

THE PEOPLE'S STRUGGLE AGAINST UTKAL ALUMINA PLANT IN KASIPUR ORISSA

*Samata, Hyderabad
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BACKGROUND:

GENERAL FEATURES OF ORISSA STATE:

The Indian state of Orissa is situated between the latitudes 17°-48' and 20°-94' North and longitude 85°-24' and 86°-29' East. With an area of 1,55,707 sq.kms (about 4.7 per cent of the total area of the country), it has a population of 31,660,000 spread over 30 revenue districts. It has a vast coastline of about 480 kms and the state is physically divided into four regions: the northern plateau constituting about 23% of the state's geographical area, the central table constituting another 23%, the Eastern Ghats constituting around 36% and the coastal plains making up the remaining 18%.

The state has a forest area of 5,583,000 hectares which is 35.92% of the total land area and the non-forest area is 1,02,250 sq.kms. On the social front it has a large population of Scheduled Castes¹ (5,129,000 – 16.20%) and Scheduled Tribes² (7,032,000 – 22.21%), the latter inhabiting the vast forest areas of Orissa.

In comparison to the rest of India, Orissa stands out as a very poor state in terms of literacy and other development indices. The total literacy rate among males is 63.09% and among females is 34.68%. Among the ST's the literacy rates, which are 34.44% for males and 10.21% for females, are reflective of the backwardness of the state. The Birth rate as per 1998 statistics is 25.7 (per 1000) and death rate is 11.1 (per 1000) while IMR is 98 (per 1000). The state has a population of 44% living below the poverty line.

The state of Orissa is endowed with rich natural resources, minerals being the most extensive. Because of the abundance of resources, there is also a sequential exhaustion of these. Exploitation of its resources began with the Hirakud dam and the Rourkela Steel Plant in the 1950's. Captive mines and the Mandira dam followed to supply iron ore and water to Rourkela. Resource exploitation got intensified with the Fourth Plan in 1969 and during this period many dams were constructed and mines were opened up. Blessed (or cursed?) with a variety of mineral resources, Orissa seems to be doomed for a prolonged presence of the mining industry in the state in the future to come, especially with the multinational mining conglomerates all set to conquer this sector.

Mining in Orissa was initially limited to minor minerals and coal and later to the captive iron ore and manganese mines. By 1971 there were 155 working mines in the state, 58 of them iron ore, 48 manganese, 9 each of chromite and fireclay, 6 each of coal and limestone, 5 dolomite and 6 quartz and quartzite. By 1990-91 there were 281 working mines of all minerals. A major development has been the increase in coal mining. The state has known reserves of 98.4% of India's chromite, 95.2% of nickle, 69.7% of bauxite, 30% each of graphite, manganese and mineral sand, 26% of iron ore and 23.8% of coal. Major minerals account for 2,90,463 acres or 70.82% of the land on lease for mining.

Orissa has three major mineral belts – the coal belt which falls in three districts (Angul, Jharsuguda and Sundargarh), the Bauxite belt which covers the districts of Koraput, Kalahandi and Bolangir, the Iron-ore belt in Jajpur, Dhenkana, Mayurbhanj, Keonjhar and Sundargarh districts. There are three major public sector mining companies, the Mahanadi

Coalfields Ltd, National Aluminium Company and the Steel Authority of India Ltd. Almost all the companies are going for huge expansion programmes while 13 private sector mining companies from USA, Canada, Australia, UK, South Africa have been given approvals by the Foreign Investment Promotion Board.

Table I: Mineral-wise Summary of Major Mineral Leases in 1994-95 and the Surface Rights (in acres)

Sl.	Mineral	Total no.	Leases Area	Working No.	Leases Area	Surface Rights	As % of Total L.
Fuel Mineral							
01	Coal	22	41444.13	22	41444.13	6313.32	15.23
Metallic Ore							
02	Bauxite	5	18421.26	3	11959.74	1931.54	10.49
03	Chromite	17	18848.57	14	14817.53	9880.00	52.42
04	Iron Ore	74	49325.90	54	44566.21	34271.25	69.48
05	Lead Ore	1	1235.00	1	1235.00	266.76	21.60
06	Manganese Ore	36	23758.93	29	22276.93	11164.40	46.99
07	Iron & Mg. Ore	61	47357.31	50	41634.32	27799.85	58.70
08	Iron & bauxite	2	1185.60	2	1185.60	239.59	20.21
Total		196	160132.57	153	137675.33	85553.39	53.43
Non-Metallic Minerals							
09	Asbestos	2	410.02	1	288.99	284.05	69.28
10	Chinaclay	11	3739.58	4	1822.86	1365.91	36.52
11	C.Clay & F.C	5	827.45	2	229.71	61.75	7.46
12	Dolomite	1	876.85	1	876.85	363.06	41.41
13	Fireclay	54	16114.28	26	7933.64	3023.28	18.76
14	Graphite	114	7387.77	56	4201.47	1272.74	17.23
15	Kyanite	1	135.85	1	135.85	12.35	9.09
16	Lime Kankar	1	118.56	-	-	-	-
17	Limestone	10	10979.15	7	6286.15	2181.01	19.86
18	L.S & Dolomite	38	18169.32	24	11964.68	4092.79	22.53
19	Mica	2	74.10	-	-	27.17	36.66
20	Mineral Sands	1	7108.66	1	7108.66	5157.36	72.55
21	Pyrophyllite	4	896.61	3	545.87	291.46	32.51
22	Quartz	82	6782.62	44	3984.11	1398.02	20.61
23	Quartzite	17	1973.53	12	1422.72	489.06	24.78
24	Red Ochre	2	486.59	1	251.94	234.65	48.22
25	Sand (Stowing)	5	1432.60	2	237.12	995.41	69.48
26	Silica Sand	1	172.90	-	-	135.85	78.57
27	Soapstone	9	1770.99	4	1069.51	239.59	13.53
28	Talc	1	153.14	-	-	-	-
Total		361	19610.57	189	48360.13	21625.54	27.16
Grand Total		579	281187.27	364	227479.59	113491.56	40.36

