CHAPTER – SEVEN

RESPONSES OF THE DISPLACED PEOPLE AND INSTITUTIONS

No trauma could be more painful for a family than to get uprooted from a place where it has lived for generations. Yet, the uprooting has to be done, because the land occupied by the family is required for development projects which hold promise of progress and prosperity for the country and people in general. The family getting displaced thus makes a sacrifice - so that other may live in happiness and be economically better off.

(Alvares and Bilorey 1987: 64)

Mining and their related infrastructure is the biggest agent of displacement in India. They have an adverse impact on thousands of people as they deprive them of their livelihood, social and cultural system, and push them into object of poverty. Some project affected persons have protested against mining while others have accepted mining but have fought against inadequate rehabilitation packages. People’s responses against mining in the post colonial period have become one of the most prominent phenomena on the socio-cultural and political picture. The anti-mining movement, comprising the displaced or mostly the tribal has got a boost by an active support from the diverse groups which created an atmosphere which is more receptive to the issues like displacement and environmental impact. The resistance against land acquisition in the post independence period has been more organised, sustained and has had a profound influence on the entire discourse of displacement and rehabilitation.

There have been people’s resistances against a range of infrastructure development activities. But this chapter limits itself to the progress and evolutions of protest against Uranium mining project. It seeks to explore the reason for people’s struggle and institutional responses to their demands.
7.1 People’s Movement against Uranium Mining

There is a common belief among the people of Jadugura that the literary meaning of Jadugura is "Land of Magic". Jadugura is a Ho and Santhal populous village. The villagers of Jadugura did not know how their village name has been changed from Jara Gora (Land of Jara Tree) to Jadugura. Some old men of this village said that: Jara herbal tree was found in abundance and besides it was one of the mysterious rocky shining lands. On this rocky shining land UCIL established Uranium mining industry. After opening of mining this district has witnessed massive expansion of various activities related to the production and uses of Uranium, such as mining and processing of Uranium Ore, production of nuclear fuel and production of atomic power. All these activities are of a great concern for the people of this area, especially indigenous people, whose lives and very existence is threatened in various ways.

Tribal people have an emotional relationship with the land they hold, as it has ancestral remain, clan origin sites and other sacred features important to their religious system. Regarding ownership of land, the tribals have different concept, often inaccessible to the outsiders. Ownership of land is vested in the community. No one has the right to take away the land from the community. The tribe is the trustee of the land it occupies. Their society, religion, identity and culture are linked with land.

The UCIL has taken over five villages belonging to the indigenous people for setting up the mines, the processing plant, colony and the township at Jadugura. According to 1961 census the total population of these villages was 2,047 of whom 47.1% belonged to ST, mainly Santhals. Many families were displaced from their ancestral lands due to the construction of mines and mills at Bhatin and Narvapahar. They have not been properly
resettled till date and not even got full compensation for land. Thus many communities are being broken up in the name of development.

7.1.1 Chatikocha Case Study

UCIL in Jadugura has constructed tailing ponds for dumping mining waste materials. The first pond was constructed in Tilaitand village and when it was filled they made a second one. When it reached to saturation point they planned to construct third tailing pond in Chatikocha village, which is adjacent to the Tilaitand village.

Chatikocha was once a prosperous village; the indigenous people of this village had a good yield from their fields that produced crops twice a year. The forest is nearby and the villagers enjoyed the forest productions. It has average literacy rate and is also the name of one of the famous Santhal theatre group led by a Santhal stage artist and scriptwriter "Ishwar Soren". This village gave shelter to the people when they were displaced for the construction of Jadugura mines.

In 1985, the UCIL management sent a notice to the villagers of Chatikocha that they were going to take their land for construction of third tailing ponds. There was no reaction to this notice and thereafter in 1994 another notice was served to Chatikocha villagers that UCIL management has acquired their land and they should come to UCIL office for claiming compensation. Except few, most of the villagers refused to claim for compensation. They refused to accept meagre compensation and put some demands before management which were not accepted.

On 27th January 1996, a day after the republic day, the UCIL management with the help of Central Reserved Police Force (CRPF), Central Industrial Security Force (CISF), and Bihar Police entered Chatikocha village and without prior information started
bulldozing the houses of the villagers. They came at 11 am, at the time when most of the male members of village were out for work or in the forest leaving behind at home only women, children and elderly members. Locked houses were bulldozed without even bothering about the presence of any individual. After bulldozing the houses, their agricultural fields levelled and even their sacred places of worship and graveyard were not spared. This demolition terrorised the villagers to such an extent that they were dumb struck for some days.

