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PUCL Bulletin, April 2006

## Police firing at Kalinganagar

A Report by People's Union for Civil Liberties (PUCL) Orissa

– By Pramodini Pradhan, Secretary, PUCL-Bhubaneswar branch (On behalf of PUCL, Cuttack and Dhenkanal Units).

### Introduction

Since the 1990s, with the advent of the New Economic Policy, one continuous refrain that sought to attract peoples' attention was that Orissa needs rapid 'industrialization' to mitigate its desperate poverty. The logic put forward at various 'development' debates sounded simple. Here, the people may die of famine, floods and pestilence; starvation death may become a byword for Orissa; but who doesn't know that Orissa is rich in mineral wealth? All one has to do is dig the mines, bring out the minerals, and the problems of Orissa would be almost solved. The government can hardly be expected to manage all that resources needed to start industrialization, as it's hardly able to meet its monthly wage bills. So, if the mines are leased out to private investment, and land with adequate infrastructure put on offer for industrial houses, prosperity will replace poverty in no time. Such was the intensity of this concerted campaign, particularly after the mineral resources were opened to private capital, both national and foreign, backed by the aggressive globalization-mantra, that in no time it caught the imagination of the middle class, reeling under the lack of employment opportunities.

'Industrialization' will open up employment opportunities to the educated unemployed, will generate man days for the unskilled poor, the cash-strapped state will earn revenue through taxes, royalties, land-sales etc., and in the near future the poor land of Orissa will overflow with milk and honey. This was the message being disseminated from assorted quarters – the corporate media, the government, the international aid agencies, the funded NGOs, the world-bank, the institutional intellectuals – and it appeared to have some takers.

The road map to this neo-liberal 'industrialization' is primarily geared towards "harnessing Orissa's vast natural resources". This state has almost 60% of India's known bauxite reserve, 25% of coal, 98% of chromites, 28% of iron ore, 92% of nickel ore, 28% of manganese etc.—enough to make profiteering private companies salivate.

But there is a catch. To get going, to start digging the mines, setting up plants to process the ores, building residential townships, roads, ports etc., at every stage you require land. And bona fide citizens of India, though poor and deprived, and mostly scheduled tribe people, inhabit most of these lands. To acquire their land, these people need to be displaced, by hook or crook. Over the years these people have come to view the 'development' plans of the govt. with suspicion; they feel they're being given the short shrift. Suspicion leads to resentment, and resentment leads to resistance. And whenever there is resistance, the govt. comes down on its own citizens with a heavy hand. Greater the resistance, greater tended to be the repression of the govt. The police firing at Maikanch that led to the loss of three tribal lives in December 2000 is still fresh in the public memory. Earlier in 1997, there was a police firing at Sindhigaon, Gopalpur where people protested against the proposed steel plant by the Tatas, a Steel Major. The incident at Kalinganagar,

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in that way, can be seen as the latest in a series of ongoing conflict between the two sides: between the one favoring 'industrialization', led by the government, and those opposed to it.

With this given backdrop let us come to the incident that has led to this report. On 2nd January 2006, like a new-year's gift from the state govt., people came to learn that police had resorted to firing on a mass of tribal protesters, protesting against the construction work of a proposed steel plant by the Tatas at Kalinganagar in Jajpur district, killing a dozen and injuring scores; one policeman was killed and some injured. Unexpected and shocking as the news was, it invited condemnation from all quarters, particularly human right groups and opposition parties. Members of 3 district units of PUCL (Bhubaneswar, Cuttack and Dhenkanal) jointly constituted a fact-finding team to probe into the incident and resolved to come out with a report. The team had first visited the site of the incident and the adjoining tribal hamlets on 11th January 2006. It had subsequently made 3 more visits. In the course of its visit the team had interacted with the local people, the leadership of the protesting forces, the family members of some of the deceased, the district police and civil administration, and the residents of the two rehabilitation colonies; it also visited the injured at SCB Medical College, Cuttack.

Collating all the primary materials received, besides the numerous media-reports and other secondary information to which we could lay our hands, the team has arrived at the following understanding of events:

#### **About the area**

Kalinganagar, under Sukinda and Danagadi blocks of Jajpur district of Orissa, is the new industrial hub of the state. It is about 100 kms from the state capital, Bhubaneswar, and about 30-40 km from the district headquarter. The NH-200, connecting the iron ore/chromite belt of Jajpur and Keonjhar districts with the Paradeep Port, runs through the area. Unlike the plains of Coastal Orissa, the topography of the area is marked by undulating landmasses interspersed with hillocks and jungles. Nallas and rivulets form one of the water sources for the area and also provide fish and crab. Brahmani, one of the major rivers of Orissa, runs nearby around 5-6 km away from the Kalinganagar Industrial Complex. In the Khapuria-Kumbhiragadia locality, there is a large grazing land, which supports hundreds of milkman families for cattle rearing. But agriculture, mostly rice cultivation, is the main source of living for majority of local populace, predominantly Scheduled Tribes. As there is no irrigation facility, it is largely rain-fed. In some villages, people grow pulses (black gram, masuri etc.) after harvesting rice, which do not need much watering. Given the kind of topography, the yield of paddy from one acre of land is 3-4 quintals only.

