

# **50 Years and More Struggle for Justice at Rourkela**

**Proceedings  
of the Convention of Displaced Persons  
"Livelihood or Survival"**

**at Nav Jagriti, Kalunga (near Rourkela)  
on 6th and 7th March, 2010**

**Edited & Published  
by**

**Displaced Persons' Conference Organising Committee, Rourkela, Orissa  
with support from**

**ASHRA, *sarini* and Adivasi-Koordination in Germany  
2010**

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Photo on page 9 by Dieter Hecker

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## Editorial

### Development vs. Displacement & Destruction: The Forgotten Tribals of Rourkela

Sunil Kumar Jojo

International Development Consultant, Bhalubud, District Sundargarh

Steel Authority of India Limited (SAIL), the holding company for Rourkela Steel Plant, is termed as one of the four Maharatnas or “big jewels” of India. The other three are National Thermal Power Corporation (NTPC), Indian Oil Corporation (IOC) and Oil and Natural Gas Corporation (ONGC). Under Hindustan Steel Limited, later renamed SAIL, Rourkela Steel Plant was set up with German collaboration in the District of Sundargarh, and Rourkela Steel Plant is the prominent public sector unit that - with its steadily increasing annual turnover - has significantly contributed to SAIL becoming a Maharatna (the other SAIL units being Bhilai Steel Plant, Bokaro Steel Plant and Durgapur Steel Plant).

Rourkela Steel Plant (RSP) has progressively entered into the competitive market with its products and gained heights of turnover. Producing 1.5 million tons of steel, it is breaking its previous records of production. No doubt, for Orissa RSP is a major economic engine that has employed thousands, given rise to sprawling urban centers and attracted all major bodies in the field of education, banking, insurance, trade and commerce etc. to establish their business centres in and around Rourkela. The transformation that has taken place in terms of the standards of life and the availability of the modern facilities is astounding.

However in the bottom line, the million dollar question is “Whose development is it?” And: “Does this development include all members of society? Are the basic rights of the people guaranteed, who sacrificed their land for RSP and other development projects, and do these people participate in the economic growth and development?” The answers to these questions can be found in the policies that government adopts, and in the attitudes of administration and the RSP officials.

The real fact is that the displaced tribals continue

to be suppressed and denied their rights - systematically - so that their destruction is real and complete. This is nothing but a state conspiracy against the tribals: to alienate them from their lands and make them poor. Orissa has rich mineral resources. In the current scenario, the government is on a marathon race in signing Memorandums of Understanding (MoUs) with the companies for mining and industries. There are instances galore that only demonstrate how tribals become marginalized once they are displaced from their original lands and how they are suffering for generations. Industries are definitely a great vehicle for growth and development, but only when there is no greed. The companies compete with each other over the resources and they go to any extent to make their dreams of enormous profits come true. However, the local Adivasis are the ones who suffer. They are illiterate, they are not well organized politically, and no one is there to support them.

The Kalunga Conference, organized on 6-7 March 2010, recalled the 50 years of struggle of the displaced Adivasis. In this Conference, there were present: organisations working for the displaced people, victims themselves, and also some dignitaries. However, the conspicuous absence of both the district officials and the RSP officials only indicates the kind of attitude that these officials have towards the Adivasis. The naked truth is that so many families are yet to receive land for land, job placement and compensation. In fact, this shows RSP's large scale failure in the field of **Corporate Responsibility**.

The testimonies given by the victims clearly expose the cruelties of the RSP and the administration who were expected to fulfil all the sweet promises made to the people at the time of land acquisition. There is a growing discontent among the displaced people. They have not received the facilities even for safe drinking water or connect-

ing roads or schools and health clinics. They were forcefully taken away and dumped in the new locations in the jungle where there was nothing. They were not even able to take their domestic animals which are part of their living. Some of the participants mentioned that they had to construct a village school with their own contributions, even as they struggled to make both ends meet. "We want to educate our children," such was their determination.

All the displaced persons present in the Conference and the organisations working for them had been univocal in their demands that included the following:-

1. Land for land (both in terms of quantity and quality)
2. Proper compensation for the land loss
3. Job for every family (now three generations have passed, yet jobs not received.)
4. Immediate provision of basic amenities at the rehabilitation centres (even today they have no access to the safe drinking water, better schooling and health facilities)
5. Education and skill development for the tribal students must be given emphasis
6. Skill development trainings and counselling.
7. Special incentives to promote sports among tribals
8. Protection and promotion of local cultures

Under its so-called "Periphery Development Programme", RSP has tried to implement some developmental work. But the nature of the work and the process applied seem to be nothing but an eyewash. How much of these works really benefit the supposed beneficiaries is to be assessed on the ground.

People should be allowed to grow and develop in their own culture. For the Adivasis, land, water and forest are integral to their concept of self, individually and as a community. When these natural, life giving resources are alienated from them, they begin to lose their identity and distinctive characteristics. And they may be drowned in the process of modernisation that comes to them mainly as a destructive and forceful change.

In this context the Kalunga Conference also aimed to give new orientation and energy to the scattered initiatives and organisations towards a united and focused approach in their ongoing struggle. The organisations working for the people displaced by RSP, Mandira Dam and Bondamunda Railway Marshalling Yard agreed to come together on a joint platform and form a federation. They will jointly raise the demands of the people to the higher authorities at the policy level, while on the ground the organisations will continue their support and struggle in the respective areas.

Even decades after the establishment of RSP, that is so gloriously being made a subject of classroom teaching in Germany, Adivasi Koordination in Germany - in collaboration with ASHRA, a local NGO in Sundargarh - is making sincere efforts to follow the trails of the displaced people. And they are trying to find out the impact of RSP, Mandira Dam, Bondamunda Marshalling Yard, Kansbahal L&T and other such "milestones of modernity" on the Adivasis. This will - in turn - surely strengthen the struggle of the Adivasis to achieve the fulfilment of their rightful demands. So - hopefully - in the near future they will be able to participate adequately in every sphere of development - in its true sense.

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## List of Abbreviations or Local Names

Ac./ac./acr.	acre(s) (1 ac. = 0.4071 hectares/1 hectare = 2.471 acres)
ADM	Additional District Magistrate
ASHRA	Adivasis for Social and Human Rights Action
BAIF	Bharatiya Agro Industries Foundation
BALCO	Bharat Aluminium Company Ltd., part of Vedanta Resources Private Ltd. Corp.
CNT	Chotanagpur Tenancy Act
CSR	Corporate Social Responsibility
crore	10 million (= 100 lakhs)
dalal	"middleman"
DGM	Deputy General Manager
DIG	Deputy Inspector General (of Police)
diku	"alien", "stranger" ("exploiter")
HSL	Hindustan Steel Limited
IAS	Indian Administrative Service
ITI	Industrial Training Institute
J.M.A.C.C.	Jharkhand Mines Areas Coordination Committee, Ranchi
khatiyān	"register, record"
KfW	Kreditanstalt für Wiederaufbau (German Development Bank)
L & T	Larsen Toubro Ltd.
lakh	100,000
lathi	baton, long stick used by police
LDA	Local Displaced Association, a self-organisation of Displaced Persons
LDP	Local Displaced Person(s)
MLA	Member of Legislative Assembly
MP	Member of Parliament
MTA	million tons per annum
N.G.O.	Non-governmental organisation
NALCO	National Aluminium Company Ltd.
NHRC	National Human Rights Commission
OAS	Orissa Administrative Service
patta	land record papers
PDP	Peripheral Development Programme
PESA	Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996
PIL	Public Interest Litigation
P.O.	Post Office
P.S.	Police Station
R & R	Rehabilitation and Resettlement
rayati	revenue land, settled land
RDA	Rourkela Development Authority
RDC	Revenue Divisional Commissioner
RKL	Rourkela
RS	Resettlement Colony
RSP	Rourkela Steel Plant
RRIT	Rourkela Rural Improvement Trust
SAIL	Steel Authority of India Limited
SDO	Sub-Divisional Officer
SNG	Sundargarh (District)
SP	Superintendent of Police
SC, ST	Scheduled Caste(s), Scheduled Tribe(s)
SZVVP	Sundargarh Zilla Visthapit Vikas Parishad ("Sundargarh District Displaced Persons' Development Platform"), a newly formed self-organisation of Displaced Persons
U.N.	United Nations

## Preface

Based on German planning, one of the most advanced steel plants of the world at that time was constructed at Rourkela, Orissa, during the 1950s and 1960s. The construction itself and again several phases of modernization of the plant at later times were done mainly with German technical know how and also with financial assistance from Germany.

In the official perception in India, Rourkela is a success story, and the city is considered one of the growth centres of India. In the official perception in Germany, 'Project Rourkela' is a success story as well. It is still the biggest project ever in German development assistance. Rourkela in Germany is textbook knowledge.

But the general public in India and in Germany is largely not aware of the impact of 'Project Rourkela' on the Adivasi people living in the Rourkela region. This impact was never duly considered by the technical planners and by the financing institutions in Germany. And by the Indian bureaucracy and by the steel plant management it was apparently neglected as well.

### **Some basic facts concerning the displaced Adivasis of Rourkela and Mandira Dam**

The following facts stand in contrast to public announcements made by the government at the time of land acquisition:

- Land was acquired much in excess of what was really needed for the steel plant and the new town; this surplus land (amounting to almost 14,000 acres) is still to be returned to the original owners;
- Displaced families were brought to faraway resettlement colonies without even basic amenities in place, and this condition largely continues till date;
- Land for land compensation was not made in proper relation to quality and quantity of the land acquired;
- Most of the displaced families also did not get employment in the steel plant (contrarily, Non-Adivasis and other non-affected people got employment on the basis of fake displacement certificates).

It is an established fact that the majority of the Adivasi population had no share in the economic development of this region: They had been forced to give up their ancestral lands. Many of them are till date struggling for their rightful claims on assets and livelihoods lost through the eviction.

Whatever was done for the displaced in the name of resettlement, compensation and rehabilitation has been mostly insufficient, ineffective and intransparent. The same is true for the so-called "Periphery Development Programme (PDP)" initiated by RSP with conceptual and financial support from the German Development Bank KfW in the 1990s.

These issues had already been discussed in two conferences on Rourkela held in Germany in 2006 and 2009. And demands have been put forward to the KfW, to the German Ministry for Development and to the RSP to share the details on the PDP agreement, the amount of funds allocated, and the implementation. So far, however, they had not responded or only given with evading statements.

### **The Conference at Kalunga, 6<sup>th</sup> & 7<sup>th</sup> March 2010**

The "Displaced Persons' Conference" at Kalunga as such is a historic event, bringing together the different communities of displacement-affected people from the Rourkela, Mandira Dam and Bondamunda areas.

From the German side, the German Embassy, Delhi, and the German Development Bank KfW, Delhi, had been invited. But they declined to follow the invitation to Rourkela. From the Indian side, the District Collector, the ADM and the Managing Director of RSP had been invited, but they did not participate in the conference. However, a few members of Adivasi-Koordination in Germany, a civil society organisation in support and solidarity with the Adivasi people of India who had been instrumental in the earlier Rourkela conferences held in Germany, were present.

### **The first day**

The Conference was inaugurated by Rt. Rev. Bishop John Barwa, SVD, Rourkela Diocese, who also gave a very warm welcome address to an audience of about 70 participants.

Fr. Stan Swamy of Ranchi, Jharkhand, gave the Keynote Address focussing on the legal and political perspectives of the struggle of Adivasis for control of their resources.

Dr. G.B. Nath of Mahatma Gandhi College, Jalda, emphasized on the issues of development-induced displacement in resource rich regions of Jharkhand, Orissa and Chhattisgarh and argued strongly for the rights of the people over their land and for an inclusive development.

Two of the German participants shared their experiences and findings of their social science research which they had done recently in the resettlements sites around Rourkela.

This was followed by reading out of solidarity messages from Germany, one of them sent by a person who had been posted in Rourkela as a junior mechanic in the early years.

In the afternoon session, members of the displaced communities gave their personal testimonies.

This was followed by group discussions in which the displaced persons actively participated, and this continued until evening. At the end of the first day, the inputs were shared with each other.

### **The second day**

In the morning of the second day, Fr. Celestine Xaxa, Jalda, provided an expert legal analysis of the land acquisition processes for RSP and Mandira Dam.

Going beyond the Rourkela and Mandira Dam displacements that had occurred 50 years ago and the ongoing plight of the affected communities, Mrs. Dayamani Barla, Ranchi, Jharkhand, gave an outlook on the green field steel plant project proposed by ArcelorMittal in South Jharkhand and the people's concerns there.

Next to the Rourkela experience, Rengali Dam Project in Deogarh District of Orissa has been another so-called development project resulting in large-scale displacement of people, of which Mr. Ajay K. Mahanta, Rourkela, gave some details.

Towards the end of the conference, the participants decided to join in a common platform for better coordination with the concerned authorities to address the issues of the displacement affected communities.

The above is the text of the "Press Note On Displaced Persons' Conference, Rourkela, 6<sup>th</sup> & 7<sup>th</sup> March, 2010, at Nava Jagriti, Kalunga". It was given coverage in some local and national newspapers and in radio and TV channels. The respective contributions - to the extent that they were made available in writing - are published or at least summarized in the following. This is being done as a small support to the movement of the displaced people of Rourkela and Mandira Dam.

ASHRA is a local human rights organisation based in Rourkela.

*sarini* is an informal network of social and human rights activists in India and Germany.

Adivasi-Koordination in Germany is a (registered) civil society organisation and network of NGOs engaged in human rights and developmental activities, working with the indigenous or Adivasi communities in India.



## Keynote Address

**Fr. Stan Swamy**  
Bagaicha, Ranchi, Jharkhand

Friends,

We are at a moment of history when, on the one hand, a particular understanding of development or progress is being imposed on us by the ruling capitalist class. We are told that 'development' can take place only through 'industrialisation', and this industrialisation, especially in the mineral rich tribal area of central and eastern India, can take place only through 'mining'. Now, mining means 'land', especially of the indigenous Adivasi people. If these people will be forced to give up their land, they are and will become displaced in ever increasing numbers.

Displacement means loss of everything that has kept them alive as a people for centuries. It means a loss of not only their material base but also a culture and spirituality which have given them a unique identity as a distinct people. Qualities such as equality, cooperation, commonality, consensus decision making, closeness to nature, have made them a people who need to be emulated rather than destroyed. Instead, we see systematic efforts being made by the current capitalist forces to undermine these precious values and impoverish a unique people through brutal industrialisation resulting in massive displacement of these very people.

Without going into the details of displacement, let us make a note of the fact that the indigenous Adivasi People of India, who comprise 8 per cent of the Indian population, account for as much as 40 per cent of all displaced persons in the country. Unfortunately, the Indian government is on the side of this type of industrialisation.

On the other hand, here we are as a people. We are also for development. But for a development that will benefit all sections of society. We, therefore, reject a development of the upper and middle classes of society that will lead to the

under-development of the indigenous and other weaker sections. In fact, we are also for industrialisation, but an industrialisation that will not displace us from our cherished habitat and will also add to our economic and social well-being.

How can this be done?

- Let it be made very clear that in future the indigenous Adivasi people should no more be displaced. They have suffered enough. It is time to say "enough is enough".
- Mining can be done by people's co-operatives. We have before us the judgment of the Supreme Court of India, generally referred to as '*Samata Judgment*' (1996), which prescribes the process:
- The government should provide the wherewithal for the setting up and effective functioning of such co-operatives, such as making available the initial capital from a nationalised bank, providing the needed technical and managerial expertise for scientific mining. The co-operative will take the produce directly to the market and realise their due profit. As this mining will be done on a small scale, it will not cause any displacement of any one.
- The principle that underlies is that the people are the rightful owners of whatever is in their land.

If, for whatever reasons, people are not ready for the above mentioned process, then at least the following steps should be taken:

- The consent of the Gram Sabha is an absolute must for initiating any project.

- Land is to be given to the government or company only on lease. Therefore, monthly rent is to be paid to the land owner. The land should be returned in cultivable form after mining is finished.
- The value of the land is to be assessed according to the value of the mineral deposit lying underneath.
- At least 20 per cent of the annual profit of the company should go towards the infra-structural development of the area.
- Employment to every adult member of the family or community must be assured.

In situations where the above mentioned possibilities are refused by the government or company, the affected people have the right to form *People's Resistance Movements* through which they will refuse to give their land for any industrial purpose. This is part of their human rights.

The under lying principle is: People are sovereign. They are the rightful owners

- of what is above their land,
- of what is on their land, and
- of what is beneath their land.

Hence they have the right to dispose of them in the way they think it best in the interest of their

community and family. Let no one deny them this sacred right.

A word must be said about the displacement caused by Rourkela Steel Plant and Mandira Dam. Approximately 33,000 acres of land was acquired, displacing 65 tribal villages. About 19,000 acres of land was utilised for the above mentioned projects and the balance of 14,000 acres should have been returned to the original land owners as per law. Instead, it was handed over to the Orissa government which illegally leased out the surplus land for the construction of various private institutions and housing colonies. Thus the tribal land acquired for public purpose has and is being given away for private purpose.

