaries. 16.2 The Special Economic Zone would also have an IT Park, Bio-Tech Park, Hotels, Recreation facilities, Housing, etc. with state of the art technology. The State has to act as a catalyst, enabler and enhancer to promote maximum activities through private participation. The establishment of Special Economic Zone would accord a fillip to export promotion. The high quality supporting infrastructure available at SEZ would greatly enhance the investment and economic development of the region. 16.3 Government intends to set up an SEZ along Jamshedpur - Ranchi National Highway corridor on both sides. The area lying within a distance of 5 kms on both sides."

According to a list of MoU signed for MEGA INVESTMENT by the State Government of Jharkhand between 2003-2005, 39 industries would require 1,22,608.66 acres of land. If we take the traditional land-holding pattern of 5 acres per family, it is calculated to directly displace 24,521 families i.e. a total of 1,22,605 persons, if we went by the ideal figures of 5 members per family. According to this list available at the website of the Jharkhand Government, out of a total of 44 Mega Investment Industries, calculation for land required for 5 industries is not mentioned at all. And, the total investment is calculated to be Rs. 1,98,362.26 crores.

Out of the enlisted 44 Mega Investments, almost 23 are Sponge Iron Plants, which are considered to be the most-polluting industry. It is estimated that one Sponge Iron Plant totally destroys about 3,000 acres of agricultural land in its neighbourhood. It means that a total of about 69,000 acres of agricultural land would be totally polluted and made unproductive, not to mention the water and air pollution it generates. This would mean further indirect displacement affecting the very source of livelihood of, at least, 13,800 families dependent on agriculture.



PROPOSED NEW INDUSTRIAL POLICY OF JHARKHAND

On anvil is the much-belated single window system that is slated to ensure fast-track clearance for industrial projects within 120 days. To make things more effective, the state plans to enact a new legislation, the Jharkhand Industries (Facilitation) Act & Rules, to ensure single point clearance of proposals.

It fact, land acquisition for industrial ventures remains a constant challenge. "The state should at least relax the Santhal Pargana Tenancy Act and Chotanagpur Tenancy Act in the new policy to increase land availability. Both Acts are huge stumbling blocks," bemoans an aggrieved investor.

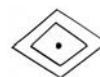
Chairman of FJCCI's sub-committee on industries RN Gupta, in turn, wants the new industrial policy to have features like exit policy and OTS (one-time settlement) so that sick units may be revived.

(Source: Newspaper Reports)

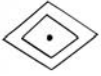
On the basis of Statistics Available on the Government Website, out of a total of 44 MoUs signed by the Jharkhand Government in 2003-2005, industries as per 39 MoUs indicate the following statistics:

Land Required	:	1,22,608.66 acres
Persons to be displaced	:	1,22,605
Total Investment	:	1,98,362.26 Crores (Rs.)
23 Sponge Iron Plants	:	69,300 acres of agricultural land would become un-productive.

NOTE: Statistics based on Government Data on Mega Investments



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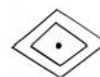


Land Acquisition, Resettlement & Rehabilitation Policy

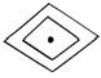
The Land Acquisition Act, 1894, as it exists, provides for acquisition of land for the "public purpose" which has been defined as including some of the objectives which also find place in the Directive Principles of State Policy. The requirements of housing for the poor, infrastructure development in the rural areas are some of the features. It is a matter of serious concern that without understanding the main objective of exercise of acquisition powers which exist in a sovereign state known as Eminent Domain (Please see box on page 47), namely, to achieve the Constitutional objective for ultimate welfare of the people, this power is continuously misused. People have suffered a lot after their sources of livelihood were taken away. They were compelled to wait even for compensation for several years without any resettlement and rehabilitation.

BERMO ANUMANDAL VISTHAPIT-PRABHAVIT SANGARSH MORCHA, BOKARO DIST. - TENUGHAT DAM

Tenughat dam was made in 1965 to supply water to the Bokaro Steel and other industries, which rendered 74 thousand families displaced, 97 thousand acres of agricultural land acquired. Till date they have received no compensation, rehabilitation, resettlement and government economic package for their livelihoods. 90% of the displaced are landless and jobless till date. These victims of the project had given a representation to the Governor wherein they have stated that they will do 'Jal Samadhi' on 26.02.09 if their demands were not met. The water from the dam is being sold to West Bengal and crores of rupees in revenue is generated. (Please see page 91)



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Even when projects affect large number of people, no provision exists for granting them any resettlement and rehabilitation. The Central Government has now thought of bringing an Act for granting resettlement and rehabilitation in respect of acquisition of land affecting large number of people (400 in the plains and 200 in the hill/tribal areas). It is however, shocking that the Land Acquisition Bill, 2007 mainly talks about the infrastructure development under the definition of "public purpose" having an urban bias. It appears that except the infrastructural development, if land is required for any other welfare purpose which is mandated in the Constitution, it will be done only through private companies or individuals.

The private companies engage middlemen in their projects to mislead the ignorant villagers and tribals in various ways in giving up their land. One of these ways is by getting the villagers to take their signatures on an agreement, locally known as Ikrinama, and thereby forcing them to alienate their land in favour of the company. These Ikrarnamas were quietly introduced in several project villages coming under the Mittal Steel project in Khunti district. Fortunately, as soon as its consequences were explained, it was rejected by the villagers and promptly removed by the middlemen the same day.

Another shocking tactic applied by the companies is that the company writes to the district administration about its requirement of private land specifying the villages, the plot numbers and owner's names in each village. Quoting the MoU signed with the state government and exerting its authority, the company asks the administration to take necessary steps on priority basis for acquisition of the said private land, which in the present projects is tribal land, for quick implementation of the project.

Interestingly, this application of the company is treated by the district administration as having legal sanction and the Block Circle Officer issues (illegally) mutation notices to the affected villages detailing the individual and community land scheduled for acquisition of the company. Such notices from the Block Circle Officers have no sanction in law and are sheer abuse of their authority. The process is unheard of under the Land Acquisition Act and contrary to the tenancy laws applicable to Jharkhand. Almost all such acquisition notices issued by COs have been rejected by the affected villages in writing through the respective Gram Sabhas.

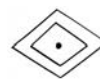
A word generally on the local self government and the integrated approach towards development may be stated. The 73rd and 74th

Amendments made in the Constitution recognize village-unit as the foundation of development. These Constitutional Amendments speak about the 'District Development Plan' (Article 243ZD) and the 'Metropolitan Development Plan' (243ZE) and their integration inter-se. Though the political independence of the Panchayats and Local Bodies has been recognized but not their economic and functional independence as the governing bodies. As a result thereof, the 11th and 12th schedules which were added pursuant to 73rd and 74th amendment have remained only in the Constitution book.

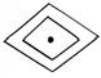
It is important to understand what a district development plan can contain: it will give not only the geographical outline of village but also the natural resources which it contains, total requirement of agricultural land on which people are dependant, produce from the area, availability of milk, total population inclusive of SC/ST/Backwards and the cottage industry, small scale industries existing in the villages.

The Gram Sabha of Pimpi Village, Kamdara Block has beautifully submitted to the Circle Officer as an annexure to their objections against the mutation notice a profile of their entire village which includes not only the agricultural land and other community owned land but a meticulous inventory of the total number of fruit bearing trees with their annual yield in terms of money. (Please See ANNEXURE III)

These District development plans will then dovetail with the metropolitan development plans which shall take care of the urban infrastructure and development. This will also help in setting-up the industries without affecting the natural resources. The industrial development, agricultural development and the protection of environment thus can be balanced if the concrete development plans are available before the implementing authorities. This will take care of the evil which is affecting the rural areas, namely, acquisition and diversion of village-land/agricultural-land for urban/ industrial development and the resultant displacement. Only that much land will be used for urban development which is really necessary without affecting the needs of the rural population and the natural resources on which they depend. The implementation of various environmental laws, Bio-diversity Act, all infrastructural developmental activities under different laws etc. can fall within the domain of these development plans on firm constitutional basis. It is for political reasons and the vested interests in continuing to hold powers at the Centre and the State levels that devolution of powers at the panchayat level is not taking place.



Unless there is development plan for a district and at the metropolitan level (not what the development authorities prepare and keep on changing) the acquisition will be only arbitrary, haphazard and counter productive. It will allow acquisition of agricultural land and lands in villages which will render the village people without any source of livelihood in addition to affecting the agro-economy and the food grain production in the country. There is, therefore, an urgent need to bring in place the 'district development plans' and 'metropolitan development plans' with peoples' participation to clearly understand and demarcate the areas of infrastructure development without affecting or encroaching upon all rights of others. If the required actions are not taken very soon, the agricultural land will diminish to a great extent and the farmers will lose the source of livelihood and the food security of the country will be threatened. Very soon ponds, lakes and rivers will be encroached upon under the garb of development and so-called need of the few will completely deprive the present generation and shall also rob away human rights with dignified living of the future generation.

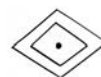


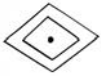
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The State of Jharkhand claims that they have a Rehabilitation and Resettlement Policy, 2008 but the said policy is not implemented by the State. No illustration was given to show that the benefit of the said policy was given to the displaced people. On the other hand, the projects are devised in such a manner that number of affected families is below 100 so that the said Rehabilitation & Resettlement Policy of the State becomes inapplicable. The Rehabilitation & Resettlement Policy is otherwise inefficient and inadequate to meet the requirements of resettlement & rehabilitation. The State of Jharkhand should devise this policy in such a manner that it actually meets the requirement of rehabilitation in all situations of displacement prevalent in the State. In fact, the effort of the State should be to take prior consent of the affected people, have prior consultation with gram sabhas (required under Schedule V of the Constitution) and find out alternatives to minimize the human problem of displacement. In fact, the State should not acquire lands belonging to the tribals which are their only source of livelihood. Even the private people should not be allowed to purchase tribal lands by private negotiations.

EMINENT DOMAIN - WHAT IS IT ABOUT?

The term 'public purpose' in the Land Acquisition Act and the power of the State to acquire land under Eminent Domain needs a brief understanding. The concept of eminent domain has to be read with the Preamble of the Constitution proclaiming the solemn resolve of the people of this country of securing to all citizens justice - social, economic and political and equality of status and of opportunity. It is also linked with the Directive Principles of the State Policy, in particular, Article 38 which promises to evolve a State which must constantly strive to promote the welfare of the people by securing and making, as effectively as it may be, a social order in which social, economic and political justice shall inform all the essentials of the national life. Article 39 is also significant as it speaks about ownership and control of the material resources of the community which are so disbursed as to sub-serve the common good and that the operation of the economic system does not result in concentration of wealth and means of production to the common detriment. The Supreme Court in AIR 1952 SC 252 observed that ***"This State ownership or control over land is a necessary preliminary step towards the implementation of the directive principles of State policy and it cannot but be a public purpose. It cannot be overlooked that the directive principles set forth in Part IV of the Constitution are not merely the policy of any particular political party but are intended to be principles fixed by the Constitution for directing the State policy whatever party may come to power."***





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Village Folks from Kathikund of Dumka district are deposing before the IPT, who are facing State Repression for protecting their land, water and forest, culminating in police firing on 6th December, 2008. Emilia Hansda, a social activist translating the testimonies.

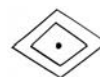


Chapter - VII

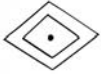
Tenancy & Panchayat Law

Jharkhand is largely inhabited by adivasis. For the adivasis the land issue is vital to their existence. Coupled with the fact that Jharkhand has a strong history of heroic struggles since the British period especially by Santhals and Mundas, the British administration was forced to pass specific laws protecting the land tenures of adivasi tenants with special emphasis on customary rights. According to the Ministry of Rural Development, Annual Report 2008, in Jharkhand out of the 5,382 adivasi land alienation cases filed, only about 25% have been decided in favour of the adivasis.

Article 46 of the Constitution enjoins upon the States the obligation to promote the interests of Scheduled Castes and Scheduled Tribes and to protect them from social injustice and all forms of exploitation. Besides, large parts of Jharkhand fall within Scheduled Areas. Part X and Schedule 5 of the Constitution deal with Scheduled and Tribal areas. Rule 5 of Schedule 5 provide that the Governor may by public notification direct that any particular Act of Parliament or State Legislature shall not apply to Scheduled Areas or will apply with modifications. By now, the Governor ought to have directed that the Land Acquisition Act, 1894 will not apply to Scheduled Areas or will apply only in cases where Public infrastructural projects are to come up. In the very least the Governor should have issued a notification that in the Scheduled Areas the Land Acquisition Act, 1894 will not apply if the land to be acquired is to be used for private projects. However, this has not been done. Even the National Advisory Council con-



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stituted by the Government of India strongly recommends that there should be no displacement of adivasis for any project (mining, energy or any other) in scheduled areas. The Land Acquisition Act, 1894 may be amended in line with Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA for short), so that the rights of the people are protected in fifth schedule. The setting up of industries in scheduled areas without assessing their impact on the adivasi economy should stop forthwith. No agricultural land or land used for community purposes must be allowed to be transferred or purchased to set up industry.

Rule 5 (2) of Schedule 5 further provides that the Governor may make regulations in Scheduled Areas prohibiting or restricting transfer of land by members of scheduled tribes as also regulate the allotment of land to members of the Scheduled Areas.

From 24.4.2003 the Constitution was amended to include decentralized governance as a Constitutional mandate. Article 243G speaks about the powers of Panchayats. The Article leaves it to the State Governments to provide through legislation such powers to the Panchayats including the preparation of plans for economic development and social justice. Article 243 M provided that this part would not apply to Scheduled Areas.

Accordingly in 1996 the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA for short) was enacted by the Central Government and this provided that provisions of Part IX of the Constitution concerned with Panchayats were being extended to Scheduled Areas, however, with certain exceptions. To begin with, PESA says that any state legislation that shall be made will be in consonance with the customary law, social and religious practices and traditional management practices. It further provides that every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution. Besides every Gram Sabha shall approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the panchayat at the village level.

Under Section 4(i) of PESA the Gram Sabha or the panchayats shall be consulted before making the acquisition of land in scheduled areas for development projects and before resettling or rehabilitating persons affected by such projects. The State legislation is to ensure that the panchayats and the Gram Sabhas will have power to control local plans and

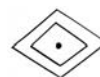
resources for such plans including tribal sub plans.

Accordingly, the Jharkhand Legislature enacted the Jharkhand Panchayat Raj Act, 2001 (hereinafter 'Panchayat Act'). The Constitutional validity of certain provisions of the Panchayat Act providing up to 80% reservation in seats of panchayats at various levels in the scheduled areas and keeping seats of chairpersons in gram panchayats at all levels, in unscheduled areas, unreserved has been declared unconstitutional by the Jharkhand High Court in the case of *Dhananjay Mahto Vs Union of India* [2005(4)JCR1(Jhr)]. In this judgment the High Court heard a total of 13 writ petitions challenging various aspects of the Panchayat Act.

One of the questions framed and answered by the court here was whether the Panchayat Act is applicable in scheduled areas, including 'Kolhan areas' and Godda, in particular, and Santhal Parganas and Chhotanagpur Division, in general. In answering this question the court upheld various sections of the Panchayat Act as not offending to any customary law or social or religious practices nor contravening to any traditional management practices of the community resources.

It upheld Sections 3 & Section 8 of the Panchayat Act, which lay down that in scheduled areas only such person can preside over the meeting of Gram Sabha, who is neither the Mukhiya nor Up-Mukhiya but a person, known as 'Pradhan', 'Manjhi', 'Munda', 'Pahan', 'Mahto' or any other name, as may tally, acquainted with the prevailing traditions of the particular area that means Village Chief.

Referring to Section 10 of the Panchayat Act which explains the powers and functions of Gram Sabha it especially upheld the additional powers and functions given to the Gram Sabhas in Scheduled areas which have been empowered to protect and preserve the traditions and customs, cultural identification and community, assistance (amenities) (Sarna, Masna, Johar place etc.) and the customary way of solving the disputes, which are not contrary to the Constitution and shall place the proposals regarding the help in a prescribed manner before the Gram Panchayat, Panchayat Samiti and Zila Parishad. Gram Sabha of scheduled areas have also been empowered to maintain natural resources, pertaining to the village, which includes soil, water and forest, as per existing tradition in tribal areas, but not contrary to the provisions of the Constitution. It has been empowered to monitor the resources and expenditure of the local schemes, including tribal schemes. Therefore, the court held that the tribal heads, such as



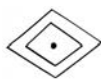
Manjhies, Mundas, Pahan etc. having been empowered to preside over Gram Sabha, by constituting Panchayats at all levels, no interference has been made with the customary law or social and religious practices or traditional management practices of community resources. On the other hand, the Gram Sabhas headed by Manjhies, Mundas, Pahan etc. have been clothed with more power under the Panchayat Act, including the powers under the customary law etc.

Section 79 of the Panchayat Act gives the power to the Gram Panchayat regarding public health facilities and safety wherein it shall have powers to regulate uses of water, to ensure environmental control, to regulate trade of nasty and dangerous things, to regulate establishment of workshops, factories and other industrial units.

Till date the Panchayat elections have not been held in the State after this judgment but the Gram Sabha's were formed by an order of the Arjun Munda Government. This led to majority of the contractors and businessmen heading the Gram Sabhas. In spite of this almost all the project affected area villages through the Gram Sabhas have come out openly in protest of their land acquisition and rejected the projects.

Another interesting aspect is Section 158 of the Panchayat Act which lays down that the Governor has to issue an order for displacement of a village and that too after giving an opportunity for hearing the affected parties in writing and giving due consideration to their representations. Till date no such order has been issued for any of the project affected villages.

The alienation of adivasis from their land is not a new issue in the state of Jharkhand. It began in the medieval period and flourished during the British Raj. The British-Indian government introduced the zamindari system by enforcing the Permanent Settlement Act in 1793 which caused an upheaval among adivasi communities. Consequently, there was a series of adivasi uprisings in the state. The Santhal uprising in Santhal Pargana, the Kolh revolution in Kolhan, and Birsa Ulgulan in Chota Nagpur that resulted in the enforcement of three pieces of legislation - the Chota Nagpur Tenancy Act 1908, Wilkinson's Rules 1837, and the Santhal Pargana Tenancy Act 1949. The prime objectives of these laws were protection of adivasi lands, traditional self governance and preservation of culture. However, these laws have been seriously violated. After Independence, around 22 lakh acres of land belonging to tribals in the state has been taken. If the trend continues, in the next 20 years tribals would have no place to go.



