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Sacred Land....

Poisoned Minds

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DAE IS GOD¹

In September 1992 at the World Uranium Hearing WUH Salzburg Austria, one of our colleagues stood up to tell the world our story *'For whom the bells do not toll'* (<http://www.ratical.com/radiation/WorldUraniumHearing/XavierDias.html>). At that time a majority of us Adivasis were in total ignorance of the impact of uranium mining on our land, our society. The nascent Peace debate in India, like elsewhere was largely within the parameters of the question of Nuclear Power and/or Nuclear Bomb. As uranium mining is not done where the debaters live, we the Indigenous Peoples of the world on whose lands 80% of the worlds uranium (source: WUH) were kept out of the debate cycle.

Uranium mining in India is a State monopoly and comes directly under the Department of Atomic Energy. DAE is the most powerful of all the Indian establishments. It is not accountable to Parliament and all its activities come under the Official Secrecy Act 1923. (http://en.wikipedia.org/wiki/Official_Secrets_Act_%28India%29)

India is a country of many Gods, all of them being products of thousands of years of myths or socio-political struggles. After the first Nuclear Test by India on 18th May 1974, DAE has found its place on the pantheon of Indian Gods. Today many atheists in the country venerate DAE as a God.

DAE was run as a turnkey project by the former USSR. Besides the technology it received the attitude towards safety was similar to what existed in the USSR industry then. This also meant the culture of management and Company/State relationship. As the nuclear industry in the USSR has so much power they could behave like sovereign establishments. This autonomous non-accountable culture and its power it vests became the DAE culture. We call DAE our Indian Czar.

¹ I would like to thank Master Arjun Samad and the cadre of JOSH as well as Mr Xavier Dias for their inputs in writing this paper



For the past twenty years we the Adivasis of Jharkhand have been challenging DAE. Starting from land rights to radioactive pollution we have exposed the many myths associated with it. For those who can gauge the power a sovereign nuclear establishment connected to the countries defense establishment, will understand the gigantic challenge we face. Any institution having the sanction of autonomy from powerful State and the majority of its population is not easy to expose. We the Adivasis of India are today proud to say that we have not only taken on the DAE but we have also exposed it as:

- ⊙ We have exposed it as an industry running some of the most unsafe uranium mines in the world with no safety standard.
- ⊙ Using ethnic and caste minorities to work in the most hazardous areas of the mines and mills where radon exposure is highest. 90% of its workers at the pit and mill sites are Adivasi and Dalit
- ⊙ Building its mine vents from where radon is pumped out just above our villages so that the radon settles on our house floors.
- ⊙ Built all its radioactive dams on our rice fields with no safety standard. The underground water table is contaminated for hundreds of miles²
- ⊙ Used Mine tailings to build road and construct houses including schools
- ⊙ We have also exposed it as a morally and ethically defunct Institution.

Its behaviour towards us Adivasi people is comparable with the then racist apartheid government of South Africa.

² At the WUH a former USSR Nuclear Scientist from Kazakhstan told our representative that he was one of the engineers who designed the Jadugora uranium mines and that he warned the authorities that the radioactive dams are being built with no preventive concrete bed to stop water seepage. He said this could pollute the underground waters for miles.



We have exposed this neo-god as a land grabber, an institution of deceit and as a racist institution, reflecting the biases that the dominant majority of the Indian classes hold towards we its first peoples and our Dalit outcaste (sic) relatives.

In order to understand the above it is also important to understand who we the Adivasis of India are. Officially we are 8.5% of India's population. But unofficially we are double that figure amounting to over 200 million peopleⁱⁱ.

I-NIC.

The Making of Indian Nuclear Industrial Complex

Twenty years ago we begin our story, which came to be known as the 'Jadugora story'. At that time there were just two uranium mines Jadugora and Batin the third Narwarpahar was under construction. All managed by UCIL³. Today Jadugora as a mine is history. The Jadugora mine is depilated and no more in commercial production. What has emerged is a grand scheme of the Indian Nuclear Industry that our organization JMACC Jharkhand Mines Area Coordination Committee www.firstpeoplesfirst.in calls the **Indian Nuclear Industrial Complex I-NIC**.