#### **The affected people**

The area has a significant tribal and dalit population. The two Blocks – Sukinda and Danagadi – under which the area falls, has a Scheduled Tribe population of 36.06 per cent and 28.19 per cent and Scheduled Caste population of 11.89 per cent and 22.31 per cent respectively. The Scheduled Tribe population in the acquired area is much higher than the Block average. Of the tribes, people belonging to Ho community constitute nearly 80% and rest of them belongs to Munda and Santal communities. The oral history suggests that these communities have come from Mayurbhanj, Keonjher, Ranchi and Singhbhum districts in different phases in late decades of nineteenth century and early decades of twentieth century and have settled here at the invitation of the then Sukinda King. The Madox Settlement Report 1897 also indicates about their settlement. It is also pertinent to mention that Orissa became a province only in 1936.

The data for three villages, which are going to be displaced by the Tatas and the Maharashtra Seamless, give us some idea about the socio-economic condition of people:

Name of the village\ Panchayat	No of Households	% of ST population	% of SC population	Literacy rate	% of cultivator	% of agricultural labour
Chandia	331	85.9	2	37.6	41	36.2
Gobaraghati	558	88.8	2.1	53.5	16	37.7
Gadaput	140	97.8	0	46.7	43	13.5

The official data on land holding in the area do not give the correct picture as the last land survey and settlement in the area was done in 1928. From what we have gathered from people, during our visits, it can be said that lower middle class and marginal peasants constitute nearly 60 % to 70% of the population and a majority of them, though in possession of land, have no patta (Record of Rights). A small section of people have land ranging between 15 acres to 60 acres. A sizable number of people are sharecroppers, cultivating the land of absentee landlords of the area.

### **Development of industrial complex at Kalinganagar**

The idea of the Kalinganagar industrial complex was conceived in the early 90s with the advent of liberalisation and economic reforms. It is in the last couple of years the government of Orissa has signed more than 40 MoUs with various private companies to set up steel plants in the State. And it is in the last couple of years that Kalinganagar has been seen as the steel hub of Orissa. The Industrial Infrastructure Development Corporation of Orissa (IDCO) was entrusted with the task of developing infrastructure facilities for the proposed industrial complex in Kalinganagar so that the investors could be attracted to set up industries in the area.

As a first step, IDCO started acquiring land in the year 1992-94. Although IDCO had acquired the land in the early 90s, only a portion of it had been actually transferred to different industries and the remaining land is still in actual possession of people, who have been cultivating it as before. The reason for this is that, although the government of Orissa had signed MoUs with many industrial houses only a few actually came forward to set up their industries. Plausibly, this lack of interest on the part of investors was due to the slump in the international steel market. And now that the prospect for the steel market is favorable again, investors are hurrying up their activities. Tatas are one of the investors who had signed the MoU in 2004 to set up a 6 MMTPA steel plant in Kalinganagar, in two phases, with an investment of Rs.154000/- million. As per the latest report, there are 12 industries at different stages of construction/operation in Kalinganagar. Of these, two plants (Nilachal Ispat Nigam Ltd. and MESCO) have started production and another two (Zindal and VISA) are at trial production stage. The other companies who have plans to set up their plants in Kalinga Nagar Industrial Complex include Tatas, Maharashtra Seamless, Uttam Galva, Orion, Mithal, Rohit, Dinabandhu and others. The total capacity of all these plants is estimated to be 12 million metric tons per annum. (see Annex-1 for the list of plants and area allotted to them)

### **Land acquisition and compensation**

The acquisition of land by IDCO for Kalinganagar Industrial complex began in early 90s in different phases. Till now about 13000 acres of land have been acquired by IDCO. Of these, 6900 acres are private land and the remaining area is said to be 'government land'. However, in reality, people are cultivating most of these 'government land', for generations, over which they do not have patta. The land survey and settlement in the area was not done since 1928. It needs to be noted that after passing the Orissa Estate Abolition Act in 1951, the Estate of Sukinda King was vested with the government. But tenancy rights were not conferred upon the local people who were in possession of land. Even after the passing of the Orissa Survey and Settlement Act of 1958 (Rules framed in the year 1962), no settlement has been done in the area. The commitments/promises made by successive governments at different times on land reforms, promising land to the

landless, have never been implemented in the area.