The question of displacement and land alienation is so acute in Jadugura that the people of this area had set up their own displaced persons organisation called "Jharkhand Adivasi Visthapit Berojgari Sangh" (JAVBS). The office of JAVBS is in Chatikocha. The UCIL management and district authority planned this operation christened “Desert Storm” on a day when they knew that the office bearers of the JAVBS are miles away in the district court regarding some other cases. On the second day they continued to level the village, and the villagers watched in agony as all that they owned and possesses, all their life sustaining goods being crushed to dust.

On the third day of 'Desert Storm' people from the nearby villages came in huge number under the leadership of JAVBS and the women slept before the bulldozers, raising slogans. "Give us rehabilitation or send us to heaven". After this protest UCIL management stopped levelling for some time. Meanwhile parliamentary election came and Chatikocha became the ideal spot for the Jharkhand politicians to come and gave emotional speeches. The UCIL management and the district authority apologised to the Jharkhand Politician, as "it was a mistake" and agree to pay the adequate compensation in near future.
The JAVBS leadership did not accept it as a mistake rather they came forward openly condemning the statement being made by the UCIL. It is a tactic of the UCIL management and the district authority to expedite the process of displacement and to pressurise the villagers to accept the meagre compensation". According to Dumka Majhi, secretary of JAVBS, UCIL will have to close their mining operations as both the tailing ponds are saturated and if they wait for the process of rehabilitation to take its course, the construction of third pond would be delayed so they bulldozed the village in order to avoid that situation".

Chatikocha people are active participants in the JAVBS and Jharkhand's Organization against Radiation (JOAR) and they are ready to carry their struggle till justice is done. Accepting the inevitable fact that displacement cannot be completely stopped they put forward a set of demands before the UCIL authorities on behalf of villagers for their lands and proper rehabilitation. The leadership of JAVBS has given a memorandum to the District Commissioner of East Singhbhum, with a list of demands. These demands are as follows:

(a) Since the spirits of our ancestors have been disturbed and the whole community now felt threatened and the remedy by which it could be resorted out is by performing a marang jati bonga ritual or animal sacrifice. So those among the management and local authority who were involve in the destruction of the village will have to visit the sacred grave of the village and beg forgiveness and arrange for the performance of the marang jati bonga.

(b) Immediate compensation for demolished houses, which was done without prior information.
(c) Grieved people of Chatikocha should be given immediate relief packages.

(d) Without proper rehabilitation there should not be any kind of displacement.

(e) Each displaced person should be given a permanent job in UCIL.

(f) The UCIL should come out and pronounce publicly regarding the consequence of 
the radioactive waste disposal on the habitat of Jadugura.

(g) District Commissioner should give each displaced person displaced certificate.

(h) UCIL should give priority to indigenous people of Jadugura in company job.

UCIL management refused to accept these demands (a memorandum submitted to DC 
by JAVBS on 22.02.96, P 2, 3). As a result of which the people decided to approach the 
judiciary to ensure their movement from being brutally crushed by the state power. The 
Ranchi Bench of Bihar High Court in 1996 advised the people and district administration 
to sort out the problems in an amicable manner. Thereafter a meeting was arranged 
wherein the District Commissioner of East Singhbhum told the people that they should 
accept the compensation offered by the district administration. Responding to the 
suggestion the people told that

1. The rate of compensation fixed by the Government was a decade old. Therefore, 
it should be revised according to the present land rent in the region.

2. They would like to set the rehabilitation models themselves that could be 
conducive to live and up to their social and cultural expectation.

3. The authority should tend a note of apology for the desecration of sarnas (sacred 
groves for worship) and sasandiris (burial places of their ancestors).

When the District Commissioner declined even to comment on their demand, people 
walked out of the meeting.
After a year of lying low, the UCIL management quietly commenced the work in the tailing pond construction from the beginning of February 1997. People decided that work should be stopped immediately and they started blocking the roads. Every day men and women were being arrested, since the arrested women were released in the evening whereas men were sent to jail, the women decided to take the responsibility for the movement and told their men folk to stay behind. There was an enthusiastic participation by the tribal people from all the villages around and women started to cook and have their food on the blockaded road itself. There were also encouraging expressions of support and solidarity from other Jharkhand people's movement in the region. Fortunately, the tribal traditional Majhi Parganait leadership solidly stood by them and the Dium Pargana (Chief of the whole Santhal people) vowed that he would do anything to protect the land and the self-respect of his people. This was an encouraging factor for the movements.