The expansion plan from a small 'Jadugora Mines' to I-NIC has gone unnoticed that only we the victim communities on the ground are able to see the magnitude of its plans and operations. During the past twenty years DAE has conducted a massive land grabbing operation on our villages, our rice fields and our livelihood sources. On these our captured lands massive construction is going on. We have never been told what our lands are being grabbed for or what will be their consequences on our health and society. Below is that data of constructions presently going on (2010)⁴

³ Uranium Corporation of India Ltd. UCIL is an undertaking of the DAE. It has the monopoly of uranium mining. DAE's operations in I-NIC are conducted and managed by UCIL.

⁴ Source All the data in this paper has been collected by B.I.R.S.A. Mines Monitoring Centre in cooperation with JOSH



Table No 1⁵

I-NIC Plan

Name	Type of plan	Present status
Jadugora	Uranium Mine/Township and General Office	Depleted
Jadugora	Uranium Milling Plant/Yellow cake production	Old plant now modernised and functioning
Batin	Uranium Mine	Underground Uranium mines/Closed but being considered for reopening
Narwarpahar	Uranium Mine	Underground Uranium mines/Captive Township
Turamdih	Uranium Mine	Underground Uranium mines
Turamdih	Uranium Milling Plant	New plant at Turamdih has been set up to treat the ore produced from Turamdih and Banduhurang mines.
Mohuldih	Uranium Mine	Underground Mines
Banduhurang	Uranium Mine	Open Cast Mining

⁵ The data in all the five below tables have been collected by B.I.R.S.A. MMC with the help JOSH. Kindly acknowledge source when using this material



Bagjata	Uranium Mine	Underground Mines
DAE	Regional Office	Kashmahal
Rapid Action Force	Special Delta Style Force with	Permanent Establishment
Central Reserve police Force	Servilance and intellengce gathering. Including penetration of civil society organisation.	Permanent Establishment
Central Industrial Security Force	Day to Day Security incharge of entire I-NIC	Permanently Establish

The data below is to give an idea of the process of land grabbing and phantom compensation packages in some projects

Table No. 2

The Turamdih Uranium Mines Project

Name of Villages Bulldozed	Lands grabbed (in acre.)	Status	Homestead
Nandup	219.2	According to the management 26 houses were bulldozed but villager claim 80 houses were bulldoze These 26 peoples were provided house but the people denied to go their because it was too small for their family to live in. No electricity no water facilities are provided.	The houses are situated within 300 meters from mines area.
Nandup (A)	12.19	According to the management 13 houses were bulldozed but villager claim 30 houses were bulldoze These 13 peoples were provided house but the people denied to go	The houses are situated within 100 meters from mines.



		their because it was too small for their family to live in. No electricity no water facilities are provided.	
Purihasa (A)	20.18	Apart from 20.18 acre, 8 acre of land was illegally captured. This land was provided by the government to the people who were landless. UCIL claims that this land was provided to them by the government as a GM land. No compensation no job neither any facilities were provided to these family. Total no of family was 8	Township Developed & colony for the UCIL employee. Tailing dam & Mines are within 1 km
Purihasa	25.37		
Turamdih	47.16	28 houses for bulldoze 16 are in the process for bulldozing. Land was taken for tailing dam	3 villages are close to this tailing dam namely Talsa, Rohindih & Turamdih within 100 meters
Talsa	53.92		
Banduhurang	15.94	Land was taken for mines	Tailing dam & Mines are within 1 km

Banduhurang Project (Open cast mining)

Name of Villages bulldozed	Lands grabbed (in acre.)	Status	Homestead
Banduhurang	105.45	150 peoples were displaced. 31 houses were bulldozed.	Kerwadungri Ridatandi, Landiasai, Khariadih, Dhodanga, Ahargutu are in the mines area. More than 1000 peoples are living here
Kerwadungri	199.75	350 peoples were displaced & 75 houses were bulldozed. 75 people were given jobs & Quarters	



Table No. 3

Radioactive Waste Dump Sites

Jadugora Tailing Dump Site 1	Chatikocha village is near to tailing dam more than 1000 people live here. The village is within 50 meters	
Jadugora Tailing Dump Site 2	Telaitand village is near to Dump site, within 100 meters. More than 3000 people live here	
Jadugora Tailing Dump Site 3	Tuwardungri village is near dump site & more than 700 people live here it is within 150 meters	The plan is to join this and the above two Dams into one massive dam, raising its height by hundreds of feet and making it one large dam
Turamdih Tailing Dump Site 1	Talsa, Rohindih, Turamdih, Dokodih are very close to tailing dam which is within 50-100 meters.	
Turamdih Site II	Another tailing dam is proposed in which the company need 375 acre of land & aprox 3000 people will be displaced	

