

Revoke the illegal clearance to the POSCO project

by POSCO Pratirodh Solidarity
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A mercenary ministry and a habitual-liar state cannot strangle democracy to death

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The 'final forest clearance' by the MoEF to the controversial POSCO project in Orissa on 2 May 2011, is a shocking assault on Indian democracy. It makes it clear that all talk of 'inclusive democracy' and 'inclusive development' by the government is a sham, to be abandoned whenever politically expedient. The central government's order is based itself on the blatant lies of the government of Odisha, giving short shrift to facts, provisions of law, and democratic processes. The UPA government that misses no opportunity to trumpet loud about a 'working democracy' under its leadership has shamelessly sold the laws of the land to the highest bidder—and practically for a loss. The facts are as follows.

1. The glaring fact is that the FRA requirements were not met in the first place. Even if the state government fraudulently rejected the resolutions passed by the Palli Sabhas, the state government never produced Palli Sabha certificates either, as required by the MoEF vide its various orders. That means that the Act was never implemented as per the state government's own admission; and the MoEF itself too says no resolution was ever passed to initiate the process of recognition of rights (page 2, para 9). Therefore, to acquire the land is a 'criminal offence'. Without the settlement of rights through legal process, the government simply does not own this land and certainly has no right to give it away. Doing so is daylight robbery, and the MoEF's order dated 2 May 2011 makes it equally culpable in this crime!

2. Both the Odisha government and the MoEF have told barefaced lies. The Odisha government claims that the land was not forest in 1930 when their own maps say otherwise. Both say that there were no quorums in the meetings of the Palli Sabha where the resolutions were passed and that the resolutions were signed by only 60 odd people, where in reality more than 70% villagers attended the meetings, and the full set of signatures (more than 2000) was sent by registered AD post to the Odisha Government as evidence; the MoEF has copies of these evidences on its table. But, by showcasing a fake resolution sent by the state government with 34 signatures, the MoEF now decides to champion the unashamed lies of the Odisha government by resorting to the wholly specious argument that the principle of 'cooperative federalism' compels it to accept the state government's versions! ...So much for democracy! Even less for the rule of law!

3. While indulging in this extremely dubious legerdemain, the MoEF has conveniently forgotten that this project is an 'environmental disaster'. Not a single one of the objections raised by the Enquiry Committee, set up by the MoEF itself, in October last year was ever addressed. The Committee specifically said "Potentially very serious impacts...have not even been assessed, leave alone planned for ... The cavalier and reckless attitude of the concerned authorities to such potentially disastrous impacts is horrendous and shocks the collective conscience of the Committee ... There appears to be a predominant belief that conditionalities in the EIA/CRZ clearances are a substitute for comprehensive evaluation and assessment of the environmental impact by the authorities. Imposing vague conditionalities seems to be a way out for the various agencies from taking hard decisions on crucial issues." — it is not us who said this - it is the Ministry's own Committee! And yet, the Minister has chosen to do exactly the opposite.

4. Independent studies have shown that this project will result in a net loss of employment; that the company has wildly exaggerated employment and tax revenues; and that the project is a net loss to the Indian economy. Why then is the project being pushed in this manner? Is it the new-found wisdom of 'cooperative federalism' or principles of the so-called 'inclusive growth'?

5. The most intriguing part of the whole travesty is that, as on today, there is no MoU existing between the government and the company for the project; the MoU expired in June 2010. Yet, land acquisition has been allowed! How? Are we living in a democracy bound by laws?

The Minister further states that he passed the order of August 2009 – making compliance to FRA mandatory before diverting any forest land – when he "was under no pressure or obligation to do so." We beg to differ – the law required it. Apparently, the Minister thinks that he is never subject to any "obligation" to follow the law or respect people's rights, as this order on POSCO reflects. If he wants to "repose trust" in a state government that has been habitually lying on record to his ministry, he is breaking his oath to the Constitution and should resign.

The MoEF order on POSCO goes on to say that the "implementation of the FRA 2006 and August 2009 guideline is “a learning and evolving process..." We are not familiar with this novel concept. A law is either followed or not followed. To allow diversion of forest land by issuing an order without implementing the laws is a “criminal offence”. A crime cannot be "a learning and evolving process”.

The fact, as proved by the host of scams and scandals that beset this government, is that it has now mastered the art of violating “clearance” procedures for devastating corporate projects—simply impose a string of “stringent conditions” (whatever they mean) that will never be enforced.

By giving the POSCO project a go-ahead, the UPA government has once again shown how little the lives or rights of people mean to it. It has torn its own "landmark law" to shreds. It is pushing a project that its own enquiry committee had labelled “an environmental disaster in the making”. Now this government, through its Minister, seeks to hide its lies, and justify its wholly illegal actions by recourse to trite platitudes about not only "doing the right thing but doing the thing right". How do you do a “wrong” thing right!

In January 2011, the POSCO Pratirodh Sangram Samiti (PPSS) had warned, "It is not the meaningless orders of a mercenary government that will decide the fate of the POSCO project, but the tears and blood of our people."

We demand:

1. Immediate withdrawal of clearance to the POSCO project
2. A high-level enquiry be set up to investigate the series of fraudulence at the hands of the Orissa government as well as the MoEF that led to the issuing of this clearance order, and the culprits and collaborators be punished severely in order to re-establish people’s faith in democracy
3. The agitating people of the proposed project area be directly consulted, in the presence of independent observers, to ascertain their true wishes in a fair and transparent manner

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