After widespread agitation and condemnation, the UCIL management agreed to give attention to the demand presented by the people. Several sessions of meetings were held with people's representatives and some points they were agreed upon are —

(a) The UCIL management and the district administration agreed to provide free house sites to each displaced family in a plot to be acquired by the government.

(b) Rs. 65,000/- will be given to each displaced family to construct a house of their choice.

(c) Each male above the age of 18 years of the displaced family will be given permanent employment in UCIL.

(d) The company management agreed to identify those persons who have been
affected by radiation and to treat them at its own expenses.

The UCIL then promised that it would provide the details of radioactivity to the people at regular intervals. But the fact is that it has not kept its promise till date.

7.2 Present Situation of the Displaced People

Although UCIL management has given employment to the some adults of the affected families and deposited the amount in few people account for building houses, it has done nothing else. Rehabilitation is yet to take place but the work on building the third tailing pond has completed. Now they are busy in raising boundary of tailing pond so that waste materials of pond would not mix with village stream. Some villagers were admitted to the UCIL hospital, which suffered due to mining in this region. The UCIL has not made any plan to provide job opportunities to the displaced persons who have lost their agriculture land, which is the main source of their livelihood. The outsiders take most of the better-paid jobs in the project. After the establishment of company there has been a continuous increase of outsiders in the area as it is evident from the fact that tribal population in Jadugura has been falling since 1981.

The indigenous people who lost their land due to displacement have been turned into cheap casual labourers. They are forced to do the most difficult, arduous and most dangerous jobs. Their living conditions are miserable. They live in tin sheds in the UCIL colony. The people are not facilitated with civic amenities, except the drinking water.

7.2.1 Public Hearing on 26 May 2009

The Uranium Corporation of India Ltd (UCIL) has applied for renewal of mining lease for uranium and also for fresh allotment of 15 hectares of forest land for the construction
of tailing pond that will house the radioactive waste generated during the milling of uranium ore. Even though the uranium mining has a history of over 30 years, this is the first time that they have mentioned the real objective of uranium making bombs. Incidentally, this expansion plan is happening after the Government of India signed the Indo-USA Nuclear deal and International Atomic Energy Agency (IAEA) guidelines for nuclear co-operation with the nuclear supplier groups.

A public hearing regarding the renewal of the lease for Jadugura mine and the enhancement of ore processing capacity of plant was held in the premises of the UCIL colony. JOAR has protested to the Jharkhand State Pollution Control Board (JSPCB) to change the place of hearing. Writing a letter to the Member Secretary of the Board, Ghanshyam Birulee, president of JOAR, has noted that the proper place for a public hearing is where majority of project affected people live. Biruli argued that only the employees and their families reside in the UCIL colony, and the affected people would be hesitant in entering the colony and would not feel free to express themselves freely. As a result of strong opposition to a public hearing in Muhaldih, the company organised the hearing in another place and filled the room with its own employees accompanied by family members thronging the venue. Wives and even the children of the employees were seen carrying different banners in support of UCIL. Some of these said, “When compare with hunger, pollution is a small issue...save UCIL”, “We are not afraid of pollution; those who give us food, clothing and shelter are our own people...”

However, the “public” who have lost their land to the mines and whose health have been damaged due to radiation could find no place in the tent and it was not easy for them to participate in the hearing. Armed men and women of the CISF and other forces were
deployed about a kilometre ahead of the venue and many of the villagers were stopped and forced to go back.

Prior to these public hearings, the villagers are all along being kept in the dark. Most of them are not even aware of the date of hearing; no documents related to the project have been made available to them. Interestingly, the villagers are not even aware of the basic concept or significance of public hearing. They feel it is more of an opportunity to settle their immediate issues as jobs, rates for their land, land disputes, road, electricity etc. As a result, the issues pertaining to complex environmental impact from the project, its assessment and its management never emerge as the main issues of the debate and the company thus gets away very favourably.