Table No. 4

Sample of Turamdih Baduhurang evicted people's compensation – cash/land for land/permanent job

Project	Name	Job	Cash Compensation
Banduhurang Project	Muniram Mardi Bonj Mardi Sonaram Bodra Majia Majhi Debel Ho Kishun Majhi Arun Majhi	No jobs	Compensation amount was between 1429 to 1607 Euro per acre. Land was acquired in the year 2005. But the market Value of land in & around Jamshedpur was 5 times more what the displaced people got No compensation was given for tree, well



	Jadu Majhi Putul Ho		etc.
Turamdih Project	Bajol Tudu Balial Hansda Sakla Hansda Gudra Tudu Rahul Baskey Lukna Honhaga Suku Hembrom Lakhan Tudu Khelaram Tudu Kusnu Mardi Premsagar Baskey Kuni Kui Majhi Ho Juri Ho Namsi Kui Dosra Ho Pathor Ho Jengi Kui Rajen Guriya Akash Pareya Ladgu Kui Lakhia Majhi Bagirathi Majhi Naya Majhi	No jobs No jobs	No compensation Compensation amount was between 18 to 19 Euro per acre. The land was acquired in the year 1983-84. But the market Value of land in & around Jamshedpur was much higher during that period. No compensation was given for tree, well etc.

Table No. 5

List of evicted people's position

Name	Promised Job	Present Status	Job site
Ajay Samad Subash Patro Denish Pariya Bablu Lugun	Promised jobs in UCIL	Working as a contract labour in hazardous area	Drilling, Blasting Marking in underground mines, Vertical Soft Sinking



Dogol Keria Dogol Diggi Rajesh Sardar Durga Guiya Sukra Bansingh Uttam Bansingh Ajit Samad Arun Nayak Sardar Diggi Mangal Diggi Turi Bansingh			Loading of Ore Manually site digging terracing under raining underground flood water radioactive aquafare fire water
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Each and every inch of the complex is built on our sacred land, our rice field, our forest and on our homes. To save cost DAE took over our rice fields but in order to avoid giving any resettlement housing they did not take our homesteads. *This means that we are forced to live along side either a mine or a dump site or leaking pipes all heavily radioactive.* The important question is:

Would they let us live along highly radioactive dumpsites if we were not Adivasis? Does this not amount to racism?

DAE *“There is no radiation in our uranium mines”.*

Various eminent organizations, local, national, international from Greenpeace International to Anumukti (http://members.tripod.com/~no_nukes_sa/anumukti.html) to Dr. Koide of the (<http://www.rri.kyoto-u.ac.jp/NSRG/genpatu/india/JADFINAL.pdf>) University of Kyoto⁶ of Japan have worked and scientifically exposed the radioactivity in and around I-NIC and their affects on human population and biodiversity. To all these reports DAE has given its one liner denial “There is no radiation in our uranium

⁶ Dr. Koide’s researching finding is included in the dossier.



mines". Running a uranium mine, a yellowcake milling plant⁷ and large radioactive tailing dams with no radiation, should be considered a scientific feat much more than the dubious one of nuclear explosions.

Even though unacknowledged or denied, I-NIC is a radioactive environmental disaster. This disaster is taking place on our homelands but also adjacent to the city of Jamshedpur. I-NIC is just four km from Jamshedpur the way the crow flies.

DAE is able to get away with this criminal act and false propaganda as it has the full support of Government of India and now further empowered after the signing of the "US-India Nuclear Accord" and the Nuclear Suppliers Group (NSG).

We as an organised people have taken our story to the highest authorities and as a civil society organisation there is not another door that we can knock on to get the DAE to respond.

The other sad fact we have got to face is that we do not think that there is much mass consciousness amongst the Indian public and from the scientific community to even start considering this region as a radioactive contaminated area. The question that follows is that even if the public or DAE wakes up to this reality can I-NIC and its surroundings be cleaned to make it safe for human and biological activity?

As an organisation JMACC has therefore had to keep these above questions in mind when deciding our strategies against DAE. Continuing to expose DAE as a radioactive polluter and as the cause of human misery we have now opened up another front against them.