The IDCO has purchased land from people at the rate of Rs.15000/- to Rs.30000/- per acre in the initial phase of acquisition. Over the years, as a 'measure of benevolence', an ex-gratia amount of Rs.25000/- per acre has been awarded, in different phases, probably in response to people's demand for increased compensation from time to time.

The compensation for land was given to only those who had patta on the land. This left a huge section of people uncompensated, as they had no patta over the land they possessed. Another section of people, who cultivated land as sharecroppers, didn't receive any compensation. After acquiring land from people, IDCO has been selling the land to different industries at a much higher price. As per the available reports, IDCO has sold land to the Tatas at the rate of Rs.3.5 lakhs per acre.

I have 1.5 acres of patta land and another three acres without patta. I had an argument with the Amin at the time of survey and refused to bribe him, which he wanted. For this my name was not listed for the compensation. I haven't received any compensation till now. My land will be taken away by the Tata. – Galia Munda, Village- Kalamatia

According to media reports, taking advantage of non-settlement of land, many influential people have grabbed land, by hook or crook, after the area was marked for the industrial complex. According to one report, one ex-Chief Secretary of the State, had grabbed 160 acres of land in the area, through his influence. (Samaj- 18.1.6)

The Land Acquisition Act of 1894 (Amendment 1984) does not give the owner of land (seller) the right to say 'no' as the land is acquired for 'public interest'. The owner can only contest about the price fixed by the buyer (the government) and take the matter to the court of law and has to accept whatever the court of law (again, the same government) decides about the price of land. Whereas, when dealing with a private buyer one has the option to negotiate the price and say 'no' if the price doesn't suit him/her. The irony is the land acquired by the government, under the LA Act, for 'public purpose' is actually meant for private companies.

During 1995-96, the government of Orissa had acquired land from people, forcibly, for the Tatas to set up a steel plant in Gopalpur. The steel plant hasn't come up yet and apparently the Tatas have decided not to set up the plant. However, the land acquired for this 'public purpose' remains in the possession of the Tatas.

### **Displacement and rehabilitation**

The government of Orissa is yet to have a Resettlement and Rehabilitation (R&R) policy, even though there is a long and tragic history of displacement in the state, beginning in the 1950s. In the absence of a policy, rehabilitation of the displaced people is guided by mere administrative circulars, which are project specific. For Kalinganagar Industrial Complex, the government has issued a series of guidelines, (the latest being that of 18th November 2005) to regulate rehabilitation and resettlement of families affected due to acquisition of land. In these guidelines, three areas have been considered for the resettlement and rehabilitation of the displaced families. These are (a) financial compensation for the loss of land; (b) provision of homestead land and assistance for house building and (c) compensation for the loss of livelihood. It needs to be noted that while the price for the acquired land, provision of homestead land and assistance for housing building has been fixed by the government, the provision of jobs to the displaced families is not made obligatory for the companies, in the guidelines. But, people have been promised of it by the government/politicians at different times before displacement.

At no stage, the government has considered, 'land for land' as a rehabilitation measure for the affected families.

### Scale of displacement in Orissa between 1951-1995

Projects	No of people displaced	No of People Rehabilitated	%	No of people who have not been rehabilitated	%
1 Irrigation	325000	90000	27.69	235000	72.31
2 Factories	71794	27300	38.03	44494	61.97
3 Mines	100000	60000	60	40000	40
4 Others	50000	15540	31.08	34460	68.92
Total	546794	192840	35.27	353954	64.73

Source: *Development Induced Displacement and Rehabilitation in Orissa 1951 to 1995* by Dr. Walter Fernandes and Md. Asif

According to official data, 814 families have been displaced, so far, in Kalinganagar. The number of families, likely to be displaced/ affected in the near future is said to be about 5000. Of the 814 displaced families, 639 families have been displaced by NINL. Of these, only 182 families have been directly employed in NINL.

As per the rehabilitation guidelines of the government for Kalinganagar, the company would provide monetary compensation if it fails to provide jobs to at least one member of the displaced families. A notice issued by the ADM Kalinganagar (dated 5.12.05) shows that the remaining 457 families, not provided with jobs, are yet to receive monetary compensation in lieu of jobs. It needs to be noted that these families were displaced in 1997. Many of these families have already migrated to other districts in search of a livelihood. It is doubtful, whether the government has kept a track of these families.

The following table shows the status of homestead land and employment provided by different companies in Kalinganagar so far.