Source: Directorate of Mining and Geology 1996: 36-39.

Tribals In India:

India has the second largest concentration of tribal population, after that of the African continent. The total tribal population in India is 67.8 million as per 1991 Census which constitutes 8.1% of the total population of the country. The Constitution of India has notified them as the Scheduled Tribes (ST's) and has recognised about 360 communities as ST's. Of these 87% are concentrated in the Central Indian belt covering 9 states of Madhya Pradesh, Chattisgarh, Orissa, Andhra Pradesh, Himachal Pradesh, Rajasthan, Gujarat, Jharkhand, and Maharashtra. About 10% of the tribal population lives in the North-East and the rest are spread over other states.

The tribals mainly live in hilly and thick forest regions and have distinct socio-cultural practices from the rest of the mainstream Indian society. The economy of the tribals is based on agriculture and collection of forest produce.

Under the Constitution of India comprehensive special provisions have been made for protection and development of ST's, mainly under the Fifth and Sixth Schedules of the Constitution which restrict the entry and ownership of land and immovable resources in the tribal areas by non tribals and outsiders. This constitutional provision has been defined in varied degrees and executive orders by the nine scheduled states which fall under the Fifth Schedule. Orissa is one of the states where the Fifth Schedule is applicable as it has a predominant tribal population.

In the present context of the New Economic Policy of India there is a conflicting situation between the interests of the local communities, particularly that of tribals, and external stakeholders who are laying claim to the natural resources of the communities. Minerals prove to be the most serious threat or curse to the survival of tribals due to the scale of land acquisition, displacement, scale of operations and the complete reversal of social and economic lives.

Tribals and Mining in Orissa:

The difference between Orissa and the rest of India is most discernible in its high population of tribal people who live in the most resource rich areas and yet have the worst human development indicators. The tribal areas are also distinct for high degree of land alienation due to establishment of large reservoirs and mining projects and has led to displacement of tribals multiple times.

Table II: Major Mining Leases with PSUs/Captive in Tribal Areas of Orissa

Sl	Mine	District	Meneral	Owner	year	Lease area (Acs)
01	Daitari	Keonjhar	Iron Ore	Ms. OMC	1966	4478.09
02	Barsua	Sundergarh	Iron Ore	Ms. SAIL	1960	6141.50
03	Malda	Sundergarh	Manganese	Ms. TISCO	1970	5240.36
04	Sargipalli	Sundergarh	Zinc/Lead	Ms. HZL	1974	1234.01
05	Bangur	Keonjhar	Chromite	Ms. OMC	1976	4337.32
06	Panchapatmali	Koraput	Bauxite	Ms. NALCO	1979	6206.34
07	Panchapatmali	Koraput	Bauxite	Ms. NALCO	1982	11589.36
08	Baplimali	Koraput	Bauxite	Ms. UAIL	1994	3211.00
09	Telipalli	Bolangir	Graphite	Ms. FACOR	1988	596.77
10	Sanbanki	Bolangir	Graphite	Ms. OIL	1988	1786.08
11	Nishikal	Koraput	Graphite	Ms. OMC	1987	1239.12
12	Jhaliabahal	Bolangir	Quartz	Ms. IMFA	1993	900.00
	Total					46959.95

The Industrial and Mineral Policy of Orissa:

Orissa's latest industrial and mineral policy echoes the dominant economic policy of the country. In the government's perspective, Orissa's panacea seems to lie in the rapid development of it's vast resource base. This primarily includes the available and unexplored mineral reserves and the key to extracting this productively, seems to be private capital investment.

To ease the entry of the private sector, the government, both the central and the state, have amended and modified the existing provisions under the various mining legislations. They are providing incentives for inviting foreign and private bidders like captive power, cheap water, land and other resources, etc. They have shifted a number of minerals from central control to state government control so that they need not approach the center for granting permission.