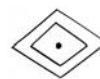
In 1969, the Bihar Scheduled Areas Regulation Act was enforced for the prevention of illegal land transfers and of adivasis. An area regulation court was set up and the deputy commissioner (DC) given special rights over the sale and transfer of adivasi land. According to the provision, an adivasi could not sell or transfer land even to another adivasi without the DC's permission.

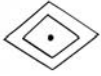
The Chota Nagpur Tenancy Act of 1908 ('CNT Act' for short) marked its 100th anniversary on November 11th last year. The Act was a result of decades of struggles by the adivasis for retention and recovery of their lands. It prohibits the transfer of adivasi land to non-adivasis. A large section of tribals in Chota Nagpur area (*Khunti, Ranchi, East Singhbhum, West Singhbhum districts*) are Mundaris.

Section 8 of the CNT Act defines Mundari Khunt Kattidari as a Mundari who is holding forest land for the purposes of bringing suitable portions of it under cultivation by himself or his family. A unique provision concerning this land is S. 240 of the CNT Act which provides that no Mundari Khunt Kattidar tenancy can be transferred by sale whether in execution of a decree of a court or otherwise. Similarly there are strict restrictions against lease and mortgage of these lands. Under S. 241 of the CNT Act the Mundari Khunt Kattidar is entitled to transfer his tenancy, without the consent of the landlord for defined purposes including manufacture but this can be done only by registered deed to be approved by written consent of the Deputy Commissioner who is to look into terms and conditions of transfer including compensation. Under S. 242, the Deputy Commissioner has the power to evict a person who obtains possession of such land in violation of the law.

Raiyats are defined under S. 6 of the CNT Act as tenant cultivators by and large in occupation of the land. S. 46 prohibits transfer of tenancy by Raiyats. A member of Scheduled Caste can only transfer the land to another member of Scheduled tribe. Again, with the permission of the Deputy Commissioner.

S.49, which was amended in 1996, however allows occupancy holding to be transferred by raiyat or bhumi-hari family for industrial or mining purposes but that too with the consent of the Deputy Commissioner. S.50 allows landlords (which term includes 'Government') to apply for acquisition of this land for various purposes including manufacture. As is seen in the Mittal Steel Project that the State Government in March 2009 offered 1,000 acres of government owned land in 10 villages of Kamdara Block at





the cost of Rs. 15.48 Crores. Interestingly this land which the government claims to own is in collective ownership with the people and also includes the village religious and cultural plots of land which the government cannot alienate as per S. 50 clause 7, which restricts the authorization of acquisition of any part of a holding whereon a temple, mosque or other place of worship, sacred grove, burial or burning ground exists. S.76 provides that customary rights will not be affected by provisions of this Act.

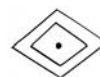
S. 79 of the CNT Act restricts the exclusion of the CNT act by agreement / contract between a landlord and tenant from various protections provided. In Mittal Steel Project the company is getting the villagers to execute a legal bond, locally known as Ikrarnama, and thereby alienating their land in favour of the company. These Ikrarnamas were quietly introduced in several project villages coming under the Mittal Steel project in Khunti district. One such ikrarnama of Bhusur Village, Karra Block, Khunti District signed by one Guna Lakra is given on page 24. Ikrarnamas in light of S. 79 are void and have no sanction as per law. This method is taken by the company to acquire as much land privately as possible so that the total number of affected families in the project area falls below 100 so as not to qualify under the Jharkhand Rehabilitation and Resettlement Policy 2008.

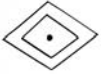
Similarly, the entire Santhal Parganas except Godda and Deoghar Subdivisions are declared as Scheduled Areas. Under various laws such as Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (SPT Act for short) the rights of raiyats and other similarly situated traditional cultivators are protected. S. 20 of the SPT Act provides that no transfer by a raiyat of his right in his holding or any portion thereof shall be valid, unless the right to transfer has been recorded in the record of rights. S. 41 of the SPT Act prevents settlement of any vacant land or wasteland in a Pahadia village with a person who is not a paharia. S.36 of the SPT Act provides that rivulets or nalas on the boundaries of villages, burning and burial grounds, camping grounds, places of worship etc. shall not be reclaimed or cultivated or converted to any other purpose by any raiyat and no proprietor, landlord (which includes 'Government'), village headmen shall appropriate these to their own use, nor shall they settle these with any raiyat.

Though S. 53 of the SPT Act allows acquisition of raiyat land by landlord for certain purposes including for the purposes of mining, manufacture, irrigation etc. with the sanction of the Deputy Commissioner it has been declared ultra vires the Constitution of India by the Patna High Court in the case of Budhinath Mishra Vs. State of Bihar (AIR 1970 Pat 358).

It is true that these laws do not take away the power of the State to acquire land. They also do not totally prohibit the cultivators from selling of their land, but these laws have to be looked and interpreted in the spirit in which they have been passed. A combined reading of all these laws makes it clear that various laws including the Constitutional provisions have been enacted with a strong emphasis on customary attachment to land and realization that for the adivasis land (not just for cultivation) has a special significance much more than for other communities. The laws also reflect recognition of the fact that the cultivators have been historically exploited and are prone to be exploited without a stringent legal regime. Finally the laws reflect the declared policy of allowing tribals to have large amount of self governance with adequate protection of their customs and traditions.

Unfortunately, despite these laws, by some times violating them and at other times using the loopholes in them, the State has allowed and continues to allow large scale displacement of adivasis under the guise of development and the present situation is nothing but an example of this.





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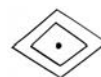


Chapter - VIII

State Repression: Kathikund Police Firing

Right to protest, take out rallies, dharnas, marches etc. are not only recognized constitutionally in the right to freedom of expression but are also linked to the right to life and livelihood. The tribal's right to their land and livelihood, their indigenous tradition and customs, their control over their land and natural resources are enshrined in the laws of the country. According to the Santhal Paraganas Tenancy Act, The Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996, Schedule V and Article 243 of the Constitution (73rd Amendment) the Gram Sabha has the right to determine how it would use its natural resources. The ideal of tribal self rule is enshrined in the above mentioned constitutional-legal provisions. The State government can not take an action which violates this spirit. A sovereign nation is one where the people have the sovereign right to determine their future, and this right involving among others the right to freedom of expression and protest, cannot be interpreted as to criminalize all dissent.

It is in this legal background that the peoples' protest march and police firing on 6th December 2008 in Kathikund block in Dumka district has to be seen. First and foremost is the fact that the district administration and state government were aware that unrest and anxiety among the tribals of Kathikund block was brewing due to apprehended alienation of their land. Prior written intimation about the protest march was given to the district administration. Unfortunately, peaceful protest and dissent by the people is always viewed by the State through the lens of law and order problem. No effort was made by the administration to initiate a process of dialogue



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with the protesting tribals and the situation was allowed to worsen culminating in no other option but to take out the protest march.

THE CONSTITUTION OF INDIA

(Part III.-Fundamental Rights.-Arts. 19-21.)

Right to Freedom

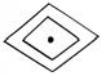
19. (1) All citizens shall have the right-

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;

About 5000-6000 people drawn from about 70 villages had gathered since early morning in Amgachi village in Kathikund Police Station of Dumka district of Jharkhand to participate in a pre-announced protest demonstration ending with Satyagrah (courting mass arrest and jail bhara). Almost half of them were women and children, who were in the forefront of the procession towards Kathikund Police Station. When they reached Saharjori Check Post, the police force posted at the outskirts of the Kathikund town and near the Check Post, stopped them without any proper announcement using the loud-speaker, etc. Since the people were present in large numbers, and the procession was very long, and mostly the women and children were in the front shouting slogans, it was difficult for anyone to understand the instructions being shouted by the government officials. It was at this stage that the police personnel pointing their rifles at the procession, and others armed with lathis etc., started mishandling and misbehaving with the women and youth. This agitated some of them, who joined in protecting the women from the police. At this stage, it is narrated by the people that the police force started lathi charge and throwing tear-gas shells on the public. This resulted in a panic, and public began to run helter-skelter. Around this time, the public saw a Bus burning with some police personnel around it.

There was no public announcement by police that the protestors should disperse, no announcement just prior to police firing. Police exceeded its authority and used excessive force.

After a while, when the public had reassembled at a distance, some suggested that they must not withdraw in the wake of police atrocities, but proceed with the programme to pay homage to Shaheed Sidhu Kanu. (Even the police version confirms that the people reassembled after about one hour of this incident. During this period the public was peaceful). When the people

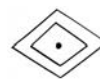


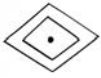
began their march once again shouting slogans, one of the police officials opened fire and injured Saigat Marandi, who was hit in the chest. Shiv Lal Soren was also hit in the eye. While the others were trying to help Shiv Lal Soren, they too were beaten up by police with lathis. At this time, the police firing from the tree-top started and those helping Shiv Lal were also hit by the bullet, like Ravan Soren, which pierced his right shoulder and passed through under the armpit. People saw many getting hit by bullet and falling on the ground. They also saw police dragging the bodies and dumping them in a police van. Even according to the FIR, the complainant Sri Sanjay Kumar Bhagat saw at least five to six persons falling on the ground after being hit by the bullet during the police firing. At this stage, some in the procession resorted to using bows and arrows, which hit some of the police personnel, who were close enough to the people, but beating them with lathis. This hit three police personnel. Two police personnel were hit in their hands, and one near the chest.

The bullet injuries on the victims show that they have been mainly aimed at the upper torso in violation of the Jharkhand Police Manual and repeated recommendations of various Courts and Commissions of Inquiry. No medical team or first aid facility was made available at site although police had prepared to gherao the procession and open fire. The District Administration did not follow the procedures laid down in the Police Manual and opened fire indiscriminately on the protesting people without any warning, also using of tear-gas and lathi-charge. The video clipping (that was shown to the jury) shows that police firing was aimed at causing maximum injury in violation of the police manual. People helping the wounded were targeted and fired upon. Ravan Soren who deposed before the tribunal received a bullet injury while trying to help Shiv Lal Soren during this firing.

The administration's response to people injured in the police lathi charge and firing is inhuman and in complete violation of the mandate of various supreme court judgments, rules and laws.

Saigat Marandi, who was one of the first victims of the police firing got hit by a bullet in the chest which was operated successfully upon and removed. Unfortunately, he got bed sores and rat bites on his legs and hip (shackled and handcuffed to the hospital bed like an animal, he had lost sensation of his legs) while in police custody at RIMS hospital, Ranchi which is nothing less than criminal omission by the Police and hospital authorities in whose legal and medical custody he was in. Helpless on the face of sheer medical and human neglect at the hands of the doctors and the police authorities Saigat's brother Permashwar Marandi had approached the High





Court by way of a criminal writ petition [W.P.(Cri.) No. 44/2009] filed on 12.02.2009 praying for adequate medical treatment and an inquiry ordered into his brother's medical neglect and maltreatment. The High Court had adjourned the matter directing the counsel for RIMS hospital to give a status report on the next date. Meanwhile, the petitioner was threatened and coerced at RIMS to sign a document stating that he had never filed such a petition and that the allegations of medical neglect of his brother was not true. Unfortunately, Saigat succumbed to his injuries on 06.03.2009.

Lukhiram Tudu, who was hit in the upper part of his thigh, died of excessive bleeding at 11:53 pm, while he was hit by the police bullet around 1:30 pm. He was taken to hospital in a truck although police jeeps were available and could have got him timely medical assistance controlling the bleeding.

Media and independent reports confirm that the injured like Shiv Lal Soren and Saigat Marandi were shackled and tied to the Hospital beds. It was only on protest by Sri Rajendar Singh, Magsaysay Award Winner, that the shackles were removed, when he visited the area on 15th December 2008.

JHARKHAND POLICE MANUAL

Chapter 19 - Firing on unlawful assemblies

Rule 621 (e) As a rule, the following disposition is recommended - ... (ii)

... Every possible effort should be made to avoid firing at point blank range, as it is likely to cause considerable loss of life. In any case, aim must necessarily be low.

Rule 621 (g) Warning to unlawful assembly - (1) When it becomes necessary to take action under Section 129 of the Code of Criminal Procedure, the Magistrate ... should cause the riot flag, if available to be hoisted well in view of the mob and in a manner so that the inscriptions on the flag are clearly visible. Thereafter a long note should be sounded on the bugle, or if no bugle is available, on the whistle to draw attention to the warning... The Magistrate ... shall then command the unlawful assembly to disperse, and warn it that if it does not disperse it will be dispersed by force. In order to guard against all misunderstandings it should be ensured that fullest warning is given whenever possible to the mob before any order to fire... He may either warn the unlawful assembly personally, or may send out a Havildar with a party of not less than two rifle men for the purpose...

The riot flag referred to above should have the following inscriptions:—

"The mob should disperse immediately. If not, it will be shot at with guns."

The warning should be administered as follows:-

"The gathering here is an unlawful assembly. You must at once disperse. If you do not disperse the police will open fire against you. This will cause loss of lives. Hence disperse immediately, disperse immediately, disperse immediately."

Rule 621 (j) Firing to be effective - (2) In firing on the unlawful assembly the men shall be instructed to aim low and not in the direction of persons who do not form part of the assembly.

Rule 621 (k) Action after dispersal of mob - When an unlawful assembly has been dispersed by force the dead and wounded shall be sent as quickly as possible to hospital...

Rule 621A. (vii) Unarmed mobs must be tackled by lathi force even if it may involve the overrunning of small police parties. This would ultimately help in controlling the overall situation and in obtaining public support in favour of the police, which, a resort to firing is like to negative...

JHARKHAND POLICE MANUAL

Chapter 10 - Unnatural deaths, wounded persons and chemical examinations

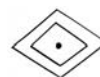
Rule 213. Hospital to which wounded persons are to be sent - (b) In cases of serious injury, the station in charge shall first of all send the wounded person without any delay for the nearest available medical aid, arrangements being subsequently made for removal for treatment to the sub divisional or headquarters hospital. This rule applies equally to wounded persons required to be kept in custody...

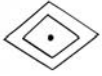
CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

Adopted by UN General Assembly resolution 34/169 of 17 December 1979

Article 3 - Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 6 - Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.





Those arrested from the spot were tortured by the police. In the ORDER SHEET of the COURT OF C.J.M., DUMKA in G.R. CASE No. 1799/08 State Vs. Bhim Lal Sahu & Ors. Kathikund P.S. Case No.68/08 dated 08.12.08 it is clearly stated that the accused complained of injuries and were not provided medical treatment. It is also stated that the SHO, Kathikund did not produce the arrested within 24 hours before the Magistrate as is mandatory in the Cr.P.C., and gave the reason for the delay as being "JAM".

"In the Forwarding Report, the date of forwarding is shown as 7.12.08. On asking, police force brought them state that due to jam, the accused have been produced in the court today. As such, SHO be also asked to give reason for delay. Accused Bhim Lal Sahu complains of swelling on his right hand finger, bruise injury on right leg and pain on waist and temples. Accused Gaina Hansa complains of pain below right shoulder and accused Gopal Mehto shows incised wound on right leg and complaints of pain in both the palms. Jail Superintendent is directed to provide adequate treatment to these accused. The accused do not complain of misbehaviour whatsoever against police force brought them. The SHO, Kathikund is directed to verify the name of father of accused Sunil Marandi and name of father of accused Ram Vilas Hembron and name of village. All the five accused are taken into judicial custody and sent to Central Jail with security with custody warrant for production on 20.12.08" (From **the ORDER SHEET of CJM, Dumka dated 8.12.2008. Unofficial translation from Original Hindi**)

Shivlal Soren was hit by a bullet that went through his eye and is till date lodged in his brain. For almost two months after 6th December the police and other authorities did nothing and he was taken back and forth between Dumka and Ranchi three times by ambulance without any medical treatment. Ultimately he was sent by the authorities at Jharkhand to AIIMS, New Delhi on 31.1.09 by unreserved compartment of a train without even a stretcher and he was forced to struggle by himself to find a place to sit. He received medical attention only after the intervention of the Delhi High Court as Shivlal's mother filed a writ petition [W.P.(Cri.) 125/2009]. The bullet continues to be lodged in his brain and he has lost eyesight from one eye. The doctors at the Jai Prakash Trauma Center at AIIMS were of the opinion that had the bullet been removed earlier then it could have been done but in view of the delay of almost two months it is now difficult to remove the bullet.

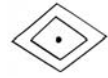
Ravan Soren was hit with a bullet piercing his right shoulder and coming out from the back while he was helping Shiv Lal Soren bending to pick him up when he got hit. Fortunately, he has recuperated only because he was not given medical attention by the State but used traditional methods of healing as deposed before the tribunal.

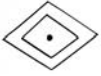
All the other three persons either dead or who are suffering is due to the criminal negligence of the State for which the State is culpable. All the rules of the Jharkhand Police Manual for treatment of wounded persons and the humanitarian law laid down by the Supreme Court in various judgments equating handcuffing and shackling of under trial prisoners undergoing medical treatment, especially to the hospital beds, as being in violation of the Constitutional rights.

People in this area are asserting protection of their cultural and traditional rights as tribals and against deprivation of their means of livelihood. For them the development causes only deprivation not upliftment from their present socio-economic condition.



Rawan Soren, farmer from Bilaikadar village, Kathikund, showing the bullet wound in this right shoulder, who was hit by police bullet when trying to assist Shivilal Soren, another seriously wounded in police firing on 6th December, 2008. Rawan Soren is getting treatment locally using herbal medicines.





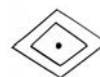
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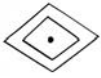
Chapter - IX



CONCLUSIONS & RECOMMENDATIONS

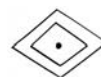
1. The meaning of development has to be understood as envisaged in our Constitution. The Directive Principles of State Policy provide mandate to the Government to use their executive and legislative powers to realize the goals contained therein. The State should strive at securing a social order which ensures promotion of welfare of the people. The organization of village panchayats, agriculture and animal husbandry, raising level of nutrition and standard of living and improvement of public health, protection and improvement of environment, promotion of educational and economic interests of SC/ST, tribals and other weaker sections, are some of the goals envisaged in these Directive Principles. Article 39 specifically mentions about the State directing its policies in order to achieve equality. Article 39(b) says "that the ownership and control of the material resources of the community are so distributed as best to subserve the common good" and 39(c) says "that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment." The Gandhian idea of local self Government and decentralization of powers, provided under 73rd and 74th amendment are extremely relevant. The framework of development, the policies and decisions of the Government should aim at bringing in equality and ensuring welfare and dignity of the people.