On the other hand, the displaced Adivasis have been cheated and suffered irreparable loss. All the assurances given by the government in terms of resettlement have been empty promises. So finally the deprived people have begun to assert and demand for their rights as citizens and human beings.

It is important to note that the above unjust act of the government in the 1950s has set a convenient precedence for private corporate houses in the present decade of the 21<sup>st</sup> century. Hence it must be fought with all our strength so that justice and humanity will be restored.

## **Development, Displacement and People's Resistance in Orissa with Special Reference to Sundargarh District**

(Edited English manuscript)

**Dr. Golak B. Nath**

Principal, Mahatma Gandhi College, Jalda, Rourkela

### **I. INTRODUCTION**

Displacement has become a *sine-qua-non* of the modern developmental process worldwide. Due to the provision for infrastructure, public utilities, hydro-electric complexes, irrigation canals, exploitation of minerals, etc., there is massive displacement of people from their habitat. However their relocation poses a problem. There is impoverishment due to landlessness, joblessness, homelessness, morbidity, insecurity and loss of common property resources.

In recent years due to the adverse effect of displacement and the complex nature of the rehabilitation procedure, there is a mounting agitation against these projects, questioning the present form of development policies. Participants in the movements outrightly reject the construction of projects which displace a large number of people from their habitat. But surprisingly enough, in a later state, people do not question the project which displaces them. They assume that displacement is inevitable. Hence they clamour for better rehabilitation programmes and policies, along with higher compensation. The present paper reviews certain issues relating to planned development and displacement in Orissa in general and Sundargarh District in particular.

### **II. ORISSA - THE RESOURCE RICH STATE WITH THE POOR PEOPLE.**

Orissa, on which the present study is based, comprises an area of 1,55,842 sq. kms and has been divided into thirty districts for administrative purposes, with 171 Tahsils and 314 Blocks, and 50,854 villages. The total population of the state is 3,67,07,000 according to the 2001 Census. However the density of population per sq. km. is only 236 in comparison to the all India density of 324 persons per sq. km. As regards the literacy, the level is 63.61 per cent as against 65.38 per cent for all India. The female literacy level is all the

more depressing, it is only 50.97 per cent in the state. Caste composition of the population shows that Scheduled Tribes (ST) constitute a little more than one fifth of the total population of the state. They are largely concentrated in the districts of Gajapati, Kalahandi, Nuapara, Keonjhar, Koraput, Rayagada, Malkangiri, Nabrangpur, Mayurbhanj, Sambalpur, Jharsuguda, Deogarh and Sundargarh. But the Scheduled Castes (SC), whose percentage is 16.20 in the state, are evenly distributed throughout the state. Taken together, ST and SC form 38.4 per cent of the total population of the state. Considering the percentage of urban population in India in aggregative form, it is revealed that more than one fourth (27.78 per cent) of the population lives in urban areas. The corresponding figure for Orissa is only 14.97 per cent.

Proverbially it is said that Orissa is a resource rich state with poor people. The state is richly endowed with minerals, like coal, iron ore, manganese, chromites, limestone, dolomite, bauxite, graphite, lead, etc. Orissa alone possesses 16 per cent of the total iron ore deposits and produces 40 per cent of the total output of the country. The state is the third most important state in manganese deposits. The total forest area of the state is 67,925 sq. kms. which constitutes about 43 per cent of total land of the state. This is nearly double the all India average which is 22.7 per cent only. Given their sizes, forests play an important role in the economic life of the people of the state.

At the time of the transfer of power from the British to the natives, Orissa did not have any industry worth the name. Despite its immense natural resources such as minerals, forests, water and manpower, the state continues to lie behind almost all the neighbouring states in the field of economic growth. However, in the post-colonial takeover, a planned process of development with substantial capital investment has taken place in

the economy. The mineral, forest and water resources have been exploited through almost all spheres of the economy which has given rise to a change in the productive force, this has restructured the economy, encouraged more capital penetration, the market forces, etc. However, these changes have their own contradictions which have become manifested in various ways. Particularly the marginalisation of a section of the peasantry has brought the people's point of view to the forefront.

### III. VICTIMS OF DEVELOPMENT

The commercial exploitation of minerals dates back to the first part of the 20th century. Manganese ore mining in Sundargarh District, open cast coal mining in Ib Valley, Jharsuguda District and coal mining at Talcher in Angul District and at Gopalpur in Sundargarh District, lime stone quarry at Dungri in Bolangir District are some of the mining operations taken up in the state. One interesting factor in all the mining operations listed above is that they were located in the most backward areas of the state, either surrounded by deep forest or plain agricultural lands. The inhabitants of these localities were primarily agriculturist, depending on land of their own or tenure land. The Land Acquisition (Mines) Act 18 of 1885 and the Land Acquisition Act of 1894, as amended from time to time, provide for the payment of compensation for the land acquired for mining purposes, but only when all the procedures laid down in these Acts are duly followed. In most of the cases, however, there was gross violation of these Acts. Moreover, even if there is no violation, yet the rayats or recorded farmers having superior rights over land and the village headmen or zamindars would be the top beneficiaries. But the ST and SC people, those who have inferior rights or no rights at all over land, would not get any compensation. It is the upper section of the caste hierarchy who - for their access to education and authority - are the beneficiaries of employment opportunities provided by these mining operations.

In order to convert the traditional agricultural economy of the state into an industrial one, the establishment of the steel plant at Rourkela, of Hindustan Aeronautics Limited at Sunabeda, of the Angul and the Damanjodi sectors of NALCO, of Ordinance Factory in the industry-less district of Bolangir, etc. were considered as milestones in the Orissa economy. Besides these public sector investments, a number of companies like Indian Aluminum Industries Limited at Hirakud (1959), Orient Paper Mill Ltd. at Brajraj Nagar (1939),

Bepahar Refractory Limited, Belpahar (1954), etc. may be listed. These are a few illustrations of how industries were established in the state by acquiring land for their factories as well as civil townships under the Land Acquisition Act.

Sundargarh is known for its industries. At Birmiritapur, lime stone quarrying started already in the pre-Independence era. In fact, lime stone and dolomite mining was started by E.G. Barton in 1898. The establishment of the cement factory at Rajgangpur in 1955 and the steel plant at Rourkela in 1955 were responsible for the rapid industrial development of the district. L & T has also established a machinery factory at Kansbahal. However, the immediate and direct effect of all these industrial works was the uprootment of a large section of the SC and ST population settling in these localities. After decades of planning and industrialisation in the country, a visit to those areas today would show how these industries have maximized their private benefit at a public cost in terms of displacing the local people without reintegrating them in the developmental process.

As agriculture has been the mainstay of the people of Orissa and the major source of income of the state, attempts have been made to construct major and medium irrigation projects. Hirakud (1948) Salandi (1960), Balimela (1962), Rengali (1973), Upper Kolab (1976), Upper Indrabati (1978), Subarnarekha, Samal, Mandira are some of the major irrigation projects which have been commissioned. However, even these projects uprooted a large number of people and created enormous difficulties in the matter of rehabilitation and payment of compensation. Admittedly the tenants-at-will and share-croppers, almost all belonging to the ST and SC social group were the worst sufferers. By utilizing the Land Acquisition Act 1948 of Orissa, the zamindars and landed proprietors were in a position to get whatever benefit was accruing to them. Most of them also could contest with the state in legal battles and have won certain concessions. But the loss of their source of living and social standing for the tenants and the agricultural labourers was enormous. Virtually, these people were turned to destitutes in the name of development.

As indicated above, development in Orissa is equated with establishment of multipurpose dam projects, factories, mines, railways and highways. One of the noteworthy features of these projects is that they are two-dimensional. On the one hand, they have contributed to the economic development in terms of material gain. On the other hand,

these projects have displaced a large number of households from their habitats. Hence there is socio-economic deprivation involving landlessness, joblessness, loss of common property resources (CPR).

Although there are a lot of studies on the subject, yet there is a lack of reliable qualitative data on the question of development and displacement. Even a conservative estimate shows that the total number of those displaced by all these developmental projects between 1950 to 1993 in Orissa is 81,176 families from 1,446 villages by acquiring 6,22,463.94 hectares of land. This figure is based on irrigation projects (major and medium), coal mining, public sector industries and thermal power stations. If we also consider the private industrial houses in paper, cement, refractory steel, aluminum, thermal power stations, mines owned by private sector, wild life sanctuaries and parks, railways and highways, and defense industries, then the actual figures of displacement may be more than one lakh families. Another disquieting factor is that since the resource rich districts like Sundargarh in Orissa are tribal dominated and nearly 40 per cent of the displaced persons are tribal people. Whether the projects have physically displaced them or not, they have definitely displaced them from their traditional life support system. This is what is called internal colonisation or development racism.

#### **IV. ABSENCE OF A REHABILITATION POLICY**

A lot of infrastructural projects have come up since the inception of a planned economic development in India which have displaced a great number of people. Yet there is no national displacement and rehabilitation policy. Neither at the national level nor at the state level there exists any legislation for the rehabilitation of the project oustees. Therefore, it is difficult to claim rehabilitation as a matter of constitutional right of the citizens once they are displaced. In the absence of a unified central or state level rehabilitation policy, each project evolved certain rehabilitation notes, administrative orders or resolutions and promises. However, it is not binding on the government to rehabilitate them in all the projects. Despite the World Bank's repeated insistence, there is no attempt towards a compensatory rehabilitation.

The land acquisition has got the legal standing whereas there is no constitutional or legal right for rehabilitation. The rights of tribals and other rights enjoyed by the people in their ancestral

lands including the common property resources are not recognized by the state to rehabilitate the people in order to attain a higher quality of life.

#### **V. PEOPLE'S RESISTANCE TO DISPLACEMENT**

In the history of Orissa, the marginalized sections of the people had launched various revolts and agitations against such changes that lead to their marginalization. Being the first clearers of the forest land, they hardly recognized the state ownership over land. When Orissa came under British administration with its active interference and total assessment of the land and a very strict manner of revenue collection, the tribal people strongly resented this. They readily accepted the leadership of Surendra Sai and Birsa Munda who were fighting bravely against British colonialism. The Khond revolt of 1878 in Kalahandi, the Binjhal revolt in 1900 in Patna, and the Munda revolt in Gangpur State (in the present Sundargarh District), are some of the uprisings directed against British imperialism and their trusted allies, the high caste and plains people of the state.

In the post-colonial era, there were also a large number of agitations against marginalization as result of the state's development attempts. Orissa has witnessed agitations against the construction of Hirakud Dam, Rengali Dam, Rourkela Steel Plant, BALCO, NALCO, Baliapal, Gopalpur, Kashiapur, Kalinga Nagar, Lanjigarh, Bhusan Steel etc. Certain agitations have taken violent form and led to bloodshed. At times the movements were powerful enough to stall the projects. The Baliapal missile project in Baleswar District, the Ikkarpada irrigation project in Angul District, the BALCO aluminum project in Paikmal in Bargarh District were withdrawn due to mounting agitation against these projects.

In the 1950s, Hindustan Steel Limited (HSL) acquired 19,537.06 acres of land for Rourkela Steel Plant (RSP) displacing mostly Oraon and Munda tribals. They agitated against the land acquisition since it destabilized their lifestyles, throwing them to uncertainty. Later the RSP oustees found out that a large portion of land acquired by the steel project had not been put to use. Hence people hailing from Chhend, Bankia, Pardhan Palli, Barkani, Durgapur, Raghunathpali, Tumkela, Tarkera, Deogaon, Hamirpur, Tangarpali, Bijubandha and Jharabahal went back to their villages from which they had been formally evacuated. Though HSL and the state government authority think that such occupation of evacuated land is illegal, yet even today some of these people are

in possession of this land and are cultivating it. Till today the RSP has not been able to provide all the displaced people either with jobs or land. Therefore, agitation is going on and on even more than half a century after the establishment of RSP.

Like in the case of RSP, so also in almost all cases of land acquisition for the other projects, the authorities were acquiring land much in excess of their actual needs. Such mindless acquisition of mostly agricultural tracts has led to a loss of land for cultivation, thereby making the peasants landless labourers. Therefore, the Secretary to the Government of Orissa, in a letter to all Collectors, dated 5<sup>th</sup> July 1984, cautioned them not to acquire land in excess of the actual need of a project. It was also made compulsory that whenever land would be acquired by a project, the Collector is to certify that the proposal to acquire land is not in excess of actual requirement for the purpose for which it is acquired.

Often the project authorities are in the habit of presenting the project itself as a development and that displacement is un-avoidable. They do not bother to look at the alternatives provided by the peoples' movements. On the contrary, they label the participants in the agitations as "anti-project", "anti-development", "anti-national", "anti-social", etc. That is why the response of the government to almost all these agitations has been severe repression. The government thinks of it as a law and order problem. In this way those who control the state machinery do enforce their own concept of the process of development. The appropriateness of the project is thus judged in terms of the benefits to the powerful - and not to the supposed beneficiaries. The project authorities present the project as being beneficial to the people at large, and hence the oustees need to sacrifice themselves for the cause of development. However it is very often seen that the project provides benefits to a certain set of people other than the project oustees. Thus exploitation of natural resources may be

beneficial to the overall economic growth in the country, but the oustees are certainly not a part of those beneficiaries. In a sense, the history of the development process in India is a history of the transfer of economic resources from the have-nots to the haves.

## VI. CONCLUDING REMARKS

If one looks at development as a social process, it has two components, i.e. the material component and the human component. The material component is necessary but not sufficient, while the human component is the sufficient condition for the development process. It is the primacy of this material component of development which has driven out the STs and SCs and other vulnerable sections of the society including women - without integrating them into the production framework. The development policies instead have destabilized the material base.

Therefore, despite the modern giant steel plant at Rourkela and the Steel City, Ispat General Hospital, Rourkela General Hospital, National Institute of Technology, Ring Road, Indira Gandhi Park, Ispat Market, Biju Patnaik University of Technology, a number of government and private schools and colleges, polytechnic for women and men, Ispat Stadium, Bhanja Mandap, a number of cinema halls, restaurants with attached bars, clubs and what not:

The Bonai Subdivision and Old Gangpur State remained at the same level without much change: as poor as it was, as superstitious as it was, as illiterate as it was, as socially tabooed as it was, as unhygienic as it was and even without medical facilities as it was. Hence, I would call upon you and make an earnest appeal to the sensible persons to join hands in bringing under one roof the oppressed sections of the society affected by the projects for a viable alternative in the developmental process.

## **Empirical Study of the Displacement by Rourkela Steel Plant and Mandira Dam**

(Abstract of a longer study to be published later)

**Martina Claus and Sebastian Hartig**  
University of Kassel, Germany

### **INTRODUCTION**

For several years now, “Adivasi Koordination in Germany (AKD)” has been investigating the economic, social and cultural ramifications of the construction of Rourkela Steel Plant, and highlighting the fate of the displaced Adivasi in the process. In order to contribute more data based on social science research, we conducted a two-month field study from January till March 2009 on behalf of AKD. The aim of this investigation was to elucidate the experiences and opinions of the affected people and their offspring in response to the displacement and analyse their current living conditions in the resettlement colonies. A further aim was to highlight their expectations and demands towards the responsible institutions - still remaining unfulfilled more than 50 years after the construction of RSP.

### **OUR RESEARCH METHODOLOGY**

During the course of our field studies, we visited a total of 10 resettlement colonies (Lachhada, Kendro, Ulandajharan, Ushra, Bankibahal, Jaidaga A and B, Jhandapahar, Jalda A and B, Jhirpani and Bondamunda). We conducted interviews with several inhabitants in each colony and analysed their current living conditions. The interviews were conducted according to international standards of qualitative social research and were structured on the basis of a pre-drafted framework. We conducted 20 interviews in total, primarily with people directly affected by the forced resettlement, but also with one person who acted as a leader of resistance activities during the time of the displacement as well as with social activists who support the Adivasi in their demands today. While selecting potential interview partners, our focus was on the diversity of the informants with regard to location, age and gender.

To complement the findings of the framework-based interviews, further information was gathered through observation and informal con-

versations, which we noted down in our field diaries. Following research in the field, the interviews were transcribed and evaluated according to standard empirical methods of analysis with the help of a social science colloquium at the University of Kassel. The results of the analyses are summarized below and illustrated with excerpts from the interviews.

### **RESULTS OF THE STUDY**

#### **1. The resettlement process during the construction phase of RSP**

On the basis of the analysed interviews, it initially becomes apparent that the resettlement of the affected inhabitants, conducted in 1958, was involuntary. Some of the respondents refer to the living conditions on their original land and describe them in a highly positive manner. According to the interview partners, their parents would only have agreed to leave their land on the basis of the promise that they would be compensated fairly for the loss of their houses and property. Similarly, they were promised employment in the planned steel factory as soon as the new colonies would be provided with adequate infrastructural facilities, such as schools and healthcare centres.