The Fifth Schedule and the Tribal Policy in Orissa:

As most of the minerals are located in the tribal areas which are governed by certain constitutional laws, the industrial and mineral policies negatively affect the policies relating to the tribal people. Here the question of eminent domain in the context of exploiting mineral ores in tribal lands has raised a national debate as the law protecting the tribal lands from being transferred to non tribals is under urgent threat. The state government of Orissa believes in attracting private and foreign capital in the tribal regions and diluting the Constitutional safeguards with regard to protection of tribal lands from industries.

The Supreme Court which delivered the now famous Samatha Judgement³ in July 1997 reiterated this constitutional safeguard by clearly stating that no land in the Schedule area shall be transferred to private mining industries. However, the state government of Orissa has been trying to wriggle out of this legal 'bottleneck' on grounds of absence of parallel state laws to this effect. The truth is that the mining sector has brought about this sea change in the attitude of the State with regard to its social responsibility.

Profile of Koraput

Location. Koraput, one of the 13 districts of Orissa, is located in the southern most part of the state. It is surrounded by Raipur district of Madhya Pradesh and Kalahandi district of Orissa in the north, Vizianagaram and East Godavari districts of Andhra Pradesh in the south, Bastar district of Madhya Pradesh in the west and Srikakulam district of Andhra Pradesh and Ganjam district of Orissa in the east. With its geographical area-of 27,020 sq.km. Koraput is the largest district of the state in size, but in population it ranks fourth in the state.

The district has eight revenue sub-divisions, 15 tehsils, 37 police stations and 42 CD blocks. It has 478 gram panchayats with 5379 inhabited villages. For the purpose of implementation of agricultural development programmes, the district is divided into four zones.

Topography. The location of the district is on a section of the eastern ghats giving an undulating character to its topography. The district has vast expanses of mountain ranges and hills interspersed with patches of plains between hill ranges and along the river sides. The district can be divided into four distinct physiographical regions, viz., (i) the plains in the valleys of the rivers Vamsadhara and Nagavali in Rayagada and Gunupur sub-divisions; (ii) the 3000-foot plateau which extends from north of Kashipur tehsil to the border of East Godavari district in Andhra Pradesh; (iii) 2000-foot plateau covering Kotpad, Jeypore and Nowrangpur tehsils, and (ii,) the area under Malkangiri and Mottu tehsils containing the valley of Machkund river.

Soil. On the basis of topography, land can be broadly classified into (i) Dongar land and (i) Jhola lands. The main soil groups found in the district are laterite, coarse sandy-loam, clay-loam, black soil, alluvial soil and forest soil.

Climate and rainfall. The climate of the district varies from area to area depending upon the elevation of the tract. The climate on the whole is subtropical to temperate in nature. The district enjoys a fairly good rainfall, the average being 1552 mm. In spite of good rainfall, drought is not unknown to the district as rainfall is not always uniform in different places. During rainy season 80 per cent of the total precipitation is received from the south-west monsoon.

Population. According to 1981 census (provisional), the population of Koraput district is 24,67,329. The district is thinly populated with 91 persons per sq.km. which is quite below the state average of 168 persons. Of the total population, 11,51,184 representing 56.34 per cent are tribals. There exist more than 60 ethnic groups in the district of which Gadaba, Paroja, Koya, Bonda, and Kandh are numerically important. In comparison with other districts of Orissa, the percentage of tribal population is greater in Koraput district. The tribal population is unevenly spread. Because of the predominance of tribal population, this district differs significantly from the other parts of the state. The district has a predominant rural bias with 92 per cent of its population residing in villages. The percentage of literacy is 10.6 (1971 census) in the district

Occupation. Workers in the district constitute 35.4 per cent of the population and among them, more than 82 per cent are either cultivators or agricultural labourers. Allied activities, household industries, other industries and trade and commerce provide employment to a very small percentage of population.

Agriculture. The economy of the district is primarily oriented to agriculture which provides employment and livelihood to the majority of workers. Cultivation is carried out at different altitudes varying from 2000 to 4000 ft. above sea level. The tribals practice agriculture both in the valleys and on the hill slopes. 'Podu' cultivation (shifting cultivation) is practiced on the hills.

Land Utilisation. Although the geographical area of the district is 27.2 lakh ha., the area reported under agriculture is 20.16 ha. The net cultivable area constitutes about 36.6 per cent of the total area under agriculture. This is quite low in comparison with the state average of 40 per cent and also the country's average of 42 per cent. The low percentage of net cultivated area is due to vast expanse of forest which forms 38.4 per cent of the geographical area and also a large proportion of area not available for cultivation.

Food crops cover a major chunk of the gross cropped area. Paddy with 50 per cent coverage is the single major crop which, in rotation is followed by ragi, pulses and oilseeds. Cash crops like tobacco and cotton are cultivated in small patches all over the district.

Mining in Kasipur

Kasipur Block is in Raigada district of the undivided Koraput region of southern Orissa. It is mainly inhabited by tribal people living in thick forests and hills. The hills of Kasipur have very rich deposits of bauxite which have yet to be tapped. It attracts the attention of the mining industry due to some fundamental advantages like cheap labour, abundance of land and other natural resources like water, proximity to the railway line which transports goods to the nearest port, Visakhapatnam and a good road system.