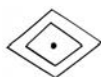




2. The Socio-economic profile of Jharkhand, keeping in view the selected districts dominated by tribals, it comes out that the benefits of industrialization have not reached the tribals either in terms of creation of infrastructure or jobs in spite of the State contributing significantly in the share of GSDP coming from the industries. This indicates that the State having primary duty under the Constitution including the directive principles has failed in not being able to make agriculture itself a sustainable basis for further growth; it has failed to provide necessary infrastructures, proper utilization of beneficial Central and State schemes and making provisions for improving health and literacy in the area. It is only if, with a positive approach, the State empowers the people through health, education and fulfillment of basic needs they can avail the fruits of industrialization. Therefore, further industrialization for them is resulting only in deprivation of their lands and even means of sustenance. The Central government as well as State government has to, therefore, come out with a integrated and holistic plan which can maintain the identity of these tribals and at the same time empower them to participate in the development of the State and the Nation. The present policies and actions of the State are resulting only in the exploitation of tribals and poor people.
3. The policies of the State and the decisions taken by them are resulting in concentration of wealth in the hands of few by grant of ownership and control of material resources in the hands of those few. Unfortunately, development has been made synonymous with industrialization. The development is not understood on the basis of principles mentioned above. The provisions of Land Acquisition Act, 1894 are used in such a manner resulting in further deprivations and increase in inequality. When land is acquired in a village or in a tribal area, where people are predominantly dependant on agriculture, the only logical consequence of such acquisition is taking away their only source of livelihood. The amount of compensation cannot be the basis of sustenance throughout their lives. Further, this amount is mostly spent in clearing the debts and day to day expenses and, therefore, it soon withers away. Therefore, People suffering deprivation either migrate or sell their children or commit suicide or try to get job as a labourer. This is a common phenomenon in all these processes and it is shocking that the Government is keeping its eyes shut on this gross violation of constitutional and human rights of the people and still calling itself a welfare State.

4. The tribals who live in this part of Jharkhand, regarding which this report is given mainly rely upon the agricultural land. Most of this area is full of natural resources. The religion, customs and traditions of these tribals are sought to be protected under Schedule V of the Constitution, Panchayats (Extension of Schedule Areas), Act 1996, Chotta Nagpur Tenancy Act, 1908, The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949. For these tribals, the land is vital not only for their survival but also for protection of their customs, traditions, social and religious practices. The identity of these tribals is, therefore, required to be protected and the nature of development should adhere to and give respect to this identity. Proper organizational support to agriculture can give a good boost to agro-economy in this area besides establishment of small projects based on the local resources. The State should provide education and medical health services besides other welfare measures. If their land is taken away, they will be completely without any means of livelihood which will find no justification either in the Constitution or in human rights principles or in the concept of welfare state. These tribal areas are covered by Schedule V of the Constitution which require prior consultation with the Gram Sabhas. As no consultation with Gram Sabhas has taken place, all acquisitions are unsustainable. In addition to the other grounds which we have mentioned, the private ikrarnamas are also in violation of the mandate of prior consultation with Gram Sabha and therefore they have no sanctity in law.
5. The provisions of Land Acquisition and the power of eminent domain require drastic change in the changed socio-economic scenario. The use of power of eminent domain can be said to be just and fair only if it strives to bring in equality. If it acts the other way, it ceases to be a welfare measure and would be deemed to be working against the Constitution and if the State still continues to use it, it strikes at its very origin. The State has to be extremely cautious in acquiring agricultural and forest land. State before such acquisition must hold prior consultation with the people affected and obtain their consent and also demonstrate and show that that such acquisition will not have any adverse impact on peoples' food security and livelihood. Every such acquisition would get justification only if it is backed by complete rehabilitation. There should be prohibition on purchase by private companies/individuals of agricultural land. We are shocked to find that the MoU signed for mega-investments by the Jharkhand Government between 2003 and 2005 would require 1,22,608.66 acres of land and



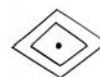


will result in direct displacement of approximately 24,521 families. We have no information on further MoUs signed by the Jharkhand Government that is between 2005 and 2009. the State of Jharkhand should come out with a public disclosure on the total agricultural land which it is going to divert for Industrial Purpose and the total number of tribals and non-tribals who'll be displaced in the process. The Government should also disclose what measures of rehabilitation, compensation and means of livelihood have been provided to the persons already displaced and for those who are going to be displaced.

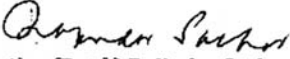
6. The Industrial policy of the State of Jharkhand is lop-sided; while subsidies and incentives are being given to big industries including Steel, Sponge Iron and Cement Plants, they are not given to the activities based on the local and traditional skills. The State should promote and provide incentives to the activities based on traditional skills benefiting local artisans and craftsmen. The State is under an obligation to empower the tribals living in these districts by providing them education, medical facilities as well as aid and subsidies for continuing agricultural operations to make it a firm and viable basis for their sustenance.
7. The process of private purchase by the companies with the connivance of Government officials, through coercion and dubious ways should be stopped. The State should not allow purchase of tribal land by private companies. The Government should also not acquire the agricultural land of the tribals which is the only means of their sustenance.
8. The combined reading of Constitutional provisions including Schedule V, Panchayats (Extension to Schedule Areas) Act, 1996, Chota Nagpur Tenancy Act of 1908 and Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 show that strong emphasis has been laid on customary attachment of tribals to their land and that the significance of land for tribals is not just for cultivation; it is part of their whole being and existence. These laws also recognize the fact that the tribal cultivators have been historically exploited and are prone to further exploitation unless checked by stringent legal regime. These laws also allow the tribals to have self-governance in many areas with adequate protection of their customs and traditions. As per these provisions, the Ikrarnamas by the private companies and acquisitions of land of the tribals is wholly unsustainable. Wherever tribal land is taken away it should be restored to them immediately.

9. No acquisition should be allowed in tribal areas. Prior consent of the tribals should be taken; prior consultation with gram sabhas is necessary in case of any acquisition in these areas. There should be prior Rehabilitation and Resettlement in cases of acquisition of lands.
10. The firing which took place in Kathikund where two persons namely, Lukhiram Tudu & Saigat Marandi died and many persons suffered injuries was completely unjustified and it was a wanton act of police excess. The act of handcuffing and shackling of Shivlal Soren and Saigat Marandi who were undergoing medical treatment and were on the hospital bed was in gross violation of Constitutional and human rights, law laid down by the Supreme Court as well as the provisions of the Jharkhand Police Manual.
11. We recommend that the Government should pay compensation to those who were handcuffed and shackled on the hospital bed while undergoing medical treatment. The act of the police was in violation of Article 21 of the Constitution and in accordance with the judgments of the Supreme Court compensation for this constitutional wrong must be paid to the family members of the victims. The Government should also register cases against the police officers who indulged in this brutal act. The Government should issue clear directives in consonance with the judgments of the Supreme Court that handcuffing and shackling amounts to torture and are in clear violation of Article 21 of the Constitution, which applies to even an undertrial prisoner.
12. That the cases which have been lodged against the tribals, in the circumstances narrated in the report, should be withdrawn by the State Government, and there should be amicable and positive dialogue between the Government and the tribals on the basis of recommendations mentioned above.
13. We are shocked to find that after the hearing even more serious violations of the rights of tribals and human rights have taken place and we feel proper, therefore, to make the following recommendation.

"After the hearing we note with shock the newspaper reports that have appeared locally and in all prominent national dailies that in the raid by the Income Tax Department former Chief Minister Shri Madhu Koda has been found to be possessing assets worth thousands of crores. Further investigation and action in accordance with law is tak-



ing place. These facts disclose large scale corruption in the State which requires probe by the CBI in all developmental projects including SEZs. The acquisition of land and clearances of the projects as it clearly appears were based on extraneous considerations. It is unfortunate that all these illegalities took place during the chief ministership of Arjun Munda who was supported by Bhartiya Janta Party (BJP) and Madhu Koda who was supported separately by Bhartiya Janta Party (BJP) and then Congress and Jharkhand Mukti Morcha (JMM). The rule of law requires that all acquisitions and clearances that took place during the tenure of Madhu Koda and Arjun Munda must be cancelled and a probe be ordered."

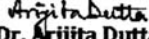

Justice (Retd.) Rajindar Sachar


Prabhakar Joshi

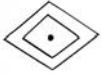

Sanjay Parikh


Vrinda Grover


Mihir Desai


Dr. Arijita Dutta

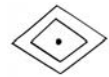
On Behalf of Independent Peoples' Tribunal



Chapter - X

TESTIMONIES

Hundreds of affected people deposed before the Independent People's Tribunal (IPT). The entire proceeding is video-filmed. Out of these, a few Testimonies were selected to provide a sample of the broad spectrum of people's voices that are struggling to hold on to their life and land. Excerpts from the testimonies translated from Hindi.



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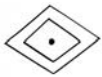
DAYAMANI BARLA,
50 years, Ranchi, Jharkhand

Received the Steel Woman Award in recognition of her bold stand and leadership in the struggles for jal, jangal aur zameen A Social Worker

and a free-lance journalist associated with the issue of Adivasis and Mulvasis - aboriginals.



"We came to know from the local newspapers that Mittal Company is going to set up its steel and power plant in Gumla District. From the very beginning Mittal Company is playing fraud with us, com-



mon mass of Jharkhand. Company is making hollow promises. It is clearly written in the 5th schedule of our Constitution that a non-tribal can not purchase the land of a tribal. Tribal community has its own customary system, but the company is making every effort to destroy our age old tradition and communitarian life in connivance with Jharkhand Government. According to the Chotanagpur Tenancy Act, 1908 Act (Bengal Act VI of 1908) agricultural land can not be converted into non-agricultural land. Then how can this land is used for the factory purpose. Is ArcellorMittal Company a tribal company?

It is a clear cut violation of the established rules and regulations. Any government scheme related to the sale and purchase of the land can not be operated until it is discussed with Gram Sabha. Even the government can not acquire the land without the consent of Gram Sabha.

The Mittal Company started surveying the area in 2004 - 2005 without informing the concerned Gram Sabha, which is a clear cut violation of Gram Sabha rules. After listening the claim of Jharkhand Government that the non-tribals of Karra block are willing to transfer their land to the Mittal Company I went to the C.O. Office in 2005 and inspected the land records and also asked the CO that the Mittal Company is looking for 10,000 acres of land in this block, but from where the government will provide them the land. To which the C.O. replied that by acquiring the land of local farmers.

On 4.6.2008 the representatives of the Mittal Company went for a site visit at Kamar village, but the villagers did not allow them to enter into the village and sent them with the warning that they should not try to enter into the village without having permission of their Gram Sabha.

The government and the company know very well that our movement is for jal, jangal, aur jameen; which are our basic rights. But the government is making every effort to destroy our movement and that is why the government is promoting touts and other bichaulias (middlemen). Our struggle for land was and still is very strong. The farmers (tribals and Mulvasis) had protest marches and rallies in three blocks of Khunti district and one block of Gumla district in February 2008, and also memorandums were submitted to the administration, with our demand saying no to displace the tribals and Mulvasis.

Rallies were organized in Karra Block on 4th March 2008, in Kamadara Block on 7th March 2008, and in Torpa on 10th March 2008 respectively and again the memorandums were submitted to the administrations. A

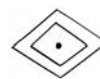
rally was scheduled on 25th March 2008 in Rania block, and the information related to the rally was sent to the administration and police department one day before i.e., 24th March; but instead of allowing us to take out rally we were threatened not to indulge in any such activities and I was especially intimidated not to speak anything about adivasis or Mulvasis otherwise I would have to face consequences.

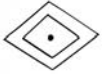
We took out our rally even after the threat and submitted a memorandum to the CM Madhu Koda. We said to the CM through our memorandum that natural resources like Jal, Jangal aur Jameen are our ancestors' gift to us, which we take care and enrich. And we have to hand over these resources to our next generation.

The CM Madhu Koda said that the government was acquiring only the barren land. He further added that the company was ready to give compensation even for the barren land. The CM Madhu Koda further said that Jharkhand is very rich in terms of mines and minerals, and the companies want to establish plants based on these minerals, which is ultimately in the interest of people. But then we asked that how the tribals of Jharkhand, and especially those whose land are being acquired were going to be benefited by the upcoming plants. We know that a number of companies and factories were established after independence in Jharkhand, exploited the mines and minerals but ultimately no change has taken place in the lives of adivasis and Mulvasis, instead they were displaced and are still running from pillar to post for rehabilitation. Presently the government is working hard and doing all wrongs in favour of the industrial houses like Mittals, Jindals, etc. In present case the notice issued by ArcelorMittal Company for acquiring the land of farmers is in violation of land acquisition laws. The government is forcefully acquiring the land of farmers. Even the notice for land acquisition was not served properly.

Ten villages of Kamadra block of Gumla district were served notice by revenue department regarding mutation of their land in the name of ArcelorMittal Company, but only one village received the same. The C.O. himself told me that he has received only one notice. Instead of understanding and respecting the people's sentiment the Government in connivance with the company is working hard to displace the adivasis and mulvasis.

Absence of any sale deed by villagers slapping the notice of mutation is nothing, but an illegitimate act of intimidation by state machinery on behalf of the ArcelorMittal.





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The people, who are opposing the government plan to setting of the plant, are constantly being harassed by the government machinery. Police instead of protecting the victims (who are on the verge of displacement) is supporting the company and doing all wrongs. A boy was kidnapped from his home by the police only because his father is against the plant and part of the on going struggle.

There is huge repression launched on the anti-displacement movements and their activists and criminal cases against them are registered. I am regularly being threatened by the company supporters. Whenever I go the police station to the police station lodge my complaint against the threatening, I am told that now no body will threaten me, but never my complaint was registered; instead I was implicated in false cases.

India is a welfare state, Jharkhand government is receiving the money from central government but not using for the benefit of the common people of the Jharkhand.

Lastly I want to say that the Jharkhand Government is not only suppressing the aspirations of adivasis and Mulvasis but doing all wrongs in favour of the big industrial houses which ultimately will lead to displacement of thousands of adivasis."

RAJENDRA KUMAR SINGH

47 years, Village- Chaanpi, Block- Karra, District Khunti, Jharkhand



"I am the owner of 5 acres of land. My parents also live with me. I have two daughters and one son. Agriculture is our only source of income. Our entire family survives on agriculture -- Wheat, Rice, Pulses like

moong, arhar, Urad, Khesari, Sarson, Kurthi, Mahua etc. These are our main crops. We also grow vegetables such as potato, tomato, brinjal, Chili, Garlic. Gobhi, Ghiya, Tori, Sitafal etc in substantial amount.

The seasonal crops are very profitable for people like us. Our family has trees of jackfruit (Kathal), mango, imli, guava etc. These trees are very profitable. Our family earns around Rs. 5000/- annually by selling jackfruit only. Similarly the chili produce is 2 to 3 Kgs per plant, and the rate of chili in whole sale market is minimum Rs. 10/- per kg. Our family sold 870 Kgs of chili this year.

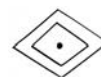
Other than crops, agriculture provides employment to some other people who work in our field, and to those who work as middle men and transport our crops to cities.

We own three cows. We consume cow-milk in our family and also sell it to the neighbors. A retired army personell, who regularly buys milk from us, once was saying that he used to purchase milk at a rate of Rs. 23 per liter in the city but it was totally useless as it was almost water. We grow pastures for our livestock on our own.

Our land is very fertile and productive. Farmers are depending on Monsoon for cultivation. If our Government really wants to uplift us it should make better arrangements for irrigation, such as tube well, canals, etc. If we have proper irrigation facilities we can produce even more than Punjab and Haryana, and no body will go to earn livelihood elsewhere. We are living in a very healthy and clean environment.

My family constructed a well at the cost of Rs. 35000/-. We had only Rs. 20000/- with us. We took loan of Rs. 15,000/- for meeting the cost of construction of the well. We repaid the amount of loan from the earning we had from the crops. Besides, all the expenses of the marriage of my daughter were met by the earnings from the crops. I did not purchase any single plate for the Dawat (party) of the Barat (bride-grooms party) because Teak (Saal) leaves are easily available in our village. We made pattals (leaf plates) from the teak leaves. We get number of things of our daily need in our village and from nearby forest. For example we do not purchase tooth brush and paste. Neem-Datun is considered very healthy for teeth, and we have several Neem trees in our villages.

There is no limitation in agriculture. We are our own masters. If the company comes here and we work in it, we will have to transform from master to servant. As the authority has promised to provide one job per family, it is quite clear that only one of my family members will get job. What will the others do? The joint family system is still alive in our village; we can not survive on only one job.



Today we are living in a very healthy, hygienic and clean environment. When the company will come and establish steel and power plant here, the environment will be polluted.

I want to say from the core of my heart that the company should not come to our village or in our area. We are happy with our agriculture and crops. We earn more than any company or factory can give."

SUKHNATH SINGH,
68 years, Village - Kanklaya, Block- Torpa, District- Khunti, Jharkhand

"I have six acres of cultivable land, and my family is big. Agriculture is our only source of income. My whole family survives on agriculture. Earlier I was serving in Army. After retirement I joined agriculture. I sow food grains like wheat, rice, pulses namely Moong, Arhar, Urad, Khesari, Sarson, Kurthi, Mahua etc. and vegetables such as potato, tomato, brinjal, chili, garlic, gobhi, ghiya, tori, sitafal etc. I have four trees of Lah, which is very profitable. Every year I cultivate rice up to two hundred mun. (40 kg = 1 mun).

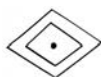
I also have 7 trees of Kathal (jackfruit). Besides, I have some trees of mango, imli, and guava also at my place. This year I got total 6 quintals of Potato. Previous year our total wheat production was 10 quintals and till date we are consuming the same.

We also grow sweet potato and ginger. These are very profitable cash crops. Sweet potatoes of our region are very famous in India. I have learnt good technique of agriculture from Punjab. I give Rs. 70/- per day to a laborer for his job in the field. And Rs. 100/- to a Hal Chalak (Plougher).

I have my own well, which helps me irrigate my fields. I also have a pond and I do fishery and earn a sizable amount through it. I have a poultry farm too. There are 50 hens in my poultry and all are laddaku Murgu/Murgi (fighting hen/cock). Cost of one hen is Rs. 300 to 400.

We are more concerned about our Jal, Jangal Aur Zameen, than any Government or any company.

Our land is very fertile and productive. Farmers are depending on Monsoon for cultivation. If our Government really wants to uplift us it should make better arrangements of irrigation, such as tube well, canals etc. If we have proper irrigation facilities we can produce even more than



Punjab and Haryana and no body will go to earn livelihood elsewhere.