This was also the case in the previous hearing. The quorum was shown in paper, following which UCIL asked their expert to read out the summary of the report. Henceforth, announcements were made - now that you have heard about the project what do you have to say? At the same time, some people slowly slip into the villages, coaxing the villagers to simply put their signature on some paper, as if taking attendance for the hearing and then finally they will ask to raise hand as final decision.

JOAR and other organisations fighting on displacement and environmental issues relating to livelihood, loss of land due to mines, contamination of farmlands and water bodies decided to boycott the drama in the name of ‘public hearing’, as there was no possibility of presenting the view of the affected people and hold a dharna just outside the fence surrounding the venue. Whole process of public hearing was manipulated by UCIL authorities. Ghanashyam Biruli, Dumka Murmu and Charan Murmu of JOAR attended a press briefing and put forward the villagers’ demands. These are (a) no new
uranium mine, (b) bring the existing mine under the international safety guide lines, (c) return of tribal land acquired earlier, not utilised for mining, (d) provide livelihood and rehabilitation to the displaced people, (e) clean up of the contamination, (f) make an independent study of the environmental and health impact of the UCIL’s operation in Jadugura. The activists also reiterated their position that there is no compelling need to expand the capacity of UCIL as the country can now buy uranium from international market. They have also complained to the union environment ministry and demanded a fresh public hearing on the issue. Therefore, the Adivasis of Jharkhand have decided not to surrender their land for any project and fight against the nuclear terror, which has heavily cost to the community for decades. Some of the protester told to researcher that they are not against UCIL, but they need infrastructure development and basic facilities in their villages.

The people of mining areas live in threat of lives due to the radiation as there are open cast uranium mining projects being operated. After the uranium ore is mined and processed, the yellow cake is sent to the Nuclear Fuel Complex in Hyderabad for enrichment. The waste is then brought back to the UCIL complex for further extraction. Finally, the waste is dumped into the ponds, which is open and unprotected. The UCIL admitted it but denied its threat to life due to radiation. However, the UCIL claims that it has not seen any effect of radiation on its workforce. But this public hearing was organised in a biased and almost discreet manner wherein the local administration, the statutory bodies for clearing the project and UCIL collude to ensure that no effective objections are raised by the public. While addressing public hearing, Additional District Magistrate (ADM) of Eastern Singhbhum (Jharkhand), Narendra Kumar Sharma gave
advice to UCIL management that it should take care of patients who are suffering from lung cancer; physical deformities etc., and management should give proper compensation and job guarantee to those who lost their lands.

7.2.2 Banduhurang Public Hearing

The Jharkhand State Pollution Control Board (JSPCB) held a public hearing on February 25, 2004 in East Singhbhum district’s Banduhurang village to get environmental clearance for UCIL’s proposed mine. The place of public hearing was duly guarded by a large section of security forces, including Rapid Action Forces, the CRPF and the local police. At the public hearing, the residents of three villages refused to be displaced. The villagers reminded UCIL that it had still not given them compensation for displacement in 1985 when lands were taken away for a uranium mine near Thuramdih village. They were saying we are still waiting for compensation. So this time when the villagers got a relocation notice before the public hearing, villagers unanimously said: “no uranium without compensation”. They also said: “we will die but not give our land”.

7.3 Role of JOAR in the present movement

JOAR, the indigenous people’s organisation has resisted any further land acquisition for uranium mining and attempted to educate the people about uranium waste and its implications on health and environment. The affected people have got humiliated in the hands of both the state machinery and the UCIL management. Whenever the people came out in open to express their grievance, the authority swung into action in the name of "law and order" and "disruption of production" in the UCIL. Another way of harassment is implicating people in legal litigation by filing false cases against them so the people is
being dragged to far away judicial courts, spending money and time. This was an
effective way to divert the attention from the core issue.

The people are at loggerheads with the government in several parts of the country
but their main point of opposition is displacement owing to mega project and against
environmental degradation. JOAR is the first indigenous people's organisation, which has
taken up the nuclear issue and protest against government policies. UCIL is the maiden
organisation, which explored uranium mine in India, and the people's movement against
it has paved the way for people in other regions like uranium mining in the West Khasi
Hills of Meghalaya to undertake similar movement.