The undivided Koraput district has 18 large projects and about 5,00,000 acres of its total area of 26,961 sq.kms have been occupied by these mega projects. They are the Machkund, Balimela, Indravati, Upper Kolab (irrigation and power projects), HAL & NAD Defence Projects, J.K & Sewa Papers, Mangalam Timbers (forest based industries), Ferro Manganese, alloys, NALCO, L&T, Utkal Alumina Bauxite Ore based industrial projects. There are cement factories and other forest based commercial plantations. According to one estimate, around 1,50,000 tribals have lost their lands to all the above causes.

The total population of the Kasipur area is 12,780 of which the tribal population is 8630 (68%), the dalit* population is 2311 (18%). The tribals here mainly subsist on agriculture and collection of forest produce which are sold in the weekly markets in the nearby towns.

Utkal Alumina Project Ltd:

UAIL is a joint venture promoted initially by Hydro alumina of Norway, Indian Aluminium Company Ltd and Tata Industries Ltd. Later Tata Industries withdrew from the project and Alcan of Canada became a joint partner. The initial investment for the project is estimated to be 1 billion USD. The project will be located near Doragurha village, Kasipur taluk of Rayagada district. The plant would produce 1 mtpa of alumina in Phase I and after expansion another 1 mtpa in Phase II. The bauxite mining would be done at Baphilimalai Plateau located north-north-westerly direction, 20 kms from the plant site.

Bauxite would be transported from Baphilimalia through a covered conveyer belt to the refinery. A captive 80 MW hydro and thermal power plant would supply electricity to plant, mines and township. The existing reservoir at Bagrijhola, developed under IFAD would be utilized for storing pumped water from San river. Treated effluents would be discharged into Barha river. Facilities for disposal of red mud and ash would be developed in valley basins near the plant site. Township for housing alumina refinery and mine personnel, roads, railway siding would be established by the project.

The project area falls to the western or north western side of the Eastern Ghats. The proposed alumina refinery complex is located in the catchment area of Khandabinda and other tributaries of Indravati river.

As per the company reports the land to be acquired is 2452 acres (981Ha) and 3 villages with a household strength of 148 are to be displaced. Resettlement and rehabilitation are not clear except that there is employment opportunity for 1800 skilled and unskilled workers (before completion of construction) and 1400 jobs after completion. A rough estimated cost of rehabilitation by the company, amounts to 721.5 lakhs. It is estimated that 200 million tons of bauxite reserves are present in Baphilimalai and a total of 300 million tons will be extracted every year. The refinery will process 1 million ton per year and 100% would be exported to the Middle East and North America and 200,000 tones to Hydro Aluminium.

The joint venture of UAIL was formed in 1992-93.

The local people's struggle in Kasipur - PSSP

In the year 1993 the local people first came to know that the UAIL, a multi national company has decided to establish an alumina plant in Kasipur Block. The Alumina refinery complex

was proposed to be set up at Debaguda, a village near Kucheipadar. It has also proposed to construct a railway line from Debaguda to Tikri which will connect the Koraput-Raigada railway line.

Prakrutiko Sampado Surakshya Parishad (PSSP) is a people's movement which emerged as a resistance to the Utkal project. The struggle is unique in its nature as it is the local tribal community which leads the movement and has stood firm through all the pressures and repression since it was formed.

The people of Kasipur have, right from the beginning, opposed the alumina project tooth and nail and have refused to give their lands to the company. Given below is a sequence of events and the course of the Kasipur struggle under the leadership of PSSP:

Kasipur Events

Table III: Eight Years of People's Struggle - 1993 to 2000: Prakrutiko Sampado Surakshya Parishad, Kucheipadar, Kashipur, Rayagada. Dt. Orissa,

Sl.	Date.	Events/Facts	Reflections/Responses
1	1993	Survey started by the company for the plant area. Company staff visited the area(Doraguda Village) along with Government officials. People started asking the company people regarding the survey. The Janata Government under the leadership of Sri Biju Patnaik was ruling the State	By People : People wanted to know about the project. By Company: 1) The Company people replied to the people that, a New Railway line will be constructed 2) A small project will be established. 3) A little amount of land will be acquired from Doraguda village of Kucheipoddar - G.P
2	1993	Company started survey in the area with the help of local Government Officials.	By People : People objected and protested against the company. Tehsildar of Kashipur visited the area, Kocheipoddar people objected the work
3	1993	The Company staff came in disguise as Government employees - VLW, Fishery Dept. Staff, LI, Vetenary Staff, School Teachers and IFAD Staff in order to motivate people to support in favour of the company.	By People : People suspected them to be the company staff and questioned them. People did not allow them in the area
4	11.11.93	'Eighteen People's representatives from 5 villages met the Chief Minister of Orissa at Bhubaneswar and discussed about the Mining Project issue.	By Chief Minister: Sri. Biju Patnaik the Chief Minister instructed the Company to change the place of the proposed Alumina Plant