### Provision of homestead land and jobs for the displaced families

Industry	Displaced so far	Provided 10 decimal land	Provided with Rs. 50000/- (not availed homestead land)	Direct employment
NINL	639	131	508	182
MESCO	53	53	--	47
Jindal	60	51	8	Nil
Visa	23	3	20	Nil
Rohit	12	Nil	12	Nil
Common Corridor	28	Nil	28	Nil

Source: ADM office Kalinganagar

According to the government's own guidelines, "each displaced family will be given 1/10th acre of land for homestead purpose, free of cost, with developed infrastructure in the rehabilitation colony. Roads, community centres, dispensary and other facilities of a model colony have to be provided as a part of infrastructure development". But the conditions in the rehabilitation colonies are far from the government's promised 'model colony'.

### Story of Gobarghati Colony

The big entrance arch reading 'WELCOME TO THE GOBARGHATI

REHABILITATION COLONY' put up at Mirigachara, gives the impression of a prosperous rehabilitation settlement. However, once you enter the colony, it presents a totally different picture. Baring three/four pucca houses, tiny thatch and mud huts strike one's eyes. Till now, only 120 families out of total 639 families (displaced from the villages, Khandiapusi, Madhapur and Sarangpur for the NINL) are residing in the colony. Rest of the families (about 70 per cent of the total displaced) who have not come to settle in the colony have opted for Rs. 50,000/- as cash compensation in lieu of 10 decimal homestead land at rehabilitation colony. A large section of the displaced families chose not to come to the resettled colony because of lack of livelihood in the vicinity. Even people who had received compensation money for their land couldn't buy land as land price suddenly increased many times in the surrounding area, due to the prospects of industrialisation.

Of the people staying in the colony, only 25 families have got employment in NINL. The remaining families go to work in the stone crushers, earning Rs. 40-50/- per day. For that they have to go daily 14 to 15 kilometers. There is no other work opportunity available in the nearby area. These displaced families, although living as daily wage earners, have not been considered as BPL families.

For 120 families 5 tube wells have been installed and two of them not working. Inside the colony, roads are also of murram and get washed away in the rainy season. There is one primary school in the colony. The next higher school is at a distance of 5-6 kilometers. Electricity connection has been provided up to the colony but people are not in a position to afford connection. There is no Primary Health Centre in the colony. The nearest PHC is at about 20 Kilometers from the colony. The displaced families, although resettled since 1997, have not been provided with patta for their homestead land. Instead, an 'Intimation Slip for Settlement of Land' has been issued from the office of Tehsildar, Sukinda with the instruction that 'transfer not possible without the prior permission of the Revenue Officer'.

As per the rehabilitation guidelines, the companies will provide house building assistance of Rs.50000/-, to each of the displaced family. However, the company will deposit this amount with the District Collector, which will be released to the family only after they vacate the house, move to a temporary shelter, and begin construction of the house. After seeing the progress of construction, the Collector will release the money in three installments - Rs.15000/-, Rs.15000/- and Rs.20000/-. These conditionalities, obviously make it extremely difficult for a poor displaced family to avail of the housing assistance and resettle in a new area.

## **Run up to the main event, 2 January 2006**

### **The early years**

By all account, initially the local people welcomed the idea of the industrial complex, believing that the new industries would usher in development of the area, give employment to the local populace, and improve their standard of living. So when land acquisition took place between 1992 and 1994, undertaken by IDCO, people accepted the compensation at the extant rate without a murmur. They believed the verbal assurance given by govt. officials that jobs would be provided to them when the industries would start. They continued cultivating the acquired land as before, till around 1997 when the first batch was displaced.

When the land was physically acquired in 1997, to be handed over to the companies, provision was made to shift the displaced people at two resettlement colonies: Trijanga and Gobarghati colonies. Homestead land of 10 decimal (1/10 acre) per family was allotted to each displaced family. People displaced due to the Mesco and Jindal plants were to shift to Trijanga, and those displaced by NINL were to be shifted to Gobarghati. Trouble started when, at the time of being shifted

to the Gobarghati Colony, the displaced demanded jobs before they would leave their hearth.

When nothing of the sort was forthcoming, the villagers sat on dharna, refusing to leave. Matter took a cruel and ugly turn when, late in the evening, police was used to forcefully evict the people. Reportedly, bulldozers were used and 60 people were arrested. The trust of the people in general was shaken.

#### Post 2004 Phase

What happened between 1997 and 2004 is hazy. We heard people vaguely complaining of betrayal by the erstwhile leadership belonging to various mainstream political parties, but not much could be evinced of that period. There seemed to be a lull from both sides. When we asked people about that period, they said that it took them time to realize the extent of danger that was hanging over their lives and livelihood.

