A daylong meeting was organized by FIAN represented by Sabine Papts from FIAN Germany, and Suman, Vice President FIAN India (Delhi) along with John Bosco (Belgaum), Treasurer FIAN India. The meeting was conducted under the able guidance of Fr. Stan Swamy (Bagicha), Ranchi; and Mr. Sashi Bhushan Pathak, (former general secretary PUCL), Ranchi; and participants included- Mr. Arvind Kr. Verma (HOPE), Lohardaga; Ms.Neha Verma (Association for advocacy & legal initiatives- Aali) Ranchi; Mr. Gulab Chandra (state coordinator - Damodar Bachao Abhiyan & District coordinator – Human Rights Law Network) Bokaro; Dr. Nitish Priyadarshi (water Scientist) Ranchi; Mr. Johannes Laping (Sarini) Germany and others.

The morning session began with a round of introduction followed by Suman from FIAN in INDIA introducing the objectives and need for such a dialogue meeting on People’s Access to Natural Resources, Food and Livelihood, and Role of Different Stakeholders. She welcomed the participants and expressed the need of law enforcement and amendments of rules violating the human right to food in view of the violations being conducted by the government policies in coal mining companies and industries. She gave a brief update on FIAN’s campaign in Kusum Tola.

John Bosco from FIAN (Karnataka) spoke on Right to food & livelihood with a right based approach and addressed the land right issues in view of displacement by mining and SEZ (Special Economic Zones) policies of the government.

Fr. Stan from Bagicha (Ranchi) spoke on Adivasi, Dalit and Domicile issues. He expressed the need to strengthen the Gram Sabha and attempt to interpret laws for the people in the villages, for asserting their Human Rights as guaranteed in the Indian Constitution.

Sabine from FIAN Germany introduced the aim and purpose of this meeting. She spoke on Human Right to adequate food – “All people at all the time should get adequate, culturally acceptable, nutrient and regular supply of food”. She expressed that India is a party to the United Nations and as ratified by International laws, every person is to be provided (granted) this basic human right to food. Though FIAN monitors this mandate of the UN and looks into the laws – Right to Food, as recognized under the UN Covenants, FIAN has the status to submit Parallel reports through the Advisory Committee. FIAN looks into the Government’s ratified reports and using its advisory status to the UN, make reports from the grass-root communities, groups and organizations to be put up to the Advisory Committee of the UN, which comes out with its Resolutions, and Recommendations acting as a pressure group to monitor governments. Though there maybe no punishment, FIAN sends these recommendations
to the State & Governments and supports the ground-level groups that need interpretation and its reports reflect Human rights, and grabbing, and discrimination of marginalized communities.

Since 25 years, FIAN has been working with visible presence in 18 countries and is responsible for the development of FAO – Right to Food. FIAN is promoting the principles enshrined in the UN laws. FIAN objectives and operational strategy are as follows:

- What is Right to Food? Its interpretation at the UN level.
- Developing Land Tenure policies, interventions and amendments.
- Cross border disputes over river water and State government in-fight
- Countries going to other Nations and committing human right violations.
- Supporting struggle groups in achieving their Human Rights dignity, case documentation and analysis of human rights violations.
- Petition letter signature campaign along with Fact Finding Team (FFT) to identify cases of Human Rights violation and make its interpretation for International Public and general mass awareness.
- Analysis and documentation with chronology of HR cases along with evidence proof for credibility of facts to make intervention and amendments in policies.
- Analyzing the case in reference with State, National and local laws and keep the communities involved.
- Legal content, principles and obligations or responsibilities of the governments.
- Food has to be adequate, nutritious, culturally acceptable and free from pollution.
- Food has to be easily grown in the neighborhood or income of people ensured to obtain the food.
- Food should be sustainable and secured for the generations to come for which the government should be responsible to ensure it.
- Progressive realization for food to be grow in the future with the growing population; and the resources should be allocated and secured by the government; open and available to all.
- State is not allowed to destroy the food security of the people.
- Natural resources like – water bodies, agricultural lands and forests should be safe guarded and secured for people’s access.
- Obligations of the State to be checked and no new laws should be formed to destroy it, and especially in the case of mining and industry.
- Fulfilling the right to food for the sick, needy, old, handicapped or unemployed. To form policy change in Land reforms, employment generation, opportunities by the government, and non-compliance by the government. To analyze violations by governments, third party and existing laws.
- People’s participation at grass root communities and NGOs.
- Accountability of the government projects, plans, rules and regulations. Ensuring people’s empowerment and transparency of laws.
- Development should be without prejudice of caste, creed, color or class.
- To check MOU (Memorandum of Understanding) between government and third party (mining or industries) for transparency in case of Human rights violations.
To ensure the State governments are following the compliance of International laws. To identify & approach the officials and administrations who are violating Human right to food.

To provide solutions with the means and ways to solve the problems and the issues.

Sharing views and expertise with civil societies and government on issues of Human rights violation.

