

3 August 2010

Sub: Forest Rights Act violation at POSCO site, Orissa

Dear Shri Jairam Ramesh,

As you are aware, three members of the MoEF/MoTA Committee (Arupjyoti Saikia, Ravi Rebbapragada and Ashish Kothari) went to Jagatsinghpur as part of the MoEF/MoTA FRA Committee's work. While there, they enquired about the FRA process in the district, including the villages to be affected by the proposed POSCO project. In brief, their findings are as follows:

1. There are Other Traditional Forest Dwellers (OTFDs) in the area, contrary to what the district administration is saying. Both documentary and oral evidence exists to this effect, including records of the old Bardhaman estate, rent receipts of the families from early 20<sup>th</sup> century, and forest settlement records. Some of this evidence is attached for your reference.
2. The FRA process has not been completed, in fact it has not proceeded beyond the initial stages, for various reasons. It is therefore incorrect for the district administration to conclude that there are no OTFDs in the area, without having gone through the process of claims.
3. The palli sabhas have given resolutions refusing to consent to diversion of forest land on which they are dependent. It is pertinent to point out here that these palli sabhas were convened by the district administration itself, after receiving instructions relating to the MoEF circular of July 2009, which indicates that the administration was aware of the presence of forest rights claimants in the area.

Interestingly, for a patch of forest land close to the land proposed to be diverted for POSCO, palli sabha consent was reportedly sought and obtained by the administration for a IOCL complex. Yet in the case of POSCO the administration is saying it is not needed.

In view of the above, the team's conclusion is that any work related to the project in this area would be a violation of the FRA. This was informed by our team to the district administration on 24 July, and the state Chief Secretary on 27 July 2010. However, we have been informed that the district administration is proceeding with land acquisition and demolition of the paan cultivation of people on forest land.

Our clear view is that such work is in violation of the Forest Rights Act. We therefore request you to urge the Orissa government to ensure proper implementation of FRA as laid down in the MoEF's July 2009 circular F.No. 11-9/1998-FC(pt) of 30 July 2009.

regards,  
NC

(N.C. Saxena)

Attached: Pages from relevant records establishing occupation and/or dependence on the forest land

**List of documents showing traditional use of or dependence on forested or forest land being sought for diversion for the proposed POSCO project**

<b>Serial number (on file name)</b>	<b>Document name (and number)</b>	<b>Document description</b>	<b>Year</b>	<b>Village / area /forest area</b>	<b>Notes</b>
1.	Govindpur nistar document (14472)	Nistar for firewood collection from forest issued by Bardhman Raja	1922	Govindpur	
2.	Govindpur nistar document (12847)	Nistar for firewood collection from forest issued by Bardhman Raja	1925	Govindpur	
3.	Govindpur nistar document (13179)	Nistar for firewood collection	1912	Govindpur	
4.	Uchhab Naik documents (4029 etc)	Nistar for forest produce	1932	Govindpur	
5 & 6.	Ex-zamindary records (1&2)	Rights and concessions	1952	Killa Kuchang (Gadkuchang)	The document as a whole points to such rights and concessions having existed for many years prior
7, 8 & 9.	Kujang forest settlement (pp. 14,15,	Cultivation / encroachment of forest land	1952	Bhunyapal	The document as a whole points to such practices having existed for many years prior