

TO:

Shri Naveen Patnaik,  
Chief Minister of Orissa

CC:

Shri Manmohan Singh, Prime Minister of India  
Mr. S.K. Mallick, District Collector, Jagatsinghpur  
Hon'ble Justice Shri K.G. Balakrishnan, Chairperson, National Human Rights  
Commission

July 3, 2013

RE:

Suspend the POSCO-India project and cease all forcible acquisition of land in  
Jagatsinghpur District, Odisha

Dear Chief Minister Patnaik:

We write to share our new report documenting serious human rights abuses committed by Indian authorities to facilitate the POSCO-India project, and to urge you to immediately cease forcible land seizures and suspend the POSCO-India project unless and until it complies with human rights standards.

Since June 28, police platoons deployed in Govindpur village, Jagatsinghpur district have been attempting to forcibly acquire land for the project. According to reports received, on June 28, police officers attacked protestors using lathis (batons) injuring approximately 20 people.

Several residents whose betel vineyards were demolished by the police attempted to commit suicide in desperation, and at least one protestor was arrested by the police. These attempts to forcibly and violently acquire land are ongoing, and, according to our investigations, are in clear violation of Indian and international law.

As detailed in our report—The Price of Steel: Human Rights and Forced Evictions in the POSCO-India Project—international legal standards require

that India exhaust all feasible alternatives to forced evictions; engage in genuine consultation with project-affected communities; ensure the provision of adequate compensation for affected properties; and follow procedures established by law. We find that Indian authorities have systematically failed to live up to each and every one of these standards.

In addition, under India's Forest Rights Act, it is illegal for the government to evict any forest dwellers until their rights claims have been fully determined, and then the government must secure the consent of recognized forest dwelling communities before diverting forested land.

Affected communities, who have claimed status as forest dwellers, have passed several gramsabha or village resolutions fervently rejecting the diversion of land for the POSCO-India project, resolutions that the Indian government has effectively ignored.

Our investigations also revealed that Indian authorities have actively targeted those who speak out against the POSCO-India project with violence and arbitrary arrests and detentions. Police forces have barricaded villages, occupied schools, and levelled thousands of allegedly fabricated criminal charges against project protestors. Indian authorities have also refused to protect protestors from consistent and sometimes fatal attacks by private actors who are allegedly motivated by the interests of the company and of the State.

As a result of these abuses, for the past eight years, entire communities in the project-affected area have been living under siege and have suffered clear violations of their rights to security of person and freedom of movement; their rights to be free from arbitrary arrest and detention; and their right to be free from discrimination—particularly on the basis of political or other opinions.

Living under siege has also resulted in significant disruptions to many villagers' ability to access health care, schools, markets, and crops, undermining their rights to health, education, work, and food.

We urge you to exercise your authority as Chief Minister to put an end to these egregious abuses before they become even more catastrophic in scale. In addition, we call on all competent state and national-level authorities to uphold their obligations under national and international human rights law and:

Suspend the POSCO-India project until and unless international human rights standards are fully complied with.

Ensure full implementation of the provisions of the Forest Rights Act and cease all land clearance and acquisition until and unless the rights claims of forest-dwelling communities are adjudicated and recognized rights-holders consent to the diversion of forest land.

Take decisive steps to ensure that police officials act in accordance with international standards on the use of force and do not engage in arbitrary arrests and detentions.

Provide effective protection for project-affected communities against acts of violence committed by private actors. Ensure project-affected communities unencumbered access to work, , adequate food, healthcare, and education n services.

We respectfully request a response in writing detailing the measures your administration has taken in response to these concerns. Thank you for your attention to these urgent matters.

Sincerely,

**Chris Grove Smita Narula**

Director Faculty Director

ESCR-Net International Human Rights Clinic, NYU S School of Law