To analyze the Kusum tola case (Purnadhi coal mine of CCL in Chatra district) and intervene in government policies. FIAN’s report & petition made the SDM investigate the issue and authorities had submitted their official report.

Culmination of expertise over HR violation issues with a network in Jharkhand.

Dr. Nitish Priyadarshni, Water Scientist (Ranchi), expressed his views that NGOs have no expertise or credibility of the data, they put up for violations with reference to pollution in water bodies like Damodar River. He shared his experience of his report in 1995-96, which started with a Complaint letter to the State Pollution Control Board and Coal mining company - CCL, which resulted in an enquiry with counter debate on the data he had complied and was challenged by his Senior Professor. Finally, the campaign ended with the Coal mining company CCL blaming National Thermal Power Corporation (NTPC) in the North Karanpura area, on the aspect of accountability of the data generated by Dr. Nitish. He stressed on the need to access the local laboratories for testing samples of water collected by NGOs, especially in the case of Damodar River.

Suman from FIAN (Delhi) stressed on the need to involve National CBOs along with support from credible Universities and firms.

Mr. Gulab Chandra from Damodar Bachao Abhiyan (Bokaro) spoke about his initiatives in campaign against Damodar River to be made free from pollution. He talked on their campaign against the Bokaro Thermal Power Station pollution case and cites allegations with sources from ISM, IIT and various Universities, even to the extent that DVC had conducted its own water sampling from NERI.

Fr. Stan Swamy from Bagicha (Ranchi), emphasized on the need to challenge the Political decision that has been made on the displacement of people from land and exploitation of their resources since 2009, when the UPA government came into power. The question and debate was raised on displacement of Adivasi people by government industrial and mining projects during P. Chidambaram tenure.

Fr. Stan Swamy expressed that in the ancient times the people lived in forests, but now the time has come that the natural resources are needed and exploited for meeting the change. This river water pollution has to be checked as visible in the case of Suvarnarekha and Damodar River, which flows unchecked. Henceforth, we have to challenge this Political Decision and the people have no voice in decision making.
Fr. Stan Swamy cited the example of over 104 MOU signed between the Jharkhand Government and the Private Companies to open industries and mines, without reference to or the people of the region where the project is located, and no people’s consent or consultation. But now an awareness or realization is coming among the villagers and people who are affected by such projects, and a change is seen to counter this political will, decision and action.

Fr. Stan Swamy stated that certain provisions in the laws of the land - like the 5th Schedule of the Indian Constitution provisions, PESA Act which defines the Supreme Court Judgment & ruling – “Jamin jiski, Khanij bhi uski (Mineral Resources belong to the Land Owner), and the Gram Sabha consolidation to counter the HR violations and take it up with the State Governor. He cites the case where in an informal meeting the Gram Sabha level formed a local body and passed a resolution that such and such mineral (In this case, coal in Keredari block in Hazaribagh in North Karanpura area) will be mined commonly and sold in an open market, with a letter of information to the local District Administration (SDO), with this Supreme Court ruling guaranteeing the Right over the Mineral to the Land Owner.

Bulu Imam asks how the Mines Minerals Area Land Acquisition Act, 1895 applies in regard to the above information?

Fr. Stan Swamy informed the participants recently on 9th Feb. 2014 that about 56 Gram Sabha members has assembled and passed a resolution which formed four zones to enforce this Supreme Court ruling. On 24th March 2014, a meeting is being organized at Keredari block in Hazaribagh where representatives from the four zones; Dumka, Godda, Hazaribagh and Ranchi will gather. Enough is enough; there is a need to support this political statement and awakening of the Gram Sabha at the local level.

Mr. Gulab Chandra from Bokaro spoke on the campaign of “Jal, Jungle, Jameen hamara hai (Water, forest and land belong to us/people), the Right to water, and Forest Rights of the people. He cites that despite of so many Laws, Acts, Rules & Regulations and Provisions guaranteed to the people (like- CNT Act, Khunt katti laws, etc) people still cannot safeguard themselves against the HR violations by government industrials and mining projects. He felt that the political will by the HR groups and Students Union movement can enforce these basic human rights. According to him, the safeguards are guaranteed in Article 21; the HR violations in mining areas of various types and forms in nature. Examples and cases of Impact of Destruction on land, water and forest should be included in HR movement to bring a Political change, to condemn violations and to challenge it with Fact Finding Teams (FFTs). Minerals are our resources and heritage of people and Gram Sabha. He cited the example of over 23 thousand acres of agricultural land destroyed in Jharkhand. This is a gross violation of Human right to national Food security bill is a myth and there is a need to strengthen local agriculture and cultural heritage.

Shashi Bhushan Pathak, Former General Secretary of PUCL, spoke on the need of culturally acceptable food, and stated that Civil rights and Democratic rights are two
poles. He raised the question – the new development policies is like making a new house and opening few windows in a room where the air or light is less. He cited the case in which Maoist/Naxal group (TPC) bought large plots of land from villagers forming groups and transferred land to coal mining company in Tandwa block in Chatra district, then sold it to CCL - Amrapalli coal mine. In such manner people are confused and tricked.