JOAR opposed the dumping of radioactive waste in the area near by the habitations of
the indigenous people. The demands that JOAR is putting before the UCIL management
and the district administration are as follows:

(a) All the villages around the already existing tailing ponds should be
    resettled at the safe distance and complete rehabilitation should be made.

(b) All the families whose active-working members have either died or
    became incapable and the families, which have children with serious
    physical and mental disabilities, should be adequately compensated and
    the company should provide medical aid to them.

(c) The company should set up a public dispensary manned by medical
    personnel qualified to treat radiation related diseases and it should
    function under the direction of the traditional adivasi leadership of the
    majhi.

(d) International norms and standards for dumping radioactive waste should
be observed.

(e) Bringing radioactive waste into Jadugura and dumping them in indigenous people village should be stopped.

(f) UCIL should adopt international safety standard.

Neither district administration nor UCIL management paid any serious attention on these demands till date. The indigenous people of Chatikocha and JOAR have been carrying their prolonged movement against Uranium mining and its disastrous consequences against heavy odds including financial crises of their family. Few months back JOAR used to run a school for disable children who are affected by uranium mining. Now they are constructing building for proper rehabilitation to disable children, which include school, hostel facility and dispensary, at Bara Govindpur. But they are facing financial constraints in this regard and it is on the verge of closing down.

7.4 Institutional Responses to the People's Movement

The People's movements have undertaken always against the heavy odds. Similarly the indigenous people's movement of Jaduguda is no way different. The indifferent attitude of the UCIL on the one hand, and the lukewarm response by the institution on the other hand are the noteworthy instances in this regard. In the subsequent pages an attempt is made to critically evaluate the institutional response to the People's movement of Jadugura.
7.4.1 Central Government Responses

The basic objective of the National Policy on Resettlement and Rehabilitation (NPRR) for Project Affected Families, 2003 was to ensure that the resettled people must be able to rise above the poverty line and enjoy a better standard of living than before displacement. Secondly, benefits to the displaced people must be comparable with the people benefiting from the specific project or with the people who have been beneficiaries of the development process. Though the policy does not lay down that its objective is to provide better standard of living to Project Affected Family (PAF), it does not specify better than that.

7.4.1.1 Minimise Displacement

Clause 2.1 of the policy states that its objective is to minimise displacement of persons and identify none displacing or least displacing alternative. Clause 4.5, which states that such an identification, will be done by rehabilitation administrator by consulting only with the ‘requiring body’ that is the company etc. for whom land is to be acquired by the government.

So it is unfortunate that the requiring body (company) that has no stake in the minimisation of displacement is consulted but not the affected people. Clearly there is no mechanism in place that can even question the extent of displacement, let alone ensure its actual minimisation.

7.4.1.2 Consultation and Right to Information

The draft provided that it shall be a compulsory obligation on the part of the project planning and implementation authorities to involve and consult the representative of the
affected communities, including women and members of disadvantaged groups, in all phases of planning, execution and monitoring of the R&R plan. The entire decision making process regarding R&R plans must be completely transparent. The comprehensive plan for resettlement must be made public. Clause 4.5 of the policy requires the administrator to hold consultation with the project affected families while preparing rehabilitation and resettlement plans.

But it does not envision consultation with the civil society, nor does it specifically state that all Project Affected Persons (PAPs) and other concerned citizens would enjoy the right to information about all aspects of the project which is of public interest like project report, environment impact assessment, and the detailed R&R plans and so on.

7.4.1.3 Gender Neutrality

The policy unfortunately includes within ‘family’ the head of the family, spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him for their livelihood. In other words, large families are being punished for being together, whereas nuclear families are being given greater benefits. The rural reality is that even minor children contribute to family income by working on the farm; therefore it is difficult to identify cases of complete dependence on the head of the family.

This definition will force adult sons to seek partition and claim status as separate units, but unmarried daughters will not be able to get any benefits, as they are taken as dependent on the male head.
7.4.1.4 Creating Job Opportunities

Para 6.18 of the policy states, ‘The Project Affected Families shall be provided necessary training facilities for development of entrepreneurship to take up self-employment project at the resettlement zone as part of R&R benefits’. However, it is silent about the responsibility of the requiring body to provide wage employment, when it is clearly established that the poorest of the poor cannot be trained to produce for the market and their preference is for wage employment. The policy does not even suggest that all unskilled new jobs created in the project would go to the Project Affected Persons (PAPs).