From the core of my heart I want to say that the company should not come to our village or in our area. We are happy with our agriculture and crops. We earn more than any company or factory can give."

PREM PRAKASH SURIN

53 years, Village - Pimpi, Block- Kamadra, District- Gumla, Jharkhand

That ours is a joint family and our land is not partitioned. My family owns 56 acres of agricultural land. My father has six brothers and all live together with their children and their children in the joint family set up. Agriculture is our only source of income. Wheat, rice, vegetables such as potato, tomato, Brinjal, Rabbari, Garlic, etc. are our main crops.

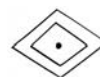
Our Gram Panchayat received a notice from the ArcellorMittal Co. which says that if we have any objection regarding the acquisition of our land we should explain the same before the authorized body within the given time frame. But our question is that when we do not want to sell our land, who the company is to ask for? We can not even think to sell our land in our dreams.

Apart from our village some other villages have also got similar notice for acquisition. But again the notice was served without following the proper way. It is mandatory for any agency or any body willing to acquire village land to first have permission from Gram Panchayat and then start the other processes. But the above mentioned company has overlooked the basic norms of land acquisition process.

There are some villages which did not even get the notice. They came to know about the notice from the representatives of Gram Panchayat of other villages.

I have a joint family. We cultivate together in our fields. According to the representatives of Mittal Co. one person per family will be given job in the plant. Who will take care of others? How a family like mine will survive with this set of arrangement? It means large number of people will become unemployed.

This Company further says that each people will get job according to his/her qualification and ability. And the definition of ability and qualification is not mentioned any where. Forget the people having higher degrees,



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even the matriculates can be counted at finger in my village or in this region. It means we will not get the job.

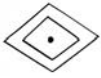
Today we are self-employed, owner of our land. After becoming the employee of the Mittal Co. we will be transformed in to servant. On the one side the Government is loudly saying about the abolition of bounded labour system, but on the other side it is making the path clear of new era of bonded labour.

The representatives of the Mittal Company are saying that the Company will also provide house to those whose land will be acquired. Today I have a huge house with 5 rooms, aangan (courtyard) and verandah and a huge space for the livestock. Will the company provide similar accommodation to me and for my livestock? According to Jharkhand Culture the elder brother should not see the face of the wife of his younger brother. We are four brothers. I do not know how the company will take care of our culture and tradition.

The notice sent by Mr. S.P. Prasad, G M of Mittal Co. clearly demands mutation of villagers land in favour of the company. While it is necessary for mutation of any village land to first get it done through Gram Sabha. In other words, only Gram Sabha has the power to transfer the land of a villager to another person, but not to the outsiders. There is a village note in the rule books, and this provision is written over there. There are some customary laws also which are prevailing even today. But the company is bypassing all the norms and law. The company is trying to acquire my land forcefully and illegally.

According to the company the Jharkhand Government will provide 30% of the land required for the plant, and that 30% land is already in Government possession and lying vacant. While our enquiry shows that this is a sheer lie. Government has not a single inch land to give to the company.

According to the company they will provide us enough compensation, but will it really compensate our place of worship, our Sarna and Sasandri, village deity, and our age old tradition. Our previous experiences show that the people displaced in the past are still looking for rehabilitation. Therefore, our suggestion to the Government is that the people who were displaced earlier should first be given rehabilitation and then think for next round of whatever it is saying industrialization.



After 1947, industrialization has been carried out in Jharkhand in the name of development. Hundreds of mines and factories have come into existence but the people who were displaced earlier are still waiting for rehabilitation and compensation. The rehabilitation policy came into existence in 2008. We are asking rehabilitation for those who are already displaced. But the Government is saying that it is not responsible for the displacement occurred before 2000 because Jharkhand became a state only in the year of 2000.

We have started losing our faith in the government. Not a single Government representative has come to us till date. When our own government is committing fraud on us, how can we trust the company? Company will take care of its own interest, not the interest of the local inhabitants. Our government should have given a thought about its people before signing the MoUs with industrial houses and companies, and it has signed 94 MoUs without getting worried about our conditions!

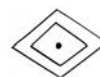
We want to live in our village. We don't want to quit our forefathers' land and our age old tradition. Our society is very cohesive and caring. If the Government really wants development, it should provide good quality of seeds, and the department of Agriculture and Irrigation should work attentively during harvesting period. No body in Jharkhand is dying due to hunger. The question is how to make it more prosperous. And one thing is quite clear that forced acquisition is not going to result positively and again a huge population will have to bear the brunt of the so-called development. And lastly, I strongly say that I do not want to give even an inch of my land to anyone."

ROSHAN MARANDI

75 year, S/O Lt. Shri Bheem Marandi R/O Village - Taldi, Block Kathikund, District - Dumka, Jharkhand

"I own 12 bighas of land. Ours is a tribal village. Agriculture is our main source of livelihood. Other than wheat and paddy I grow potato, tomato, onion, chili, brinjal, kurthi, urad, arhar, etc; and sell these produce to the nearby market.

Every department in our block is corrupt. First, instead of giving jobs to us the block officials generally give job to the non-tribals. And in worst case when we are given jobs by the officials they do not make payment properly or make payment late. Recently one of my neighbors got some work but when he asked for his wages he was simply denied by the officials. Then all the villagers caught the contractor and beat him. Only then the officials gave his wage.

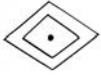


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The government has provided Antyodya/BPL card to the persons living below poverty line. But they are not getting ration timely under the Antyodya scheme. Whenever they go to Ration Shop, Rationwalah (shop-keeper) says that ration is out of stock. Instead of distributing the ration the Rationwalah sells it through black.

I had applied for senior citizen's pension under the senior citizen pension scheme more than a year ago. But till date I have not got one. One can not get the benefit of such schemes without approaching a tout.

There are number of fruits and vegetables which are easily available in the nearby forest. Men and women from our village go to the forest to collect fuel, fruits and vegetables. We also get Sakhua Leaves, Sharifa, Jaamun, Mushroom. Phutka, Saag, Kheksa. Aal, Kodra Saag, Kanha Saag, Kinwada from jungle. From the leaves they prepare Pattals (leaf-plates). They sell the items collected from the forests in the nearby towns and earn somewhere between Rs. 100/- to 200/- per day. Whatever we see in the name of forests today are only because of our forefathers. They saved the forest and it is a gift to us from them.



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Jindal and Mittal companies want to acquire our water, forest and land. But we will not give our land and forest to anybody. We know very well that once they take over these asset and resources they will exploit it at length, and very soon all the resources will be vanished.

We did number of protest and rallies against these companies. A Rally was organized on 6th December 2008 at Kathikund. I was also part of that Rally. We were marching peacefully, but suddenly the police started firing without any announcement. Our rally was peaceful and we were demanding to save our land. We did nothing wrong. Police is also very biased. Police Department, Political Leaders, and Government all are supporting the Jindal Company.

Lakhiram Tudu was killed in the firing and 18 others were injured. Shivlal and Saigat were seriously injured and are still under treatment in RMCH. But the police are not allowing us to visit them.

According to the land & revenue laws of Jharkhand Government, only tribals can purchase the land of tribals and vise-versa. Then how can Jindal Company purchase our land. And as far the question of giving our land to anyone is concerned, in any case we shall never do it, even if we die."

ANI TUDU

26 years, Village - Lakhi Kudi Baghmara, Block- Sadar Dumka, District- Dumka, Jharkhand

"We are seven members in my family. My parents own 5 Bighas of cultivable land. According to them earlier we had hefty land but a large part of our land was submerged into Masan Dam. 144 villages were submerged in the Masan Dam. Like today the government had promised dignified compensation and proper rehabilitation to those who were to be displaced by the dam. The fact is that only 2 to 3 percent of the affected people were given rehabilitation. Nobody knows about the rest of the dam affected people.

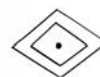
My parents told me that prior to the Masan Dam, we were very rich. But today we are doing work on Batai (sharecropping) in Gosais (landlord) fields also. Sometimes we have to work as labourers in the fields of Gosais. Only few people got the compensation in the Masan Dam project, and they did not get the full compensation. Almost 60% compensation is yet to be received.

In our field, we grow Rice and Corn. We do not purchase any ration from the market. In February 2007 we had a Dharna and rally and gave a memorandum to the Jharkhand Government regarding proposed Steel Factory of Mittal. We also had a 22 day Jansansad at Birsa Chowk in Ranchi.

ArcellorMittal Company is making every effort to establish its steel factory in Dumka. If the factory gets established. 12 villages will be displaced completely. Following are the names of some of the villages which are going to be displaced -

- i. Gunkathi
- ii. Kasi Tola
- iii. Khijuria
- iv. Balabahal
- v. Tularaiti
- vi. Vijaypur
- vii. Bagla Jori
- viii. Nayadi etc.

Our Gram Panchayat received a notice from ArcellorMittal Company, which says that they are going to acquire our land and if we have any objection we should raise it through proper channel. While the rule is that



if anybody wants to purchase our land he/she should contact the representatives of our Gram Panchayat. But in this case no representative of the company has contacted the Gram Panchayat. They directly sent the notice to different Gram Sabhas.

We were served similar notice in 2007 and 2008 also. At that time also we had protest against the notice. Then the people from five villages: Bankathi, Balabahal, Jandli, tularaidi and Kamadbad had organized Dharna. We also gave written Virodh Patra (Protest Letter) to the Government.

In our village total families are 62. Fifty houses are of Adivasis, and 12 houses of Goswamis. We are working in close coordination with the people who are struggling against similar displacement in Kathikund. I was also the part of protest demonstration on 6th December 2008 at Kathikund, when the Police had opened fire without any announcement. Police officials themselves lit fire and burned the police van, but blamed the protesters.

Warrants have been issued against our 23 comrades on 6-12-2008 for participating in that rally. Police is saying that we are from MCC. One comrade was murdered by police on 6-12-2008, and 18 were injured in police firing.

We will not sit and rest until we get justice. We will fight till our last breath. We will not leave our land in any situation."

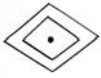
NIRMALA MURMU

36 years, Village - Bandarjoi, Block- Dumka, District- Dumka, Jharkhand

"My husband remarried a few years ago, therefore I don't live with him. I stay at my parent's home with my two children. My parents have no agricultural land.

I am associated with a human rights organization (People's Union for Civil Liberties), undertake various awareness programs in close association with Gram Sabhas, especially in tribal villages. I am also part of those people's organizations who are actively advocating for rehabilitation to the displaced.

The Government says that Adivasis who are opposing RPG Group are associated with MCC. I have never seen a naxalite and have not any relation with any such people. Still the Government alleges us as naxalites and



harasses us. Police take away people from their homes and work place, and falsely claim that they have arrested them from a Jungle with Naxalite literature, map, etc.

On 26.11.2008 three Adivasis namely Munni Hansada, Charan and Ramcharan were arrested, while Hopna Baski was arrested on the very next day, i.e. 27.11.2008. Ramcharan was arrested from Shikari Pada. Hopna Baski was also arrested from Shikari Pada. Till date only Hopna Baski managed to get bail, he was given bail on 13.1.2009, while the rest of them are still behind bars.

I was also present in the rally on 6.12.2008. Bhola Pal, a rickshaw puller from Kathi Kund and Gopal Mahto, a car driver were arrested on 6.12.2008, even they were not part of the Rally.

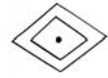
I ask a question from government that is it compulsory to kill the Adivasis ? Why not we are left to live peacefully? We tribals love our land and forest very much and do not want to give it to anyone."

FAIZAL ANURAG

52 years, Free-lance Journalist & Intellectual, Ranchi, Jharkhand

I am a son of a farmer. Although I am a media professional, I am associated with the issue of Adivasis and Mulvasis since long. Adivasi and Mulvasi live collectivity. Although adivasis own property individually, but they consider their property as a community asset. Adivasis trust water, forest and land. They have received these natural resources from their ancestors and they have to hand over these resources to the next generation. Feudalism has not been developed in Adivasi system. Men and women -- both are equally treated at every step in their system. In fact, adivasis are true democrats.

More than 80,000 Jharkhandi girls are serving as domestic helps in Delhi and Mumbai. The middle men earn dalali who send these girls to Delhi and Mumbai. Some times these poor girls go in wrong hands.

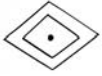


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Jharkhand has been listed in 5th schedule of the Indian Constitution. It is written in principle of panchsheel that tribals will make their own rules. Other than some exceptional circumstances (like some important personalities wants to visit the area) non-tribals will not come to tribal areas. According to 5th schedule of our Constitution no law will be passed related to the tribals until 'Tribal Advisory Council' gives its consent. It is also a settled law that a non-tribal can not purchase Tribal land. But now we can see how non tribals are grabbing the Tribal land by every means.

Sarna and Sasandri of tribals can not be rehabilitated. Now the government can ask the question that why are you talking about Sarna and Sasandri in this modern era? Then we would like to ask the government about why the need of Amarnath and Ayodhya is being felt?

Within 60 years of independence, 80 lakhs adivasis of Jharkhand had to be displaced in the name of development. Only 3 to 4 percent of these displaced people have been rehabilitated, remaining all are wandering from pillar to post to get rehabilitation.



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It is known through media and other sources that a Thermal Power Plant of 1000 MW generation capacity is to be set up near Amgachhi vilage. A rough estimate says that if the plant is finally set up in this area, it will affect about 1000 acres of land, including 350 acres of agricultural land and the forest land. The Jharkhand Government has signed 98 MoUs with several national and multinational companies for setting up 74 steel plants and 4 power plants. These plants require approximately 200,000 acres of land. The State Government and Media are propagating a message that blind industrialization is the only way to develop Jharkhand.

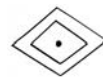
ArcellorMittal is engaged in devastating many villages in Khunti and Gumla districts. The company needs 12000 acres of land for its factories. Regarding the land acquisition, the Notification was once issued in 2008, when the people in large numbers had submitted their objections to the then Deputy Commissioner Mast Ram Meena who then came to the Gram Sabha and sought people's view. The whole community objected to the acquisition which was recorded in the Gram Sabha minutes. And these minutes were signed by the Deputy Commissioner also.

More than 10,000 Adivasis and Moolvis were staging a peaceful protest against their land acquisition on 6th December 2008 at Kathikund. They were going to court arrest. Numbers of women were also there in the

protest with their agricultural equipments. Large number of armed police was there; they suddenly opened fire on the protesters without any provocation and killed one Lakhiram Tudu and injured 15 others.

Adivasis and Mulvasis are firm on not to leave their land for so-called development. The government, police and media is deliberately and systematically spreading the false news that Adivasis and Mulvasis who are contesting for their land are linked with Maoists.

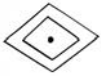
I am in support of a Jharkhand in which there would be jal, jangal, jamin aur aadmi. I support Adivasi and Mulvasi view that no one should acquire their land and jungle."



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Members of the Jury: (l to r)
Dr. Arijitha Dutta, Adv Mihir Desai, Sri Prabhask Joshi,
Mr. Rajendar Sachar, Adv Sanjay Parikh,
Vrinda Grover.



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A section of the village folks from affected villages, who came to depose before the IPT from mostly Dumka, Khunti, Gumla and East Singhbhum where industrialization is resulting in land alienation in large scale, affecting people's livelihood sources like land, water and forest.

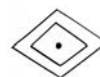
Excerpts from the Submission On behalf of CPI (M)

Respected members of the Tribunal and friends,

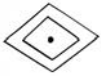
On behalf of my Party, CPI (M), Jharkhand State Committee, I record my appreciation for the initiative taken and opportunity given to me by INSAF in this People's Tribunal on Development, Displacement and Repression.

1. I stand for judicious and balanced economic development in agrarian, industrial, infrastructural and social sectors raising the standard of living of the people.
2. State Government's Approach on Development : Ignoring all other aspects and only giving emphasis on industries, Jharkhand Industrial Policy, 2001 was announced by the Government suggesting major changes in both the land tenancy acts of Jharkhand - Chotanagpur Tenancy Act, 1908 (CNT Act) and Santhal Pargana Tenancy Act, 1949 (SPT Act). A Vidhan Sabha Committee was formed for this purpose. Having single perspective for exploitation of rich mineral resources of Jharkhand, 98 MOUs were signed without consideration of huge land required to implement those and consequent displacement. The State Government announced a Rehabilitation and Resettlement Policy in 2008 in total disregard to provisions of Constitution and law.
3. Land : Out of total 79.71 thousand sq kms land area of Jharkhand, less than 48% is cultivable land and only 26% and is actually cultivated. Only 5.26 % of cultivable land is irrigated. Agricultural production mainly depends on monsoon rains.

In this background we have to see the issue of land displacement.



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7. Attempt to dilute Constitutional Provision: Immediately after formation of Jharkhand, provision of 5th Schedule of the Constitution was diluted by removing urban areas from the Scheduled Areas in 2003 notification. After agitation and persuasion, urban areas were again brought in the Scheduled Areas by district wise re-notification by Presidential order in 2007.

8. Violation of Constitutional Direction in 5th Schedule :The 5th Schedule of the Constitution directed -

"Prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area".

For administering the provisions of 5th Schedule Areas in 13 districts and 3 blocks in other districts of Jharkhand, Tribes Advisory Council is constituted. But, for land acquisition by the Government and in its Rehabilitation and Resettlement policy, these directions of the Constitution have been grossly violated.

9. Violation of PESA: The Section 4 (i) of The Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 states.

"The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or re-habilitating persons affected by such projects in the Scheduled Areas".

The Government, in their drive for acquiring land for industries, is grossly violating the above provision of PESA.

11. Cases of pending issues of displacement: Large number of cases of displacement are pending in Jharkhand for settlement since the time of undivided Bihar Some examples are given below.

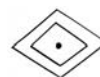
(i) 600 sq kms area of Jharia coalfield area and 7 lakhs people are affected due to underground fire. Their lives, livelihood and property are under threat. It is a national disaster economically, socially and of environment. RSP College of Jharia town, where about 6,000 students are studying and adjacemtn water supply centre are also under serious threat, Irresponsible notice was issued to RSP college of Jharia, to shift as the principal of the college 'deem fit'. According to Director General

of Mines Safety, 'the distance of R.S.P. college structure from the probable seat of fire is about 200 metres'. And according to the report of Central Mining Research Institute 'The rate of progress of fire in zone- I (towards RSP College) is in the range of 8 - 3 m / month'. Yet, there is no scheme to save Jharia town and other areas outside the fire zone.

