

21 November 2014

New report by tribunal comprising leading lawyers and researchers suggests the nun fighting for land rights of tribal people in Jharkhand was probably eliminated by hired killers, not Maoists as claimed by state police. Sister Valsa John Malamel, a Christian nun working on tribal land rights in Pakur district of Jharkhand, was brutally murdered by a mob of 20 to 25 persons three years ago, on November 15, 2011. The nun from Kerala had been leading land protests against a mining company. The Jharkhand Police has so far been maintaining that she was murdered by Maoists because she had helped negotiate an agreement between Panem Mining Company and the project-affected villages and that the Maoists were opposed to any such agreement.

On October 14 this year, a Maoist who surrendered himself also reportedly told the police in Dumka that Sister Valsa was murdered by Maoists. Earlier, police had even arrested seven persons in connection with this murder.

But recent testimonies submitted to an independent people's tribunal suggests that the murder was meant to weaken the land rights movement and that had the nun lived on she would have ensured strict implementation of the MoU signed between the villages and the mining company so that people get their due rights.

The tribunal's report was released on November 16 by Delhi based non-profit The Research Collective, a part of Programme for Social Action. The report was prepared by the independent fact-finding tribunal comprising Supreme Court lawyer Prashant Bhushan, academic and researcher Bela Bhatia, academic from Ranchi University Ramesh Sharan and journalist Venkatesh Ramakrishnan.

### **String of unaccounted murders, accidents**

The people's tribunal has linked the nun's murder to that of several other activists and farmers, who reportedly died under mysterious circumstances. All of them were working to ensure strict implementation of the MoU. (Among the slain, many were displaced by the mine and joined

the movement against the mining company).

When the panel started assessing the implementation of MoU earlier this year, they found that the mining company had hardly taken any step towards rehabilitation and resettlement of 4,000-odd displaced people. On top of this, several testimonies before the tribunal showed that with the loss of leaders in the movement, followed by cancellation of coal mines, resettlement and rehabilitation remains a far cry.

The report says the murders of leaders of Raj Mahal Pahad Bachao Andolan (RPBA) movement, a non-profit formed by the displaced people representing the nine project-affected villages, Sister Valsa and Joseph Soren coincided with the weakening of the people's movement following which the MoU could not be properly implemented. "The phase post the signing of the MoU also saw the alleged murders of prominent Andolan leaders. While the murder of Sister Valsa on November 15, 2011 has received attention and is subjudice, village residents suggest that Joseph Soren was killed by Panem Company contractors. The same accident in which Soren died also left Cornelius Hembrom, the pradhan (Sarpanch) of Pachwara paralysed for life," the report states.

### **Company hand?**

According to Joseph's brother, Kalam Soren, who deposed before the tribunal, Panem offered to pay for the education of Soren's three children. "However, in 2009, my brother's wife and nephew (Joseph's son) died mysteriously in a car accident. Now I look after their two daughters. Even, Hembron's son, Janus was crushed by coal carrying dumper earlier in 2007," says Kalem, who lives in Alubera village.

As Jharkhand prepares for the Assembly polls in December, people displaced by coal mining in Pakur district have sounded an alarm over companies trying to make a hasty exit without honoring the agreements signed with the locals following the cancellation of allotments by Supreme Court. The Panchwara coal mines, mined by Panem Mining Company, a joint venture of Punjab State Electricity Board (PSEB) and Eastern Minerals and Trading Agency (EMTA), a Kolkata-based mining company, was one of the first cases in which villages agreed to sign a MoU directly with the company instead of opposing it.

## **Panem violated laws protecting tribal rights**

After displacing about 4,200 persons from nine villages, mostly belonging to Santhal tribe, and filing of cases in both Supreme Court and high court, the company signed the MoU with RPBA. Being in the heart of the Santhal-dominated Pakur district, the lands are protected by Panchayat (Extension to Scheduled Areas) or PESA Act and Santhal Parganas Tenancy Act. Both the Acts are meant protect the land rights of tribals and also have strict regulations for land diversions for any industrial activity. Residents claim that both these Acts were violated by the mining company which went on to acquire the land, even as the high court dismissed the case stating no violations had happened.

Interestingly, as soon as the residents represented by RPBA approached Supreme Court, the mining company, aided by the state government, offered an out-of-court settlement of sorts, by instituting an MoU.

Incidentally, in 2012, many big leaders of Jharkhand, including former Chief Minister Shibhu Soren, the then Deputy Chief Minister Stephen Marandi went on a two week agitation against slow implementation of the MoU.

Around 807 households, comprising a population of 4,207 people from nine villages, which fell within the core zone, were to be displaced for the mine, according to the report. The land acquired included forest land of about 461.09 hectares as well as revenue land measuring about 672 hectares, homestead and agricultural land of about 674.20 hectares. The MoU guaranteed many things: Panem would return 50 per cent of the land acquired from project affected persons in cultivable condition; livelihood compensation of Rs.10,000 per acre per year until land (50 per cent) is returned to the project affected; homestead land with customary houses; compensation for land as per Land Acquisition Act 1894; direct employment to families; provision of drinking water; no disturbance of traditional worship spaces, conversion of non-cultivable land in the surrounding area into cultivable land; lift irrigation system; new school and hospital; regular training for women and men; provision of tractors; market places; and ambulances.

## **Who will restore people's land rights?**

However, besides giving some part of the compensation and some building of infrastructure, no other provision of the agreement has been fulfilled, according to this report. The panel claims that the current status of implementation of the MoU is evidenced through the testimonies and depositions in the tribunal. Activists say that the official papers of the implementation for a comprehensive review were not available as it is in the custody of the local police. The district administration, meanwhile, says that implementation may have been slow but has been carried out by the mining companies.

A testimony before the tribunal belies government claims. "I was convinced right from the beginning that I had to oppose the mining of coal by Panem. If Panem digs up all our lands, what is to happen to my children and what will they eat? The company bought over our villagers and broke our unity. We agreed to settle with the MoU only because it promised to return our lands. Since the settlement things have only gotten worse for us. The mine has not been refilled properly, our lands have not been returned to us. We have not even been given ownership rights for the house we are living in now. Also, most other provisions of the MoU have not been implemented properly," stated Chandmuni Murmu of New Kathaldih resettlement colony, who deposed before the tribunal. About 150 village residents attending the meeting said that the damage to the trees have never been accounted for by the government or mining companies, nor did anyone compensate them.

Now, as government plans to auction all these coal blocks following the Supreme Court's cancellation of all the coal blocks, including ones in Panchwara, the independent panel has demanded that the land should be given back to the villages. "In context of the Supreme Court de-allocating both the Pachwara Central Block (allotted to Panem) and the Pachwara North Block (allotted to EMTA), as well as the fact that the MoU has been breached in most aspects by the company, the government should not auction the coal mines in Pachwara and return land to original villagers after making it cultivable," said Prashant Bhushan. Incidentally, according to the coal ministry the proposed auction of 204 coal blocks will fetch huge revenues to exchequers of states, particularly Jharkhand, which will get Rs 2.5-3 lakh crore in the next 30 years.

<http://www.downtoearth.org.in/content/people-s-tribunal-throws-new-light-sister-valsa-john-s-murder>