7.4.1.5 House for House

The new policy restricts provision of housing sites only for those who owned houses in the old site. Para 6.2 and 6.3 of the policy state, ‘Any Project Affected Families (PAFs) owning house and whose house has been acquired may be allotted free of cost house site to the extent of actual loss of areas of the acquired house but not more than 150 sq m of land in rural areas and 75sq m of land in urban areas. Each Project Affected Families (PAFs) of Below Poverty Line (BPL) category shall get financial assistance of Rs. 25000/ for house construction at one time. Non BPL families shall not be entitled to receive this assistance.

This would deprived many families of housing sites who have been living in an ancestral house which continues to be in the name of their forefather. Also, a large number of the poor who are living in huts on common lands will be rendered homeless after displacement.
7.4.1.6 Basic Amenities at the New Site

Para 6.22 states, 'The Project Affected Families’ shall be provided the basic amenities and infrastructural facilities at the resettlement site as per norms specified by the appropriate government. It is desirable that provision of drinking water, electricity, school, health centre and access to the resettlement site be included in the resettlement plan formulated by the Administrator for R&R.

In other words, the policy does not create a right of the displaced people to basic amenities and leaves it to the discretion of the government.

7.4.1.7 Lacunae in NPRR 2003

It appears that on paper, Government is absolutely serious about the rights of the victims of various development projects and also towards its responsibilities to the sufferer. But a closer scrutiny of the vicious problems debunks entirely different picture of the situation. It is still assumed that the efforts made towards rehabilitation are ad hoc, reactionary, charitable and are not the rights of the victims. Thus, to begin with, the Ministry of Rural Development that drafted the policy of NPRR 2003, stated that it would be finalised after a dialogue; but it has been promulgated without it. The members of the civil society vehemently criticised the policy by stating that the benefits it announces can at best keep the PAPs poor and at worst push them below the poverty line. It neither accepts rehabilitation as right nor makes it mandatory. It only says that PAFs may be resettled if the project so desires. As per the provision of NPRR 2003, only individual land losers will get ‘land for land’ and other allowances to develop it. The remaining PAFs will get only one-time allowance for a certain number of days of minimum agricultural wages.
Again, the NPRR 2003 created much trouble to the land losers by stating that the provision of land will be provided ‘subject to the availability of government waste land’. In addition to this, the prejudiced approach of the policy appears in the arrangement that ‘a free plot will be given to those who own a house’ seems to exclude tenants and other landless PAFs. Only such families who were below poverty line were entitled for Rs. 25,000/- to build a house.

Frustrated by the attitude of UCIL and local administration, JOAR wrote to the Prime Minister that UCIL has been mining uranium in Jadugura for the last 30 years. Three tailing ponds have been constructed on tribal land near the villages for the dumping of radioactive and toxic waste. This has led to degradation of the local communities productive resources such as land and water. JOAR appealed to the Prime Minister in 1999 and the chairman of the Department of Atomic Energy (DAE) for composite dialogue over legitimate demands they have made. These demands were:

(a) Establish and implement a proper rehabilitation and compensation plan for the region's inhabitants before any new tailing pond is constructed.

(b) Rehabilitate and compensate the already affected tribal population.

(c) Establish an independent multi-disciplinary team with the mandate of investigating the impact of uranium mining on environment, health, safety and socio-economy of the Jadugura area.

People's representative did not get any response from the Prime Minister’s office till date.

7.4.2 State Government Responses

Alarmed by rising uranium-mining sickness, the erstwhile Bihar state government has
threatened to close down uranium mines, lifeline of India's nuclear programme. The state government wrote letter to Prime Minister Office in this regard. Bihar Governments tough stand is an upshot of a report submitted by standing committee of the state legislative which investigates the high incidence of radiation sickness around the uranium mines of Jadugura in the mineral rich Chotanagpur plateau. The report has blamed the UCIL, which has been mining in Jadugura since 1967, for leukaemia, tuberculosis, impotence and infertility among tribal living in the shadow of the mines. The worst affected are day labourers in the mines. Jabir Hussain, Bihar legislative council chairman (1998), who headed the committee said that "we will have no option but to close the UCIL mining operation if New Delhi refuses to meet the cost of shifting the tribals living around the mines and rehabilitating them elsewhere." After the bifurcation of Bihar in November 2000, UCIL authority says that UCIL mining is situated in Jharkhand hence Bihar government cannot close it and now UCIL management is not ready to accept Jabir Hussain committee report.