Sl.	Date.	Events/Facts	Reflections/Responses
5	1993	Tahsildeir along with the Utkal company staff visited Kocheipoddar village to see the area.	By People : The people of the Panchayat refused to talk to the Tehsildar and objected the proposal of the Bauxite Mining
6	27.11.93	Tahsildar called for a Gramsabha meeting represented by the elected Panchayat Sarpanches, Samiti Members, Samiti Chairman, MLA and EX-MLA. No farmers who will loose the land were invited except for four people from three villages. In this meeting Government and company staff attended.	By People : People opposed the meeting to be held. Government and Company staff could not conduct the meeting. The meeting was cancelled and the invitees of the political representatives did not participate in the meeting
7	1994	The company initiated construction of infrastructures - building and roads. The company began the survey and started Ground Testing With machines on the land where crops were grown	By People 1) People met and took a decision not to give the land to the company2) 15 tube wells were sunk and the people did not know the use of these wells and in apprehension the people damaged all these wells. 3. Instruments, materials and the company people were taken to the village and the police came to rescue them
8	1995	The Company filed criminal cases against 12 people.	People were not aware of these case s filed against them
9	23.04.95	The Police from the Tikiri Police Station took two people from the Kocheipoddar road - Maharaj and Gurunath Majhi to the Police Station. After enquiry Gurunath Mahji was released and Maharaj was detained.	By People : The same day 1000 male and fem gheroed the Tikiri Police Station and got released Maharaj Mahji.
10	17.08.95	A team of NGO s and People's Network representatives visited Kocheipoddar Village and had a meeting with the people. The Janata Government lost and under the leadership of Sri. J. B. Patnaik Congress Government was formed.	By People: Nearly 600 people assembled and in the meeting the people shared their experiences on the struggle
11	20.10.95	Mr. Laxman Majhi a school teacher working at Thurai Ghati who hails from Kocheipoddar as usual went to collect mid-day meal money from Tikiri Si of Schools. Two police came to Si Office and asked Laxman Mahji to go to the Police Station, Laxman	By People : After hearing the matter, the villagers next day gheroed the Tikiri Police Station, Maharaj and Judhister Mahji were arrested by the police and the two people were taken to court.

Sl.	Date.	Events/Facts	Reflections/Responses
		went to the Police Station. The officer in-charge issued a arrest warrant and Laxman was taken to Court on same day.	
12	20.12.95	The District Collector, Sub-Collector, Tehsildar, BDO and MLA visited Kocheipoddar to have a meeting at the local school.	By People : People did not know about their visit and did not attend the meeting. The Government called for another meeting on 21.01.96 and informed the people on
13	21.01.96	A Rally was organised by the people and nearly 6000 people from 3 Panchayats took part in the Rally at Kucheipoddar colony near the hospital and a Memorandum was given to the Collector, MLA and the Company	By Government: The local MLA and the District Collector visited Kocheipoddar on the same day for discussion on the compensation and rehabilitation and received the Memorandum submitted by the people.
14	14.02.96	Medha Patkar visited the area and held a meeting at Kocheipoddar	By People: 5000 people from different villages participated in the meeting.
15	09.09.96	A Rally was organised from Kocheipoddar to Tikiri. Nearly 20,000 people participated in the Rally and the people gheroed the company office	By Company : No response or action from company side
16	1996	'Company started paying compensation by offering liquor and forcing the people to receive the compensation.	By People : People denied the compensation and did not accept any offers from the company
17	1996	People made a gate on the road block and stop the company's staff entering in the area.	By Government : The District Collector filed a case against the people
18	30.01.97	'Two representatives from Stromme Foundation, Norway visited the Kocheipoddar village.	By People: People shared about their problems to the visitors.
19	09.02.97	Representatives from Bergen College and Norwatch from Norway visited the village Kocheipoddar.	By People: People expressed their feelings about the proposal of the mining and the fear of loosing their livelihood resources.
20	10.02.97	Representatives from Bergen College and Norwatch from Norway attended a meeting organised by the company officials. The company officials took the visitors to the propose mining area Bapili Mali Hills and visited the to displaced area	By People: The people stopped the convoy of vehicles carrying the visitors and the police interfered to rescue the visitors.