In 2004 an organisation to protect the interest of the people affected by the industrial complex was formed; it called itself Sukinda Upatyaka Adivasi-Harijan Ekata O Surakshya Parishad, which was later renamed, and remains such till date, as Visthapan Birodh Jan Mancha, Sukinda. In October 2004 they had issued an open letter to the Chief Minister, expressing their concern and grievances about the hardships faced by them due to the emerging complex, and spelt out several demands; five demands meant for the people to be displaced, and six demands concerning the people already displaced. The salient features of the demands included i) stop further construction in agricultural land; ii) giving patta to the people settled before 1980 iii) land acquired, but unused, be returned to the original owners; iv) stop deliberate targeting of tribal/dalit villages for land acquisition; v) the homestead land to be raised to one acre per displaced family; vi) the parishad to have a say in rehabilitation matters; vii) one job per displaced family, etc.

During 2005, the Visthapan Virodh Jana Mancha (VVJM) resisted all kinds of activities - like land-survey, bhumipuja, leveling, boundary wall construction etc.—relating to setting up of industries in the Kalinganagar Complex. They organized protest meetings and sit-in demonstrations in front of construction sites. People told us that in April 2005 government had issued notice to do a family survey. But the Manch decided not to cooperate with the government to do this survey as their demand for patta of their land was not met. It needs to be noted that the last family-wise survey was done in 1996. The number of family units has increased by 2004-05.

Among all these the incident of 9th May 2005 assumes greater significance, in terms of signifying a culmination of simmering discontent against the administration and the companies under their protection. On 9th May, hearing that the bhumipooja for Maharashtra Seamless was going to be performed; people had assembled at the site to protest and obstruct the proceedings. That people were not carrying any arms was corroborated by one of the officials present at the site. The ADM of Kalinganagar came to the site to negotiate with the people. The local police was already present, though not in very large numbers, to provide security to the officials of Maharashtra Seamless. The people reiterated their demands to the ADM and did not move from the place. It is alleged that the ADM, Shri Santanagopalan, in his enthusiasm, ordered lathi-charge and rushed towards the protestors, pushing some of the obstructing women to the ground. At this sudden action of his, which the people saw as a provocation, clashes ensued. People resorted to stone pelting and the vehicle of the ADM was damaged.

The ADM was beaten up in the melee, and when the IIC of Kalinganagar PS tried to save the ADM he too was beaten up; both of them sustained injuries. Seeing the people's rage the police retreated from the scene that afternoon, to return later with more reinforcements. They entered the villages and went on a rampage. Fearing

retaliation, most of the men folk had fled the villages and taken shelter in the surrounding hillocks. Therefore the brunt of the police fell on the women folk and children. They were roughed up and at least 25 women were arrested. Hearing of the police terror, people from nearby villages also fled their villages and took shelter in the nearby forest. It is alleged that the privations caused the death of two children. Also, an old man, who was severely beaten up by the police, died later.

After the 9th May incident, the process of mutual distrust was completed. The tribals, led by the Jana Mancha, felt betrayed by the govt. and perceived the administration as friend of the companies and enemies of the tribal people; the administration, on its part, was taken aback by the vociferous opposition of the hitherto gullible and peaceable. Plausibly, they were planning ways of snuffing out the resistance.

Notice was served to the people for Public Hearing on Tata Steel plant to be held at Jajpur Road on 27th July 2005. On the other hand, on 23rd July 2005, Tatas came to perform their bhoomipooga in the presence of District Collector and the SP. About 3000 people protested and held demonstrations at the site. The administration responded by lodging cases against some people and their leaders.

Again on 7th October 2005 Tatas came, accompanied by police and district administration, for bhoomipooga and people protested. A constable was reportedly beaten up by the protestors and, according to the police, people snatched away his gun.

On 25th October, Shri Rabindra Jarika, one of the leaders of the Jana Mancha, was arrested by the Jajpur police from Bhubaneswar. He had come to Bhubaneswar to attend a conference of some tribal organization. The manner in which Shri Jarika was arrested had raised serious questions at that time and many organizations, including PUCL, had protested against police highhandedness in this case and the policy of the government to repress all democratic struggle by use of police force.

On 27th October people gheraoed the Kalinganagar police station protesting against the arrest of Rabindra Jarika. After this incident police have been trying to arrest the other leaders of the Vishapan Virodh Jan Manch.

On 17th November people stopped the construction work begun by the Maharashtra Seamless steel. Since then no further construction work took place till the date of firing. The movement was gaining in momentum, and the mood of the people upbeat. Little could they foresee what was waiting in store.