For the past five years (since 2005) we expose DAE as a callous State Institution. DAE says that our people have been given full compensation as promised in the agreements they duped us to make brokered by the State Administration. The

⁷ One must keep in mind that these projects from 1960's were developed by the USSR as turnkey projects using their technology which academically too cannot be considered as safe.



compensation package included cash, land for land, permanent jobs in their undertaking UCIL as well as free medical treatment to all our people.

On this front too we have exposed them as deceitful. JMACC invited Centre for Education & Communication a labour research organisation and LABOUR FILE a Labour magazine to conduct a Fact Finding Enquiry on the situation of labour employment by DAE. Extracts from their reports are here as an endnoteⁱⁱⁱ.

A State Institution should be an ideal employer and constitutionally it has a duty to protect the Adivasi people (as per Vth Schedule of the Indian Constitution). As the FFT report shows including concocted criminal cases against the workers we have exposed DAE not as an ideal partner but as an ideal cheater.

From the data and facts we have submitted DAE violates almost all the laws of the land, the constitutional provisions of protecting its Indigenous population. This includes various UN and ILO legislations.

Poisoned Minds

The theme of this meeting is “Sacred Lands, Poisoned People”. Normally it is understood that the lands of the Indigenous peoples are sacred and because of the entry of polluting industries, our lands as well as we Indigenous peoples are being poisoned. This is correct.

However I would like to interpret this understanding from our Adivasi point of view. For us all lands are sacred as they are the creators and holders of life. Indigenous peoples are fortunate enough to understand what this means and we live it as a part of our spirituality. Uranium mining and other industrial activity are poisoning our land as well as us.



I would like you all to understand the broader and deeper side of this our understanding. In order to understand why Adivasis hold land and life in sanctity it is important to understand our philosophy and understanding of life and death. Death does not take us away from the cycle of life. For us death is a stage in life. The motto of our organisation B.I.R.S.A. is “We are, we were and we will be here”. Seen or unseen we are always going to be a part and parcel of life of this Earth.

For those who are poisoning us I think it is a different story. They may keep their bodies and their societies free of poison. But it needs a poisoned mind to poison others. Therefore can they keep their minds free of poison? If so then are they not the real people who are poisoned?

We the Adivasis go from life to a fuller life passing the passage of death. We hope we will come out on the other side to enjoy a fuller life. But those who go from life through death with poisoned minds what will happen to them? I thank the organisers for selecting this theme “Sacred Land & Poisoned People” as they were sensitive to our Indigenous Peoples spirituality and plight. But today I want to request you to also consider our Adivasi interpretation of “poisoned people”. If our Indigenous thinking and spirituality is acceptable then maybe we have to sit and express our pity for these people with poisoned minds. For in the fellowship of the unseen, there may not be a place for poisoned minds. For this reason we Adivasis of Jharkhand homeland poisoned by DAE are fighting not only for justice but that those with poisoned minds may be cleansed of the toxicity they carry.



Where the dead care for life and the living.....that land is sacred

Despite twenty years of struggle we have not got justice from DAE, not even on a single issue. On the contrary we have been dragged into court cases, locked up in police custody and prisons, our families been torture, our livelihood sources destroyed.

We have exposed DAE as a duper of its own people, for stealing our land, dumping us to work in radioactive polluted pits, default our cash compensation, default on promising job, use of civil and Para-military police to intimidate, use of judicial system to harass and punish and use of all the State machinery i.e. administrative, judicial and political instruments to deny us our constitutional rights.

- ◎ *We know that our people living within the core radius of I-NIC are destined to an early death and a painful, continuous and consistent morbidity.*
- ◎ *We also know that the powerful in India, who are benefiting from this exploitation, are not going to side with us.*
- ◎ *Despite being thrown into such a predicament, we whose death certificates are signed before we are even born, we will never give up our struggle to expose DAE as a killer agency.*
- ◎ *By doing so we are contributing to history –the future history of a radioactive free world and the future of a dream of a full life for others.*



ⁱ Campaign In-charge B.I.R.S.A. Bindrai Institute for Research Study & Action www.birsa.in. Former Gen. Sec Jharkhand Mines Area Coordination Committee JMACC www.firstpeoplesfirst.in Member of Uraon Adivasi Tribe contact : jmacc.ranchi@gmail.com



ⁱⁱ Along with a dossier of important papers I am including some documents that explain who we are. Among them the following documents will help you to understand us better.