Due to the fact that these assurances were given by popular politicians such as the then Prime Minister Jawaharla Nehru and that the project was supported by the influential Adivasi leader and hockey-star Jaipal Singh, many of the inhabitants were led to believe that the construction of RSP would lead to an improvement in their quality of life. One of our interview partners, Mr. Habil Lomga, ascribes this belief to the poor educational background of the inhabitants (see below, p. 24ff.). Other residents maintained their critical attitude towards resettlement but could not identify any means of resisting successfully. In this context, the government's information policy can only be evaluated as very inadequate. According to many of the interviewed persons,

there was virtually no explanation or clarification of the project. So they assumed that this practice was based on a political decision.

Further statements also say that for many of the people concerned eviction from their villages came very unexpectedly. According to the respondents, the process of resettlement itself took place in a very ruthless manner. The inhabitants were forced (in some cases without any prior notice) to load their foodstuffs and cattle onto trucks and were subsequently dumped in remote jungle areas without further explanation. In this case - the choice of locations far away from Rourkela and from each other - a similar conclusion can be drawn as above: that it was done in this way to prevent collective resistance and a potential uprising of the people. Other respondents state that they did not even have the opportunity to take their most essential belongings and supplies with them; they perceived their arrival situation as very threatening:

*"... on the way we were very hungry because we had nothing to eat with us... we were taken to Lachhada in a thick forest. The truck left us there and went back and at night we got terribly afraid, because wild animals like tigers, wild bears and other wild animals were there in the jungle..."*

## **2. Living conditions in the resettlement areas**

The statements of the respondents reveal that the way the resettlement process was conducted had extremely negative and sometimes life-threatening consequences on them. In spite of having made specific promises and announcements, the responsible parties apparently failed to take any precautionary measures in the new colonies at all, as one interviewee articulates:

*"So the government officers asked us to clear the jungle first and everyday we cut trees and cleared the jungle first. We were taken to the place as displaced persons but we worked there as slaves."*

The fatal implications of this procedure particularly become apparent upon examination of the interviewees' accounts of the provisorial nature of their situation. The affected people state that, due to lack of wells and springs, they didn't have access to clean drinking water. The administration therefore delivered water in drums, which turned out to be highly contaminated. As a result, the majority of the displaced people suffered from serious diseases, which often led to death, as one of the respondents complains:

*"We were given so dirty water from the pond of Kondeidiha that we suffered from many diseases. As a result many people died one after the other; it was a very shocking event. So the colour of the dirty water was black and we were bound to drink that water and our urine and stools also became black."*

The healthcare situation is described as similarly precarious. In spite of the massive outbreak of infections, there was no provision of medical treatment in the beginning whatsoever - particularly in Lachhada and Kendro. Only after the inhabitants had complained to the official institutions some medicines were provided, but due to fear of contagion on the part of the responsible medical staff they were handed out to the patients without any explanation or instructions on their use.

According to the interviewees, the problematic living conditions have hardly improved since then. This is especially reflected in the descriptions of the minimal agricultural value of the land and the resulting critical food shortage. For example, the land allotted to them is too small in acreage to support even the current population, and it is also largely unfertile. This became evident even to a lay person in agriculture on inspection of the areas concerned. Mr. Ram Chandra Sahoo, president of the Local Displaced Association, Rourkela, comments on the attempts to cultivate the dry and stony soils :

*"And even the land, which was given to the oustees - the displaced persons - is not agricultural, it is a totally stony area. Still then they are trying to go for agriculture, but the yielding is very poor. The yielding capacity of the land is very poor. So naturally for their breath and bread they are leaving their places and going to some other places to earn their livelihood"*

Other problem areas are infrastructure and the domestic situation of the Adivasis. This includes, for example, still insufficient water supply, poorly equipped or nonexistent educational institutions, lack of medical care, lack of electricity, and insufficient transport facilities.

The respondents also mention the strong socio-cultural impact of the displacement forced on to them. This is most apparent in the destruction of traditional collectivity (caused by the physical separation of existent communities during the resettlement process) and the loss of their religious fundamentals (dispossession from ancestral

land) in the case of Sarna Adivasis who worship nature and their ancestors.

### 3. Promises of compensation and their implementation

The promises given during the period of construction can be classified into the following four categories, namely

- 'land for land',
- 'house for house',
- 'employment in the steel plant' and
- 'sufficient provision of infrastructure in the resettlement colonies'.

All interviewees state that none of the promises in these categories has so far been fulfilled. With regard to the allocation of land, for example, they were compensated only with a fraction of their original acreage, and that also in terms of its agricultural quality was in no way comparable to their previous property. One person illustrates this experience:

*"We had forty to fifty acres of land in our original land, but we have got here hardly two acres of uncultivable land."*

The guaranteed construction of housing was in practice limited to the provision of rows of leaf-huts, too flimsy to withstand the weather conditions during the monsoon.

With regard to the promised job opportunities, only a few displaced people were actually given employment. This turned out to be restricted to poorly-paid menial jobs during the construction of the steel plant. Job opportunities for the Adivasis in the steel plant itself were very limited. Their restriction to unskilled labour with very low promotional perspectives was justified by the authorities as due to their lack of specialist qualifications. Instead, workers from other parts of India were employed inside the plant. One of the respondents comments on this:

*"The saddest part of all this is that the outsiders are working in the steel plant and not our local people. Our children are not being given job. This is the situation of our Adivasi people."*

According to the informants, no steps were taken by the government to improve the public supply of main amenities in the resettlement colonies. The few provisions now in place, such as the construction of schools, can all be traced back to the inhabitants' own initiative. It was only after some German human rights activists had visited the villages during the last couple of years and had pressed for desperately needed improvements, that a number of development projects were

initiated under the „Peripheral Development Programme (PDP)". However, even these activities are considered as completely inadequate and to some extent merely a token gesture by the inhabitants of the resettlement colonies.

### 4. Demands of the displaced people

The expectations and demands expressed in the interviews are most notably directed at the responsible Indian institutions and concern the fulfillment of the promises made during the construction phase of the steel plant. These include:

- the provision of a job in the factory for at least one member of each displaced family;
- receipt of compensation still outstanding for the loss of their land (adequately regarding size and quality), as well as
- the urgent demarcation of the already allocated land.

It is worth noting that these aspects are mentioned in nearly all interviews but that they are emphasized in different ways. The statements from resettlement colonies adjacent to Rourkela (which means that they are provided with a comparatively good infrastructure) address the employment issue in the RSP, whereas in more remote areas the question of land is at the forefront.

The issue of land that has been expropriated in the 1950s - but has remained undeveloped to this day - also plays a decisive role regarding the matter of land compensation. The displaced Adivasis consider it a great injustice that RSP is currently selling these plots to outsiders at horrendous prices instead of giving them back to their original owners:

*"The surplus land is our land and what right does the government have to sell it to the outsiders, who are not displaced persons?"*

Furthermore, the interviewees demand an infrastructural upgrade in facilities, such as water supply, education, medical facilities, electricity and transportation. Only a few of the interviewees - primarily the social activists - were aware of the existence of the PDP. They state that programme initiatives have so far been very limited and that they partly fail to meet the requirements of the displaced people themselves. They complained in informal conversations that the funds had been used for unintended purposes and that only a fraction of the money had actually gone into the designated projects.

On the basis of the interviews, it became obvious that the displaced people also had expectations

towards the German side. The technical and financial support of the Rourkela project most certainly was done with the best intentions. Nevertheless, due to the fact that an analysis of the social consequences for the former residents had not taken place prior to or even during the venture, the respondents consider the German government and the institutions and companies involved to also have a moral obligation towards the displaced people. So, on the one hand, they are appealing to the German side to support them in their demands on the Indian administration for compensation and thus to increase pressure on the responsible institutions. On the other hand, they would welcome support from the German government with development policies regarding their resettlement colonies.

In summary, the Adivasis of Rourkela were subject to immense individual and collective suffering during and after the process of their displacement. In this way, it is understandable that even now – more than 50 years after their eviction – they refer to the former promises and

that they are still calling for their implementation. With this in mind, it is important not to dismiss these people as solicitants, but to support them in their legitimate demands based on promises once made to them, and also support them towards the enforcement of their legal rights. With regard to the payment of compensation claimed by them, it is important to respect the Adivasis' right to self-determination.

Because of the German involvement in the project of Rourkela Steel Plant, the expectations towards them are also understandable. This is not necessarily calling for further financial investment from Germany, but rather the functioning of institutions, which are to handle the existing funds for their intended purpose, in a transparent manner.

In conclusion, it can be seen that the impact of the construction of RSP is tremendous. This case illustrates the wider the social, economic and cultural implications of such large-scale industrial schemes in an exemplary manner.

## ‘Project Rourkela’ and Adivasi Solidarity in Germany

**Adivasi-Koordination in Germany (reg. soc.)**  
Kassel, Germany

(Some paragraphs of this message had been included in the Press Note printed at the beginning of this publication.)

Based on German planning, one of the most advanced steel plants of the world at that time was constructed at Rourkela, Orissa, during the 1950s and 1960s. The construction itself and again several phases of modernization of the plant at later times were done mainly with German technical know how and also with financial assistance from Germany.

In the official perception in India, Rourkela is a success story, and the city is considered one of the growth centres of India. In the official perception in Germany, ‘Project Rourkela’ is a success story as well. It is still the biggest project ever in German development assistance. Rourkela in Germany is textbook knowledge.

But the general public in India and in Germany is largely not aware of the impact of ‘Project Rourkela’ on the Adivasi people living in the Rourkela region. This impact was never duly considered by the technical planners and by the financing institutions in Germany. And by the Indian bureaucracy and by the steel plant management it was apparently neglected as well.

It is an established fact that the majority of the Adivasi population had no share in the economic development of this region: They had been forced to give up their ancestral lands, and many of them are till date struggling to have their eviction and their loss of assets and livelihoods recognized.

Whatever was done for the displaced in the name of resettlement, compensation and rehabilitation has been mostly insufficient, ineffective and intransparent. Already during the construction phase, a German social scientist posted at Rourkela gave a serious warning as to the dire condition of the displaced communities. But the German authorities chose to remain inactive. Indian social scientists have identified Rourkela Steel Plant and the connected Mandira Dam as “Twin

Destroyers” of Adivasi culture in the region.

We, as German citizens, assembled together as a small group today in Rourkela, stand in solidarity with the people of India and especially with the most disprivileged communities, i.e. the Adivasis and Dalits, and – for the above part of Indo-German collaboration – with the people of Rourkela.

We consider this our responsibility – quite in contrast to the official German position. In our view, the wealth of the Indian nation – past and present – has been reaped on the blood and sweat and on the ancestral lands of the Adivasi people. And we hope that this will no more continue in the future.

As a civil society organisation, Adivasi-Koordination in Germany has started digging into the Rourkela matter, in order to better understand what really happened in the last 50 years. And also to help improve the economic, social, political and cultural conditions of the people displaced at that time. Towards this, already two conferences on Rourkela have been held by us in Germany, in 2006 at Königswinter, and in 2009 at Berlin.

For us, ‘Project Rourkela’ is not yet over, the promises are not yet fulfilled. It will be over only when the displaced people of Rourkela will themselves say that:

- their rights have been acknowledged, and
- their demands and claims have been duly listened and attended to.

Towards such fulfilment of ‘Project Rourkela’, we will:

- continue to be in touch with the displaced communities and their organisations;
- give publicity to the issue,
- try to mobilise political support, and
- lobby with the responsible bodies in Germany and India.

## **Rourkela - My Thoughts and My Feelings Travel Back Over a Distance of 50 Years**

**Dr. J. Bodo Sperling**  
Schleching, Germany

(Dr. J. Bodo Sperling lived in Rourkela some fifty years ago (1958-1962). He was responsible for the social wellbeing of the Germans who helped to build Rourkela steel plant. During these years it was his job to construct the German Hospital, the German Club and a German school for German children. It was his job to see that the German fitters and their families stayed healthy and well.)

Being a trained sociologist I noticed that the activities of the Hindustan Steel Limited (HSL) clashed with the environment and its people. Especially at the beginning I observed that every day thousands of men, women and children tried to walk through the plant site, following their traditional trails and paths - and were refused. Their paths were blocked by HSL guards. They were sent back - and I could see that they didn't understand what was going on. Seeing this tragedy repeating itself day after day I asked myself, what was happening to these poor people.

I began to ask around. I asked Indian friends in HSL. I talked to some of the fathers in the missionary stations near Rourkela. I found some helpful local people who were willing to serve as interpreters and with those I began to travel. By and by I went to many Adivasi villages in the surroundings: Hamirpur, Tumkela, Purunapani, Raghunathpali, Mahulpali, Loekera, Bankia and many others. I talked to numerous men and women, to many families, to people who had been disrupted, who had been driven away from their land.

From the information I thus picked up, I gathered that all this had happened to them without sufficient explanation, without proper compensation, with only superficial promises as to future employment in the steel factory.

From HSL sources I was informed that all these complaints were not justified. I was told that two large replacement colonies in Jalda and in Jhirpani had been established to give shelter and new existence to hundreds of displaced persons.

So I went and looked at these resettlements ...

Resettling had obviously been done in a haphazard way: families and traditional village groups had been split up. Tribal cohesion - in Adivasi life a vital basis for livelihood - had not been taken into consideration. The whole industrial planning had obviously not paid much attention to the local traditional Adivasi population of the Rourkela area.

All my observations were, of course, private and unofficial. It was just my very personal interest as a sociologist which made me see these Adivasi problems in a very special light.

I had seen similar difficulties in other countries where highly modern industrial development tended to remove traditional population without the necessary preparation. It is well known around the globe that engineers and technical planners in general do not have much expertise in people management. They do not think in terms of psychological preparation for change, of education and training for new jobs, of long range attention to human problems.

When I returned to Germany, I wrote a small book on the Adivasi problems in the area of Rourkela. It became a source of information for those who are psychologically, sociologically and above all politically interested in solving some of the Adivasi problems which still exist today.

Let me close with my sincerest greetings and good wishes for your conference. In my thoughts I shall be with you. God bless you all!

## A German Workman in Rourkela

**Manfred Tiefensee**  
Wilhelmshaven, Germany

(Abstract of his speech given at the Rourkela Conference in Berlin on 31 October 2009. He would have liked to attend this meeting in Rourkela, too, but due to his age and ill health he had to cancel his journey to India.)

My personal affiliation with India and the Adivasis started in the year 1959. In January 1959, I was sent to Rourkela as one of the youngest staff to work there during the construction phase as fitter and technical assistant of the company Krupp-Ardelt which supplied the big cranes to RSP. ... My work place used to be at 20 meters above ground on the crane bars across the coke ovens and converters. ... I lived in "Hostel Orissa", room no. 11, and that used to be my postal address for the months to come. ...

It was not easy to get in touch with the Indian workers as they came from different regions, speaking different languages and having different cultural and religious backgrounds... Also not all Germans were behaving properly to get along with their Indian colleagues. The Germans, in general, had a lot of money at hand. They could buy anything they wanted, but this led to an increase of market prices, and the local population had to suffer and became further impoverished. ... Another problem was with the Ayas, mainly Adivasi girls and other women employed in German households. Quite a number of them got sexually harassed by German men. Ultimately, a communist MP asked publicly in Parliament, whether the Germans were producing more illegitimate children that steel.

On the whole, the Germans were not sufficiently prepared to work abroad, this is with regard mainly to language and culture. This situation became a little more relaxed with the arrival of Jan Bodo Sperling, who was named the "peace keeper" or "sheriff" of Rourkela. He also constructed the German Social Centre....

There was a hospital only for the Germans, a school, and the German Social Centre, however, with a sign board "No Indians permitted". This, in fact, was not helpful for a more friendly relationship. ...

But there are also positive things to remember. Once we went with a big crane to fit a water tank in a particular village. One group built a village church which, however, was not so much liked by the Hindu population.

The hot climate, tropical diseases and the separation from their families created a lot of problems for many of the German staff. ... They drank a lot and frequently went out of control. Once there was a clash between Indian and German staff which even required the intervention of a battalion of police to be sent from Jamshedpur.

On the whole, however, we have to acknowledge that the Adivasi population had to pay the price for this industrial project. Their land was grabbed, and they hardly received any compensation. They were displaced and some of them resettled about one hundred kilometres away in a place without water or any other infrastructural facilities. This destroyed their tribal traditions and religious culture, and it ruined entire families. ...

In 2007, I visited Rourkela again and was shocked to see so much land taken away from the Adivasis, but ultimately not used and now being auctioned at horrendous prices. And so much land destroyed by dumping ashes and other remains from the coke ovens. I took home from this visit one piece of such dumped material. It is now on my desk and every day it reminds me of the fate of the Adivasis.