In this, certain areas are lease holding area of Coal India Limited subsidiary BCCL and certain areas are under proposed Dhanbad Corporation area under Jharkhand Government to protect Jharia town and other non lease holding areas whereas Coal India Limited has Jharia Action Plan of Rehabilitation and Resettlement for lease holding areas which is less than the Rehabilitation and Resettlement Scheme of Central government's PSUs. For the purpose of coal, the Coal India Limited is pressing for total removal of Jharia township and other government owned and private areas.

- (ii) Thousand of land losers are yet to get jobs at Maithon and at other locations of Damodar Valley Corporation despite earlier assurances and list prepared by D.V.C. DVC is taking the plea of a Haryana High Court judgement on other issues that there was no need of giving jobs and some compensation would do.
- (iii) About 50% of land losers are yet to get compensation of Subarnarekha Multipurpose Project where villagers of 116 villages were affected.
- (iv) Despite 1971 agreement Indal Aluminum Factory at Muri is yet to provide jobs to 34 land losers despite written agreement and government's inspection report.
- (v) Thousands of people are affected and deprived of their developmental benefits who are still residing in coal companies lease holding areas."

(Submitted by: Com. Mihir Chaudhry & Com. Prafull Linda, CPI-M)



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"Finally there are instances where **the affected people have not allowed any division among them and have consistently stood together in solidarity in resisting the project.**

Such extraordinary situations need extraordinary solutions. This is where the collaboration of the state govt., local administration, police force is important. We then witness 'state terrorism' in its most ugly form. Koel Karo

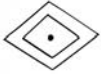


(Tapkara) police firing in 2001 at an unarmed peaceful crowd killing eight persons and injuring several is as unforgettable example. Kalinganagar firing in 2005 killing eleven persons wherein the Tata Co went to the spot not only with its bull - dozers but also accompanied by 11 platoons of armed police provided by the state govt.

This is the ultimate, calculated blow to people's resistance to industrial projects aimed at displacing people and alienating their land.

From all that is said above, it is not to be concluded that people have lost the battle. Increasingly they are becoming aware of the manipulations of the industrialists. People will soon develop their own strategies to remain united and definitively refuse to give their agricultural land to industrialists. It will then be the task of others with a human conscience to stand by the struggling farmers in support and solidarity."

(Excerpts from the Submission made by Fr. Stan Lourduswamy, BAGAICHA)



बेरमो अनुमण्डल विस्थापित-प्रभावित संघर्ष मोर्चा अध्यक्ष

कार्यालय-पोड - होसिर, सुभाष चौक, गोमिया, बोकारो (झारखण्ड) - 9304276802

पत्रांक 152/09

दिनांक 02/02/09

सेवा में,

माननीय श्री राजेन्द्र सच्चर,
पूर्व न्यायाधिवक्ता।

विषय :- तेनुघाट बांध के विस्थापितों-प्रभावितों के साथ मेदमाव पूर्ण रवैया अपनाने के विरुद्ध
दिनांक 28.02.08 को जल समाधि लेने के संबंध में।

महाशय,

निवेदन यह है कि बोकारो जिला अन्तर्गत तेनुघाट बांध का निर्माण 1985 में औद्योगिक प्रतिष्ठानों को जल उपलब्ध कराने के उद्देश्य से किया गया, जिसमें लगभग 74 हजार परिवार विस्थापित व प्रभावित हुये एवं किसानों की लगभग 97 हजार एकड़ भूमि अश्रियग्रहण एवं हस्तांतरण से तेनुघाट बांध को दे दिया गया।

बांध के निर्माण से जो परिवार विस्थापित व प्रभावित हुये उन्हें न तो समुचित रूप से पुनर्वासित कराया गया न नियोजन दिया गया और न ही इनके आर्थिक उत्थान हेतु किसी प्रकार की सरकारी पैकेज दी गई जिसके कारण आज यहाँ के विस्थापित गरीबी एवं भुखमरी के कगार पर हैं और दर-दर की ठोकरें खा रहे हैं।

तेनुघाट बांध के विस्थापितों व प्रभावितों से संबंधित 9 सूत्री मांगों की पूर्ति हेतु मोर्चा के पत्रांक 152/09 दिनांक 02.02.09 द्वारा महामहिम राज्यपाल, झारखण्ड को पत्र प्रेषित करते हुए अनुरोध किया गया है कि मांगों के संबंध में यदि शीघ्र कोई सकारात्मक कारवाई नहीं की जाती है तो विस्थापित परिवार दिनांक 28.02.09 को तेनुघाट बांध में जल समाधि लेने को विवश होंगे जिसकी छायाप्रति पत्र के साथ संलग्न हैं।

अतः अनुरोध है कि इस संबंध में अतिशिघ्र अपने स्तर से सामुचित कारवाई करने की कृपा की जाय।

निवेदक
अजहर अंसारी
(अजहर अंसारी)

अध्यक्ष

बे० अनु० विस्था० प्रभा० सं० मोर्चा
कार्यालय-पोड-सुभाष चौक, होसिर
गोमिया, बोकारो



Parmeshwar Marandi, brother of Saigat Marandi, who was hit by a bullet in the chest during the police firing on protesting villagers on 6th December 2008 at Kathikund. His brother told the IPT that Saigat Marandi was chained and shackled to the hospital bed which led to rat bites and wounds. He died on 6th March 2009.



**Sri Shashibhooshan Pathak,
General Secretary, Jharkhand PUCL.**

List of Organizations & Individuals That Deposed Before the IPT

(Note: These are organizations and individuals other than the affected people from the project areas. The list is not exhaustive. Many had given written submissions and affidavits.)

A- Social Action Groups/People's Organisations:

1. Adivasi Moolvasi Astitva Raksha Manch, Jharkhand
2. National Alliance of People's Movement (NAPM)
3. Jharkhand Ulgulan Manch
4. Jharkhand Hulgulan Mahila Manch
5. National Alliance of Women (NAWO) - Jharkhand
6. Mahila Tupidan Virodhi Vikas Manch- Malanch Ghose
7. AIDWA
8. AFPWA
9. AKHRA- Methanath
10. Jharkhand Muttehaida Milli Forum
11. CREJ- Sri J.J. Kujur
12. JAMACC - Sri Punit
13. Jan Sanskriti Manch
14. Pragatisheel Lekhak Sangh -
15. Jharkhand Forum for Democratic Rights & Secularism
16. Munda Chatra Sangh
17. Sanyukt Chatra Sangh
18. JOHAR
19. Kisan Samiti

B- Human Rights Organisations :

20. People's Union for Civil Liberties (PUCL) -- Jharkhand Unit :Prof. Shashi Bhooshan Pathak
21. Bagaicha - Fr. Stan Lourduswamy

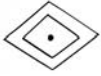
C. Intellectuals, Lawyers, Journalists, etc.

22. Sri Ramesh Sharan
23. Dr. Harishwar Dayal
24. Bandi Oraon
25. Dr. M.K. Masan

26. Dr. Rose Kirketta
27. Adv. Rashmi Katayan
28. Adv. Kalam Rashidi
29. Adv. Sachidanand Mishra
30. Adv. Ratnakar Bhengra
31. Adv. Dhanic Guria
32. Adv. Walter Bhengra
33. Prof. Ravi Bhushan
34. Judugoda - UCIL Displaced - Dumka Murmu
35. Sri P NS Surin, Tribal Law Expert, Ex-ADM
36. Sri Gladson Dundung – Human Right Activist
37. Dr. Chandrabushan Choudhery, State Secretary, Samajwadi Jan Parishad, Jharkhand
38. Sri Sideshwar Singh, dist Secretary, SUCI Ranchi

D. Political Parties/Trade Unions:

39. Communist Party of India (Marxist)
40. Communist Party of India
41. Communist Party of India (M - L)
42. Indian National Congress (I)
43. Jharkhand Party
44. Marxist Coordination Centre (MCC)
45. Jharkhand Jan Adhikar Parti



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Ghanshyam of Jharkhand Ulgulan Manch deposing before the IPT. The FIR filed in the police firing incident on 6.12.2008 by the Government official refers to him: "Ghan Shyam ji, Director of NGO 'JUDAV', Madhupur associated with M.C.C. had made his plan for release of Munni Hansda because he is the Guru of Munni Hansda.... and on the day of incident left stating of having some urgent work in Ranchi!"

Annexure II

List of MoU signed for Mega Investment in Jharkhand

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
1	M/s Monnet Ispat Ltd. New Delhi	a. Sponge Iron b. Steel c. Power	0.8 MtPA 7 LTPA 250 MW	Hazaribag	1400.00
2	M/s Vallabh Steel Ltd. Ludhiana	a. Sponge Iron b. Pig Iron c. Steel d. Power	3 LTPA 1.5 Mt/A 2 L TPA 40 MW	Gamharia	288.00
3	M/s Aadhunic Alloys & Power Ltd. Jamshedpur	a. Sponge Iron b. Steel c. Power d. Pelletisation	1.98 Mt/A 2.6 Mt/yr 145 MW 2.0 Mt/yr.	Kandra	5517.00
4	M/s Nilanchal Iron & Power Ltd. Kolkata	a. Sponge Iron b. Power c. Steel	5 LTPA 25 MW 2.0 LT/A	Chandil	250.00
5	M/s Pawanjai Steel & Power Ltd., Lohardaga	a. Sponge Iron b. Steel c. Power	2 LTPA 4 LTPA 100 MW	Chaibasa	200.00
6	M/s Chhattisgarh Electricity Co. Ltd., Raipur	a. Sponge Iron b. Steel c. Power	4.5 LTPA 4 LTPA 100 MW	Chaibasa	1000.00
7	M/s Narbhey Ram Gaspoint Pvt. Ltd. Jamshedpur	a. Sponge Iron b. Steel c. Power	1.35 LTPA 2.0 LTPA 45 MW	Jamshedpur	100.00
8	M/s Jharkhand Ispat Pvt. Ltd. Hazaribag	a. Sponge Iron b. Steel c. Power	10.8 LTPA 2.0 LTPA 45 MW	Ramgarh	400.00
9	M/s Balajee Metal & Sponge Ltd. Kolkata	a. Sponge Iron b. Steel	1.8 LTPA 1.0 LTPA	Chaibasa	160.00

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
10	M/s Abhijeet Infrastructure Pvt. Ltd., Nagpur	a. Sponge Iron b. Steel	2.5 LTPA 1.1 LTPA	Hazaribag	300.00
11	M/s R.G. Steel Pvt. Ltd. Kolkata	a. Sponge Iron b. Steel c. Power	0.9 LTPA 0.6 LTPA 8 MW	Near Patratu	200.00
12	M/s Corporate Ispat Alloys Ltd., Kolkata	a. Sponge Iron b. Steel c. Power	2.5 LTPA 1.1 LTPA	Hazaribag	300.00
13	M/s Prasad Group Resource Pvt. Ltd. Kolkata	a. Sponge Iron b. Steel c. Power	1.05 LTPA 2.2 LTPA 12 MW	Near Patratu	400.00
14	M/s Horizon Eximp Ltd., Bilaspur	a. Sponge Iron	4 LTPA	Chaibasa	74.15
15	M/s Prakash Ispat, New Delhi	a. Pig Iron	2 LTPA	Chaibasa	71.40
16	Ms/ Spectrum Mercantile Pvt. Ltd. Giridih	a. Sponge Iron	4 LTPA	Chaibasa	74.15
17	M/s AML Steel & Power Ltd. Chennai	a. Sponge Iron b. Steel c. Power	15.4 LTPA 2.0 LTPA 312 MW	Saraikela	1944
18	M/s Chaibasa Steel Pvt. Ltd.,	a. Sponge Iron New Delhi	4 LTPA	W. Singhbhum	74.15
19	M/s Annpurna Global Ltd., Kolkata	a. Sponge Iron b. Steel c. Power	2.01 LTPA 1 LTPA 10 MW	W. Singhbhum	500.00
20	M/s Electro Steel Integrated Ltd., Kolkata	a. Sponge Iron b. Steel Plant c. Power Plant	2.0 Mt/A 3.0 Mt/A 210 MW	Chandan Kyari Bokaro	8157.00
21	M/s Balajee Industrial Products Ltd. Jaipur, Rajasthan	a. Sponge Iron	1.20 LTPA	Chaibasa	61.00
22	M/s Rungta Mines Ltd. Rungta House, Chaibasa	a. Sponge Iron b. Power	5.1 LTPA 34 MW	Gaisuti, W Singhbhum	517.00

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
23	M/s Raj Refractories (PT) Ltd., Ranchi	a. Sponge Iron b. Steel c. Power	0.6 LTPA 0.60 LTPA 12 MW	Bundu	68.50
24	M/s Sunflag Iron & Steel Co. Ltd., 401, Chiranjiv Tower, 43, Nehru Place, New Delhi 110 019	a. Sponge Iron b. Steel	6 LTPA 4.9 LTPA	Saraikela	937.61
25	M/s ESSAR Steel Jharkhand Ltd. (formerly M/s Hy-Grade Pellets Ltd.)	a. Pellet Plant b. Sponge Iron c. Steel d. Power Plant	8.0 MtPA 7.5 MtPA 6 Mt PA 2x 500 MW	W. Singhbhum	9900.00
26	M/s Anindita Trades & Investment Ltd. Vikash Bhawan, Ranchi	a. Sponge Iron b. Power	3.34 LTPA 12 MW	Ramgarh	300.00
27	M/s BMW Industries Ltd. Park Street Kolkata	a. Sponge Iron b. Steel c. Pig Iron	2.1 LT/A 0.5 MtPA 0.5 Mt PA	Chandil	591.00
28	M/s Goel Sponge Pvt. Ltd. Z-262 Naragaha WHS, New Delhi	a. Sponge Iron b. Steel c. Power	1.15 LTPA 0.9 LTPA 10 MW	W. Singhbhum	67.00
29	M/s Hindalco Industries Ltd.	a. Aluminium Plant b. Captive Power Plant	3.25 Lt/Yr 600 MW	Latehar (Tumbagarh)	7800.00
30	M/s Tech AI Corporation USA	Aluminum Plant			6,500.00
31	M/s Jindal Steel & Power Ltd., New Delhi	a. Pellet Plant b. Sponge Iron c. Steel d. Power Plant	6.0 Mt PA 5.0 Mt PA 5.0 Mt/PA 1000 MW	Ghatshila	11500.00
32	M/s Contisteel Ltd. New Delhi	a. Sponge Iron b. Steel c. Liquid Steel d. Power Plant	1.2 MtPA 1.14 MtPA 1.25 MtPA	Chandil	1560.00
33	M/s Kohinoor Steel Pvt. Ltd., Kokatta	a. Sponge Iron b. Pig Iron	2.25 Lt PA 1.2 Lt PA	Buladih Near Chandil	410.00

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
		c. Coal Washery d. Power Plant	1.1MtPA 46 MW		
34	M/s Bhushan Power & Steel Limited	a. Sponge Iron b. Steel c. Power Plant	1.5 MtPA 3.0 MtPA 900 MW	Asanboni, Jamshedpur	10500.00
35	M/s Kalyani Steel Limited, Mundhawa, Pune	a. Sponge Iron b. Steel c. Power Plant	2.30 LtPA 10 LTPA 80 MW	Silli, Ranchi	1843.30
36	M/s Tata Steel Ltd., (Green Field Project)	Integrated Steel Plant	12 Mt/year	Manoharpur/ Chandil	42000.00
37	M/s Tata Steel Ltd, (Expansion)	Integrated Steel Plant	5 Mt/year	Jamshedpur	11000
38	M/s V.S. Dempo & Company Pvt. Ltd.	Integrated Steel Plant	0.5 Mt/year	Manoharpur	1016
39	M/s Arcelor Mittal Limited	Integrated Steel Plant	12 Mt/year		40000
40	M/s JSW Steel Ltd.	Integrated Steel Plant	10 Mt/year	Heslong, Nimdih	35000
41	M/s Ranchi Integrated Steel Limited	Integrated Steel Plant	1.5 Mt/year	Silli, Near Muri	5452
42	M/s Burnpur Cement Ltd., Asansol	Cement	1 Mt/year	Patratu, Hazaribag	500
43	M/s Jupiter Cement Industries, Hazaribag	Cement	600 TPD	Bandhuwa, Saraikele- Kharswan	90
44	M/s VST Tillers Tractors Limited, Bengalure	Power Tiller	8000 Nos/y	Getalsud Industrial Area,Ranchi	64

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
45	M/s ESSEL Mining & Industries Limited, Kolkata	Integrated Steel Plant	1.75 Mt/yr Power Plant 60 MW	Saraikela-Kharswan	1900
46	M/s Sesa Goa Limited, Janji, Goa	Integrated Steel Plant	0.5 Mt/yr	Saraikela-Kharswan	1242
47	M/s Mukand Steel, Bombay	Integrated Steel Plant	2.0 Mt/yr	Barlanga, Hazaribag	4335
48	M/s Cement Manufacturing Company Ltd., Kolkata	Cement Plant	1.0 Mt/yr	Patratu, Hazaribag	450
49	M/s Feegrade & Company Pvt. Ltd., Barbil, Orissa	Integrated Mini Steel Plant	0.3 Mt/yr	Guru & Rangamati West Singhbhum	688.8
50	M/s Bonai Industrial Company Limited, Barbi, Orissa	Integrated Mini Steel Plant	0.25 Mt/yr	Kundubera & Singh Pokharia, West Singhbhum	819.00
51	M/s Rungta Mines Ltd. Rungta House, Chaibasa	a. Steel b. Power Plant	Additional 4.5 Mt/A 600 MW	Gaisuti, West Singhbhum	11320.00
52	M/s Rungta Mines Limited, Rungta House, Chaibasa	Cement Plant	2.5 Mt/yr	Khunta, Est Singhbhum	1312.6
53	M/s Vini Iron and Steel Udyog Limited, Kolkata	Integrated Steel Plant	0.6 Mt/yr	Lupungdih, Chandil, Saraikela-Kharswan	880.64
54	M/s Narsingh Ispat Limited, Howrah	Mini Steel Plant	0.25 Mt/yr	Khunti, Chandil, Saraikela-Kharswan	610

