

His Excellency  
Honourable Mr. Narendra Damodardas Modi  
Prime Minister of India  
South Block, Secretariat Building, Raisina Hill  
New Delhi 110011  
India

## **Request to restore human and environmental rights in Jagatsinghpur district, Odisha**

Dear Mr. Prime Minister,

Recently I learned about the numerous human rights and environmental rights violations related to the forceful acquisition of people's land in village Dinkia and surrounding villages in Jagatsinghpur district, Odisha. The affected villagers have been facing eviction, loss of livelihood and criminalisation ever since their land was taken away for the, now abandoned, POSCO project. Instead of returning the land to the villagers after POSCO withdrew in March 2017, the Government of Odisha handed over this land to another steel major, JUSL, in September 2018.

The livelihood of the local people is based on rice cultivation, fishing and the cultivation of betel leaves. It is estimated that the project, including steel and cement plants, a power plant and a port, planned by JUSL will destroy the livelihoods of at least 40,000 farmers, agricultural workers and fishers, thus severely threatening the realization of their human right to adequate food and nutrition, and related human rights. In addition to completely disrupting the livelihood of local communities, the project has already caused large-scale environmental destruction: Valuable sand dunes have already been damaged and hundreds of thousands of trees have been felled. Serious health impacts are feared due to pollution.

Most part of the land sanctioned is officially classified as forest land. On several occasions in the past, villages of the affected area have passed majority resolutions against any handover of their lands and community forest resources, which are key to sustaining their livelihoods and a healthy environment. It is of concern that instead of following the due procedure provided for in the Environmental Impact Assessment Notification of 2006 (EIA Notification, 2006) and settling the rights and claims of the affected villagers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006), the unlawful process towards the establishment of the intended project is being allowed to proceed. Applications submitted to claim rights over forestland have not been processed since 2011. According to community members, the two public hearings conducted on December 20, 2019, at Gadakujang by the State Pollution Control Board, Odisha upon the application of JUSL to obtain environment clearance from the Ministry of Environment, Forest and Climate Change (MoEFCC), were unlawfully conducted. According to reports, villagers are subject to arbitrary arrests and increasing criminalization, with hundreds of cases filed against them. As per recent media reports, there has been growing and brutal police repression, severely injuring villagers (including women and children), and denying the local population's access to livelihood resources.

India is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in which the human right to adequate food and nutrition is enshrined. By failing to respect the right to food and nutrition of the villagers and through its omission to settle the rights and claims of the affected communities under the FRA, 2006, the Government of India has breached its international obligations under the ICESCR. Under the obligation to respect, India must refrain from interfering with or curtailing the enjoyment of human rights. By inflicting the above-described violence on villagers, it appears that the Odisha Government has not complied with its obligations under international human rights law. The International Covenant on Civil and Political Rights (ICCPR) of which India is a state party, guarantees the right to liberty and protects individuals from arbitrary arrest or detention, and requires any deprivation of liberty

to take place in accordance with procedures established by law. Human rights defenders are also entitled to specific protection from the State from arbitrary arrest under false charges, use of force, or deprivation of liberty, under the United Nations General Assembly's Declaration on Human Rights Defenders 1998, in whose favour India had voted unanimously with other nations.

Also, the UN Declaration for the Rights of Peasants and Other People Working in Rural Areas (UNDROP), in whose favour India also voted, in Article 6(2) explicitly underlines that peasants shall not be subject to arbitrary arrest. Article 15 (4) emphasizes the rights of peasants to determine their food and agricultural systems and to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures. Furthermore, Article 17 (1) outlines the individual and collective right to land (access to, use and manage land and water bodies, coastal seas, fisheries and pastures) and Article 17 (4) emphasizes the rights of peasants to be protected against arbitrary and unlawful displacement from their land and prohibits the destruction of agricultural areas and expropriation of land.

In considering the above, I would like to kindly request you to:

- Immediately withdraw the police force from Dinkia, restore people's free move; and withdraw the cases against protesting villagers.
- Give due consideration to both recent and previous Gram Sabha resolutions rejecting diversion of forestland, and urgently process individual and community forest rights claims as per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- Quash the public hearings conducted on December 20, 2019 and require them to be re-conducted as per the procedure established by the EIA notification, 2006, and give due consideration to this aspect in the process for environmental clearance;
- Initiate immediate measures to restore the massive environmental damages already occurred, e.g. by replanting trees and providing adequate compensation for victims including for destruction of betel vine and other crops;
- Ensure that all of India's commitments under the Convention on Biological Diversity, the Paris Agreement on climate change, and the 2030 Sustainable Development Goals (SDGs), are prioritized and implemented.

Please keep me informed of the action you plan to take in this regard.

Respectfully yours,

Copy: Embassy of India, Germany dcm@indianembassy.de