I understand that especially women have suffered from the loss of their land and house and even from harassment. But this is hardly acknowledged as an entitlement for compensation to them. I fully agree to the demands to compensate land for land, house for house, etc. and I pay all my respect to the individuals who stand in the fore front of this struggle.

## **Testimonies and Statements of Displaced Persons**

(In the following section we present a few original statements made by speakers of the Displaced Persons at the time of the Conference. These were all made in local languages (Hindi, Sadri, Oriya), and only a very brief summary was given in English. The statements of the first two persons, who spoke in the Conference, had been recorded earlier during the empirical study mentioned above and translated into English subsequently. So that interview version is printed here in a slightly edited version. Two more statements were accompanied by typed manuscripts in English language, which are printed here in a slightly edited version. The remaining statements can only be highlighted by very brief summaries in English and may be published later in case a longer version becomes available.)

### **Testimony by Mrs. Lucia Tirkey**

(Edited from the interview during the empirical study)

My name is Lucia Tirkey. My native place is 'Bar-kuchlu', which now remains submerged under the Mandira Dam. When we were displaced, I was in Class III. I had gone to Rajgangpur to appear in a scholarship examination. When I returned to my village after five days, I could not believe my eyes and I was shocked to see that our house and entire property was submerged under water. I was informed that my parents were taken to Lachhada. I was very small then and I started weeping.

Even now the government has not done any welfare work for us. We are two sisters. Our brothers are not alive. Our life is full of sufferings and hardships. I was a brilliant student in my childhood. I secured the 1st place in every class. Hence, I had gone to Rajgangpur to write a scholarship examination and during those five days this tragedy occurred. Our entire village was washed away.

We were resettled in Lachhada. There was nothing to eat or drink initially. We cried for water and we were given dirty and impure water to drink, which killed my grandparents. That is why my parents left that place and started dwelling in the forest of Sarjuga village.

We do not have any documents of our land. We are homeless and landless. Three years back, I had applied before the ADM for a job and also for land. But they rejected my application for land. They replied rudely, 'What land do you want?' I replied, 'You have taken away my father's land of ten acres that included our house, well, fields etc. I do not have any other land. I want my father's land. I also do not want your job'...

Now, due to physical weaknesses I can't work in the fields, neither can I do any physical work. I don't know how I will survive. I am childless and there's no one who can support me. I also have to look after my mother. My husband is unemployed.

We feel the pain of displacement still today. Suffering has become our fate. When I think about all this I cannot stop tears rolling down my eyes. Why is the government being so indifferent with us? I feel so helpless in such a situation.

I have some demands before the government. I want a good piece of land in Rourkela, where my sister's children could be properly educated, so that their future would be secured. I don't want that they suffer as we suffered. We want proper dwelling as others have. We want proper education facilities for our children as others have. We want that our children get employment. Our children are our only hope and support. We demand proper conveyance facilities. The government has made us suffer a lot by displacing us.

I am still homeless. I want a home in Rourkela along with water facility. Education facilities for my sister's children, job and transport facilities as well. My mother is very old. I need some money to avail her proper care and treatment. I want our land document. We also need tractor for ploughing our fields, a wheel mill.

In our locality there is no school or electricity facility. The condition of our children is pathetic. If the German Government supports me financially, I want to open an orphanage for the children.

### **Testimony by Mr. Habil Lomga**

(Edited from the interview during the empirical study)

My name is Habil Lomga. When there was the plan to build the Rourkela Steel Plant, water was needed to run the Plant. So the Mandira Dam was constructed for this purpose.

At that time, the people at the bank of the river were illiterate and uneducated. They obeyed whatever government officers were telling them. Pandit Jawaharlal Nehru and Jaipal Singh, the Member of Parliament, came to the spot to explain and to persuade them. Pandit Jawaharlal Nehru stayed back at Rourkela and Jaipal Singh came to Laikera village and conducted a meeting. He explained in the meeting that for the development of the country as well as for the development of this area Rourkela Steel Plant is going to be constructed for which water from this Mandira Dam is needed. So you should not oppose this project. Of course, your land and houses will be submerged, but you have nothing to worry about. You will be given land for land and provided with houses.

People were illiterate and could not foresee their lives and believed everything what they were told. They, our forefathers, did not understand what would happen in their future, and the construction work began immediately. In the month of February 1958, without giving any notice to the people, the villagers of Kantabera Mauza were forcibly evicted. Only after their eviction, the government distributed them the notice and they had no time to make any protest or any resistance.

On 8<sup>th</sup> of February 1958, the people of Kantabera village and their belongings were loaded on trucks and they were sent to Lachhada forest in Bonai Subdivision. Lachhada jungle was a reserve forest where already some huts had been made for them. There was no drinking water in that area, so first of all they were kept in a village called Kondeidiha because there was one pond in that village.

When more and more people gathered together in that village some of them were taken to Lachhada, where two wells were being done. And they started settling there. There were about three hundred families resettled in Lachhada and they faced acute scarcity of water. So the people did not get any facility of their livelihood. So the government officers asked us to clear the jungle

first and everyday we cut trees and cleared the jungle first.

We were taken to the place as displaced persons but we worked there as slaves. So in the month of March the well completely dried, and we had no water to drink. So we complained to the special officer in charge about this scarcity of water. As a result, he provided water in big drums from the dirty pond from Kondeidiha by trucks and distributed to each family. Everyday in the same manner water was provided in the evening from this dirty pond. So when the people drank this dirty water they suffered from various diseases like cholera, diarrhoea, chickenpox, etc. As a consequence, many people died one after the other.

The resettled people were so much afraid that many ran away and could not stay there and came back to their relative's houses. Those who could not come back settled there in spite of all the difficulties. It was a great betrayal on the part of the government side. Some government officers were bound to stay to supervise them but there was no use of their staying there.

Again I want to tell you, that we had to suffer a lot in that place, particularly due to lack of drinking water, no market facility, lack of education, no proper communication, etc. So, first of all, we started a primary school by ourselves for our children. Then slowly we established a middle school for the children. The school was run by us on our own efforts. It was recognized by the government and the people went ahead and started a private high school by our self-contribution by voluntary work without any help from the government. Slowly, the high school was recognized by the government and was taken over by them. The government had given an assurance to establish a high school for them but since the government did not fulfill the promise so we had to take the initiative by our own – the displaced people by themselves.

Then I would like to tell you something about health. When our people got sick it was a big problem for us because there was no medicine available. So we informed the government officials at Bonai regarding the deplorable situation of the health conditions of the displaced people. The officers concerned came to visit our sick people

but when they saw that so many people were suffering under various contagious diseases, they were afraid and not willing to come closer to them and without taking any remedial measure they went back. And since we were new to them they did not bother about our requests and ignored to take the responsibility. So they only handed over the medicines which they brought from Bonai to the displaced persons without any explanation. So, without knowing, we gave the medicine at random to the sick people without any guidance of a compounder or doctor. So right from the beginning of our settlement, there were no medical facilities provided to us till today. This area is simply looked after by the ANM (auxiliary nurse-midwife) without any primary health centre. Serious patients are taken for treatment to far away places like Gurundia, Bonai or Rourkela. And we poor people are facing a lot of problems.

With regard to land I also would like to tell you something. The government had promised us to give us land for land. So we hoped to get fertile land in this place, but to our surprise we were provided stony, unproductive and sterile land. The whole area is a hilly and stony place and it is not possible for us to prepare the land for cultivation. When the people have nothing to eat, how is it possible for them to level the land. In this way, people struggled a lot and it took a long time to prepare their fields. So, due to lack of cultivation, day by day our people became poorer and poorer. But no government officers took interest to look after these poor people, and they were totally neglected and became helpless.

Then further I would like to tell you about jobs. The government had promised to give job facilities in the RSP to each recorded tenant but they were thoroughly cheated and never got any job in the beginning. Only after our regular complaints, in great difficulties some displaced persons got a job in the RSP one by one. For those who got an employment, their living situation of and that of their families could somehow improve. So they managed to prepare their fields and made houses and took care of their families and improved their lives. Those who were there repeatedly requested the representatives of the government regarding the miserable lives of the colony, but they never listened to our appeals and bluffed us, they never reported to the higher authorities and our living situation never improved.

For us there was no road, no drinking water, no pond or well for taking a bath. When we complained, a pond was being dug with our help. We

were bound to work as labourers because there were no other means of livelihood.

Some people could not manage to maintain their families due to many difficulties, so again some were forced to migrate to different places for their livelihood. Some went to Rourkela and other places to work under some contractors on daily wage bases, and in this way somehow maintained their families.

In spite of all the difficulties and hardships, the displaced persons of the Lachhada RS Colonies they remained together united and they maintained their unity and worked together, helped each other for their common survival.

Government had promised to give house for house but it was never being fulfilled. Instead, we were given two hundred Rupees to each family to make a house. They instructed us to make our own houses with this money. So we could make our houses and fields by helping each other unitedly. Until today we maintained our unity, love and fellowship. Without this our survival was not possible. The greater majority are Adivasi and this is our custom and culture to live together. And we have continued this way.

Now we have no unity among us. Due to lack of good education, our children can not compete to others. And our quality of life is not up to the standard. With the help of the government, our life standard could have improved but unfortunately the government is not giving any attention to us. We are neglected in all other fields and are living an inhumane life.

Now it is more than 50 years ago, and there was no electricity, and the people were in darkness without any electricity. But now recently electricity line has been installed but till now electric current is not supplied and people are still waiting for electric light. We are still hoping for the Government of Orissa as well as RSP authorities that in our colony a good road should be constructed. But as we were expecting, the improvement of better roads in and around our colonies did not materialize.

We demand a pitch road, drinking water facilities like a dug-well, tube-wells as well as a bore-well should be provided. Till today we are using our own well and getting water for us but this is not sufficient. So our people could be happier if the government provides us clean water according to our demand...

At the end, I would like to say that the social workers and human rights activists from Germany are coming to our place regularly and are studying the situation of the displaced persons. They have visited all resettlement colonies and made survey work of these areas and know the

real situation of the displaced persons. So it is our humble request to them that they could look into the matter personally and take necessary steps for the development of these resettlement colonies. We also expect some suggestions from them on how to improve our living conditions.

**Statement by Mr. Charan Mahato, Advocate, Rourkela**

**“The Tears of Displaced Persons - Run Over by Rails at Bondamunda”**  
(Edited English manuscript)

The growth of Rourkela from a tiny village to one of the temples of steel technology has been a history of trials and tribulations, interspersed with moments of stress and periods of success and glory, thus having all the ingredients of a complete human drama...

There are mainly three branch lines in the district; one of which starts from Rourkela and the other two from Bondamunda Railway Station on the main line. The branch lines from Rourkela to Birmitrapur (28.9 kms) and from Bondamunda to Barsuan (68.8 km) were constructed mainly for carrying iron ore to the plant. The railway marshalling yard at Bondamunda and the line from Bondamunda to the Fertilizer Plant via Dumerta were also constructed only for the purpose of the steel plant. From Bimalgarh Railway Station of the last named branch line, there is a rail link to Kiriburu passing about 26.2 kms. The third line starts from Bondamunda and crosses the state border to Jharkhand at about 24 kms near Nuagaon Railway Station. And furthermore, from Nuagaon to Purnapani a link line has been constructed to carry lime stone for Rourkela Steel Project. The plant marshalling yard, South Eastern Railways marshalling yard and the construction of the railway line from Bondamunda to Barsuan and Kiriburu are all exclusively for Rourkela Steel Plant.

The first notification to meet the requirements for the establishment of the steel project is published in The Orissa Gazette Extraordinary No 26, Cuttack, Tuesday 16 February 1954, Notification No-665-Dev-XVII-27/54-R...[this and other historical documents are printed in: Adivasis of Rourkela; Bhubaneswar 2006 (sarini Occ.Papers No. 4), pp. 10-11]

On the basis of THE ORISSA GAZETTE EXTRAORDINARY No- 56, CUTTACK, SATURDAY, FEBRUARY 15, 1956, REVENUE DEPARTMENT, NOTIFICATION, it is evident:

- That in Orissa Gazette Extra Ordinary published by Authority, No 32, Cuttack, Monday, February 22, 1954, Notification no 861 Dev XVII 25/54 R, Notification no 861 Dev XVII-25/54 R, Notification no XVII-27/54 dated 16th February 1954 regarding requisition of land for establishment of a steel works and allied ancillary industries and Government buildings at Rourkela in the District of Sundargarh, published in the Extra Ordinary issue of the Orissa Gazett, dated the 16th February 1954 is here by cancelled.
- That, the Government of Orissa acquired for public purpose, i.e. for construction of Railway Marshalling Yard, Bondamunda; on the South Eastern Railway the villages of Barhabans, Bartoli, Dumerta, Dumermunda, Kapatmunda, Santoshpur, Pogradahal, Panposh, Bondamunda, Kukuda and Barkani, land measuring more or less 2,200 acres.
- That, after such acquisition the competent authority have constructed marshalling yard for Rourkela Steel Plant and S.E.R. marshalling yard and connecting lines from Bondamunda to different areas are mentioned earlier only for the purpose of Rourkela Steel Plant.

So the growth of marshalling yards (consisting of humping yard, departure yard, exchange yard, diesel shed, loco shed, department) from tiny villages to one of the most successful (Asia's second) marshalling yards, has been history.

I like to point out here on the Orissa Gazette Extra Ordinary, Published by authority, Cuttack, Friday,

July 26, 1957 PART-III, Regulations, Orders, Notifications, Rules, etc., issued by the Governor, by the High Court, and by the Heads of Departments, Political and Services Department, Notifications No. 7999-P-Clear

- that the lands specially mentioned below (full or part) are no longer required by the State Government and in respect to which no possession has been taken.
- Now therefore in exercise of the powers conferred by Section-6-A of the said Act, the State Government do hereby withdraw from the acquisition of land.

Mouza	(Police Station)	Area
1. Barhabans	Bisra	Ac 22.05 res
2. Bartoli	Bisra	Ac 52.49 res
3. Dumerta	Bisra	Ac 361.82 res
4. Dumermunda	Bisra	Ac 13.30 res
5. Kapatmunda	Bisra	Ac 0.14 res
6. Santoshpur	Bisra	Ac 24.47 res
7. Pograbahal	Bisra	Ac 410.90 res
8. Panposh	Raghunathpali	Ac 73.86 res
9. Bondamunda	Bisra	Ac 413.80 res
10. Kukuda	Bisra	Ac 354.39 res
11. Barkani	Raghunathpali	Ac 267.83 res

Grand total tenant land      Ac 2,193.04 res

[There is a discrepancy here: the accurate adding of the above figures gives a total of Ac 1,995.05. It is not clear whether this mistake is in the original document quoted or simply a typing error; ed.]

#### Homestead land

Mouza	(Police Station)	Area
1. Barhabans	Bisra	Ac 5.57 res
2. Dumerta	Bisra	Ac 3.52 res
3. Pograbahal	Bisra	Ac 6.05 res
4. Panpost	Raghunathpali	Ac 3.02 res
5. Bondamunda	Bisra	Ac 6.31 res
6. Barkani	Bisra	Ac 8.05 res
7. Kukuda	Bisra	Ac 9.32 res

Grand total of homestead land      Ac 41.84 res

Orissa District Gazetteer, Sundargarh, indicates that to help displaced person to resettle and rehabilitate themselves, the following assistance have been given and expenditure incurred which are shared equally between Hindustan Steel Limited and the State Government:

- a. A plot of land measuring 60'x40' in the resettlement colonies free of cost for construction of houses by each family.
- b. A subsidy to each family ranging from Rs.200/- to Rs 400/- for the construction of new houses,

- c. Grant of cultivable waste land in lieu of acquired cultivated land free of cost up to a minimum of 33 acres to each recorded tenant, and
- d. Land reclamation subsidy of Rs.100/- per acre to each family.

Furthermore, again the office of the Deputy Commissioner, Land Acquisition & Resettlement, Rourkela at Sundargarh, and Chief Engineers (Cons) S.E.Railway, Bilaspur [available in xerox copy] also clearly indicate to return 651 acres surplus acquisition lands which should be first offered to the persons from whom they were acquired or to their heirs, if discoverable.