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
55	M/s Core Steel and Power Ltd., Mumbai	Mini Steel Plant	1.00 Mt/yr	Musabani, Ghatsila, E. Singhbhum	3300
56	M/s Ispat Industry Ltd., Mumbai	Mini Steel Plant	1.00 Mt/yr	Musabani, Ghatsila, East Singhbhum	3300
57	M/s Ma Chandi Durga Ispat Ltd. Kolkata	Integrated Steel Plant Power Plant	1.1Mt/yr 50 MW	Nala Block Jamtara District	1500
58	M/s Jagdamba Fiscal Services Ltd., Kolkata	Integrated Steel Plant Power	1.1 Mt/Yr 50 MW	Raniswar Block, Sikaripara, Dumka	1500.00
59	M/s Brahmi Implex Ltd., Kolkata	Integrated Steel Plant Power	1.1Mt/Yr 50 MW	Afjalpur, Nala Block, Jamtara	1500
60	M/s Adhunik Corporation Ltd., Kolkata	Integrated Steel Plant Power	1.1 Mt/Yr 50 MW	Kumrabad Block, Dumka	1500
61	M/s Traingle Trading Pvt. Ltd., New Delhi	Steel Plant Power	0.24 Mt/Yr 41 MW	Saraikela- Kharswan	300
62	M/s Premier Ferro Alloys & Securities Ltd., Kolkata	Steel Plant	1.00 Mt/Yr	Barlanda, Ranchi	1830
63	M/s Pushp Steels & Mining (P) Ltd., Delhi	Steel Plant	0.25 Mt/Yr	Chandil	361
64	M/s Sarthak Industries Ltd., Mumbai	Steel Plant	2.2 Mt/Yr	RajKharswan	6300
65	M/s Jindal Steel & Power Ltd. (Patratu Project)	Steel Plant	6.0 Mt/Yr	Patratu	18560
66	M/s Swati Udyog Povt. Ltd	Clinkerization Plant Cement Grinding	1000 TPD	Juri, East Singhbhum	94.5

Sl. No.	Name of the Company	Products	Capacity	Location	Project Cost (Rs.In Crore)
67	M/s Bhushan Steel Limited, International Trade Tower, Nehru Place, New Delhi- 19	Integrated Steel Plant Power Plant	3.1 Mt/Yr 300 MW	Galudih East Singhbhum	7000
68	M/s Ma Chhinmastika Sponge Iron Ltd., Jatra Tand, Kokar, Ranchi	Integrated Steel Plant Power Plant	1 Mt/Yr. 60 MW	Binjhar, Ramgarah	1840
69	M/s Maa Chhinmastika Cement and Ispat Pvt. Ltd. Jatra Tand, Kokar, Ranchi 10 MW	Integrated Steel Plant Power Plant	0.128 Mt/yr.	Ramgarah	353.53
70	M/s V.M. Salgaocar & Brothers Pvt. Ltd. Salgaocar House off Fanicisco Luies Gomes Road, Post Box No. 14, Vasco-Da-Gama, Goa	Integrated Mini Steel Plant Power Plant	0.5 Mt/yr. 100 MW	Ghatshila	847.00
71	M/s Ramgarh Sponge Iron Pvt. Ramgarh	Integrated Steel Plant	0.5 Mt/yr.	Ramgarh	785.00
72	S.K.S. Ispat & Power Limited 50, 13, Elegant Park, Andheri Kurla, Mumbai	Integrated Steel Plant	1.1 Mt/yr.	Kanchi, Ranchi	3174.00
73	M/s Jupiter Iron Industries Pvt. Ltd. Boddam Bazar, Hazaribag	Integrated Steel Plant	0.25 Mt/yr.	Ramgarh	665.00
74	M/s Jindal Steel and Power Ltd., Jindal Centre, 12, Bhikaji Kama Place, New Delhi - 110 066	Alumina Refinery Plant	1.4 Mt/yr.	Mcluskiegunj, Ranchi	3350.00
			Total '		293360.33

Sl. No.	Name of the Company	Product to be manufactured	Proposed Investment (Rs. In Crore)	Land Proposed to be acquired	District/ Proposed Site	Date of Signing MoU
1	M/s Monnet Ispat Limited, Mohita Building 3rd Floor, 4 Bhikaji, Cama Palace, New Delhi - 110 066, Ph- 011-6176705, 6176706-7, 9 Fax No. 6102567	Integrated Steel Plant (DRI based)	1400.00	500 Acre	Hazaribagh	05-02-03
2	M/s Vallabh Steel Limited, Ludhiana	Sponge Iron, Power Plant, Steel Plant	288.00	118 Acre	Saraikele- Kharsawan	26-02-04
3	M/s Aadhunik Alloy & Power Ltd. Jamshedpur	Sponge Iron, Power Plant, Steel Plant	970.00	Saraikele- Kharsawan	26-02-04	
4	M/s Nilanchal Iron & Power Ltd., Kolkatta	Sponge Iron, Power Plant, Steel Plant, Mining	450.00	300 Acre	Saraikele- Kharsawan	26-3-04
5	M/s Jharkhand Ispat Pvt. Ltd., Hazaribagh	Sponge Iron, Steel Plant	400.00	300 Acre	Ramgarh	26-02-04
6	M/s Abhijeet Infrastructure Pvt. Ltd. Nagpur	Sponge Iron, Captive Coal Mine, Ferro Alloy	300.00	272 Acre	Hazaribagh	26-02-04
7	M/s AML Steel & Power Ltd., Chennai	Integrated Steel Plant	2000.00	1000 Acre	Saraikele- Kharsawan	26-02-04
8	M/s Corporate Ispat Alloy Limited, Kolkatta	Sponge Iron, Captive Coal Mine Ferro Alloy	300.00	272 Acre	Hazaribagh	26-03-04
9	M/s Annpurna Global Ltd., Kolkata	Sponge Iron, Captive Coal Mine, Power Plant	500.00	300 Acre		26-03-05

Sl. No.	Name of the Company	Product to be manufactured	Proposed Investment (Rs. In Crore)	Land Proposed to be acquired	District/ Proposed Site	Date of Signing MoU
10	M/s Prasad Groups, Resources,	Sponge Iron, Power Plant, Steel Plant, Mining	400.00	300 Acre	Ramgarh	26-03-04
11	M/s Prakash Ispat, New Delhi	Sponge Iron, Captive Coal Mine, Crushing Unit	71.40	50 Acre	Chalbasa	26-03-04
12	M/s Horizon Eximp Ltd., Bilashpur	Sponge Iron, Captive, Coal Mine, Crushing Unit	74.15	50 Acre	Chalbasa	26-03-04
13	M/s Spectrum Mercantile Pvt. Ltd., Giridih	Sponge Iron, Captive Coal Mine, Crushing Unit	74.15	50 Acre	Chalbasa	26-03-04
14	M/s Chalbassa Steel Pvt. Ltd.	Sponge Iron	74.15	50 Acre	Chalbasa	26-03-05
15	M/s Tech AI Corporation	Alumina Plant	6500.00			
16	M/s Electro Steel Casting Ltd. Kolkata	Sponge, Steel & Power	200.00	512.11 Acre	Lohardaga	19.05-04
17	M/s Balajee Industrial Product Ltd. Jaipur Rajasthan	Sponge Iron, Pig Iron, Steel Making	122.00	37 Acre	Chalbasa	01.-06-04
18	M/s Pawanjai Steel & Power Ltd.	Sponge Iron, Steel Making	1000.00	200Acre	Lohardaga	01-06-04
19	M/s R.G. Steels Pvt. Ltd. Kolkata	Sponge Iron & Induction Furnace, Captive Power Plant	122.00	100 Acre	Hazaribagh	26-03-04
20	M/s Chhattisgarh Electricity Co.Ltd., Raipur	Sponge Iron, Ferro Alloy & Captive Power Plant	1000.00	976.5 Acre Hazaribagh	Chalbasa/ Hazaribagh	01-06-04

Sl. No.	Name of the Company	Product to be manufactured	Proposed Investment (Rs. In Crore)	Land Proposed to be acquired	District/ Proposed Site	Date of Signing MoU
21	M/s Raj Refractories (P) Ltd, Ranchi	Sponge Iron, Ferro Alloy and Captive Power Plant	68.50	38 Acre	Ranchi/ Hazaribagh	11-06-04
22	Balaji Metal & Sponge Pvt. Ltd., Koklatta	Sponge Iron, & Captive Power Plant	160.00		Chaibasa	
23	M/s Sunflag Iron & Steel Com. Ltd. 401, Chiranjiv Tower, 43, Nehru Place, New Delhi - 110 019	Integrated Steel Plant (DRI based)	937.61	425 Acre	Saalkela-Kharsawan	07-08-04
24	M/s Hy-Grade Pellets Ltd. Near Fly over Scindia Road, Visakhapatnam - 530 004, AP	Integrated Steel Plant	4285.00	850 Htrs.	Chaibasa	17-11-04
25	M/s Hindalco Industries Pvt. Ltd.	Aluminum Products	7800.00	1000 Htrs.	Latehar	30-03-05
26	M/s BMW Industries Ltd. 12/2 Park Mansion, 57/A Park Street, Kolkata	Integrated Mini Steel Plant	591.00	200 Acre	Saalkela-Kharsawan	12-04-05
27	M/s Rungta Mines Ltd., Rungta House Chaibasa	Sponge Iron, WHR, Power Plant Washrey, Captive Power Plant	517.00	139.05 Acre	Chaibasa	12-04-05
28	Anindita Traders & Investment Ltd. Ranchi	Sponge Iron, Pig Iron, Steel Captive Power Plant TMT Bar	94.00	140 Acre	Hazaribag	12-04-05
29	M/s Narberham Gas Point Ovt. Ltd. Flate No. 9A, 9th Floor Poonam Bldg, 5/2 Russel Street, Kolkata - 700 001	Sponge Iron, Induction Furnance, Stand billet cartet 1, Captive Power Plant	200.00	50 Acre	Saalkela-Kharsawan	12-04-05

Sl. No.	Name of the Company	Product to be manufactured	Proposed Investment (Rs. In Crore)	Land Proposed to be acquired	District/ Proposed Site	Date of Signing MoU
30	M/s Goal Sponge Povt Ltd., Z-262 Naravana WHS, New Delhi	Sponge Iron, Induction, Furnance, Billet Caster, Captive Power Plant	67.00	100 Acre	Saraikela-Kharsawan	12-04-05
31	M/s Contisteeel Limited, New Delhi	Integrated Steel Plant	1560.00	1400 Acre	Saraikela-Kharsawan	18-07-05
32	M/s Kohinoor Steel Pvt. Ltd.	Blast Furnance, Power Plant, Billet Caster, Ptg Casting	410.00	160 Acre	Saraikela-Kharsawan	18-07-05
33	M/s Jindal Steel & Power Ltd., Jindal Centre, 12, Bhikaji Cama Place, New Dlehi 110 066	Integrated Steel Plant, Captive Power Plant	11500.00	3000 Acre	Saraikela-Kharsawan	05-07-05
34	M/s Bhushan Limited, F-Block, 1st Floor, International Trade Tower, Nehru Place, New Delhi	Integrated Steel Plant	6510.00	2000 Acre	Jamshedpur	23-07-05
35	M/s Kalyani Steel Ltd. Mandhwa, Pune - 411 036	Integrated Steel Plant	1883.00	1500 Acre	Silli, Ranchi	23-07-05
36	M/s Tata Steel Ltd.	Integrated Steel Plant	42000.00	9800 Acre	Saraikella	08-09-05
37	M/s Tata Steel Ltd. (Extension)	Integrated Steel Plant	11000.00	6000 hectare	Jamshedpur	08-09-05
38	M/s. V.S. Dempo & Company Pvt. Ltd.	Integrated Steel Plant	1016.00	150 Hectare	Mohanpur	06-10-05
39	M/s Mittal Steel Co. N.V.	Integrated Steel Plant	40000.00	29000 hec. Aprox	Ranchi	08-10-05

Sl. No.	Name of the Company	Product to be manufactured	Proposed Investment (Rs. In Crore)	Land Proposed to be acquired	District/ Proposed Site	Date of Signing MoU
40	M/s Jindal South-West Steel Ltd.	Integrated Steel Plant	35000.00	6000 Acre	Hesalong, Chandli	09-11-05
41	M/s Ranchi Integrated Steel Limited	Integrated Steel Plant	5452.00		Silli, Near Muri	
42	M/s Burnpur Cement Ltd., Asansol	Cement	500.00		Patratu, Hazaribag	
43	M/s Jupiter Cement Industries, Hazaribag	Cement	90.00		Bandhuwa, Saraikeela	
44	M/s VST Tillers Tractors Limited, Bangalore	Power Tiller	64.00		Getalsud I industrial Area, Ranchi	
				Total :'		198362.26

कार्यालय अंचल अधिकारी, कामडारा (गुमला)
आम इस्तहार

हर आम को खारा को सूचित किया जाता है कि श्री प्रयाग श्री निवास प्रसाद, जेनरल मैनेजर, आर्सेलर मित्तल इण्डिया लिमिटेड, ने आर्सेलर मित्तल इण्डिया लिमिटेड, थर्ड फ्लोर, जे0डी0 कॉर्पोरेट, मेन रोड, रॉंची के नाम निम्नलिखित भूमि की बन्दोबस्ती हेतु मेरे कार्यालय में आवेदन दिया है।


यदि इसमें किसी व्यक्ति को आपत्ति हो तो दिनांक 20-10-08 तक अधोहरताक्षरी के कार्यालय में आपत्ति दागर कर सकते हैं।

मेरे हस्ताक्षर और कार्यालय के मुहर से निर्गत किया गया।

ग्राम	जमीन का विवरण	प्लॉट	रकबा
पिपरी	खारा	प्लॉट	रकबा

भूमि का विवरण संलग्न है।




 20-10-08
 अंचल अधिकारी,
 कामडारा।

कार्यालय अंचल अधिकारी, कामडारा (गुमला) आम इस्तहार

हर आम को खारा को सूचित किया जाता है कि श्री प्रयाग श्री निवास प्रसाद, जेनरल मैनेजर, आर्सेलर मित्तल इण्डिया लिमिटेड, ने आर्सेलर मित्तल इण्डिया लिमिटेड, थर्ड फ्लोर, जे0डी0 कॉर्पोरेट, मेन रोड, रॉंची के नाम निम्नलिखित भूमि की बन्दोवस्ती हेतु मेरे कार्यालय में आवेदन दिया है।

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मेरे हस्ताक्षर और कार्यालय के मुहर से निर्गत किया गया।

जमीन का विवरण

सूत्र: खारा प्लॉट रकबा

1484

भूमि का विवरण संलग्न है।



अंचल अधिकारी,
कामडारा।

१. २०१०-११ का बजट का अनुमानित व्यय का विवरण
 २. २०१०-११ का बजट का अनुमानित व्यय का विवरण
 ३. २०१०-११ का बजट का अनुमानित व्यय का विवरण

क्र. सं.	वस्तु का नाम	प्रस्तावित व्यय	अतिरिक्त व्यय	कुल व्यय	व्यय का ५% अतिरिक्त	कुल व्यय	व्यय का ५% अतिरिक्त	कुल व्यय
1.	सूचना	8.00	4,80,600.00	4,88,600.00	24,030.00	5,12,630.00	6,00,750.00	10,81,350.00
2.	कार्य	193.58	97,29,750.00	99,23,300.00	4,86,487.50	1,04,10,000.00	1,21,62,187.50	2,18,91,937.50
3.	संसाधन	113.79	57,39,400.00	58,53,100.00	2,86,970.00	61,40,070.00	71,74,250.00	1,29,13,650.00
4.	अनुदान	218.48	1,32,64,550.00	1,34,83,100.00	6,68,227.00	1,41,51,327.00	1,65,80,687.50	2,98,45,237.50
5.	सहायता	110.02	66,01,200.00	67,11,400.00	3,30,060.00	70,41,460.00	82,57,500.00	1,48,52,700.00
6.	सहायता	111.72	59,45,800.00	60,57,600.00	2,97,290.00	63,54,890.00	74,32,250.00	1,37,87,050.00
7.	सहायता	111.05	1,61,30,250.00	1,62,91,500.00	8,06,572.50	1,70,98,072.50	2,01,62,812.50	3,62,93,062.50
8.	सहायता	84.06	63,98,000.00	64,61,900.00	3,19,900.00	67,81,800.00	79,97,500.00	1,47,95,500.00
9.	सहायता	17.28	10,38,250.00	10,48,600.00	5,19,12.50	10,53,792.50	12,97,812.50	23,96,062.50
10.	सहायता	57.33	35,04,000.00	35,39,000.00	1,75,200.00	37,14,200.00	43,80,000.00	78,84,000.00
11.	सहायता	1025.31	6,83,31,800.00	6,84,14,600.00	34,20,700.00	7,18,35,300.00	85,03,9750.00	15,48,71,550.00

कुल व्यय
 १५,४८,७१,५५०.००

गाँव का नाम - पिम्पी

121

①

सीमा :- ऊ - टिहरी गाँव और नदी

द० - कोमल नदी और जंगल

प० - सौरा गाँव

प० - रेलवे लाईन और पकरा + सुरहा गाँव

क्षेत्रफल :- 1948 ई० के विन्डो नोट के रेकॉर्ड के अनुसार कुल
जमीन - 1548.50 ए०

आबादी :- 208 परिवार में जनसंख्या 2500 है।

जाति :- गुग्गा, कुआँव, कोहरा, पांड, चीक, सैतिगा, लेली,
ब्राह्मण ।

धर्म :- सरना, ईसाई, हिन्दू ।

1. प्रशासनिक ढांचा :- (i) पड़दा व्यवस्था अर्थात् किली, कुलबुरु
पड़दा के अंतर्गत है। (विन्डो नोट के प्रा० सं० 4 में
अंकित है।) पिम्पी चांकरादाज, मुन्डा, महतो, पाहन
पुजार चार खूट का व्यवस्था है। कुल जमीन खूट में
बाँटा हुआ है। आदिकारियों का अनुमति नीति नहीं
है यह सामुहिक जीविका का नैसर्गिक साधन है। CMA
एक्ट के धारा 46 में आदिकारियों का जमीन हस्तांतरण
नहीं करने का प्रावधान है।

(ii) भारतीय संविधान के धारा 244 (i) 5 (i) में जनजातों
संस्कृति एवं पहचान को परकरार रखने का प्रावधान है।

(iii) पेशा कानून 1996 के 4 (3) (i) में विकास कार्यक्रमों को शुरू
करने से पहले ग्राम सभा की स्वीकृति का प्रावधान है।
4 (3) में कानूनन जमीन देने से पहले को प्रस्तावों की
प्रभावित लोगों को हटाने से पहले संबंधित ग्राम सभा से
सलाह लेना जरूरी है।