1. The JOHAR Manifesto (www.johar.in)
2. The Declaration of the National Convention Who are the barbarians on our homeland?
3. What is happening in Jharkhand today 2010? <http://www.birsa.in/archives/138>

ⁱⁱⁱ **Interim Fact Finding Report On**

Labour Problems of Uranium Corporation of India Limited

June 12-14, 2008, Jamshedpur, Jharkhand

The three member team consisting of Dr. Ghanshyam Singh, Legal Activist and Former Chairman of Minimum Wages Advisory Board, Dr. R.S. Tiwari, Former Labour Commissioner and from Centre for Education and Communication, and Ms. Sunila Singh, a Human Rights Activist from People's Watch, conducted fact finding from June 12-14, 2008, to inquire in to the following aspects of the terms of reference given by Jharkhand Mines Area Coordination Committee (JMACC), (see annexure A). JMACC

focused Terms of Reference (TOR) on grievances of 72 contract workers in Turamdih Mines of Department of Atomic Energy (DAE) through Uranium Corporation of India Limited (UCIL). For the convenience of the study the FFT broadly surmised the following five issues, which cover almost all the issues raised by JMACC and started their investigation to cover objective assessment of the situation existing at Turamdih Uranium Mines in particular and UCIL which comes under DAE in general.

These six issues are precisely put as:

1. To examine the process of land acquisition of Turamdih farming communities, and also other surrounding villages, promises made and fulfilled, compensation claimed and dispersed, displacement of the villages, etc., as effected by DAE/UCIL and the role of the State.
2. To find out the history of Adivasi workers' resistance and responses of Trade Unions, DAE/UCIL and the role of the State.
3. To inquire into the violation of labour rights, Human Rights, Rights under labour laws and other Economic, Social and Cultural Rights with details, complaints and dispute raised and their outcome.
4. To inquire into the allegation of harassment to families, instituting false criminal cases, intimidation, false assurances and such other unfair labour practice by DAE/UCIL, the law enforcement authorities and the State authorities.
5. To understand the ramification of environment radiation in the area, impact on health of working people and on the population of the surrounding areas with possible hidden details like lapses in safety standards etc.

1. Introduction:

Ø This fact finding became necessary because of the continuous agitation by the rural population and unorganized contract workers of the area. These working people have been allegedly harassed by the management of the UCIL and the police by way of several illegal detentions and threats of severe actions which created situation of helplessness in about ten thousand working people, most of whom are Adivasis. Many Civil Society Organizations (CSO) and Trade Unions expressed their sympathies and allegiance to the cause of these oppressed and deprived lot of people. In view of the absence of any real help even by organizations of CSO it becomes more necessary to bring on record factual details and the ground level reality. Thereafter, the grievances could be taken to higher levels of authority, judiciary and to the National Human Rights' Institutions, and so towards appropriate action. The objective of this FFT is to come to know the ground realities and woes of the Adivasi.

Ø The fact finding team (FFT) contacted following authorities and persons for the comprehensive enquiry.

(i) On June 12, 2008 the team contacted and interacted with Shri Rajasai Shoren, Vice President, and Shri. Raja Ram Singh, General Secretary of Uranium Kamgar Union (IFTU) which is having a membership of 1900 regular workers. FFT also heard Advocate Phudan Murmu, President of Jharkhand Organization of Struggling Humans (JOSH), a human rights organization.

(ii) On June 13, 2008 the team met Shri Ganesh Kumar, Sub Divisional Officer of Dhalbhum, Jamshedpur; Mr. R. Gupta, the Chairman cum Managing Director; Mr. P Mohanti, Administrative Officer and K. Mahali, GM Personnel, of UCIL.

(iii) FFT also met villagers of Tuar Doongri, a village of displaced people since 1959-60, having a population of 125 people of 25 families, and inquired in to the displacement and rehabilitation issues from more than ten persons.

(iv) FFT also visited the site of the *dharna* where 72 striking contract workers were sitting in front of the Turamdih Mines gate, and interacted with the sitting striking workers.

(v) FFT discussed the relevant issues with other 29 concerned citizens during the period of investigation.

2. Labour Rights:

(i) **Displacement and livelihood:** UCIL has acquired land through the State government at nine places; 120 acre from Banduhurang, 45 acres from Purihasa, 199 acres from Kerwa Dungri, 46 acres from Turamdih, 397 acres from Talsa, 219 acres from Nandup, 12 acres from NandupA villages. This team visited Tuar Doongri and during interaction with villagers who have been displaced, we found out that Shri. Shripati Patron and Shri. Chotu Urong have neither had any employment nor land for



their settlement; these are just two instances in this small fraction – there could be many more such instances. This is a clear violation of promises made by the UCIL management and their latest Rehabilitation and Settlement Policy approved by the Board of Directors in their meeting held on 26-12-2006. It was informed to us that there are five other villages that are in a similar situation. The FFT observed that these villages are also situated at zero point distance of the Uranium waste dumping ground, and so exposing all the villagers to severe radiation hazards. This area is otherwise prohibited from entry.