#### Findings

- I. That, the acquisition of land for the purpose of marshalling yard, allied and ancillary industries for Rourkela Steel Plant is illegal in the Scheduled Area, as it hit the provision of the Fifth Schedule Articles 244(i) of the Constitution of India.
- II. The acquisition authority failed to help the displaced persons to resettle and rehabilitate them as they were unable to provide
  - a. Residential plot of land measuring 60' x 40' in the resettlement colonies free of cost for construction of houses by each family.
  - b. Grant of cultivable waste land in lieu of acquired cultivated land free of cost up to a maximum of 33 acres to each recorded tenant.
- III. Rourkela Steel Plant, Rourkela, intentionally neglected to provide service to unemployed candidates who appeared for interview in R.S.P. from year 1992 to 1995, on S.S.W. though they previously appointed others on the same ground of Bondamunda [document available with the editors in xerox copy].
- IV. The administrative authorities knowingly not complied with the points of agreement in the meeting with local displaced persons of Anchalika Surakhya Samiti and Rourkela Local Displaced Association on 11.01.2006 at Bondamunda [document available with the editors in xerox copy].
- V. The State Government knowingly not returned the notified surplus lands to the original tenants or their legal heirs to grab the valuable lands of tribals and aboriginals, and on the other hand, allowing illegal construction to outsiders in a pre-planned action to de-schedule the Scheduled Area.
- VI. The KfW funds are not properly utilized for the development of displaced persons, but utilized for non-displaced persons and also in other districts.

VII. To protect and to get back the surplus land of Rourkela Steel Project, the tribal persons have filed several civil cases in the lower court, District Court and Writ Petitions in the Honorable High Court of Orissa. But all the tribals are unable to get justice from the Court. And on the other hand, the State Government is leasing the surplus land to the non-tribals for private purpose for huge amounts in Rourkela and other areas of Sundargarh District.

### **Conclusion and Pray**

We, the Displaced Persons need the solidarity and support from the Government of Germany, SARINI and Adivasi-Koordination to safeguard the human rights of the Displaced Persons, i.e.,

1. alternative livelihood (other than agriculture) and safeguards to the life and property of tribals, capacity building of Displaced Persons;
2. to envision, formulate and accompany development;
3. to give financial aid to the marginalized Displaced Persons.

**Statement by Mr. Peter Paul Celestin Minz, Advocate, Rourkela**

### **“Displacement by Mandira Dam Project”** (Edited English manuscript)

...For the establishment of Rourkela Steel Plant the Government of Orissa acquired 19,722.69 acres [handwritten note on the margin of the manuscript: 25,012.15 acres] of land, 2465 families of 32 villages were displaced. Similarly in the year 1957-58, Mandira Dam Project was constructed over the Shankha river in order to supply water to Rourkela Steel Plant. For the said project 11,923.98 acres of fertile land was acquired, and 941 families of 31 villages were uprooted or displaced. They were allotted small pieces of rocky and hilly uncultivable land to settle down in different areas of Sundargarh and other districts. Thus the Government has acquired approximately 33,000 acres of tribal land for the purpose of Rourkela Steel Plant, Fertilizer Township, Steel Township, railways, NIT, Railway Siding Bondamunda, air strip and Mandira Dam Project. For the acquisition of tribal land for Rourkela Steel Plant and Mandira Dam Project, the Government of Orissa established a Land Acquisition Office at Rourkela, and the said Office has been looked after by the A.D.M. Rourkela in the matters relating to land acquisition and settlement of displaced families.

What exactly happened in the last 60 years from the establishment of Rourkela Steel Plant and Mandira Dam Project:

1. That, the notice of acquisition of land as required under section 3 of the Act XVIII of 1948 was published, but no notice was served to the landlord or owner. By invoking the power

under section-5 of the Act XVIII 1948, the District Administration forcibly took over possession of the land, houses of illiterate, innocent Scheduled Tribal persons of the affected villages.

2. That, after the construction of Mandira Dam, a vast area of Rayati agricultural lands of 12 villages in the upper side of Mandira Dam were badly affected by sand cast due to stagnation/storages of water in the Mandira Dam Reservoir. Such villages are Daiki, Kendudihi, Rangabira, Konmendra, Bhesalvadi, Tarkera, Samlaimunda, Laxmiposh, Sadhumunda, Mugdand, Sahajbahal, Nagratoli, etc.
3. That, it is also very much regretted that the SAIL authority fully neglected the peripheral development in the affected areas. As per my knowledge, to three to four villages SAIL provides school room, tubewell, community centre, but other villages on both sides of the Shankha river have been totally neglected from beginning till date. A detailed list of neglected villages, block-wise, is furnished below....
  - a. Kuarmunda Block  
Jaidega, Purnapani, San-Kuchlu, Budhikudar, Pandricila, Dumadega, Kansbahal, Kendudihi, Dalki, Kuarmunda, Thuyabahal, Bhesalvadi, Dublabeda, Nagratoli, Rangabira, Jhandapahar, Dhaurakhman, etc.
  - b. Kutra Block  
Samlaimunda, Sadhumunda, Tarkera, Laxmiposh, etc.

c. Rajgangpur Block  
Bheluadihi, Hatimunda, Kukudamunda. Bud-  
Kuchlu, Sarumohan, Gobarpethi, Khairdihi,  
Khejurdihi, Laing, etc.

4. That, when I became a chairman at Kuarmun-  
da Block in the years 1997 to 2002, I had com-  
municated several letters and physically pre-  
sented before the periphery authority, but no  
fruitful result was received at that time. It is  
also mentioned here that the SAIL authority  
take up peripheral or development works and  
also conduct games in non-displaced areas like  
Kacharu, Civil Village, Chikatmati, Salanga-  
bahal, and other areas. Similarly, SAIL con-  
structed Bastia Bhawan, Bhanja Bhawan, Civic  
Center and other Bhawans, but these Bhawans  
are used by the outsiders or general public  
people with the blessings of the SAIL authority  
and the State bureaucrats. So here our tribal  
people displaced of both Rourkela as well as  
Mandira are intentionally neglected till date.
5. That, during the time of rehabilitation so many  
village tribal people have not been settled but  
thrown out in different areas like beasts in the  
jungle, e.g., Lachda, Kendro, Bartaghutu, Sili-  
kata, Hathidarsa, Champajharan, Laing, Ush-  
ra, Bankibahal, Jaidega, Dhuankata, etc., and  
have been cheated badly of their basic ameni-  
ties of life. Here the State Government as well  
as the SAIL authority clearly violated the fun-  
damental rights of tribals and the Fifth Sche-  
dule of the Indian Constitution which is ap-  
plicable in the Scheduled Area, i.e. Sundargarh  
District of Orissa.
6. That, the SAIL authority and State Adminis-  
tration also knowingly neglected to provide  
service at R.S.P. to Rourkela and Mandira Dam  
affected persons as well as other tribal persons.  
It is also a fact that after a span of 60 years the  
SAIL authority is not able to provide service  
to uncovered khatiyani ["(in the) record"] per-  
sons displaced from Mandira area. But it is  
very much true and correct that near about  
three to four thousand employees of R.S.P are  
forged or fake displaced person who got such  
opportunity with the help of SAIL officers, the  
State Administration or bureaucrats for  
personal gain or interest or benefit.
7. That, at present many affected tribal persons  
came to the A.D.M. Office, Rourkela, for their  
verification and found that their khatiyani has  
been covered or somebody else is working in  
their khatiyani. Finding no alternative, some of  
them take shelter of the Court against the  
culprits, and some filed applications against  
the culprits to the SAIL authority. But no  
response came through the SAIL authority or  
SAIL vigilance, nor did they accept the decree/  
judgment order of the Court for the purpose  
of service for the genuine displaced persons.  
So this type of harassment/suffering was made  
to the tribals day to day at present.
8. That, it is also fact that in R.S.P. departments  
like coke-oven, S.M.S. Blast Furnace, a huge  
number of tribals are engaged, whereas gen-  
eral people are posted to suitable places. And  
in case any award is declared by the Plant, that  
credit goes to only the general category people  
- not to the tribals. Similarly, some workers and  
officers are engaged in part time business  
during duty time like L.I.C. ["Life Insurance  
Corporation"] agent, postal agent, share  
transport business and other business, but no  
action has been taken by the SAIL authority  
against these persons.
9. That, it is also important to mention here that  
in the case of plots allotted by the Government  
in different areas like Jalda, Jhirpani, Lachada,  
Kendro and other R.S. Colonies, where the  
allotted persons or their families are not stay-  
ing in the said plot, some of them have not  
received any lease bond or khatiyani in this  
regard. In some places outsiders also capture  
the plot and the Government is also not taking  
any steps in this regard.
10. That, there are few dimensions that are directly  
related to displacement. They are geographical  
dimension, psychological dimension, the  
economic dimension, the social dimension, the  
political dimension and spiritual dimension:  
*Geographical dimension*  
Displacement causes total geographical dis-  
location. The people have to leave their familiar  
geographical environment which provided  
them with everything like jungle, hills, trees,  
streams, birds, etc., which are left behind  
because of the displacement.  
*Psychological dimension*  
The pain of detachment from all familiar sur-  
roundings like natural environment including  
forest, hills, streams as well as trees, friends,  
relatives, etc., brings a mental shock due to  
displacement.  
*Economic dimension*  
Agricultural lands, both recorded and unre-  
corded, were alienated. People lose their land,  
house, trees, ponds, animals and other things.

Here Mr. McGrath, former director of XISS ["Xavier Institute of Social Science"], Ranchi, says, "Where Adivasis lost their land, they lost everything forever."

*Social dimension*

Due to displacement people lost their social, cultural, feast, festival, custom, tradition and other relationship with different tribal people of this locality and they also lost their contact or relationship forever.

*Political and spiritual dimensions*

Here people also lose their political as well as spiritual relationship forever because of the displacement.

### **Critical analysis**

After 50 years of struggle, the displaced Adivasis never got justice in their home district. It is their complaint that they have been cheated fraudulently, their fertile lands have been snatched away from them, and now they became landless.

Moreover, 60 per cent displaced people have not received their compensation. A majority of them have not been given employment by RSP. They have not been provided land for land. Non-displaced persons have been employed after getting displaced certificates, and real displaced persons are deprived of their service in RSP. In spite of their complaints, the authorities are not taking any action against the persons who have been employed in RSP by their fake displaced certificates.

The Orissa Government has not made any comprehensive resettlement and rehabilitation policy for the solution of the man made problems.

Similarly, it is believed that the funds utilized in the name of peripheral development have not reached the displaced persons of different areas. It is also a fact that the funds have been misutilized and diverted for the beautification of Rourkela Township and outside the District of Sundargarh, for which the resettlement colonies have been totally neglected.

### **Injustice to the displaced Adivasis**

The Government of Orissa acquired about 33,000 acres of land and handed over the same to R.S.P. After being utilized for the public purpose, the R.S.P. authorities have surrendered about 14,000

acres of surplus land to the State Government. According to the assurance given, the surplus land should have been returned back to the original owners of the land. But a lease agreement in respect of the land under possession of R.S.P. was executed between R.S.P. and the Government of Orissa on 01.07.1993 after 40 years of interval after the acquisition of the land.

In between, the Government of Orissa illegally carried out the construction work of Regional Engineering College, Railway Stockyard, Civil Township, Industrial State, private housing colonies of Orissa at Basanti Colony, Chhend Colony, Koelnagar, Shaktinagar, etc., for the settlement of outsiders which do not come under the preview of the public purpose. The Government of Orissa, instead of returning the unutilized land of the Adivasis, has illegally leased out to non-displaced persons, outsiders, businessmen, politicians, industrialists, government officers, rich influential persons, at exorbitant rates. The Government of Orissa has acquired the tribal lands at the rate of Rs. 300 to 600 per acre, and now the same surplus land is sold out at the rate of Rs one crore per acre or above.

In this way the tribal land acquired for the public purpose has been given to the private purpose. The displaced Adivasis have been cheated and suffer irreparable injustice. Now the local tribals and displaced persons have lost their courage to fight against injustice and treacherous behavior of the ruling class. The Government of Orissa has failed to understand the real problems and difficulties of the tribals of Sundargarh District in the State of Orissa.

### **Conclusion**

No citizen of India is against any development project. In fact, the planning process presumes that displacement is inevitable. But the planners of the project have to see that all citizens have the right to live with human dignity. Before any displacement takes place, the affected persons should be resettled and rehabilitated first. The State Government has the moral obligation to take care of the displaced persons and to improve their living conditions. But in the case of R.S.P. and the Mandira Dam Project, the displaced persons have become the sacrificial lambs for the nation.

**Statement by Mr. Ambrose Kujur, General Secretary of SZVVP, R.S.Colony Lachhda**

**“Isolated and burning painful life of the displaced Adivasis”**  
(Edited English manuscript)

#### INTRODUCTION

Mandira Dam was built across the river Sankha in 1958 to supply water for Rourkela Steel Plant. It is also situated in the District of Sundargarh. Before the completion of the Mandira reservoir, the people were displaced from their ancestral land property. It was a pitiful feeling of the people when they received the notices. I myself, Ambrose Kujur, on behalf of the displaced persons of Lachhda, Kendro and Silikata Resettlement Colonies, would like to put some of the pathetic problems before you:

31 villages were affected due to Mandira Dam. The people of the displaced villages of Mandira Dam area were broken and shocked to receive the notices for evacuation from their native villages. It was more painful for them than the death of a person. They could not understand what to do and where to go. Our forefathers had been living peacefully together for ages. But their life was now extinguished in no time. The people could not imagine how to take all their domestic animals, birds, rice and property with them. The crying and weeping of the people was heard everywhere, when the constables brought trucks early in the morning. At that time, some of the family members of the villages were not ready to leave their native places. But the authorities forced them to arrange their things and load them on the trucks. People were weeping not to go from their native place. During this operation only household things and rice packets were taken by the trucks. It was a matter of great regret that domestic animals such as cows, goats, sheep, birds, were not brought by the trucks. It took 10 to 15 days to bring their domestic animals to their colonies on foot because there was no means of conveyance to take them. This pitiful situation broke their hearts. Many women and children had nervous breakdowns. Against our will, we were brought to Lachhda, Kendro and Silikata.

#### ARRANGEMENTS PROVIDED IN THE RESETTLEMENT COLONIES

There was no advance arrangement in the R.S. Colonies except temporary sheds. It was a very unbearable situation in the month of March due to scorching heat and scarcity of water. The people's sorrows were endless: to see nothing but hills and thick forest around. The thatched cottages were not worthy for living. The rooms were

made 10 x 8 feet, so there was not even sufficient space to keep their things. Therefore some of the people put their things on the side of the road and others put them under trees. The rooms were full of grass, leaves and gravel. They were not better than cow sheds. It took many days to prepare the rooms for residing in them. Due to rain, the rooms got thoroughly wet also.

There was no arrangement for water. Water was brought from a muddy and dirty pond by truck from Kundheidiha village which is situated 5 kms away. Due to using that water, a lot of people were attacked by small pox, cholera, diarrhea and lost their lives.

#### DISTRIBUTION OF LAND AND INDIVIDUAL HOUSE BUILDING

It took five years to build houses and to distribute land to the people. During this time, people could not cultivate any sort of crops. So they spent their money buying edible things. Due to this, the money they got ran short.

The socio-economic condition of the people was miserable. The atmosphere of the new place was not suitable to them. So many people came back and settled here and there. Our previous farming land was fertile land in the river basin. But the government had given us only hilly, stony, uncultivable land. There was much cultivated land in our old villages. According to Orissa District Gazettes Sundargarh 1975, it is mentioned that 33 acres of land are to be allotted to each patta holder. But here we got much less land.

#### INFRASTRUCTURAL PROVISIONS IN THE RESETTLEMENT COLONIES

The government has not made any education institution in the R.S. Colony. Father Herman of Kantapali Parish started Primary Education. After this, our people started Middle Education and High School from their own efforts and contributions. After twelve years, the High School got its recognition. Our children were debarred from getting proper education.

There is no hospital in our colony. The government is simply not taking any interest in treatment for our people. For lack of treatment people are dying in large numbers every year.

There was no provision of electricity for 52 years. Many times people had applied for the supply of electricity. Last year only [in 2009] our village was connected, but still many people are debarred of getting electricity.

52 years have passed, and there is no road communication to this Resettlement Colony from Rourkela. Roads are not in good condition, so it is very difficult to go elsewhere during the rainy season.

#### REACTIONS OF THE DISPLACED FAMILIES

- (a) We have sacrificed our parental properties for the national development. What have we got in return ?
- (b) All is well planned to abolish and destroy fully the Adivasi society of Sundargarh.
- (c) We, the displaced persons have been thrown back 100 years from the civilized world.
- (d) Here in our colony, we are debarred of getting proper education and so we are not getting jobs in the government or non-government service. On the other hand, outsiders are getting better service and proper education.
- (e) It is the motto and inner policy of the government to keep us uneducated, illiterate and giving us harassment in every respect.
- (f) The government is making business by selling the balance land to capitalists and business men. So that the Adivasis cannot survive.

#### DEMANDS OF THE ROURKELA AND MANDIRA DAM DISPLACED PERSONS

##### *Economic Demands*

- (a) The members of each displaced family should be considered for service in SAIL/RSP according to their qualification.
- (b) Those who are illiterate they should also be considered for service in RSP, Rourkela.
- (c) Employment of some people working in SAIL/RSP, Rourkela, showing forged displaced documents, should be terminated immediately [*a list of such persons is available with the author and the editors of this publication*].
- (d) Land should be provided to each tenant as per the old khata number.
- (e) The tenants who are displaced and victimized due to factories, mines and

other development works in Sundargarh District should be paid the right amount and they should be provided jobs in the respective factories. This facility should be given to all age groups together.