## **2nd January 2006**

That day, with the help of the administration, the Tatas undertook the programme of leveling the land where their plant was to come up. Top district officials, including SP and DM, were present. People of the area had assembled to protest. Coming sporadically from several villages, their numbers had gradually swelled to 300-400, including women and children, some of them carrying bows and arrows, tangias (a kind of pick axe) and other traditional weapons, customarily carried by tribal people. They were assembled on the adjacent fields to the site, close to Champakoila village. By all accounts, the mobilisation of the police was massive, around 10 platoons, that is around 300 policemen, requisitioned by the SP for overseeing the leveling of a piece of land. They had come prepared for combat, for a decisive show of strength, armed and battle ready. They had taken positions, according to unofficial police sources, divided in three contingents on three sides of the Tata site, which was temporarily fenced by long ropes. (9 contingents were positioned along the rope boundary and one was 'reserve', specially meant to give protection to the top brass present.)

About what happened that day there are several versions. We are trying to narrate

what appear most plausible to us. When the leveling machine was doing its work, the protestors wanted to enter the rope cordon and stop the machine; the police tried to stop them. So, there arose a situation where there was pushing and pulling from both sides. In their attempt to scare them the police used 'stun shells' (there are allegations of land-mines or bombs being used by the police which the team doesn't find plausible), along with teargas shells, and rubber bullets. All this was done in quick succession, as if the police were in a hurry to finish a formality. (As the organizers informed us, they wanted to discuss with the authorities but wasn't given a chance.) This resulted in a great confusion when people ran helter skelter in fright, and outrage.

Some of the policemen, while chasing the demonstrators, had tripped on the uneven land around the site. This in turn encouraged some of the fleeing crowd to return. (Anyone, who has followed the resistance of the weak against the mighty administration, would understand the dynamics and psychology of such conflagration.)

The police had started fire, ostensibly to give cover to its fallen colleagues. But, inexplicably, they fired to kill, and some of the agitators fell victim. In the melee one of the policemen, an unarmed havildar, Gopabandhu Mohanty, slipped and fell in the hands of the fleeing tribals. He was killed by the disoriented crowd. After this, the men in uniform and gears ran amok, the officials present doing nothing to restrain them. They were baying for blood, seeking revenge, using the death of a colleague as an alibi. The people, frightened out of their wits, ran, as the police shot unrestrainedly from behind. Bodies, dead and injured, including women and children, lay strewn on the ground. The villagers carried some of their injured and dead people to the villages and admitted the injured into the hospital. The others, dead and injured, were taken to the hospital by the police. The final count, that emerged by and by, were shocking: 1 policeman dead and 4 injured; 12 tribals dead and 37 injured—the dead, as well as the injured, included women and children. (see Annex-2 for list of the 12 tribals killed)

The PUCL team met some of the injured people, including the four policemen, at Medical College Hospital, Cuttack. The injured policemen were - Shri R.R. Naupani, Shri B.S. Gerung, Shri Asbahadur Gum and Shri H.B. Newar. The team found that all the injured policemen had suffered injuries caused by lathis. There was no sign of injuries caused by arrow.

### **The immediate aftermath**

With the 4 dead bodies that couldn't be recovered by the police, and which remained in the custody of the shell-shocked tribals, the people, under the banner of VVJM, Sukinda, sat on a dharna at Madhuban Chhaka, on the NH-200. As the shock and grief gave way to outrage and a new resolve to thwart the designs of the government, the ever-swelling numbers of agitators blocked the highway, with seven-point demands. The road blockade continues till the time of writing this report. After the remaining bodies were handed over to the families, on 4th January 2006, mass cremation was held at Ambagadia village. (the place of cremation got renamed as Veer Bhumi) It was discovered that out of the bodies handed over by the police, 5 had their palms chopped off. This added to the outrage and anger.

### **Seven point Demands of VVJM**

- Put an end to all displacement. Five acres of land be given to families who have already been displaced.
- The Chief Minister, the Finance Minister, Minister of Mines, Industry, Scheduled Caste & Scheduled Tribe Welfare Minister be removed from Ministry, and the Minister of Finance and Chief Minister be booked for murder charge.
- The Home Secretary and DGP be suspended and SP and Collector of Jajpur District and ADM, Kalinganagar be suspended and booked under 302. ?

Rs.20 lakhs compensation for the family of each dead and Rs.10 lakhs to the family of injured.

- MNCs and Monopoly companies be driven out from the soil of Orissa. ? Adivasis be given the rights over mineral resources, land, water, forests and industry in tribal areas.
- Unconditional release of leaders and activists of the movement and withdrawal of all cases pending against them.

Sympathy, support and solidarity for the victims, who were seen as martyrs, and the organisation leading the struggle, VVJM, increased by leaps and bound, and the issue attracted national and international attention. Protest demonstrations were held by project-affected people in several parts of the state, raising the issue of displacement and demanding rehabilitation. While the state government's ex-gratia offers were summarily rejected by the Manch, what is of significance, no minister of the state government visited the area or the people, till the time of writing this report.