Sl.	Date.	Events/Facts	Reflections/Responses
21	25.02.97	PSSP, organised a meeting and invited the NGOs to participate in a meeting regarding the proposed mining in their area.	NGOs and People's Network representatives participated in the meeting.
22	March 1997	A workshop was organised at Rayagada and the individuals from the the NGOs working in Koraput District attended the meeting	The individuals who attended the meeting shared their opinion and the reality of Koraput District. They also discussed issues relating to environment, development and displacement and their role in the future.
23	July 1997	The Company started construction of a model rehabilitation colony at village Domkoral.	By People : The people demolished the half constructed model colony house on 10.08.97. By Company : Cases were booked on 16 people case under IPC 147/ 427 / 294 / 506 / 149 among them four were children (3 boys, 1 girl, 2 women and 10 men)
24	31.08.97	A representative from PSSP met the advocate of PI LSARC, New Delhi and also shared the people's struggle in a meeting organised on People's Struggle	PI LSARC wanted all the information pertaining to the company, Government stand and the details of people's struggle
25	Dec. 1997	The hired goondas of the company attacked the staff of a local NGO.	People did not protest against the company
26	5.01.98	'A Public meeting was organised and a gate was put by the women.	The meeting was disturbed by the police.
27	29.03.98	A public meeting was organised.	Meeting was disturbed by hired Goondas. The members who had assembled for the meeting were attacked by the Goondas.
28	June, 1998	The District Authorities moved the Special Police Force and a Police Camp was established near to Kocheipoddar.	The People of Kocheipoddar , r was threatened by the Police and they were forced to accept and agree in favour the company.
29	Nov, 1998	Hydro and Indal Team visited the area	The people took the company officials to Kocheipoddar and expressed their opinion on the proposed mining. Accordingly, the Hydro representatives gave in writing that the company is not willing to the mining project and they will withdraw from UTKAL.
30	Nov' 1998	State Officials visit the area	Many cases were booked under various sections implying that the people attempted to murder and kidnap the company officials.

Sl.	Date.	Events/Facts	Reflections/Responses
31	As of Nov' 98	Out of the 60 cases booked against the people, only one case was finalised	IPC147,148,342,294,305,437,341,506,307,353,537,34 these were the many sections under which cases were booked against the people by the police.
32	Oct-Nov98	'Opinion poll organised by PSSP in 40 villages	96 % says no to the project.
33	As of Dec-98	Three Government employees were suspended and one employee was dismissed by the Government	The people did not protest on the same.
34	Dec' 98	PSSP leader Mr. Krushno Saunta was arrested	PSSP with the help of local advocates at Rayagada bailed out Mr.Krushna Saunta
35	Dec' 98	PSSP meets the press at Visakhapatnam	Dailies carry the news on the People's Struggle.
36	Dec' 98	The State Government declared ban on four NGOs working among the people in Koraput District. All the State, district and Block departments were informed through a confidential letter that no financial assistance to be extended to these four NGOS.	The NGOs of Orissa appealed to the Chief Minister of Orissa.
37	1.1.1999 31.12.99	The Chief Minister Sri J B Patnaik was replaced by Sri Giridhar Gomango	Anjana Rape case, Communal Violence, Killing of Mr. Staines, Two Super cyclone hits Coastal Orissa in October, the Government was pre-occupied to hang on to power and cyclone relief..
38	As of 1999	Hydro from Norway decided to start the project after one year	Company starts negotiating with their MNC Partners. TATA withdraws from UTKAL. ALCAN buys the share.
39	12.02.00	A Mass Rally from Kochiepoddar to Tikiri was organised followed with a meeting was against Utkal Alumina Project.	Elections were announced for State Assembly.
40	22.02.00	A Public meeting was organised at Nuagoan of Maikanch Gram Panachayat against the UAIL Company and nearly 5000 people took part in the meeting.	This was a protest meeting organised by the people.
41	29.03.00	A Rally was organised from Tolo Dhaska to Gorokpur	People protested the activities of the Company and URDS. BJD and BJP coalition parties formed the Government in Orissa.

Sl.	Date.	Events/Facts	Reflections/Responses
42	28.04.00	The State with the help of outside labourers was constructing a bridge over Ghodagad river near Kocheipoddar village.	By People: Nearly 4000 people gathered and stopped the bridge construction, the outside labourers were asked to leave the place and some Hume pipes were broken
43	30.04.00 02.05.00	PSSP representatives attend a meeting organised by mm&P at Hyderabad	PSSP representatives shared their experiences in the meeting
44	13.05.00	At Haradapur, the company employed outside labourers to clear the grasses to make an Helipad	By People: Nearly 4000 people from Kashipur and Laxmipur went to the Helipad site and stopped the work
45	18.05.00 22.05.00	The Police arrested two people and later released on bail. On 18 people false cases were booked by the Police	By People: The People protested on these arrests.
46	26.05.00	The Company Manager and the contractors visited Gorokpur	By People: The people had arguments with the Company staff and the contractors
47	28.05.00	IA Rally was organised from Maikanch to Paikhupakhal Via Nuagoan. Nearly 8000 people took part in the Rally	By People: The Rally people broke two bridges which was under construction 70 bags of cement was thrown into the river and one nursery raised by the company was destroyed By the State: The Sub-Collector, Teshildar, Additional District Magistrate moved in with 7 truck and 4 jeeps of Police force. After seeing the gathering of the people the Government Officials could not do anything.
48	31.05.00	Six People from Kocheipoddar and Maikanch villages were arrested and they were booked under dacoity cases - under section 395	By People: People did not protest
49	19.06.00	SP and District Collector visited Kocheipoddar to enquire the incident that took place on 28.5.2000.	By People: Kocheipoddar people and PSSP requested the SP and the District Collector to withdraw all the cases against them and support their cause for a secured livelihood. They also explained that they are in the movement and it was not necessary to do dacoity to run the struggle
50	07.07.00	A fact finding committee of Sri.Kisan Patnaik, Sri.Panigrahi Sri.Bagabhan Rath and Sri.Prafullo Samantray visited and held meetings in Siriguda (2000	By People : People narrated the whole events of the false cases booked by the police By the Team : The team submitted a Memorandum to the Government