- (f) There are many shops in Rourkela and Civil Township. 25 per cent of the shops should be allotted to the displaced persons without security money.
- (g) The so-called T.N. Singh formula [one job per displaced family] for employment in RSP, Rourkela, should be abolished.

##### *Demands for education, health care and infrastructure*

- (h) There are U.P., M.E. and a High School in the R.S. Colony. Due to shortage of teachers, educational work is hampered. So the RSP management should consider to ap-point teachers in those schools.
- (i) Due to miserable economic conditions, the displaced persons residing in Lachhda, Kendro and Silikata are not able to send their children for higher education. So, a college should be established there itself by RSP.
- (j) Two separate hostels (boys/girls) should be constructed for the students.
- (k) We are displaced persons and we have the equal right to enjoy medical facility as others in Rourkela. So, there should be a hospital of 50 beds in R.S. Colony Lachhda.
- (l) Medical cards should be issued to each displaced family for free treatment in Ispat General Hospital (IGH) in Rourkela.
- (m) An ambulance should be given to Lachhda for taking serious patients to IGH.
- (n) Permanent water supply project for drinking water and irrigation.
- (o) Metalled roads should be constructed from Rourkela to all the R.S. Colonies.
- (p) Electricity and telephone lines should be supplied to the R.S. Colonies.

We have sacrificed our ancestral properties for the development and interest of the nation. Due to this, our economic backbone has been completely broken. We are living in darkness. Our future is nowhere.

We, the members of the displaced families do request you (all RSP and Rourkela administrative authorities, ministers, officers) to consider to redress our demands as soon as possible.

**Statement by Mr. Sudarshan Ekka, General Secretary of LDA, Rourkela**

(Edited from the English summary given by Mr. Sunil Jojo. Unfortunately the recording has been incomplete)

Adivasis have been cheated and oppressed in relation to land acquisition and employment.

As per their claim, RSP and the district government have provided employment: but actually it is not true.

They have given affidavit to claim that 4,500 have been provided jobs. But it is not true.

As for those who are having jobs in the factory, our guess is that over 75 per cent could be forgery cases. And in fact there are cases which are forgery, but so far not much action has been taken.

33 acres of land was claimed to be provided to every displaced family. That is not true.

...

**Statement by Mr. Vimal Banerji, LDA, Rourkela**

(Edited from the English summary given by Mr. Sunil Jojo)

At that time, 1948, the prevalent law under which the land was admitted, was not the proper law. So that land acquisition took place ... illegally.

Land was acquired without any proper law and without any proper and appropriate policy. As a result of this today we see that so many people have been deprived of their rightful claim to land, housing and employment.

So much of atrocities have been done. They have voiced their complaints again and again. They have once sent an application to the Governor when he visited Rourkela requesting a judicial enquiry on the RSP acquired land. That application was forwarded to the Collector, instructing the Collector to do the needful action. And that needful action is not defined. It has remained in remote.

So this is the way that the displaced people have suffered so long:

- in relation to deprivation of their land,
  - in relation to marginalisation,
  - in relation to deprivation of the right to employment,
- and they are suffering.

Here is a stark example of how the land had been alienated, and how the outsiders are doing business on that land: Some time back, in Civil Township there was a sale of a land, eight decimals, which was auctioned for one crore 8 lakhs (1,08,00,000 Rs). This shows how surplus land which was said to be returned to the rightful owners, is now under business.

Now the question is to strengthen this process of our fight. And we are requesting you to raise this issue with international human rights organisations that so much of atrocities has been done by the state government and central government on Adivasis. That could be rightfully claimed for justice and that people can benefit.

Mr.V. Banerji handed over a few documents in xerox copy to support his points. These are with the editors and their important contents will be covered in a separate publication.

## **Land Acquisition for Rourkela Steel Plant & Mandira Dam in the Scheduled District of Sundargarh**

**Fr. Celestine Xaxa**

Adivasis for Social and Human Rights Action (ASHRA), Rourkela, Orissa

### **I. INTRODUCTION**

With regard to the India's tribal population, the founding fathers of the Constitution of the new independent nation defined and classified the "Scheduled Areas" and the "Tribal Areas". Article 244 (1) of the Constitution of India explicitly states that the provisions of the Fifth Schedule to the Constitution shall be applied in respect of the administration and control of the Scheduled Areas in any State other than the States of Assam, Meghalaya, Tripura and Mizoram. The provisions of the Sixth Schedule to the Constitution are applied for the administration of Tribal Areas in those north-eastern states.

#### **The Fifth Schedule**

Part B, Paragraph (4) of the Fifth Schedule states that there shall be in each State having a 'Scheduled Area', a Tribes Advisory Council (TAC) consisting of not more than twenty members of whom, as nearly as may be, three fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State. It was the duty of the Tribes Advisory Council to advise on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State.

Part B, Paragraph (5) of the Fifth Schedule states that the Governor of the State may by public notification direct that any particular Act of Parliament or the Legislature of the State shall not apply to a Scheduled Area or would apply subject to such exceptions and modifications as he may specify. The Governor of the State may also make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. The Governor of the State has also been given the power to repeal or amend any existing Act of Parliament or of the Legislature of the State which is for the time being applicable to the area in question. - Hence, it is very clear that the intention the framers of the Constitution, by including the Fifth Schedule, was that of a separate administrative scheme for the Scheduled Areas in order to address the special needs of tribal communities.

In exercise of the powers conferred by Part B,

Paragraph 6 (1) of the Fifth Schedule to the Constitution of India, the President of India made an order known as the Scheduled Areas (Part A States) Order, 1950. This included the State of Orissa and came into force with immediate effect. As per the Scheduled Areas (Part 'A' States) Order 1950, CO. 9, Sundargarh, Mayurbhanj and Koraput Districts in the State of Orissa were specified and declared by the President of India as Scheduled Districts. Again, in exercise of powers conferred by Sub-paragraph (2) of Paragraph 6 of the Fifth Scheduled to the Constitution of India, the President of India has made an order which is known as the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa), Order, 1977. In this order, the President has redefined the said Scheduled Areas within the States of Bihar, Gujarat, Madhya Pradesh and Orissa. Accordingly, the rescinded Scheduled Areas of the State of Orissa are listed below :-

- i. Mayurbhanj District
- ii. Sundargarh District
- iii. Koraput District

### **II. LAND ACQUISITION OF SAIL, ROURKELA STEEL PLANT & MANDIRA DAM**

#### **(a) Intention of Creating Scheduled Area**

As stated above, the District of Sundargarh in the State of Orissa has been specified, demarcated, notified and declared as Scheduled Area by the President of India. The entire soil of the Scheduled District of Sundargarh is specifically demarcated and allocated exclusively for the permanent settlement and habitation by the Scheduled Tribes alone and by none else and never by the general body of people consisting of various different communities and castes. No person other than a member of the Scheduled Tribe has the right to live on soil declared by the President of India to be the Scheduled Area.

#### **(b) The Land Acquisition Act, 1894**

The Land Acquisition Act of 1894 is a legal Act in India which allows the Government of India to

acquire any land in the country for public purpose. Land Acquisition literally means acquiring of land for some public purpose by government/ government agency, as authorized by the law, from the individual land owner(s) after paying government fixed compensation in lieu of losses incurred by land owner(s) due to surrendering to their land to the concerned government agency.

**(c) Land Acquisition for Rourkela Steel Plant (RSP) and Mandira Dam**

Let us critically analyse how the Government of Orissa has acquired tribal land for RSP and Mandira Dam. The Government of Orissa has acquired 19,722.55 acres for the establishment of RSP and 33 tribal villages were uprooted. Similarly, 11,923.98 acres of land were acquired for the construction of Mandira Dam in the year 1957-58 where 31 tribal villages were displaced. The displaced families were resettled in the resettlement colonies of

- (1) Jalda 'A' Block
- (2) Jalda 'B' Block
- (3) Jalda 'C' Block
- (4) Jhirpani - 'A' - & 'B' Colonies
- (5) Bondamunda 'A' & 'B' Colonies
- (6) Lachhada
- (7) Kendro
- (8) Silikata
- (9) Hathidharsa
- (10) Laing Colony
- (11) Ushra Colony
- (12) Bankibahal
- (13) Jaidega 'A' & 'B' Colonies
- (14) Jhanda Pahar
- (15) Ulanda Jharan
- (16) Champa Jharan (Jhirpani)
- (17) Gahami
- (18) Amgaon etc.

Thus in total, the Government of Orissa acquired approximately 33,000 acres of land for the purpose of establishing RSP and Mandira Dam project under the provisions of the Land Acquisition Act, 1894.

**III. ILLEGALITY OF THE GOVT. ACTION**

The provisions made in the Land Acquisition Act, 1894, however, were not applicable to the Scheduled Area of Sundargarh District as per any public notification issued by the Governor of Orissa under sub-clause (1) of clause (5) of Part B of the Fifth Schedule to the Constitution of India. So, the provisions of law made in the Land Acquisition Act of 1894 were - in reality and legally - not in force in the Scheduled Areas of Sundargarh District.

It is pertinent to mention here that the Government of Orissa did NOT follow the provisions of the Land Acquisition Act of 1894 for the establishment of RSP and Mandira Dam. Instead, the Government of Orissa acquired the said tribal land under the provisions of the Orissa Development of Industries, Irrigation, Agriculture, Capital Construction & Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (Orissa Act XVIII of 1948).

Whatever may be the case, the acquisition of land for the establishment of RSP and Mandira Dam acquired by the Government of Orissa as defined under Article 12 of the Constitution of India, in a Scheduled Area is a violation of the provision of Clause (6) of Part C of the Fifth Schedule to the Constitution of India, since the President of India had not made a declaration to the effect that any land acquired by the Central Government or any other authority as defined in Article 12 of the Constitution of India would cease to form part of the Scheduled Area.

Hence, in the absence of any Gazette Notification of the President of India for the purpose of the acquisition of land for the establishment of RSP and Mandira Dam in the Scheduled Area, the acquisition of land under the provisions of the Land Acquisition Act of 1894 or of the Orissa Act, XVIII of 1948 is altogether void and should be declared to be void and unconstitutional. So, the very process of land acquisition for RSP & Mandira Dam is illegal, void, ultra-vires and unconstitutional. It is also very clear that while acquiring the tribal land for RSP & Mandira Dam, the Government of Orissa circumvented the provisions of sub-clause (2) of clause (5) of the Part B of the Fifth Schedule to the Constitution of India. In addition, the acquisition of land for the marshalling yard at Bondamunda, displacing 9 villages, is also illegal, void and unconstitutional in the same way as stated above in the case of RSP & Mandira Dam.

The Government of Orissa acquired approximately 33,000 acres of land and handed over the same to the RSP/SAIL authorities for the public purpose. The SAIL/RSP authorities utilized about 19,000 acres of land for the establishment of RSP and Mandira Dam and the rest about 14,000 acres of surplus land were surrendered to the Government of Orissa. According to the assurance given, the surplus land should have been returned back to the original owners of the land. But a lease agreement in respect of the land under possession of RSP was executed between RSP and the

Government of Orissa on 01-07-1993, after 40 years of interval of the acquisition of land. In between, the Government of Orissa illegally leased out the surplus land for the construction of Regional Engineering College, Rourkela, South-Eastern Railway Stock Yard, construction of Basanti Colony, Chhend Housing Colony, Kalinga Vihar, Durgapur Foot Hill Housing Scheme, Balughat area, Shaktinagar, Koel Nagar, LIC Colony, Bastia Memorial, Adarsa Pathagar, Ispat Anjuman, Sri Aurobindo Yoga Mandir, Vivekananda Education Society, Satyasai Seva Samiti, Hanuman Vatika etc.

It is pertinent to mention here that the State Government of Orissa has framed a rule, vide Revenue Department Notification No. 22333/R.G.E, Sundargarh 1 of 68 on 12-01-1968 in the name and style "SPECIAL RULES FOR DISPOSAL OF GOVT. LAND IN CIVIL TOWNSHIP AREA AT ROURKELA." This civil township area is named as 7 & 8 Developed Area. Approximately 300 acres of tribal land acquired by the State Government from the local Adivasi are being allotted from 1971 onwards to non-tribals particularly to influential prospective leaders such as bureaucrats, political leaders, ministers, high officials of the State, big business persons of the State, revenue authorities and industrialists at exorbitant rates by way of lease, allotment, auction, sale, which are beyond the reach of the poor displaced adivasis. The Civil Township has been established on the tribal land who have sacrificed their ancestral land in the name of development of the country and they were mercilessly thrown away to far away jungle to live with animals. The Government of Orissa has definitely circumvented the tribal laws in the Scheduled Area and disregarded the Fundamental Rights of the Tribals guaranteed under Article 19 of the Constitution of India. Orissa Regulation- 2 was not applied to the non-tribals who have been illegally occupied tribal land at Civil Township Rourkela.

It is the malafide intention of the State Government to genocide the tribal communities in the Scheduled District of Sundargarh in the name of national development. Instead of returning the unutilized land of the displaced Adivasis, the Government of Orissa has illegally settled non-displaced persons, outsiders, businessmen politicians, industrialists high government officials, rich influential persons in very high rates.

The State Government of Orissa has acquired the tribal land at the rate of Rs 300/- to 700/- per acre,

and the same surplus land is sold out at the rate of one crore rupees per acre through Rourkela Development Authority (RDA). Recently in the office of the Sub-Collector, Panposh at Uditnagar, the tribal lands of Civil Township in 7&8 Area have been auctioned at rate of 15 lakhs per decimal. Is it meant for any public purpose?

RDA, which has no legal loco, stands to sell tribal land in the Scheduled Area to non-tribals. In this way the tribal land acquired for the public purpose is given away for the private purpose.

The displaced Adivasis have been cheated and suffered irreparable loss. The local tribals feel totally deceived and illusioned by the State Government of Orissa and RSP authorites. They are pressing their demands by taking recourse to dharnas rallies demonstrations, memoranda, lobbies and advocacies, but so far they have never got any justice from the concerned authorities.

### III. PATHETIC CONDITIONS OF THE DISPLACED PERSONS

The living conditions of the displaced Adivasis and Dalits are very pathetic. They have been neglected by the RSP authorities as well as the concerned state authorities. They were uprooted from their hearth and home and resettled in different R.S. Colonies. The RSP and government authorities have not even visited most of the remote R.S. Colonies, such as Lachhada, Kendro. Silikata, Ulanda Jharan, Jhanda Pahar, Hathidharsa, Champa Jharan (Jhirpani), Gahami and Amgaon. These R.S. colonies are neglected very much.

The concerned authorities never bother for the upliftment of the victims of the R.S. Colonies. In the name of the development of the country, the Orissa Government has taken away excessive areas of tribal land and the displaced Adivasis were dumped to far away R.S. Colonies without having any specific plan for them. In spite of the large-scale displacement of the tribals and Dalits, the Government of Orissa does not have any comprehensive R&R policy till today. The recent R&R policy of the government does not give any relief to these long suffering victims. The social and human rights activists of ASHRA (Adivasis for Social & Human Rights Action) and some active members of Adivasi Koordination in Germany, a registered society, visited a number of times all resettlement colonies. After visiting and making research of these affected colonies, they have expressed their deep concern. They

have expressed their deep love and solidarity to these affected Adivasis.

Indeed, the displaced Adivasis are living in a very pathetic condition in their respective R.S. colonies. They have been thrown away to faraway dense forests where they do not have their basic amenities of life, such as drinking water, roads, electricity, dug wells, ponds, education facility, health centres, recreation halls, play ground, club, market complex, vocational training centres, irrigation facilities. Before their displacement, the government authorities and RSP authorities had given promises and assurance to them to give land for land, house for house, employment to the displaced families, adequate compensation to the land losers etc. But even after the lapse of fifty years, all such assurances remained in pen and paper only.

It is pertinent to mention here that in Orissa District Gazetteers, Sundargarh, on page 96 it is recorded that:-

“The following assistance has been given and expenditure incurred which are shared equally between HSL and the State Government :-

(a) A plot of land measuring 60'x40' in the resettlement colonies free of cost for construction of houses by each family.

(b) A subsidy to each family ranging from Rs.200/- to Rs.400/- for the construction of new houses.

(c) Grant of cultivable waste land in lieu of acquired cultivated land free of cost up to a maximum of 33 acres to each recorded tenant and,

(d) Land reclamation subsidy of Rs.100/- per acre to each family.”

The declaration made in the Orissa District Gazette, Sundargarh regarding the grant of cultivable waste land in lieu of acquired cultivated land free of cost up to a maximum of 33 acres to each recorded tenant has been proved to be false and baseless.