Jharkhand government has given its official stand on rehabilitation issue. The Government is supporting the demand for land by displaced people. But the fact is that the government does not have enough land for distribution. But government considers its responsibility to somehow find the land for providing at least a homestead plot and a house to all landless displaced people. State government is trying its best for the welfare of the tribal, and people are well aware of it. But non-availability of land is a serious issue, and Jharkhand society has to address this problem jointly with a sense of urgency. The government alone cannot solve it; the judiciary and the executive too need to play their part.
Jharkhand’s former Chief Minister Shibu Soren said that his government would soon come out with a favourable Rehabilitation and Resettlement (R&R) policy which would enable industrialists get land for projects while the land owners get their dues. He said that his government was committed to industrial development but not at the cost of displacing poor people. “It is our duty and responsibility to encourage industrial development. We promise to provide all facilities, including land and law and order, to those wishing to set up industries in Jharkhand, while we have plans to rehabilitate displaced villages by setting up new villages and ensuring compensation to the land owners along with providing employment according to their merit, and we are dedicated to development of the state and the state government is also committed to ‘well being’ of the displaced people across the state,” Soren said. But he did not fulfil his promise as his government lost non-confidence motion in Jharkhand Bidhan Sabha.

7.4.3 Judicial Responses

In Chatikocha case, JAVBS and JOAR approached the Ranchi Bench of Bihar High Court in mid 1996 seeking restrain of the UCIL authority from forcibly evicting the people and bulldozing their houses. The court, instead of giving a clear verdict, advised the people's representative and the district administration to enter into a composite dialogue and sort out the problems. The reason for which court could not give response was that right to property was no longer a fundamental right.

The constitution of India by Forty Four Amendment Act has deleted Article19(1) (f) and 31, which guaranteed right to property, so as to remove it from the list of fundamental rights and reduce it to the category of simple constitutional right under Article 300A of the constitution. The only protection to the property owner, who is
deprived of his property by state, is that he cannot be deprived of his property without authority of law. The law here means an Act of Parliament or State Legislature, a rule or a statutory order having the force of positive or state made law. He cannot be deprived of his property simply by an executive action.

Jadugura has the only productive Uranium mine in India, which enables India to become a nuclear power. JOAR activists moved to the Supreme Court of India against Nuclear project, mainly against the inadequate rehabilitation and compensation, and the danger of radiation in Jadugura region, "The Public Interest Litigation (PIL), No.188 of 1999, was filed by advocate B. I. Wadehra against the Union of India and others. The Supreme Court dismissed the PIL, on the basis of an affidavit by the Chairman of the Atomic Energy Commission stating that it had taken adequate steps to contain the radiation arising out of the uranium waste". Though the project has so far survived the legal challenge, the project management and state government have been forced by court to significantly improve the social, environmental and health safeguards including the rehabilitation compensation.

Recently the Supreme Court of India on 18th April 2011 said the right to property is a constitutional right and government cannot deprive a person of his land in an arbitrary manner. A bench of Justices G. S. Singhvi and A. K. Ganguly said in a judgement that courts should view with "suspicion" the action of the government in acquiring land for private parties in the name of urgency. On 19 July 2010, Supreme Court has expressed concern on government acquiring land by depriving landowners of their land. According to the Supreme Court this results into political extremism and insurgency which along with terrorism poses the biggest threat to the unity and sovereignty of the nation.
7.4.4 NCW report on Jadugura People

The National Commission for women (NCW) members consists of Dr. Syeda Saiyidain Hameed and Dr. Manorma Baba had visited Jadugura in July 1999, to inquire about women’s problems in this region. They listened to displaced women problems that were the worst sufferers due to bulldozing their houses in Chatikocha and noted that displacement has brought health hazards to Jadugura women:

"The members of NCW have confirmed the presence of Ho, Santhal, Munda and Oraon tribes in this area and their problems. The tailing ponds are the dumping ground of Uranium waste. Their fencing is often low or non-existent and they are very close to the living quarters. Children play in that area and women cross them, to go into the jungles. There is no restriction for daily movement (NCW report July 1996: 13).