Sl.	Date.	Events/Facts	Reflections/Responses
		people), Maikanj (3000 people), Kuchaipoddar (2500 people). The team enquired on the false cases booked against the struggling people. The people told the committee, on the non co-operation of the administration and support of the Government to the Company.	requesting them to withdraw all the false cases By Government : After the submission of the memorandum no arrests were made by the police
51	15.07.00	Tehsildar visited the village and informed that there will be a tripartite meeting on 24th of July with the Government, the Company and the for people for negotiations and compromise.	By People : People explained that there was no necessity such a meeting and requested him to cancel the mining project.
52	18.07.00	An all party meeting was held at Bhubaneswar on Utkal, the political representatives conveyed the message to the CM that the people stop any mining proposal in their area. from Kashipur have agreed for Bauxite Mining in their area. However, the CM informed the representatives that the people who will be displaced are not accepting the mining project	By People : The local communities sent a letter to CM to
53	25.07.00	In 1997, the panchayat elections were held in Orissa, and the Sarpanch Mr. Nilram Naik who was elected died in an accident. A re election was called and nominations were invited from the public to contest for the post of Sarpanch. The nominations were filed from various parties and independents.	PSSP nominated Mr-Bagaban Mahji to be the candidate from their side. Papers were filed accordingly. PSSP campaigned in favour of Mr. Bagaban Mahji.
54	29.08.00	The election for the post of the sarpanch for Kocheipoddar Panchayat was held by the State. - 14 contestants were in the fray. BJP - 3, BSP - 3, Congress - 3, Independents - 5. The total votes polled were 4887. Mr.Bagaban Mahji was declared elected. He was polled <u>655</u> votes.	By People : The people of Kocheipoddar and nearby villages hope to take help from the newly Sarpanch.

Sl.	Date.	Events/Facts	Reflections/Responses
55	03.09.00	All party meeting was organised at Kasipur. Sub-Collector, Tahsildar, BDO, the Company and representatives of all the political parties attended the meeting. In the meeting they discussed on the recent election, reasons for failure of their candidates, why there was no support from the people, why the company could not start their operation, and what will be the future plan.	The company decided to carryout developmental activities such as, construction of road, drainage, etc., in lieu to motivate the people to support the company.
56	1993 to 2000	Many NGOs and Activists took side with the people and extended their solidarity with the people and their struggle. Wherever advocacy' and lobbying work needed the NGOs and activists extended support., Some of the International organisations were also part of the people's struggle	Response in terms of cultural training, polling, exposures, media, meetings, meeting with politicians, beurocrats, company representatives, court cases, documentation and participation in their struggle were extended.

The heightened Aggression of State and the Company since the year 2000 and the series of incidents in Kasipur since then:

Meeting with the Norwegian foreign Minister, Mr.Knutt Voolebeck:

Some NGO representatives met the Norwegian Foreign Affairs minister and presented him the situation in Kasipur and the extreme human rights violations being committed by the company in January 2000. He was also told about the repression on the NGO's in Orissa which was being spearheaded by the industry to suppress any support to the people's movement. Later the minister wanted the representatives to meet the officials of Norsk Hydro. But the representatives very clearly stated that they were not interested in engaging with the industry and that the people were wholeheartedly opposed to the project.

The Involvement of Business Partners for Development (BPD) in the Utkal Project:

The attempts of the UAIL to manipulate the Kasipur struggle and project a human face for itself in the world outside, has been tried through its URDS (Utkal Rural Development Society) and other such vain attempts like roping in the BPD and CARE, India. The BPD has allegedly been involved in calling NGO's and the people for talks on "Building a Tribal Vision For Development". A workshop to 'engage the local community' was organized and co-sponsored by CARE India to intervene, clearly, on behalf of the company. This interventionist approach was evidently opposed by the NGO's and the local tribals who were affected while the image was projected that the people are keen on supporting the project. The truth was that the non tribals who are not affected by the project have been engaged in

this dialogue with the complicity of the local political parties like the Bharatiya Janata Party, which is the ruling party at the Centre. This kind of provocation led to heightened tensions between the local tribals and the non tribals in the Block which created minor skirmishes when tribals went to the local market places like Tikri.

The Maikanch Police Firing: December 16th 2000:

On 15th December, 2000 a large gathering of 4000 tribals met at Maikanch village to discuss the proposed Rasto Roko (road block) agitation planned by PSSP as a demonstration of their opposition to the UAIL project. The peaceful meeting was disturbed by an intimidating and abusive intrusion of the local political leaders with their goons who left the meeting with threats of punishing the people. The next day, on the 16th afternoon, the tribals held another meeting to discuss the incident of the previous day when they were suddenly warned of an attack by a police party which was approaching the village. Apprehensive of the police, most of the people fled to the hilltops.