#### **IV. IMPACT OF INDUSTRIALIZATION ON THE DISPLACED ADIVASIS**

After 50 years of continuous struggle, the displaced Adivasis of Sundargarh Scheduled District never got any distributive justice in their own home place. With great anguish and bitter experience, they used to complain that they have been deceived by the RSP and government authorities, and fraudently their ancestral lands have been snatched away from them, and now they

have become landless and homeless. More than 70 per cent displaced persons have neither received their compensation nor have they been allotted any cultivable land for their survival. They have not been provided land for land.

A great majority of displaced persons are also deprived of their job opportunity in the RSP. On the other hand, one may get surprised to know that even outsiders who were non-displaced persons have been employed by the RSP authorities after producing forged displaced certificates. In spite of continuous complaints, the government as well as RSP authorities are - till date - not taking any action against those persons who have been employed in the RSP on the basis of their fake displaced certificates. The Orissa Government has not made any comprehensive R & R policy for the solution of the man made problems.

It is sad to mention here that what the RSP authorities have furnished as scheme-wise details regarding the projects/activities under KfW Split Interest Accrual Funds (which have started in 2000 AD) relating to the development in the peripheral areas of RSP, proved to be false. The displaced persons do not accept this false report of the RSP authorities. The people living in the R.S. colonies have not benefited out of peripheral development funds in the passage of last 50 years of time. It is the major opinion of the displaced persons that the said KfW funds have been misutilized and diverted for the beautification of the Rourkela Township, Indira Gandhi Park, construction of private buildings, and funds have been channelised for the development outside of the district of Sundargarh.

Now RSP Township enjoys the status of “FIRST INDUSTRIAL TOWNSHIP” in the country with effect from 15th April, 1995, as declared by Hon'ble Governor of Orissa. The Steel Township is well planned with all civic amenities like motorable roads, drainage, sewerage system, parks, schools, gardens, playgrounds, clubs, recreation centres, hospitals & health centres, other modern amenities such as shops, market complexes, water supply system, electric distribution system, auditoriums, social homes, community centres, etc., to appease the needs of the outsiders. This can be named as the lopsided development activities of the RSP authorities. The displaced persons have never enjoyed such basic amenities in their respective R.S. colonies. They have been totally neglected from the very outset of the establishment of the Steel Plant.

Recently, the Government of Orissa, Revenue Department, has reconstituted the Rehabilitation Advisory Committee / Periphery Development Committee, vide No. 6234-REH 28 / 2005- R date. 20th February, 2006. The RAC/ PDP Committee members are as follows:-

1. R.D.C. North Division, Sambalpur - Chairman
2. Collector, Sundargarh - Member
3. Superintendent of Police, RKL - Member
4. Managing Director, RSP - Member
5. M.P. of Sundargarh District - Member
6. All sitting MLAs of Sundargarh District - Members
7. Deputy G.M Town Service - Member
8. A.D.M., Rourkela - Convener Member

The plan, programme and functions of the above committee are not known to the general public nor to the affected displaced persons. The displaced persons don't even know that the RAC/ PDP Committee has any plan for the development of their R.S. colonies.

It is the complaint of the displaced persons that so far none of the concerned authorities have visited the R.S. colonies of RSP and Mandira Dam Project. No officer from Peripheral Development Office has ever visited Gahami, Champa Jharan, (Jhirpani), Ulanda Jharan, Jhandapahar, Amgaon, Lachhada, Kendro, Silikata, Hathidharsa, etc., and assessed the living conditions of the displaced Adivasis in these R.S. colonies.

## V. CONCLUSION

The living conditions of all the displaced persons are pathetic, miserable, and they all are living sub-human life. They have been deprived of their fundamental right under Article 21 of the Constitution of India, i.e. the Right to Livelihood. So, unless and until the government authorities and RSP authorities make a survey to all the R.S. colonies of RSP and Mandira Dam Project and take appropriate measures for the allround development of these areas, it is humanely speaking not possible to give any distributive justice to these victims even after the lapse of half a century.

### Panchsheel for Tribal Development

"We cannot allow to drift into tribal areas ... today that is not possible or desirable. At the same time we should avoid over-ad-

ministering these areas and particularly sending too many outsiders into tribal territory.

It is between too extreme positions that we have to function development in various ways. There has to be such as communication, medical facilities, education and better agriculture. These avenues of development should, however, be pursued within the broad frame work of the following :-

- (1) People should develop their own genius and we should avoid imposing anything, even language, religion and customary tradition on them, i.e on indigenous people.
- (2) A tribal right to land and forests should be respected by all means.
- (3) We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will no doubt be needed especially in the beginning. But we should avoid, by all means, too many outsiders into tribal territory.
- (4) We should not overadminister these areas or overwhelm them with a multiplicity of schemes. We should rather work through and not in rivalry to their own social and cultural institutions. We non-tribals should protect, promote and preserve their entity and identity.
- (5) We should judge results in the spirit of Indian nationalism, not by statistics, or the amount of money, but by quality of human character that evolved."

(From "Tribal Souvenir" of the book "A philosophy for N.E.F.A" by Dr Verrier Elwin published by Bharatiya Adimjati Seva Sangha. N. Delhi-1)

The Government of Orissa is hell-bent in carrying out genocidal measures to decimate the tribals in the disguise of the development project for good. This is nothing but undemocratic, illegal unconstitutional and anti-national. In time, so to speak, Government of Orissa is following its own law, disregarding the Constitution of India, silently, invisibly, intriguingly and menacingly, and is threatening the tribal entity and identity. All Scheduled Areas should be administered in accordance with the provisions of the Constitution of India for the PEACE and GOOD GOVERNMENT of the inhabitants.

## **The Proposed Mittal Steel Plant in Jharkhand**

**Dayamani Barla,**

Convenor, Adivasi Moolvasi Astitva Raksha Manch, Ranchi, Jharkhand

(Mrs. Dayamani Barla gave a free speech on the basis of a paper which she had read out at the Rourkela Conference in Berlin on 31 October 2009 ([http://www.adivasi-koordination.de/adivasi\\_english/documents.htm](http://www.adivasi-koordination.de/adivasi_english/documents.htm) : Dayamani Barla)

### **I. We need food, not steel!**

We need development of our land, not factories!! Tribal and indigenous people are self-sufficient in producing food grains for their livelihood. Anything that grows on land is the social, cultural and economic backbone of the local people. ArcelorMittal wants to set up a steel plant in Khunti and Gumla by demolishing dozens of villages. Villagers have raised the slogan "We will neither lose our lives nor will give a single inch of land".

As per officials from Torpa, Kamdara, Raniya and Karra, ArcelorMittal has identified the following villages:

In Karra Subdivision, District Khunti:

Jamhar, Hudma Toli, Bhusoora, Urikel, Rahedgadha, Churle, Bikwadag, Jojodag, Bakaspur, Lappa, Regre.

In Torpa Subdivision, District Khunti:

Kulda, Kanakloya, Aama, Chukru, Urmi, Satal, Karoda, Marcha, Turigadha, Urikel, Banabira, Jimlong, Kherkai, Raikera.

In Rania Subdivision, District Khunti:

Digri, Loagadha, Manhatu, Garai, Token, Kulai, Khatanga.

In Kamdara Subdivision, District Gumla:

Kisni, Bongda, Sarita, Titih, Pakra, Bamhandi, Turundu, Poje, Kondkera, Kuda, Suruhu, Kitapidi, Pakut, Pokla, Sonmer, Chatakpur, Ramtoliya, Kenaloya, Bamhadi.

Mittal's Company needs 12,000 hectares of land. The company is installing a plant of 12 million tons capacity. It will also establish a 2,500 MW power plant and a Special Economic Zone (SEZ). The rivers in this area are Koyal, Karo, Chhata and many small water resources. The Company has been allotted 500 acres and 1,086 acres of land in Kapmapda for iron ore. The Koyal belt has also been handed over for coal. The Company is investing capital in major areas which itself speaks of the devastation that will be caused to people, rivers and forests:

1. Koyal block area of forestland to be acquired is undeclared.
2. Iron Ore: 1586 acre of land is already allotted, rest in waiting.

3. Construction of canals and dams: undeclared.
4. For plant: 12,000 hectares land is needed, but as per MoU, the company needs 25,000 acres of land (which equals to 10,177 hectares).
5. Land required for railway line.
6. Land required for urbanization.
7. Land required for associated factories.

The local people are raising questions about the displacement of hundreds and thousands of people, whereas the company is denying this. The Hindi daily "Hindustan", in its August 22, 2008 issue, says that the company's CEO Vijay Bhatnagar claims the Jharkhand plant is the world's largest plant. He said that, "our plant would be as large as HEC, Bokaro, Tata and Rourkela combined." He has said that this will be a model plant.

We have vowed that we will not hand over even an inch of our ancestral land to the company. We have raised the slogan, "Neither we give lives, nor land. We need food, not steel. We need development of our land, not factories."

### **II. Whom is this government trying to fool: Local people or the Company?**

Jharkhand Government is selling out the community resources of ten villages in Kamdara Sub division of District Gumla having 1025 acres of land. This is a clear repression of tribal indigenous people of this area. The CNT law is applicable here, which means that all the land in these villages is a community property. This is stated in Khatiyani part two. But the Government is unanimously identifying this land as the government property for selling it to Mittal. This is a violation of Chhotanagpur Kashtkari Law. All these plots vary in size, some are 5-20 decimals and are situated apart, having water resources and mountains. The Government is asking for an amount of Rs. 15,48,71,550/- for this land. It is evident that the Government has the responsibility to protect these lands in the interest of the villagers who have natural control over it.

Since people are opposed to selling land to Mittal, the administration is selling off community

resources like roads, rivers and culverts. For example, a village has a total land area of 1740.80 acres out of which 111.05 acre is being identified for sale. This is the height of repression! When the government officials were asked whether it is possible to set up industries on this land, they denied. So the question arises, whom is this government trying to fool: Local people or the company?

The people inhabit the land that the Government has declared its own. Farmers plough over it and it is used for grazing. This land has been awarded during Bhoodan (land redistribution campaign) to marginalised peasants and they have valid certificates for this. They are also paying taxes. Kamdara officials were asked as to who has prepared the list of plots being sold out to Mittal? They answered that the Company itself has provided this. It is to be noted that the last land survey was done in 1932! At that time, most of the land was uninhabited. It is clear that the population has risen in the last 77 years and these people have only inhabited the villages which were once uninhabited. The most striking feature is the unaccountability of the state administration. They are playing in the hands of the Company officials. If this had not been so, it would have first verified the list provided by the Company. This proves that both are ready to evict the villagers out of their heritage. The Government is working as the Company's agent.

The district administration, on the one hand, arranges Gram Sabha meetings on 16th of every month in Gumla District; but at the same time is involved in repression of the people. If ArcelorMittal has any morals, it must rethink on the repression of the people. The Government is trying to pave the way for Company's entry into the villages, which is the height of inhumanity. The plots identified lie in between the homes of peasants. Obviously, they will not give their land, then how will the company set up plant on these plots?

In order to bring justice to the tribal indigenous people, it is imperative to understand the geographical, economic, social, cultural conditions of these villages. The ten villages identified for land transfer have a total land area of about 12,000 acres among which farmland is 10,032.50 acres, forestland 1,005.87 acres and irrigated land is 433.80 acres.

The land identified for setting up industry in Kamdara is not less than 20-25 acres. The Mittal

Company, facing the wrath of world economic recession, is now ready to cut down the project size. It is talking of 6MTY production in the first phase whereas it was decided to produce 12MTY earlier. People are aware of the cunningness of the company officials. The tribal-indigenous people have decided not to hand over even a single inch of land to the company.

#### **Our demands**

1. Respect the rights of Gram Sabha (village general body). Stop the land sale to Mittal.
2. Assure the rights given in Section 46 of Chhotanagpur Kashtkari Law 1908.
3. We will not hand over even a single inch of land to the company.
4. Stop displacement of tribal indigenous people.
5. Assure the water of Koyal, Karo and Chhhata rivers for irrigation.
6. Mittal or any company will not be tolerated as the proprietor of the village.

#### **III. Mittal says: We are doing CSR in this area since last four years, so no point in going away... But outsiders are not allowed into the village without prior permission of Gram Sabha**

It is a historical fact that our ancestors possessed this land after fighting fierce pythons and bears, so why should we leave this land? Mittal is trying to grab the peasant's land by hook or by crook. He is trying to lure villagers by educational, health, employment, ITI training, nursing facilities. It is also involved in free plantations. All this is being done to grab land from the farmers. But people have halted all these programs in the area. People have banned the entry of any person opposed to the movement. They have installed a board on the entry points of all villages which says "Outsiders are not allowed into the village without prior permission of the Gram Sabha."

Company officials are trying to convince people by taking the services of some touts. They are intimidating people from the movements, providing them liquor etc. They are trying to lure away the youth and taking them to training programs run by the Company.

The plantation work being done by the Mittal Company is ridiculous. This area is agriculturally sound having dozens of forests spread in thousands of acres of land. These have many fruit bearing trees and herbs. This flora-fauna has helped in balancing the ecosystem of this area.

Mittal's claim of doing plantation in the area is ridiculous. He is just devastating this land of the rich heritage. They have done plantations in two schools of Kamdara of trees namely Siris, Mango, Ashok etc. and some herbs. It has been done in DAV School premises of Jamhar, Karra Subdivision. These plants are useless in nature. Even goats do not consume these plants. All these plants bear a company board. Our organization has asked for clarification from the school management whether they support the company or the people.

The Company has given a contract to Ranchi Trust for distribution of medicines in this area. When the people came to know about this, they stopped the entry of trust officials in the villages. Once the Trust vehicle was seen on the Torpa road entering Kamdara, people stopped the vehicle and asked whether they have taken permission for entry. They denied, after which a bond was executed and signed by them stating that they will not repeat this without prior permission. When the vehicle number was asked, they said that this vehicle is without a number. Now it is not possible for any trust vehicle to enter into the village.

The Hindi daily "Prabhat Khabar" had published a story regarding a school run by Mittal Company in Marcha of Torpa Subdivision. This school was

run in the house of Kishun Sahoo. When our organization inquired Sahoo, he refused it. It was found that the school was being run behind closed doors, and whenever anyone visits the place, the guard says that there is no one inside. If the Company is running a school, why is it behind closed doors?

The same question arises regarding the trust's vehicle, which does not bear any number, which is illegal. It may be possible that the Company must have been sending some anti-social elements in these vehicles to intimidate the villagers. Our organization demands a high level inquiry into these acts as all the CSR works claimed by the Company are suspicious and dubious...

Mittal is providing security training through an NGO to 50 girls under CSR. The company has conspired to destroy the state's youth by these acts. These youngsters belong to standard 8th to 10th pass. The question arises as to what kind of employment will be given to these youngsters?

Obviously, these all are done just to misguide the young population. People are aware that the Company is paying salaries to some people, who are working to weaken the protest against Mittal. It is boosting anti-social elements in the society. It has crossed all human norms in destroying the lives of tribal and farmers.

## **The Rengali Dam Project in Deogarh District, Orissa - Another disaster in development**

**Ajay Kumar Mahanta**  
Rourkela

(Edited from an English summary note given by the author)

### **Deogarh District**

The District comprises a total land area 2,940 sq.kms, divided into three Community Development Blocks with 60 Gram Panchayat. It has 867 inhabited villages with a total population of 2,74,095 (in 2001). The growth rate is at 17.02 per cent. There are Displaced People of Hirakud Dam, Rengali Dam, Rourkela Steel Plant living in the District.

### **The extent of displacement in Orissa between 1951 to 1995**

- Hydro-electric multi-purpose projects have displaced 3,25,000 people of which only 27.69 percent have been rehabilitated.
- Industrial projects have displaced 71,794 people of which only 27,300 or 38.03 per cent have been rehabilitated.
- Mining projects have displaced around 1,00,000 people of which almost 60 per cent people have been rehabilitated.
- Due to declaration of sanctuary around 50,000 people have been displaced of which only 15,540 or 31.08 per cent are rehabilitated.

In total, these mega-projects under the aegis of planned development during a period of four and half decades have displaced around 5,46,794 people of which only 35.27 per cent or about 1,29,840 people have been rehabilitated.

### **Displacement in Rengali Dam area**

For the Displaced Persons of Rengali Dam the Government of Orissa issued a press note outlining the facilities to be given to the oustees. They are, viz.:

- Planning proper rehabilitation before the submergence.
- Provision of compensation both in cash and kind, i.e. land both for agriculture and homestead.
- Development of village infrastructure at the rehabilitation sites.
- Compensation for the mango trees.

- Surcharge payment at the rate of 15 per cent. The construction of Rengali Dam displaced 265 villages of Deogarh and Angul Districts, of which 116 are reported as fully submerged and the rest 149 are partly submerged. Of these affected villages, 194 are coming under the Deogarh Subdivision under the then Sambalpur District (now Deogarh District), 71 are from the Pallahara Subdivision (now Angul District). Thus the Dam has caused an involuntary displacement of 10,872 people who had to be rehabilitated either on their own or in settlement colonies and in clusters set up for the purpose.