(ii) The FFT found that the management's claim, that of giving employment to at least to one family member of each displaced family, does not seem to be correct. It was reported that of the 11 displaced families of Uradhi village none could get any employment. Similarly of the 13 displaced families of Nandup not one got any employment offer from the UCIL management. The fact is that the rehabilitation policy has not been fully implemented, and this raises the grave question of the livelihood of hundreds of displaced villagers, who virtually have no means of sustaining livelihood. It was revealed that the compensation offered to the displaced farmers was negligible and could not buy alternative land, and some few compensation litigation suits are pending in the court.

(iii) Assurance and Fulfilment: Though, UCIL management had promised villagers adequate compensation and jobs for the displaced families, and the assurance of raising the issue of rehabilitation with the State government to ensure that displaced people get alternative land for their settlement, it was found that nothing has been done so far. It was found that neither had the management abided by their promises or by their rehabilitation policy, and nor had any alternative land been obtained through these promises nor rehabilitation attempted by the police or even any alternative land allotted by the State government. A large number of displaced persons are absorbed as contract labourers, who are denied wages and service conditions which ordinary regular workers in UCIL get.

(iv) Labour Rights: The FFT found that large number of contractors have been engaged in core production activities which are of a perennial nature. This is an unfair labour practice as per the Industrial Disputes Act, intended to deprive contract workers of the wages and service conditions of regular workers. These 5000 contract workers are also denied equal wages for equal work in violation of rule 25 (2) (V) (a) of Contract Labour Regulation Abolition Central rules (CLRA). In the course of an interaction with the team the CMD of UCIL admitted that by giving rights of equal wages and equal service conditions to these contract workers, the DAE management will have to incur an additional expenditure of about 12 hundred crore rupees which requires the approval of

the highest functionary of DAE and in his opinion this huge expenditure, at this stage is beyond the capacity of management to bear. The FFT found that the striking 72 worker of Turamdih Construction Private Limited are struggling for their labour rights and somehow they have successfully achieved the right to organize and the right to collective bargaining, but they are continuously being harassed by the management, intimidated by the State police and administration in various ways. These workers are struggling to get their right of regularization, right to equal wages, and service conditions for equal work being performed by regular employees. The DAE/UCIL earlier regularized 43 workers in 1992-93 leaving 72 workers for future absorption. Later on under a globalization policy, the policy of absorption of contract labour was given up. The labour department of the Central Government continuously avoided seizing the matter in conciliation. The FFT was pained to find that the functionary of the labour department of GOI represented at the local level by ALC (Central) and LEO (Central) avoided meeting the team and they remained insensitive to the ongoing struggle. The ALC took cognizance of the complaint of these 72 workers, held conciliation meetings, but later closed the case without submitting any report to the government under ID Act. The RLC Dhanbad did not intervene on the ground that their organization is not a trade union. The representatives of local trade union organizations as a team met and apprised the public of the inequity and expressed their solidarity with the striking labour of Turamdih mines. Despite such a grave situation re labour standards in the area, the role of authorities and organizations remained deplorable. This shows an insensitive attitude to labour rights. One advocate, Shri Phudan Murmu, President of Jharkhand Organization of Struggling Humans, has been continuously supporting these struggling contract labourers, by raising the issue before various authorities and judiciary.

3 A. Human Rights violation:

(i) The UN Committee on Economic, Social and Cultural Rights while extending the scope of convention on human rights emphasized the necessity of protection of indigenous people, socially deprived classes and minorities and recommended adequate action from signatory states. The performance on this aspect by the Government of India has recently been considered highly inadequate. The UN instrument is binding under article 25 of the Constitution of India, and the government is bound to implement it. There are many international commitments including the ILO convention which the government ought to respect and implement. Besides, the directive principles and the fundamental rights of the Constitution of India and our labour laws prescribe for a decent

standard of life along with the right to life. In this context the FFT is constrained to observe that these Adivasi workers are deprived of all human rights and standards.