The local police have lodged cases against the protesting people (of 2nd January) but interestingly no case has been lodged against the police.

### **Our observations, findings, and conclusions**

1. No land settlement had been done since 1928, and the government has admitted this as a lapse on their part. By not conferring the tenancy rights upon the local people over the land, which has been in their possession at the time of Estate abolition in 1951, successive governments have deprived the people of their legal rights over land and livelihood. Because of this situation, when threatened by displacement due to industrialisation, people have been denied the right to claim compensation (how unjust the compensation has been is a different matter). This tantamounts to deliberate neglect of a marginal and deprived section of the society in according them their legitimate right over their land by the government.

Government must be made liable for this lapse. The team feels that timely and overdue settlement could have prevented the aggravation of the situation to such a tragic extent.

2. The massive deployment of forces to oversee mere land-leveling by a private company is not only unwarranted, it reveals a deep-seated bias of the govt. against the local people, predominantly tribal people. When the resentment against the company and the govt. was growing and getting organised, instead of addressing the grievances of the hitherto peaceful locals, there was no need on the part of the government to precipitate matters by deploying such massive forces. The team believes that the district administration behaved like a private army of the Tatas, and construes its behaviour as an act of unnecessary provocation.

3. The govt. had many opportunities to allay the fears of the locals, but all along they had avoided the path of reconciliation and dialogue and, instead, took a law and order approach to the legitimate aspirations of the people. From the beginning of the conflict, the administration/government viewed the hapless tribals wanting to hold their traditional livelihood as enemies, inimical to the interest of development. The PUCL believes that such high-handedness and biases of the government towards any grass root movement questioning the paradigms of development is the root cause of the social unrest.

4. The way the incident of 2nd January was handled clearly reveals that the question of law and order was a ruse used by the govt. to teach a lesson to the agitators. The fact that the collective will of the local people managed to thwart some of the earlier programs, the administration wanted to inflict exemplary

retribution to break the morale of the people such that their voice of opposition is crushed once for all. The fact that women and children were not spared by the police and agitators were shot from behind while fleeing, amply indicates the 'teach a lesson mood' of the police.

5. Initially, people had welcomed the Kalinganagar Industrial Complex in good faith and with the hope that this would improve their economic lot and social conditions. Over the years, however, their hopes have been belied and their insecurity regarding their future, as well as that of their future generations, increased manifold. The peace-loving and law-abiding people have been taken for a ride, and today, thanks to the government of the day, they are an embittered lot. PUCL believes that their aspirations and concerns, and by extension their demands, are legitimate and valid. The same thing can't be said about the govt.'s response to them.

6. The tribals have been staying here for almost a century. Now, some ruling party leaders and other vested interests have started a campaign, that they are outsiders. (The ruling party MP from Bhubaneswar has gone on record saying that the people killed were 'goondas from Jharkhand'.) It adds insult to injury. It's a heinous design to create a divide between the affected tribals, victims of the government's lopsided 'development' game, and the rest of the ordinary people of the state. PUCL squarely holds the state government responsible for such campaign and urges the people to desist from falling prey to such crude designs aimed at diverting the attention of the people from the real issue. PUCL also urges the people to question how the Tatas, Birlas, Jindals, Vedanta, and POSCO – whose only objective is to make profit by exploiting the mineral resources of the state – could be considered as insiders, and the tribal people, who have been living there for more than a century, and survive by tilling the land, could be called outsiders; how does the Chief Minister of the state, who can't speak the language of the state, become an insider?

7. The question of who made the first strike appears to be another design aimed at diverting the attention of the people from the crime of the govt. at the behest of private industries. Seeing the balance of force, it's difficult to believe that an unprepared mass (none of them was carrying fire-arms, unlike the police), that included women and children, would dare to attack such a heavy deployment of trained policemen. The big issue that is sought to be made about the tribals using bow and arrow falls flat in the face of evidence that no policemen have sustained any arrow injury. Last but not the least, assuming that the demonstrators did attack first, did it give the police the right to go on a trigger-happy spree, a license to kill? PUCL believes that the allegation of the tribals having attacked first and the police having fired in self-defense is an afterthought intended to justify cold-blooded murder on their part.

8. Chopping off of palms, a fact that was admitted by the administration, and three doctors were suspended, is as much shocking as intriguing. Does it reflect the disdain with which the tribals are perceived, even when dealing with their dead? PUCL demands an inquiry by the NHRC into the allegation of mutilation of the dead bodies.