Sashi Bhushan Pathak also cited the case in Bishunpur and Garhwa in Latehar where the non-timber forest produce, plants & forest resources have no policy and promotion in terms of their rare herbal and medicinal properties for village level marketing. A plant called Chirauj is sold for Rs.100/Kg on roadside and in Ranchi sold at Rs.1000/- and Kanpur (Uttar Pradesh) at Rs.1500/-. Similiarly in Saranda (West Singhbhum), the lack of government policy to support villagers has resulted in third party outside groups like Ramdev ayurvedic medicines to exploit this resource. The same can be seen for Kkair trees in Chatra cut for kattha. The KrantiKari Kisan Sangathan (committee) has been promoting the marketing of these – eg. Mahua iron tonic, instead using a liquor or intoxicant. He remarked on his personal observation that Tribal and Adivasi know where and when to plant seeds for agriculture, but do not know where to invest cash or money. He emphasized that land should be commonly owned, but this is now changing even in united families.

Sashi Bhushan Pathak further cited that the Kutku dam (Palamau district) case where the river water was to be channeled to provide water for agriculture to Aurangabad, displacing 32 villages. Since these villages were notified as submergence area land for the dam, the villagers were denied of all government development welfare schemes and loans. Hence, no schools, hospitals or roads were made by the government. The Korwah (Primitive tribe) was also affected in the region and implicated under false case branded a maoist/naxal and put in jail, where their wives and family would not even know that in which jail they were placed and how to take them out. Also the State Human Rights Commission accepts the cases of Human Rights Violations only by post and replies by post but does not entertain individual or NGO submissions. This is a big problem that needs to be addressed.

Sashi Bhushan Pathak expressed his concern over the Integrated Action Plan (IAP) of the Jharkhand government, where a Superintendent of Police or D.C has a fund of rupees 55 crores to utilize for development and checking of Naxal movements. This fund is not monitored and evaluated, and is a HR violation as in case of the Saranda Action plan.

Dr. Nitish Priyadarshni spoke on Global warming and Climate change, resulting change in cropping patters and food grain supply getting less, forced migration of farmers. He expressed concern over the food security of people as there is no defined clear-cut demarcation of agricultural and non-agricultural land, as in the case of Protected and Reserved forest. The government should fulfill its Policies for the distribution of food with dignity and easy access. He expressed his concern of extra territorial groups and companies entering Jharkhand with not much transparency or responsibility.
Fr. Stan Swamy narrated his experience with the Judiciary mechanism of the government where a PIL in High Court, despite the Vth Schedule, Santhal paragon Tenancy Act etc., is still carrying on HR violations using “Law of Eminent Domain”. He cited the case of Panem coal mine in Pakur district where the Judge who allowed mining was promoted as Judge to Supreme Court. He expressed his concern of over 6000 people languishing in jails in Jharkhand under the UPA government, out of which 70 cases have branded them as Maoists. He stated that about 6 thousand people from one block totaling over 40 thousand had conducted a people’s march to the Superintendent of Police (SP) office at Katikund and put in jail for protesting. He expressed his concern on the RTI to obtain reports and instead suggested to persuade the Supreme Court and FFT to investigate HR issues, especially in the case of Police atrocities against villagers, tribal, human trafficking, and child labor. He expressed his concern over HR Defenders to be safe guarded and Right to food provided.

Sashi Bhushan Pathak expressed his concern over massive displacement in Jharia coalfield (Dhanbad) and even urban areas in towns as a result of urbanization and ancillary development. He cited the case where the tribal and village farmers in Latehar were discouraged to grow rählard (pulse) crops as the police found it difficult to encounter Maoist/Naxals in the crops high foliage (4-5 feet tall plant). This was a case of HR violations to Right to food. He further spoke on the Child Welfare Committee flaw and lack in managing HR cases and narrated his personal experience when a 15 year old girl in Khunti was rescued by him. The girl narrated that she had been raped in 5 police Stations (Thanas) and in the Court in front of Magistrate changed her statement revealed to Sashi Bhushan Pathak, under pressure from authorities presumably.

Sabine from FIAN Germany spoke on the issues awareness and HR training, and the need for monitoring and more FFTs. She explained that the Two Rivers Alliance (Germany) and FIAN are supportive of our campaigns. She informed the groups that Dutch Bank in Germany, investment & tie-up with Coal India Ltd which needs to be monitored with coordinated HR violation cases in Jharkhand with evidence.

Fr. Stan spoke on the Domicile Policy and in case of Jharkhand, the deprived Adivasi, Moolvasi have no promotion of their traditional tribal language in village school. The Gram Sabha is not consulted in industrial and mining projects in their land. “Without free prior & informed consent” their lands are taken over.

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