(ii) During FF it was revealed that harsh words and tones used by the management, the police and state government authorities, were an attack on the dignity of the working people. On several occasions the representative of the workers were detained illegally by the police. Many workers were reportedly given threats forcing them to disassociate with the striking workers, and



cases came before the FFT where the families of the agitating workers were harassed if their family members in any way got themselves associated with the agitating workers.

3 B. A specific case of illegal detention in police custody:

FFT in its course of FF found that Master Arjun Samad who is only 17 years old and actively involved in mobilizing the workers since 2005 has been illegally detained in police custody thrice, for no fault of his. This was in order to make him silent and to break his morale and self-esteem. On July 31, 2007 Arjun was informed that he has been asked to report to Sunder Nagar police station. Accordingly he went to Sunder Nagar PS on August 1, 2007. Later he was moved to Sid Gora PS, and there he was taken into police custody without any charges. However, the police record does not indicate the arrest, but the case has been framed on August 3, 2007, based on the complaint lodged by Ms Maya Sore of August 4, 2007, under Sec 364/311 of IPC, but he was kept in the custody of police from August 1-5, 2007. Again Arjun was taken into Sid Gora police custody on January 23, 2008 at 1:30 p.m., without any warrant after the tripartite discussion that was held between the management, the SDO and the striking workers. He was detained in the custody for three days. Later he was produced before the Chief Judicial Magistrate on January 26, 2008, and thereafter he was sent to a remand home for forty days without any charges. The team was pained to find a lot of discrepancies in the whole process of the detention of Arjun. The FFT while interacting with the SDO .in his camper on June 13, 2008, brought this fact to his notice on which he expressed his ignorance of the police atrocities, and he directed us to contact Mr. Ashok Kumar Sharma DGM, to get the details. However we were not able to obtain the records, nor the GD or case diary available in the PS. Throughout these two confinements in police custody Arjun was constantly intimidated by the police to get a confession on the murder of Nirmal Soren and Vinod Sundi. In this matter the guidelines of NHRC, D.K. Basu and JJ Act have not been adhered to.

Arjun made a private complaint to NHRC on January 26, 2008. NHRC has registered the case __ the number is 1440/34/6/07-08. During the last one and half year Arjun has been approaching various organizations, lawyers and others including through private complaints to ST commission under SC/ST Act, for getting support and protection from acts of hostility of state authorities and the police, in which situation he feels that he has been trapped. FFT in the course of its investigation through a cross section of that society tried to ascertain whether Arjun is really having any criminal record and it came to know that he is innocent and has no involvement in any antisocial activities, and he is only a human rights defender.

4. Environment damage caused by radioactive substances:

During the enquiry it was revealed that radioactive waste being dumped at Tuar Doongri village is causing serious health hazards to the villagers of the adjoining six villages of displaced persons. These villagers are Dugrdih, Tilaitand, Chattikocha, Harijan Basti and Birulisai, which, are in the periphery of the dumping yard of the Uranium waste of UCIL. In the course of our investigation we found that a few other responsible administrative functionaries of Daibhum, Jamshedpur were apprehensive of the fact that the Uranium waste of UCIL and the entire processes of mining and refining may damage the environment even to the severity of causing a massive health hazard. An activist of Jharkhand considers that the environmental damage may extend to an area beyond thousand kilometers giving the reference of certain unpublished reports and studies. This aspect of environment damage needs to be examined by an independent scientific investigation.

5. Conclusion:

The FFT made a detailed study and through investigation of the issues in hand, and for that made random survey of the peripheral areas of the Uranium Mines of this area in general and Turimb Mines and the Uranium Mines and Uranium waste dumping ground in particular and came to its conclusion that the Adivasis of these areas are deprived of almost all minimum human needs, and are prone to all sort of bad effects of radiation. This is also a gross violation of labour rights and human rights in respect of Adivasis and more than 4000 contract workers. The UCIL regularized 45 contract workers in 1992-93, but later on with the advent of a new economic policy it only created more contract labour and adopted an arrogant and recalcitrant attitude denying all labour rights, including the rights given by the parliament through labour laws. They defied even their own commitments and human rights prescriptions. By denying livelihood, employment and alternative place of living to the displaced farming Adivasi people a crime against humanity is very clearly visible.

Dr. Ghanshyam N. Singh Dr. R. S. Tiwari

Ms. Sunila Singh

Date : June 14 2008

Place : Jamshedpur