9. The government, as a predictable response to the killings, has ordered a judicial commission of inquiry into the incident. It is a common perception among concerned citizens that institution of a judicial commission of inquiry is a farce enacted by the government in power to pacify public anger in the immediate aftermath of a firing or any other form of police excesses. The non-serious attitude of the government to judicial commission of inquiry is revealed from the fact that so many commissions' reports have not been tabled in the Assembly – not to speak of actions taken

against the erring officials. PUCL believes that instituting such commissions are going to be counter-productive in the long run in terms of erosion of the popular faith in the institutions, is not going to pacify the people in the long run, and perceives it as a ploy of the government to hoodwink the people.

10. Instigation by outsiders/Naxals: There is an attempt, by the government as well as some sections of the media, to put the blame on the Naxals and the NGOs, for the ongoing people's unrest, not only in Kalinganagar but elsewhere too. The PUCL believes that this is only a ploy to divert the public attention from the real issues. PUCL also believes that any individual/ group/ organisation/ agency, whether Naxals, NGOs or of any other ideology, have a right to be with the people and it is for the people to decide, whether to accept or reject them.

11. The R&R policy – It is a matter of great concerns that in spite of the increasing phenomenon of displacement and the plight of displaced families, successive governments have ignored the need for an R&R policy. In recent years, people's protests and resistance to displacement have been seen as law and order problems and dealt with severe repression. In the case of Kalinganagar, PUCL team finds that the government's own guidelines have been grossly violated on every front. The conditions of resettlement colonies are far from what the government has promised to provide. The affected people were not taken into confidence, at any stage, of resettlement and rehabilitation. The Rehabilitation Advisory Committee (RAC) had no people's representative in it, even though people have demanded to be represented.

12. The government of Orissa is resolute on transforming Orissa into an industrial state, largely, by opening up the mineral resources of the state for private exploitation. On one hand, industrialisation is projected as the panacea to widespread poverty, unemployment and underdevelopment of the state. On the other, people, particularly the socially and economically underdeveloped ones, feel the threat of displacement and loss of a secured livelihood (whatever little they have) due to this industrialisation. And this constrains them to oppose it. The govt. without taking the affected people into confidence, through transparent dialogue and discussion, is forcibly pushing its own agenda of 'development' down their throat. PUCL believes that, not only the directly affected people, but also the people of the state have a right to know what exactly is happening in the name of 'industrialisation' and how it is impacting 'development': who is gaining what and who all are paying what price.

### **An appeal**

Since the onset of New Economic Policy, the government of Orissa is in a hurry to invite national and Multi National Corporations to set up industries, basically, mineral-based, to develop the socio-economic condition of the people. On the other hand, local people, mostly tribals and dalits, the most neglected section of our society, are resisting these developmental/industrial projects fearing displacement and loss of livelihood, however meager it is.

The government without addressing the concerns of the people or creating an atmosphere of informed dialogue and debate is treating it as a law and order issue and seeking solution through the use of lathis and bullets. The bogey of 'instigation by outsiders, naxalite, extremist etc,' is being raised to justify police brutality.

In such a scenario, we in PUCL urge upon the govt. of Orissa, to halt all industrial projects till all the unresolved issues are resolved properly, and to create an atmosphere for wide ranging discussion on the issue of 'development'. We also urge upon the civil society bodies, democratic forces and all concerned people to put pressure on the government for such dialogue and debate so that another

Kalinganagar does not happen in the name of development.

**Annex-1: List of Plants and Land Allotted to them in Kalinganagar**

Mideast (MESCO)	530 Acres
Orion	150 Acres
Maithan Ispat	100 Acres
Uttam Gala	370 Acres
NINL	2500 Acres
Maharastra Seamless	500 Acres
TISCO	2400 Acres
Rohit Ferrotech	50 Acres
JINDAL	678 Acres
VISA Industries	390 Acres
Dinbandhu	100 Acres
K.J. Ispat	50 Acres

Source: ADM office, Kalinganagar

**Annex-2: List of People Killed in Police Firing**

	Name	Village	Age	Male/Female
1	Landu Jarika	Bamiagotha	29	M
2	Ramachandra Jamuda	Bamiagotha	35	M
3	Junga Jarika	Bamiagotha	25	M
4	Gobinda Laguri	Bamiagotha	14	M
5	Rama Gagarai	Gadapur	35	M
6	Bana Badra	Gadapur	35	M
7	Mukta Bankira	Chandia	40	F
8	Rangalal Mundei	Baligotha	40	M
9	Ati Jamuda	Chandia	32	M
10	Deogi Tiria	Champa Koila	35	F
11	Sudam Barla	Belhudi	25	M
12	Bhagaban Say	Gobarghati	25	M

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