(iv) अनुसूचित क्षेत्र में अनुसूचित जनजातियों के पारम्परिक
रीत दृष्टि तथा धार्मिक स्थल - सरना, मसना, हड़गडी,
अकरा, डाली कनारी आदि का पुनर्वास किसी भी हालत में
नहीं किया जा सकता है।

2. मुकाबला :- पुनर्वास नीति में अधिग्रहित भूमि का मुकाबला संबंधित
कंपनी द्वारा देने की बात कही गई है। अनुसूचित के अलावा
हमारे जीविकोपार्जन के कई श्रोत हैं जिनसे वे प्रत्यक्ष रूप से
लाभ प्राप्त होता है -

1) कालवार रकम :-

(i) आम - 5000 रु० - एक पेड़ से सलाह काय लागत - 2500/- रु०

(ii) कटक - 2500 रु० - " " - 20,000/- रु०

(iii) ईपली - 450 रु० - " " - 20,000/- रु०

(iv) जामुन - 300 रु० - " " - 5,000/- रु०

(v) सरैया - अनिगनत - " " - 200/- रु०

(vi) केला - 150 फेड - प्रति फेड से खाना का भाग - 3000/-
(vii) वपीला - 500 फेड - " " - 5000/-
(viii) अमरुद - 400 फेड - " " - 5000/-
(ix) लीची - 200 फेड - " " - 5000/-
(x) अरबूत - 50 फेड - " " - 2000/-
(xi) मुनगा (खजूर) - 5000 फेड - फूल, फल, पत्ती से खाना का भाग प्रति फेड - 30000/-
(xii) केला - 50 बोरी - प्रति बोरी से खाना का भाग - 12000/-
(xiii) नींबू - 50 फेड - प्रति फेड से खाना का भाग - 5000/-
(xiv) आम्र - 30 फेड - " " - 4000/-
(xv) अम्ली - 10 फेड - " " - 2000/-
(xvi) संतरा - 20 फेड - " " - 3000/-

इनके अलावा अरबूद, अरबूत, पीपल आदि फलदार पेड़ हैं जिसका फल खाने के भाग आता है।

(xvii) बर - 25,000 फेड - जाड़ से खाना का भाग प्रति फेड - 35000/-
फल " " " - 2000/-
(xviii) इलम - 700 फेड - जाड़ एवं फल से प्रति फेड खाना का भाग - 35000/-
(xix) पलास - 1000 फेड - जाड़ बीज से " " " - 10000/-

2. इमारती लकड़ी :-

क) बाभूड़, करी, सीधा, टांकटा (स्पेल) पेस्सार, कांस, शिरिस, सेमल, सागावान, सौरभम, अरबूत इत्यादि।

→ उपयोजिता - कांस -

कांस इतल से सड़ती संभना हांडुवा आकार यदि खाने का भाग आता है मकान बनाने में - बाँद, बला, दरवाजा, चोरा, खोने के लिए पर्याप्त है, कल, कल्ला, दीवाल बनाते हैं।

दूसरे भाग के लिए - डाली, शप, बूया, उड़िया, खेड़ी, रोही, बला, चंगिरा, खच्छा, तुमनी, वेधुवा, दुन्नी, चांड, गिबरी, अठुआ, बन्सी डंग, तीर, धनुष, सीदी, अंडी, चारी, भाडी, बंसरी, पाटा, गुआद, बहिगा, गिगरी, रससी, बिंडा, चण्डरसन वृक्ष, अटका, हडवा, अंडी, उलसी, मुडुवा, बुधी, गुलदास, हे, पिंडरा, सोषा सेट, रेडू, रिबलौगा इत्यादि भागों में जाते हैं। इसी प्रकार अन्य पेड़ों से भी कई नाम प्राप्त होते हैं।

3. अंगली शैल से लकड़ी लुटी - नीम, हरी, बेहरा, आंका, चिरौला,

मेदा, छोटे बटा, पोदोब, आंकोल, पल्ही, हड़जोरा, मांस बंधी, चकली संजा, शिशिया लकू, लडकी बहा, मुंडूग्या, मरका, बुरा, नागाकाईल, बरु, महदिक आर, उडा गोलरुथी, बेणा अरजोम, सखुका फल, चिरचिरी, गुणुल, अलबुरी, बन्का, नौरी, गुंज, बरेडू, रगौनी, नागाफनी, मरुमुंड सीध, चिडुर, जेडा, खररा काग, कुल्य विन्नी, लुबसी, सडोग अडूर, बाकुला, मुल कास, रोचोड बिस्कि, रेडी, बेगो, कनाम (हाथी पंजा), मगा मीथा, अमसुरी,

जपित् विधि, चटा बोज आदि-उत्ती पुरी हमें निःशुल्क प्राप्त होते हैं।

(1) साग — पुटकल, बेफना, बटई, मटा साग, पाकोड़ साग
 बेंग साग, मुचरी साग, सुनसुनिया साग, मिलिचारी साग
 साहू हाग, गोमहा साग, डूडुपीया साग, विमरी हाग, भापुब
 हाग, भाजी हाग, बुंदरी, कौला, पेचकी, गणगी हाग, सुगा
 हाग, हाह हाग, होचोन हाग, पुई हाग, इत्यादि-अधुलि देन
 हैं।

(11) कढ़े सब्ज — आह कढ़ा, साह कढ़ा, नकवा, ओल, गोवी कंदा
 सेमल कढ़ा, पेचकी कढ़ा, खदी, सक्ककढ़े, ओलींग
 कढ़ा, टेकुका कढ़ा, इत्यादि कढ़े एक हैं। इन्हें अतिरिक्त
 मसाला लगाया जाता है।

(12) अंगली पेड़ — केकल, गुग्गा, गिरौली, गुल्म, अंगली बेर, गई,
 अमड़ा, भेलका, छांडी, इत्यादि।
 अंगल से ऐसे शर्करा भी प्राप्त होता है।

→ इमली पेड़ से लाभ — फल — फल रवाने एवं दवा के काम में
 लाते हैं। फल का फिन्का उत्तम खाद्य बनता है। उसका बीज
 रवाने के साथ सर्प विष के विरुद्ध अचूक दवा है।
 पत्ती को कुल की पत्राज बनाते हैं जो श्व का अचूक
 दवा है, इसके अलावे खाद्य बनाने हैं।
 इमली पेड़ का काया जमी से बालानुकूलित चमरा के कारण
 बंदक प्राप्त होता है। वरसात में कल का काम करता है। एमरि
 सांस्कृति के अनुसार इमली पेड़ के नीचे आसना होता है जहाँ
 खरी अकसरी पर नाच गाते और दानु दुनुप करते हैं। खरी
 डाली अलावन के काम आता है। पेड़ का फिन्का खल्ला रचना
 पकाने के सर्वोत्तम इंधन है। इसी प्रकार अन्य पेड़-पौधों से भी
 हम दोसरा-तिरार लाभ प्राप्त होता है।

3. शुषि — (1) धान, महुवा, ऊरु, बुरधी, रहर, मुंग, जौड़े, मकई, गंज
 सुरकुजा, गोदली, वेडे, नील, खेचारी, बटुडा, चना, मटर,
 सरसों, तिसी, सनई, बुद्धम, बोदी, डंगोबोदी, बरई इत्यादि।

(11) सब्जी — आलू, धाज, गहखन, अदरक, गाजर, झूली, सलजम,
 पुलगाओमी, बघजोवी, जेडेजोमी, मिंला, गोपरा, मुकुरा, भेंडेरी,
 बीडडा, ओकी, कौला, पालक, भाजी, चानिच, भोरोल,
 नारुज, खापुजा, बडरी, खीरा, मिर्चा, खेंबी, करसकीनइ
 साहेब हेंबी, रमाटी, बैंगन, खदी बुंदरी, रक्कमी इत्यादि।

→ धान से लाभ — धान फसल से चावल के अलावा निम्न लाभ —
 (1) पुआल — पुआल से कल बनता है। ठंडे के दिनों में गदा, खादि

बनाते हैं। पुआल से बन्दी आरूसों बनाते हैं। निम्न
उपभोग अनाज के अठारस के लिए और बांधते हैं जिसे 10
उपभोग है अनाज कई वर्षों तक सुरक्षित रहता है। शादी-
विवाह के अवसर पर मेहमानों के बैठने के लिए पुआल लिफाते
हैं यह हमारी परम्परा है।

(ii) पशु-चार — पुआल मवेशियों के लिए चारा बनता है। धान
का थूसा भी चारा और खरबूट का अलापन के धाम आते हैं।
गाय-भैंसों भी पुआल और थूसा खिलाना बुरा तथा जोड़
मिलना है कि जोड़ से जोड़ और खेरी के लिए
सबसे कम खरबूट बनता है।

इन सभी जातों को लेने के लिए केवल धान खेरी
में ही मेहनत एवं लागत लगता है बाकी जैसे निःशुल्क
जात प्राप्त होता है। इसी तरह हमें अन्य फसलों से भी
दोहा लिहा जाय प्राप्त होता है।

4. पानी — श्रोत — नदी, नाला, खरता, पहरा, डोभा
प्राकृतिक जल स्रोत हैं। इनमें एकछे जल निःशुल्क प्राप्त
होता है। पीने, नहाने-धोने का उपयोग के धाम आते हैं।
बांध बनाकर मछली पालन निःशुल्क होते हैं। बिना
मेहनत और लागत के ही सबको भी मछली प्राप्त होते हैं।

5. अनाबाद-धूमि — कृषि के अलावे यहाँ जो भी अनाबाद-
धूमि है वह हमारे मवेशियों के लिए निःशुल्क चारागाह
है। इसी धूमि से हमारे लिए अलापन लकड़ी, अन्य फल-
शुल, फसल इत्यादि प्राप्त होता है जो हमारी आवश्यकताओं
की पूर्ति होती है।

उपर्युक्त जीवीकरण के संस्थापनों का पुनर्वास
मुदावजा कौन देगा और इनका पुनर्वास कहाँ होगा ?

6. विकास — सरकार विकास के लिए उद्योग लगाना जरूरी
समझती है। अर्थात् आजादी के बाद कई पंचवर्षीय योजनाओं
में विकास हेतु अर्थात् राशि प्रति वर्ष खर्च कर रही है।
जिनके लिए विकास योजना चलाई जा रही है वे अपने का-
रि, खनिजों में रहकर अपना जीवन निर्वाह करते हैं कि
नी कार्य के सिवाय ही जमीनी हस्त पर विकास की ही धारणा
रहती है। यदि लोगों को उनके जीविका आधारित संस्थापनों
से बेदखल कर दिया जाय तो कितना विकास काम होगा ?

विकास होगा ?

यह हमारे सभ्य से पूरे की बात है। इसलिए हम
नफिमी शासकाली की एक ही आवाज है कि हम किसी भी
कीमत पर "एक इंच भी जमीन नहीं देंगे"।

①

डॉ. वि. मलिक मुद्रा

प्रथम

प्रथम समाधि

②

डॉ. वि. मलिक मुद्रा

③

Unil Surin

④

Govind Surin

⑤

धूम। सुरीन

⑥

Prem Prakash Surin

⑦

डॉ. वि. मलिक मुद्रा

⑧

डॉ. वि. मलिक मुद्रा

⑨

अजित साहू

⑩

डॉ. वि. मलिक मुद्रा

⑪

डॉ. वि. मलिक मुद्रा

⑫

डॉ. वि. मलिक मुद्रा

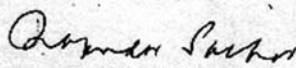
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जकरियस पदान

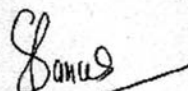
**REPRESENTATIONS TO THE HONORABLE GOVERNOR SUBMITTED BY
THE INDEPENDENT PEOPLE'S TRIBUNAL ON DEVELOPMENT,
DISPLACEMENT & REPRESSION IN JHARKHAND TODAY**

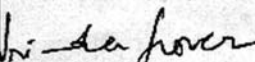
1. Judicial inquiry by a High Court judge in the incident at Kathkund, District Dumka of firing, lathi charge and torture on the injured. Compensation to the dependents of deceased Lukhiram Tudu and individually to those injured.
2. There is confusion and uncertainty about the companies who have been allowed to set up their industries / plants in Jharkhand. The government should come out with a status report on:
 - a. Companies that have been given permission and the nature of their project.
 - b. Names of villages, families of tribals / non-tribals who will be affected.
 - c. Status of various actions taken by the government vis-à-vis land acquisition, environment clearance, etc.
 - d. Stand on resettlement and rehabilitation of the displaced.
3. Government (Honorable Governor is the Authority) should make it clear that no action towards acquisition will be taken without prior consultation with Gram Sabhas and without following The Provisions of Panchayats (Extension to Scheduled Areas) Act 1996, Chotanagpur Tenancy Act 1908, Santhal Parganas Tenancy Act 1949.

MEMBERS OF THE JURY:

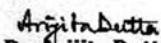

Justice (Retd.) Rajindar Sachar


Prabhash Joshi


Sanjay Parikh


Vrinda Grover


Mihir Desai


Dr. Arijita Dutta

9th February 2009 (Ranchi)

On Behalf of Independent Peoples' Tribunal

At: INSAF, A 124/6, Katwria Sarai, New Delhi, - 110 016

E-mail: insaf@vsnl.com, www.insafindia.org

Telephone & Fax: 91-11-2651 7814



**Com Prafulla Linda, Communist Party of India (Marxist)
deposing before the IPT**



**Sri P N S Surin, Retd. Additional District Magistrate deposing
before the IPT.**

**इंसाफ के स्वतंत्र
जन पंचाट में
ग्रामीणों ने सुनायी
व्यथा**

■ संवाददाता

रांची : झारखंड के सुपूर्वती इलाकों से राजधानी रांची पहुंचे ग्रामीणों ने स्वतंत्र जन पंचाट के समक्ष यह घोषणा की, कि जल, बंगल, जमीन व संस्कृति हमारी अस्मिता है. कथित विकास के नाम पर हम जान देंगे, लेकिन एक टुक जमीन नहीं देंगे.

लोगों ने कहा कि झारखंडी जन आकांक्षाओं को दरकिनारा कर सरकार ने कई एमओयू किये हैं. उससे झारखंड का विकास संभव नहीं है. विकास के नाम पर विगत 60 साल में 25 लाख से अधिक लोग विस्थापित हुए हैं.

पंचाट में दुमका में बांध व ऊर्जा संयंत्र, पोटरा में जिनदल व भूषण स्टील प्लांट निर्माण को लेकर स्थानीय लोगों की राय जानी गयी. दुमका व पाकुड़ जिले के रुमडारा, काठीकुंड, आमगाजी, पोखरिया, सराइपानी, पंगदाहा, चिरुडीह, विलायीकादर, बाघमारा, शिकारीपाड़ा, बड़ा भालकी आदि गांव से आये दर्जनों प्रभावित लोगों ने ज्यूरी के समक्ष अपना बयान दर्ज कराया. पाकुड़ की एमिलिया हांसदा ने क्षेत्र में होने वाले विस्थापन, विरोध व दमन की तस्वीर पेश की. उन्होंने कहा कि यदि इन कंपनियों को जमीन दी गयी, तो पाकुड़ जिले के तीन प्रखंडों व दुमका के छह प्रखंडों के लोगों की आजीविका सीधे प्रभावित होगी. इससे पूर्व पत्रकार फैसल अनुराग ने ज्यूरी का परिचय कराया. इंसाफ की अध्यक्ष दयामनी बारला ने ज्यूरी के समक्ष झारखंड की वस्तुस्थिति रखी. छत्तीसगढ़ से आये आंदोलनकारी राजेंद्र सायल ने कार्यक्रम का संचालन किया. यह जन पंचाट दो दिवसीय है.

जन पंचाट में आज

रविवार को स्वतंत्र जन पंचाट का आरंभ प्रातः नौ बजे से होगा. पहले चरण में राजनीतिक पार्टियों व मजदूर संगठनों के प्रतिनिधि भाग लेंगे. साध ही सरकारी और कॉर्पोरेट प्रतिनिधि भी पक्ष रखेंगे. उसके बाद पंचाट की बैठक होगी. खूले सत्र के बाद जन पंचाट के ज्यूरी सदस्य प्राथमिक निर्णय सार्वजनिक तौर पर देंगे.

जिन्होंने दर्ज कराये बयान

जनमुनावर में दुमका व पाकुड़ के होपना बासकी, बाबूलाल मुर्दा, ऐनी टुडू, विलाय हांसदा, रावण सोरेन, केमस सोरेन, परमेश्वर सोरेन, कुलपती टुडू ने जूरी के समक्ष बयान दर्ज कराये. इस दौरान जूरी ने उनसे संबंधित सवाल भी किये. पोटरा प्रखंड के भरीदुअमा, दीगरसाह, तिलामोड़ा, कुदापन, खैबानी, लोआबसा व धनचन्द्रनी गांव के प्रभावितों में कुमार चंद्र मारडी, शैलेंद्र कुमार महतो, बनमाली महतो, तापस कुमार, भूति सोरेन, सिद्धेश्वर, शाहल सदादर, रामनाथ हांसदा, परमेश्वर मरडी ने बयान दर्ज कराये. कुमार चंद्र मारडी ने आसवानी पंचायत के 14 गांवों में ऊर्जा संयंत्र के लिए कंपनी द्वारा जमीन अधिग्रहण की कोशिशों का विरोध किया.

जमीन हमारी अस्मिता किस्सी कीमत पर नहीं देंगे



शनिवार को जन पंचाट में मंच पर राजेंद्र सच्चर, प्रभाष जोशी व अन्य अतिथि.



जन पंचाट में उपस्थित लोग.