The police entered the village and started abusing the people who had stayed back to talk to the police. When the police physically started abusing the women and stripping one of them, the men ran into the village and immediately the police opened fire indiscriminately with the intention of killing. Three tribals were killed in this police firing and some others were injured, some of them permanently disabled. The police set fire to their own zeeps and filed an allegation that the tribals had provoked them to open fire by burning down their vehicle.

Report on the Maikanch Killing to the President of India:

The incident of 16th December was first tried to be hushed up by the state government which prohibited the entry of any journalists or groups to meet the people. But the organizations in Orissa managed to highlight the gruesome killings and raise a public campaign protesting against this atrocity. Fact finding visits were organized, important of which was the visit of Swami Agnivesh and Justice Debi Singh Tewatia. They presented a detailed report of the Kasipur struggle and the Maikanch firing to the President of India who in turn, sent his observations and directions to the state government.

The aftermath of the Maikanch killing:

The police firing in Maikanch only heightened the resolve of the people to oppose the alumina project and have since staged protests, road blocks and public meetings vowing that they would not rest till the project is abandoned. They have constructed a memorial to honour their comrades who were killed in the firing and have been organized mass meetings on the 16th of December every year.

PSSP is member of the national alliance of mining struggle groups, **mines, minerals & PEOPLE** and is actively supported by the alliance. **mm&P** has been drawing national and international attention through its network with various organizations and communities within and outside the country. Four of mm&P's representatives who attended an international mining conference in London in May 2001 confronted the CEO of CARE, UK on the involvement of CARE in the Maikanch killing as it was actively facilitating on behalf of the company and engaging the local non tribal communities.

The withdrawal of Norsk Hydro:

On 18th December 2001 Norsk Hydro officially withdrew from the project and gave a statement to this effect. It is still being speculated as to who would purchase the Hydro share of 45%. Indal which was thought to be the buyer has not yet come forward with such a proposal. The French company Pechinay is in the fray for the joint venture and while there is an uncomfortable lull on the company activities, the bauxite ores have come as a curse to stay in the tribal lands. They fear that the struggle is a persistent one as long as the ore lies under their homes and industries will keep trying to grab the resource.

The Fifth Schedule and the Samatha Judgement: The present urgency:

In the neighbouring state of Chattisgarh, the first public sector mining company situated in the tribal area, Bharat Aluminium Company Ltd (BALCO), was sold out to a private investor, Sterlite Industries in January 2001. The 51% disinvestment of BALCO brought forth the debate on transferring tribal lands to industries in the Fifth Schedule areas, especially in the light of the Samatha Judgement. The sale was challenged by the state government of Chattisgarh against the Centre, which went up to the Supreme Court. On 10th December 2001, the court delivered its final verdict on the BALCO case that “while we have strong reservations with regard to the correctness of the majority decision in the Samatha case.....the said decision is not applicable in the present case because the law applicable in Madhya Pradesh is not similar or identical to the aforesaid Regulation in Andhra Pradesh.

It is important to mention the BALCO case in the Kasipur issue as both areas fall under the Fifth Schedule of the Constitution. However, instead of the spirit of the Constitution being respected by the governments at the Centre and the States, they are trying to water down the Samatha Judgement and the Fifth Schedule on the pretext of absence of any executive instructions or local laws which support the Fifth Schedule in the respective states. Simultaneously, the mining lobby is pressurizing the ruling governments to bring an amendment to the Fifth Schedule to open the floodgates of the tribal regions to the wanton abuse of mining industries. Rio Tinto has already received an approval by the FIPB for setting up its iron-ore plant in Orissa. When a representative of mm&P attended the Rio Tinto AGM in London last April on a proxy share and questioned the company on the legality of its lease in view of the Samatha Judgement, they replied that the judgement was not applicable to Orissa as publicly stated by its own chief minister and the concerned officials. What is clearly visible from this response is that the mining multinationals have managed to cajole and purchase the ruling governments at the Centre and the states into violating their own constitutional laws to appease these lobbies.

The tribal movements against mining in Kasipur (Orissa), Gandhamardhan (Orissa), Anantagiri (Andhra Pradesh) are only a few examples where mining is an accursed resource for them and with the entry of multinational powers, their resistance to land alienation and displacement, has a very tough struggle ahead.

Note:

1. Scheduled Castes: The backward Hindu Harijan/Low caste/ dalit communities who are provided special constitutional privileges and reservations.
2. Scheduled Tribes: Tribal/Adivasi/Indigenous Communities recognised under the Fifth and Sixth Schedules of the Indian Constitution.

- Samatha Judgement: A voluntary organisation in the state of Andhra Pradesh called Samata filed and Special Leave Petition in the Supreme Court of India on behalf of tribals to challenge the constitutional validity of mining leases granted by the state government in the scheduled/tribal areas to private companies. The verdict was given in favour of Samata and ordered that all mining leases to private industries in the scheduled areas of the whole country were null and void. Kasipur falls within the scheduled areas but the state government of Orissa is trying to argue itself out of the Samata Judgement.

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