This committee later on explained that despite the flourishing UCIL plant, which is extracting Uranium from the land of the tribals, there is no visible trace on the people or their domestic life, of any kind of prosperity. They remained poor, diseases prone, malnourished, as ever. The presence of the plant and dumping of the waste has perhaps exposed them to life threatening diseases and affected their future generation, while the NCW does not have the expertise in making judgment on the environment hazards. It can only be said that the people of Jadugura are among the richest in resources and the poorest in living as any people that have been seen."
7.4.5 Response of Political Parties towards Displacement

Displacement due to industrialisation process is bothering political parties in Jharkhand during 15th Lok Sabha election. The Congress Party is treating cautiously on displacement issue. “The Congress believes in development but we are not in favour of acquiring farm land”, said Alok Dubey, Congress spokesman in Jharkhand.

The Jharkhand Mukti Morcha (JMM) leaders reiterated as they have always supported the demand of people that there should be no displacement. But development is a must and industrialisation is a part of development.

All major political parties have promised during state assembly election 2009 that they will keep in mind the interests of the poor displaced people whose land has been acquired for infrastructure and industrial development. Displacement was a major issue in Jharkhand state assembly election.

During the fifteenth Lok Sabha elections, the researcher got an opportunity to talk to all candidates (who are contesting election from Jamshedpur constituency) about land acquisition issue in Jadugura region. During election campaigning, candidates from all the contesting parties have assured the displaced people that they would talk to UCIL management and try to convince them to provide benefit sharing to them. After election, the Bharatiya Janata Party (BJP) candidate Mr. Arjun Munda who won Jamshedpur Lok Sabha seat, also promised displaced people that he would raise “land acquisition and people suffering from peculiar ailments related to uranium mining and leaching of high level of radiation into the eco-system” in parliament. But till date he did not raise the issue in parliament or talk to UCIL management for benefit sharing to ousters. Political parties usually forget their promises which were made during election campaign. When
election comes, political parties in Jharkhand especially who have stronghold in Jamshedpur openly supported displaced people demands. But when election is over, elected representative turned pro-establishment and started supporting UCIL.

During interview, displaced people informed the researcher that few months back Jharkhand Mukti Morcha (JMM) supremo and former Chief Minister of Jharkhand Mr. Shibu Soren came to Jadugura and met UCIL management. The management informed him that UCIL would try to provide jobs to displaced people but till date no progress took place in this regard. The researcher has found multiple displaced people from Dungriidih still protesting and organising gheroe of UCIL official at north gate of company. Now the management is saying that they did not have job vacancies to accumulate all displaced people.

JOAR secretary alleged that Jharkhand Mukti Morcha (JMM), Congress and Bharatiya Janata Party (BJP) had cheated them. “We appeal to voters to be alert while voting, there is solutions to the displacement but political parties are not taking any interest”, he said.

7.4.6 UCIL Responses

Uranium Corporation of India Limited (UCIL) has a track record of adopting absolute safe and environment friendly working practices in Uranium Mining and Processing activities. A full-fledged Environmental survey Laboratory cum Health Physics Unit - an independent body under the administrative control of Bhabha Atomic Research Centre (BARC) is in operation to carry out environmental and radiological surveillance in and around UCIL’s units. External gamma radiation, radon concentration, suspended particulate matters, airborne long lived alpha activity and concentration of radio nuclides-
uranium and radium in surface and ground water, in soil and food items etc are monitored regularly.

A health survey was carried out in the area comprising eminent doctors from Tata Main Hospital (TMH), UCIL, State Government and radiological experts from BARC. The consensus of the team was that the cases examined had congenial limb anomalies, diseases due to genetic abnormalities like Thalasemia major and retinitis pigmentosa, moderate to gross splenomegaly due to chronic malarial infection (as this is an hyper endemic area), malnutrition, post encephalitic and post head injury sequels. The team was convinced and unanimously agreed that the diseases pattern cannot be ascribed to radiation exposure in any of these cases.

In sum up, it can be said that Chatikocha people are displaced for construction of third tailing pond which has brought consciousness among the people as they organised themselves under JAVBS and JOAR, and compelled the authority to meet some of their demands which was further strengthened with the judicial favour for composite dialogue between district administration and the people’s representatives, although UCIL management did not fulfil the demands being made but gave patience hearing, due to their prolonged movement against UCIL management and district authority. The movement has brought the people into the mainstream and increased the bargaining power of the people who are displaced.