भूत बन कर आते हैं, विटामिन टेबलेट लाते हैं और ले लेते हैं जमीन

रांची : वो भूत बन कर आते हैं, जो अरसा पहले दुनिया से विदा हो गये हैं, उनके नाम से सामने खड़े होते हैं और जमीन का पट्टा लिखते-लिखवाते हैं. सामने किस्सी का चेहरा खड़ा होता है, उसे पता भी नहीं होता और उसी को अपना वाप बना कर जमीन बेच या खरीत लिया जाता है. ऐसी ही न जाने किनती बातें व्यथित दिलों से निकलती रही. शनिवार को एचपीडीसी परिसर में इंडियन सोशल एक्शन फोरम (इंसाफ) द्वारा झारखंड में वर्तमान विकास, विस्थापन और दमन पर आयोजित स्वतंत्र जन पंचाट में झारखंड के दूर-दूरान इलाकों से आये ग्रामीणों के चेहरों पर विस्थापित हो जाने का भय साफ दिख रहा था, लेकिन साहस में कोई कमी नहीं. निजी बातचीत से लेकर सार्वजनिक तरीके से वे बार-बार यह दोहराते रहे कि जमीन नहीं देंगे, हम नहीं चाहिए अंधा विकास. इस पंचाट में दीरका सरई गांव से आये शैलेंद्र महतो ने बताया कि उनके गांव में भरे हुए व्यक्ति के नाम से भी किसी को खड़ा कर औद्योगिक कंपनियों के दलाल जमीन खरीद रहे हैं. उन्होंने यह भी बताया कि उनके इलाके में हाल के दिनों में

स्वास्थ्यकर्मी के रूप में आये सरकारी कर्मी विटामिन की गोलीयां और बिस्कुरट बांट रहे थे, लेकिन साथ ही वे जमीन खरीदने का खाका भी देवार कर रहे थे. पोटरा के ही बांगो से आये एक ग्रामीण ने बताया कि उनके इलाके में हाल में एक घटना हुई. एक सरकारी दफ्तर में एक दलाल जमीन बेचने की बात करने पहुंचा था. वह अपने को निमाई महतो का बच्चा बता रहा था, जबकि निमाई महतो का चेहरा भी सामने ही बैठा हुआ था. बाद में उस दलाल को पकड़ कर गांव में लाया गया, तो उसने स्वीकार किया कि ऐसा ही खेल हो रहा है. पंचाट में दुमका, खूटी, गुमला, पोटरा, बोकारो आदि इलाकों से पहुंचे इन ग्रामीणों की बातों को ज्यूरी ध्यान से सुन रही थी और बीच-बीच में सवाल-जवाब भी हो रहा था.

इस ज्यूरी में दिल्ली हाइकोर्ट के पूर्व मुख्य न्यायाधीश जस्टिस राजेंद्र सच्चर, वरिष्ठ पत्रकार प्रभाष जोशी, सर्वोच्च न्यायालय के अधिवक्ता संजय पारिख, वृंदा प्रोवर, मिहिर देसाई, कोलकाता विवि में अर्थशास्त्री डॉ अरिजिता दाता जैसे विशेषज्ञ शामिल थे.

Accused dragged out of AIIMS

Brajesh Verma
Dumka, February 6

TWO MONTHS ago, on December 6, Shivlal Soren, belonging to Saraipani village under Shikaripara block of Dumka, received a bullet in his right eye. He was perhaps unaware that he would have to face many more travails in the coming days.

Shivlal is a prisoner of Dumka central jail. The court of chief judicial magistrate, Dumka, on January 19 had ordered the district administration to send him to AIIMS, New Delhi, for better treatment.

Earlier he had been admitted to Dhanbad and RIMS, but the doctors could not remove the bullet from his eye.

He was admitted to AIIMS last week. But the Dumka police including the assistant sub inspector (ASI), S.N. Mishra, the cops Suresh Prasad Singh and Ajay Kumar who were attending him, reportedly, tried to bring him back to Dumka on Thursday evening. They had not taken permission from the AIIMS authorities in this connection.

The human rights activist, Nirmala Murmu, who is with Shivlal Soren as a private attendant, was the eyewitness of the attitude shown by the Dumka police. She told *Hindustan Times* over phone from AIIMS on Friday. The Dumka police had not taken the permission of the AIIMS authorities. When we were at Kanpur railway station the local police ordered to return. I could not understand what was going on."

She further said that Shivlal had been re-admitted to the AIIMS in a critical condition.

Shivlal Soren had received the injury at Angachi village under Kathikund block during the demonstration organised by the villages against the proposed power plant. The police made him an accused in the case when he was found seriously injured.

Claiming him innocent, his family members have given a memorandum to the IG of Santhal Parganas, demanding action against those police officials responsible for firing at the mob.

The jail IG told mediapersons over the phone on Friday that the jail administration was not responsible for the incident that had happened at AIIMS.

The human rights activists in Dumka demanded action against the police personnel who tried to bring Shivlal without taking permission from the AIIMS



PTI PHOTO

Shivlal Soren at the AIIMS trauma centre in New Delhi on Wednesday.

Tribal boy missing: AIIMS

Jaya Shroff Bhalla
New Delhi, February 6

THE ALL India Institute of Medical Sciences (AIIMS) on Thursday claimed that the tribal boy from Jharkhand with a bullet in his head, admitted after the Delhi High Court's intervention, has run away.

The institute had initially refused treatment saying that the man been brought very late and had very slim chances of sur-

station, alleging he has run away with "hospital property", his own medical records.

Ironically, the man was still in judicial custody of Jharkhand Police and was with a policeman at the time he ran away. "He must have possibly hood-winked the police personnel and escaped. But I am not sure," said an AIIMS official.

"According to the High Court directive, we admitted him on February 4 at the AIIMS trauma

ical records, all of which are hospital property. We have registered a police complaint," said Dr D.K. Sharma, medical superintendent at AIIMS.

Shivlal Soren, 23, a tribal from Kathikund village in Dumka district of Jharkhand, arrived in Delhi on January 31 with a bullet embedded in his brain, which caused him to lose vision in one eye.

After being refused admission for three days, he moved the

THE TELEGRAPH
8 FEBRUARY 2009

JHARKHAND

JM

Louder voice for displaced

SANTOSH K. KIRO

Ranchi, Feb. 7: A retired judge of Delhi High Court has taken to the streets to champion the cause of villagers likely to be displaced by new industrial projects in Jharkhand.

Justice Rajendar Sachar would lead a delegation to the governor to ensure that the landowners are not subjected to police atrocities.

Justice Sachar arrived here today and held detailed discussion with the persons likely to be displaced. His queries raised from the quantum of land they would lose to the hardships they are faced with in the current scenario. He seems to have taken a strong exception to the police

firing incident in the Kathikund block of Dumka district.

The delegation that would be led by Sachar would also include journalist Prabhash

Joshi, Supreme Court lawyers Sanjay Parikh, Vrinda Grover and Mihir Desai, among others. Hundreds of villagers have also come to the city. The delegation would also urge the governor to ensure that any land acquisition for the purchase of setting up industries is made only after proper dialogue with people.

Justice Sachar was the chairperson of Prime Minister's high level committee, which placed its study report on the social, economic and educational status of minorities.



Rajendar Sachar (right) during a villagers' meet on Saturday. Picture by Manik Bose

Hindustan Times

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INSAF shot in the arm for displaced

Protest calls against industrialisation get shriller even as investors get into wait and watch mode

HT Correspondent
Ranchi, February 8

THE PROTEST against displacement due to industrialisation is becoming shriller and stronger in the state. And, this does not augur well for the state as the investors and their projects in/handheld.

The struggle of people against the MoUs and likely displacement from their roots received a shot in the arm after the two-day convention of the Indian Social Action Forum (ISAF) in Ranchi. The convention (which started on Feb 6) got eminent jurists and activists Justice Balendra Sachhar and litterateur and journalist Prabhash Joshi among others. Both rubat that no one had the right to displace people with-

out their consent and a transparent rehabilitation package should be put in place to take care of the housing, educational, occupational and other amenities for the displaced.

Notably, 98 MoUs have been signed between the investors and the state. The state government will not go down well with them.

Justice Sachhar, speaking after the two day-convention in Ranchi, said that there should be a transparent rehabilitation package for the people displaced. He said that the MoUs should not be handed over to the company without the consent of the gram sabha or the rayats. "At no cost, transfer or registry of the land in the name of the company

should be done. The state should check on such tendencies.

Eminent litterateur and journalist Prabhash Joshi said that the development paradigm for the state should be for every culture and society. "We will have to honour regional and community ethos while designing any developmental action plan. Jharkhand was created for the development of tribals and their culture and language should be taken in the care of these things here," he said.

Joshi advocated sustainable development for bettering the quality of life as it did not include unmindful exploitation of resources at the cost of livelihood of people.



MINOZ GUAN/HT

Economist and social activist Jeen Drazz addresses tribunes of Jharkhand Administrative Service on issues related to NREGA in Ranchi on Sunday. Right: Justice (retd) Rajendra Sachhar meets the Governor at Raj Bhavan.

having proper rehabilitation if the 98 MoUs signed between the investors and the government were put in operation. He urged the Governor to revise the Tribal Advisory Council in the state. He also objected to the practice of the companies acquiring the land through indenting and cajoling people without providing for housing.



MINOZ GUAN/HT

Justice Sachhar informed the Governor that thousands of activists including Justice Sachhar would be displaced without

विकास के नाम पर जबरन नहीं ली जा सकती जमीन : सच्चर

रांची, मुख्य संवाददाता : दिल्ली उच्च न्यायालय के पूर्व मुख्य न्यायाधीश राजेंद्र सच्चर ने कहा है कि औद्योगीकरण के नाम पर भू-स्वामियों से जबरन जमीन नहीं ली जा सकती। अलबत्ता, सरकार कल्याणकारी योजनाओं के लिए ऐसा कर सकती है। लेकिन, झारखंड में स्थिति दूसरी है, जमीन का अधिग्रहण कंपनियों के नाम पर हो रहा है। भू-स्वामियों से बात तक नहीं की जा रही और वे विस्थापित हो जाते हैं। और तो और मुनाफे का एक निश्चित शेयर विस्थापितों को देने की वकालत

शामसभा तक को इस मामले में नजरअंदाज किया जा रहा है, जो कानून का उल्लंघन है। सच्चर रविचार को एचपीडीसी में पत्रकारों को संबोधित कर रहे थे। उन्होंने कहा कि राज्य में बड़ी-बड़ी कंपनियों के साथ अबतक 98 एमओयू हो चुके हैं, परंतु धरतल पर एक भी योजना पूर्णरूप से नहीं उतरी। विस्थापन के पूर्व मुनाफे के नाम पर शिक्षा, स्वास्थ्य समेत बेहतरीन सुविधाएँ सुविधाएँ देने की बात कही जाती है, परंतु हकीकत में ऐसा कम ही होता है। देश की

कई बड़ी परियोजनाएँ इसकी बानगी हैं, जिनसे विस्थापित हुए लोगों को दशक बाद भी न्याय नहीं मिला। वे मुआवजे के लिए भटक रहे हैं। उन्होंने संबंधित कंपनियों के मुनाफे का एक निश्चित शेयर विस्थापितों को देने की वकालत की।

फिर आदिवासी अलग राज्य का क्या मतलब : जोशी

रांची : वरिष्ठ पत्रकार प्रभाष जोशी ने कहा कि ऐसा कहा जाता रहा है कि विकास होना है, तो विस्थापन अनिवार्य है, जबकि दुनियाभर में यह स्वीकार किया गया है कि असली विकास लोगों के भारी विस्थापन, पर्यावरण और प्राकृतिक संसाधनों को नुकसान और कृषि भूमि की कीमत पर नहीं होना चाहिए। आदिवासियों की अपनी सामाजिक व्यवस्था है। इससे इतर यदि विकास के नाम पर उन्हें उनके परिवेश से जबरन अलग कर दिया जाए तो अलग आदिवासी राज्य का औचित्य ही नहीं रह जाता। सरकार को भी यह समझना होगा कि विकास का माडल जो उन्होंने तय किया है, वह एकसाथ पूरे देश में लागू नहीं हो सकता।

भू-अधिग्रहण पर विचार को राज्यपाल को ज्ञापन

रांची, जाब्यु : इंसाफ के शिष्टमंडल ने पूर्व न्यायमूर्ति राजेंद्र सच्चर के नेतृत्व में रविचार की राज्यपाल सैयद सिद्दीकी से मुलाकात कर सुबे में एमओयू की स्थिति पर चर्चा की। ज्ञापन रीप कहा कि राज्य सरकार व विभिन्न उद्यमियों के बीच एमओयू के कारण भूमि अधिग्रहण की भोषण समस्या उत्पन्न है। इससे जनक्रोश भी है। कंपनी के लोग किसानों को बरगला कर खेती योग्य भूमि का अधिग्रहण कर रहे हैं। उनलोगों ने इस पर ठेक लगाने का आग्रह किया। शिष्टमंडल ने कांटीकुंड गोली कांड की न्यायिक जांच कराने का भी आग्रह किया। राज्यपाल ने कहा कि वे इन बिंदुओं पर विचार कर विधिभंगत कार्रवाई करेंगे। शिष्टमंडल में प्रभाष जोशी, संजय पारिय, वृंदा घोष, मिहिर देसाई, दयामनि बारला व डा. अराजिता दास शामिल थीं। ज्ञापन में एचपीडीसी, बहुबाजार में दो दिनों तक चले स्वतंत्र जन पंचाट में विभिन्न जिलों में आए निष्कर्षों को शामिल किया गया था।

विकास का आधार विस्थापन न हो

■ संवाददाता

रांची : विस्थापन, दमन, प्राकृतिक संसाधनों की क्षति की कीमत पर विकास नहीं होना चाहिए, ऐसा विकल्प चाहिए जो पर्यावरण व मानवीय समस्याओं को ध्यान में रख कर किया गया हो, कोशिश रहे कि अग्ने विस्थापन न हो सके फिर हो, तो कम से कम, उन

■ स्वतंत्र जन पंचाट की जयूरी ने गिनायी सुदूरवर्ती ग्रामीणों की समस्याएँ

बातें जस्टिस राजेंद्र सच्चर ने रविचार को एचपीडीसी पोस्टर में पत्रकारों से कहीं, झारखंड में वर्तमान विकास, विस्थापन व दमन पर इंसाफ (इंजिनियरिंग एवकेशन फोरम) के स्वतंत्र जन पंचाट में सुदूरवर्ती ग्रामीणों द्वारा सवे विंदुओं पर अपने निष्कर्ष में जयूरी ने बताया कि जमीन ग्रामीणों की अस्तित्व है, विकास के नाम पर एक ईंच भी जमीन नहीं दी जायेगी, जमीन न देना जमीन मालिक का बुनियादी हक है, परकार प्रभाष जोशी ने कहा कि वह उन्नी नहीं कि विकास का जो मांडल तय है, वह सब शक पैदा ही लागू हो, झारखंडकनने के अठ साल बाद सरकार ने बड़ी कार्यक्रमों के साथ 101 एमओयू पर हस्ताक्षर किये, जयूरी ने इतने पूर्व ग्रामस्था, पंचायत से इधे संवेय में सहमत न लेने को गैर कायूनी बताया, जयूरी में शामिल सदस्यों जस्टिस राजेंद्र सच्चर, परकार प्रभाष जोशी, अपिषका सबब पारिय, वृंदा घोष, मिहिर देसाई व अरंजिता डा. अराजिता दास ने बताया कि जन पंचाट में दुमका में बांध व ऊर्जा संबंके लगाने को लेकर, कृषि व गुमला में आर्सेल निमल के खनन व पोतका में डिवेल व भूरण के स्टील प्लांट लगाये जाने के विरोध में प्रभावित क्षेत्र के ग्रामीणों का स्पष्ट निर्णय है जान रहे, जमीन नहीं, उन्होंने कहा कि सरकार ने विभिन्न कंपनियों से जो 98 एमओयू किये हैं, वे लागू किये गये तो हजारी की संख्या में विस्थापन होगा, जमीन

लेने पर जमीन मालिक को कंपनी द्वारा उचित मुआवजा, पुनर्वास व प्रतिनिधित्व शेर देने की बात कही - कांटीकुंड में हुई पुलिस फायरिंग व लाठीचार्ज को मानव अधिकारों का उल्लंघन बताया, जयूरी ने बताया कि



राज्यपाल के साथ प्रतिनिधिमंडल में शामिल राजेंद्र सच्चर, प्रभाष जोशी, वृंदा घोषर जादि

इंसाफ मांग करती है कि उच्च न्यायालय के जब द्वारा अचिंतन न्यायिक बांध कमेटी बैठायी जाने, इस पटना के फनको को पांच लाख व भावलों में प्रत्येक को तीन-तीन लाख तक अंतरिम राहत दिये जाने की मांग की है.

राज्यपाल से मिला इंसाफ का दल

इंसाफ के दो दिवसीय स्वतंत्र जन पंचाट के दूसरे दिन रविचार को इंसाफ का एक प्रतिनिधिमंडल राज्यपाल सैयद सिद्दीकी से मिला, उन्हें जन-पंचाट में स्वी पक्ष व जयूरी के निष्कर्षों की जानकारी दी गयी। राज्यपाल ने प्रतिनिधिमंडल को इसके समाधान की दिशा में शीघ्र ही एहदाबकी बोर्ड का गठन करने तथा इन मुद्दों पर ऑनोलेसल सेंट्रलों के प्रतिनिधियों के साथ समच-समच पर बैठक कर वस्तुस्थिति से अवगत होने का आग्रहम दिया, प्रतिनिधिमंडल में जस्टिस राजेंद्र सच्चर, प्रभाष जोशी, वृंदा घोषर, मिहिर देसाई, दयामनि बारला, राजेंद्र साहल आदि शामिल थे.

THE TELEGRAPH RANCHI MONDAY 9 FEBRUARY 2009

JHARKHAND

Compensation sought
for Kathikund victims

Public court frowns on acre transfer

OUR CORRESPONDENT

Ranchi, Feb. 8: The process followed by the state government to transfer land to private parties for various projects has come under the scanner of an independent people's tribunal.

The tribunal that was set up at Human Potential Development Centre yesterday to hear the cases of "development, displacement, and repression in Jharkhand" recommended a probe into the circumstances under which the state revenue authorities started transferring land to private companies.

The tribunal was set up by a voluntary organisation, Indian Social Action Forum. The members included former chief justice of Delhi High Court Rajinder Sachar, noted journalist Prabhash Joshi, Supreme Court lawyers Vrinda Grover and Sanjay Parikh, Bombay high court lawyer Mihir Desai and an economist of Calcutta University Arijita Dutta.

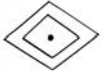
hail from places such as Simdega, Gumla, Tapkara and Balhaura.

The body also took serious cognisance of the police firing on villagers agitating against displacement at Kathikund in Dumka. It insisted on a judicial inquiry into the matter by a high court judge and recommended payment of Rs 5 lakh as compensation to the family members of the deceased and Rs 3 lakh to the injured.

Govind Tudu, who came from Kathikund, hailed the recommendations, saying: "The government has no right to acquire our land for handing it over to private companies. I will never give my land to anyone."

Sachar said the government has signed MoUs with 98 companies and execution of all these projects would result in displacement of thousands, mainly tribals, damage to natural resources, flora and fauna, diversion of agricultural land and forest land.

A delegation of Indian Social Action Forum met Gover-



Independent
People's Tribunal
on Development
Displacement &
Repression in
Jharkhand Today