### **Issues of Rengali Dam Displaced Persons**

- Rengali Multi-Purpose Dam Project, built on the river Brahmani, benefits the districts of Dhenkanal (old), Cuttack and Keonjhar. The project has displaced 10,872 people from 265 villages of Deogarh and Angul Districts, among which 15.73 per cent are SC, 10.55 per cent are ST, and 73.72 per cent are belonging to other caste groups.
- 69.80 per cent of the oustee households were living primarily on agriculture at their villages in the submerged areas. This has reduced to 21.03 per cent. The informal sector along with the wage labour market has expanded to accommodate more people and provide sustenance to them.
- The type of agricultural land in their displaced villages comprised all qualities of land, and the level of production and irrigation had assured the minimum requirements. But now the Displaced Persons have been provided with lands more or less of Ata and Mal type which do not assure a minimum level of production.
- Around 21.38 per cent of the households have sold out their low quality agricultural lands which were stony, marshy and of laterite type and hardly found suitable for agricultural purposes.

- The status of indebtedness of the Displaced Persons shows that 57 per cent of the households had taken loans from informal sources and 26 per cent of the households had taken loans from both sources, basically to meet their exigency requirements.
- Around 31.87 per cent of the oustee households with loans from informal sources have mortgaged their land.
- Till date, some of the land is not identified by the Displaced Persons, and so they took leased patta on which they are tilling.
- The democratic institutions established in the name of Panchayat Raj (PRI) ignored the importance of the traditional leadership structure.
- The breakdown of patron client relationship forced the Displaced Persons to depend on outside forces to meet the contingency needs in the socio-economic frontiers of their life.
- Sample surveys reflect that 17.9 per cent were unmarried, 74.4 per cent were married, 7.7 per cent account for both widow and widower.
- Sample surveys reflect that the displacement encouraged the nuclear form of family and individualistic approach to social living, i.e. 61 per cent.
- 38 per cent are illiterate, 22 per cent are just nominally literate.
- The average land holding of the oustee households was ranging from 2 to 5 acres, 6.86 per cent of the households do not have any land, and they had sold their land to meet their special expenses like children's marriage and social ceremonies, etc.

## Selected Press Reports on the Conference

(Translated from Oriya and Hindi by Sunil Kumar Jojo)

SAMBAD, ROURKELA (ORIYA)  
8<sup>TH</sup> March 2010

### **Two-day Convention of Displaced Persons of R.S.P. Rourkela and Mandira Dam - N.G.O. of Germany at Rourkela helped them get their legitimate rights**

Rourkela 7/3 –

The displaced persons, mostly Adibasis, were uprooted from their hearth and home mercilessly 50 years ago. About 2,500 families of 67 mauzas have been displaced. At that time, it was assured that land for land, house for house, proper compensation for the loss of land and employment in SAIL R.S.P. Rourkela for every family of a son and daughter of a recorded tenant would be given. But the opportunities have not reached to the many displaced families. Six associations of the displaced persons assembled together to get their legitimate rights. An N.G.O. of Germany have also joined their hands to put the problems before the Government of Orissa and the public.

Rt. Rev. Bishop John Barwa inaugurated the Convention on 06.03.2010, Fr. Stan Swamy of Ranchi (Jharkhand) and Dr. G.B. Nath of Jalda Gandhi College expressed their opinion on this occasion. In the year 1993 N.G.O. Adibasi Ko-ordination Committee was formed in Germany for the welfare of the displaced person of R.S.P. Rourkela. Seven members of its committee attended the Convention. They were Mr. Johannes Laping and Mr. James Albert, advisor on ethnic and religious minorities in India. Two members of Adibasi Koordination Committee in Germany elaborated about the survey of R.S. Colonies which was conducted by them. They also collected the personal opinion of the displaced persons. Besides this, all the representatives discussed the matter and expressed their personal opinion among themselves.

On the second day of the Convention, Rev. Fr.

Celestine Xaxa expressed his views on the acquisition of land for R.S.P. Rourkela and Mandira Dam. Smt Dayamani Barla of Ranchi and Mr. Ajay Mahanta of Rourkela expressed their views on the displacement matter. Hindustan Steel Plant now renamed R.S.P. Rourkela, the first state-owned Steel Plant was established by the industrial German corporations in the year 1956. In later years, the German Government provided technical knowhow and financial assistance. The success of Rourkela Project has got place in the books of school children in Germany. However, thousands and thousands of Adibasis were uprooted from their hearth and home for this great project. Due to this magnificent project they have been ruined for good, and their sufferings increased and multiplied unlimited, unheard of and beyond imagination of the human mind. Even today they are victims of negligence and partial outlook. These views have been expressed with a heavy heart in the two-day Convention at Nav Jagriti, Kalunga.

On the one hand, non-displaced persons have been employed in SAIL R.S.P. Rourkela, by producing fake documents, and on the other hand, bonafide displaced persons could not be identified by the State Administration. 14,000 acres of lands of the acquired land have been declared surplus, but the same land has not been returned to the original tenants. Resettlement colonies have been completely neglected by the State Government as well as the R.S.P. Rourkela and nobody has given any attention to these colonies. These colonies have been deprived of all the basic amenities of life even till today.

This Convention was organized by Rourkela Local Displaced Persons Association, Regional Protection Committee, Mandira Dam Displaced Persons Association, Regional Protection Samiti, Sundargarh Zilla Displaced Persons Parishad, and Adibasi Ko-ordination in Germany for the displaced persons.

DHARITRI, ROURKELA (ORIYA)  
9 March, 2010

### **Convention of Displaced Persons of R.S.P. Rourkela and Mandira Dam**

Rourkela Office 8/3.

25,000 people had been displaced from 66 mauzas for the construction of Rourkela Steel Plant and Mandira Dam. At that time it was agreed and assured that land for land, house for house and compensation for the loss would be given and service for one member of a son's/daughter's family of a recorded tenant would be offered. 50 years have already elapsed, but the displaced persons have been deprived of all the benefits, even till date. Rourkela Local Displaced Persons Association, Regional Surakhya Committee, Mandira Dam Displaced Persons Association, Regional Surakhya Samiti, Sundargarh Displaced Persons Committee and Adivasi Coordination Society for Displaced Persons, etc. assembled together and put forward their demands to the Govt of Orissa and SAIL R.S.P., Rourkela.

This Convention was inaugurated by Rt. Rev. Bishop John Barwa on 07-03-2010 at Kalunga Jagriti Parishad. Rev. Fr. Stan Swamy of Ranchi and Dr. G.B. Nath of Jalda Gandhi College delivered their lectures on this occasion. Seven members of NGO Adibasi Koordination in Germany (started in 1993) have also taken part in the Convention of the displaced persons of Rourkela. Those eminent persons included namely Johannes Laping and James Albert, advisor on minorities in India. All of them expressed their views on the displaced person.

On the second day, two out of them stressed on the rehabilitation and survey of R.S. Colonies conducted by Adibasi Koordination Committee. Rev. Fr. Celestine Xaxa delivered his lecture on land acquisition at Rourkela and Mandira Dam. Mrs. Damayanti Barla of Ranchi and Mr. Ajay Mahanta of Rourkela expressed their view points on different subjects. It has been alleged that bonafide displaced persons are deprived of the service. On the other hand, non-displaced persons are getting service by producing false and fake documents. 14,000 acres of land have been declared surplus, but the Govt. of Orissa is reluctant to return the said land to the original tenants. That means, nobody is thinking for the resettlement of the displaced persons. It was also alleged that the displaced persons were deprived of their fundamental rights.

DAINIK JAGARAN, ROURKELA (HINDI)  
8<sup>TH</sup> March. 2010

### **Problems of Displaced Persons will be made known to the Govt. of Germany**

Rourkela, Reporter of Rourkela Jagaran:-

It was discussed that basic amenities of life have not been provided to the displaced persons of R.S.P. Rourkela, Mandira Dam and Bondamunda Marshalling Yard. Funds of German Development Bank, K.F.W., have not been utilized for the welfare of the displaced persons. The representative of Adibasi Koordination Committee in Germany, Mr. Johannes Laping assured that he would inform the Govt of Germany and the officials of the concerned department for the misutilization of the said funds.

The problems of the displaced persons were discussed widely and thoroughly and their present positions were made known to the seven members of Germany. Mr. Bijay Kumar Soreng presided over the Convention which was jointly organized by Rourkela Local Displaced Persons Association, Mandira Dam Displaced Persons Association, Regional Protection Committee, Bondamunda, Sundargarh Displaced Persons Parishad, N.G.O. ASHRA and Adibasi Koordination Committee in Germany.

The problems of the displaced persons of different resettlement colonies at different times were also discussed. It was mainly demanded that 14,000 acres of surplus land which was acquired for R.S.P. Rourkela should be returned to the original tenants. Besides this, it was demanded that basic amenities of life, such as land for land, house for house, compensation for the loss, and employment be given to the displaced persons settled at R.S. Colonies. It was further demanded that non-displaced persons and non-tribals who are working in R.S.P. Rourkela by producing forged documents should be pin-pointed and be removed from the services of the company.

The representative of Adibasi Koordination Committee in Germany, Mr. Johannes Laping, discussed broadly the situation of the displaced persons. Rev. Fr. Celestine Xaxa, Mr. Sudarsham Ekka, Mr. Peter Minz and Mr. Anand Lakra placed their points before this meeting. It was coordinated by Mr. Sunil Kumar Jojo.

SENIOR INDIA (HINDI)  
31 August 2010

### **Unfulfilled promise: No hope for the displaced**

A report by Satish Sharma

In 2008 the Government of India announced a whopping grant of ten thousand crore rupees to India's first integrated steel plant established in Rourkela, in the state of Orissa, towards modernization of the plant while it geared up to celebrate the golden jubilee of its birth. It brought smiles to those associated with the steel plant directly or indirectly. However not all were happy. The third young generation of the displaced people expressed their anger, as they still await the promises made to be fulfilled.

The first Prime Minister of India, Pandit Jawaharlal Nehru, termed it as the "Temple of Development", and the grandfathers of the young generation gave up their ancestral land for the establishment of the steel plant. How did this benefit those who made a great sacrifice? The Adivasi youth feel most neglected, cheated and have only this question in mind "Is this the treat for our sacrifice"?

There are several organizations working for the rightful claims of the displaced people. On the 6-7 of March, 2010, seven organizations came under one platform for a Seminar to evaluate the state of affairs of the displaced people and the impact on the local Adivasis. The Rourkela Steel Plant (RSP) has been established with support from the German Government and their technical know-how. A seven member delegation from an NGO had been present during this Seminar. Previously this NGO has been involved in research of the impact on socio-economic and cultural life of the displaced Adivasis as an aftermath of the establishment of the plant. As the members of the NGO presented their findings during the seminar, it was clear that displaced Adivasis have not benefited from Rourkela Steel Plant, instead their situation has worsened.

The fact that the young generation continue their struggle to this day to claim their rights and the promises made to their grandparents makes obvious the failure of the RSP with regard to inclusive development. All the displaced people present in the seminar lamented that RSP has not benefited them. Organized at Nav Jagriti Kalunga, this two day Seminar was the united effort of six local organizations namely; Local Displaced

Manch (LDM), Anchalik Suraksha Samiti (ASS), Mandira Dam Displaced Sangh (MDDS), Sundargarh District Displaced Parishad (SDDP), Adivasi Coordination Society for Displaced Persons (ACSDP), Adivasis for Social and Human Rights Action (ASHRA) along with two organizations from Germany: Adivasi Coordination of Germany (ACG) and Society for Threatened Peoples (STP).

Martina Claus and Sebastian Hartig, both members of ACG spent a number of days with the displaced people in their habitations to understand the present ground realities daily faced by the Adivasis. A visit to 10 rehabilitation centres made clear to them the depressed conditions in which people find themselves. Displaced persons vehemently presented the consequences of the forceful displacement. Their life was happy prior to the displacement. It has worsened in the post-displacement phase. Being illiterate and inexperienced, people could not have imagined the kind of troublesome situation they would face in the near future. Adivasis are simple folks and they just believed the officials who made empty promises. The majority of them even said that they were displaced without prior notice and forcefully transported to far away places in jungle areas, so that they could not organize themselves well to oppose the move. Rehabilitation centres were not provided with any basic amenities, lands were not cultivable, roads did not exist, and there was no drinking water. The promise "land for land" and with equal quality was never fulfilled; worse, people did not receive *patta* or ownership titles of the land given as compensation even after half century has passed. Some lands are still in the control of the Forest Department. The researchers were told that not a single official ever made a visit to them till today.

Giving testimony, a displaced from the Mandira Dam project, Mr. Habil Lomga, told the gathering that in the year 1958 he had been forcefully evicted from his home and dumped in the rehabilitation centre in Lachhada that did not have any facilities for living. No arrangements were made for the transportation of the animals to the new site. Later they had to go back on foot and take their domestic animals. People had to walk five kilometers to fetch drinking water from a dirty pond. The children had no education facilities. Health services were totally absent. All the other displaced also testified to the fact that their life had become much worse now than at their previous habitation.

It is significant to note that the Steel Plant and the Mandira Dam constructed to supply water to RSP, displaced 63 villages with 2,976 families and 1,193 families in Mandira areas, respectively. Land for land, all living facilities at the rehabilitation centres, and a job for every family were the promises made to the displaced. They were given land to construct houses in Jhirpani, Bondamunda, Jalda, Laing Colony, etc. However they were given agricultural land not fit for cultivation, in faraway jungle areas upto 40 kilometers from RSP like Khuntgaon, Amgaon, Lachhda, Kendro, Silikata, Gohami, Tainser, Hathidharsa, Bankibahal, Jaidega, Jhandapahad, Kadlibahal, Ulandajhadan, Partagutu, Kenduberni, and so forth.

Now it is over 50 years, but the new locations have not developed and still lack basic amenities. The Director of ASHRA and human rights activist Fr. Celestine Xaxa said that in all of the rehabilitation centres the living conditions have become much worse than before. Just because they are Adivasis, they got treated in such a way? It was a well planned move to keep them in faraway places and in small numbers to eliminate probabilities of protests and unified movements.

As result of this, till this day the third generation is struggling to get a job in the RSP as promised. The RSP authorities have claimed that they have given jobs to 6137 people which is been challenged by the Local Displaced Association. When the list of the people given jobs was demanded from the authorities, they could produce only 2211 names. A government enquiry has made the startling revelation that 1800 families have not been given jobs.

There have been demands and movements from time to time. A major one among these is the 32 Displaced Villages Movement which presented its five demands in 2004. When their demands were not met they agitated and in 2006 they

blocked the main railway route from Mumbai to Howrah for over 50 hours. A worried administration gave a written assurance that all their demands would be met. Under this agreement a special cell was constituted and it started to assess candidates. However, the speed with which this is going on puts a big question mark on the intention of the RSP authorities. There have been cases where non-displaced people have been given jobs. Mr. Ramchandra Sahoo, the President of the Local Displaced Association, said that such ways of working of RSP will not ensure a job for the displaced candidates even till the fifth generation. He further added that RSP has only benefited the outsiders. At the least, the unutilized lands must be returned to the original owners. Instead the administration is selling these lands to the outsiders in very high prices.

Johannes Laping from Germany told in the Seminar that RSP is a big success story in Germany. But the German government is not aware of the ground realities and the impact on the displaced people. The truth is that the majority of the displaced have no participation in the economic development process. Social activists have condemned RSP and Mandira dam as two big destroyers of the Adivasi culture. Adivasi Coordination of Germany has been involved in the exploratory process to understand the situation of the displaced and making an effort for social, cultural and political development. In this regard two seminars have been organized in Germany in 2006 and 2009 at Bonn and Berlin respectively to create public awareness. The promises of the RSP are still unfulfilled. The work will be over only on the day when the displaced themselves will say all their rights have been met and steps have been ensured to take their demands to a logical conclusion. He assured that he will continue to work both in Germany and in India to get the public support to fulfil the rights of the displaced.

## Epilogue

### The Struggle Continues

As we stated already in the press release at the time of the Conference (printed as the Preface of this publication): The Displaced Persons' Conference at Kalunga has been a historic event. Probably for the first time during their struggle, delegates from a great number of resettlement colonies and from all the affected areas - Adivasis as well as Non-Adivasis, old and young, from first generation to present generation - had come together.

And they were surprised to see half a dozen persons who had come all the way from Germany as supporters of their cause. This was heart-warming on both sides. For the Displaced Persons it was important to see with their own eyes that German civil society is taking an active role in the Rourkela struggle for justice and human rights, whereas the official German institutions remained inactive all the years and had even rejected the invitation to this Conference. - For the German participants it was important to see - on top of all previous contacts, research and support - that the struggle at Rourkela is very much alive and will gather momentum from the newly forged unity at the instance of this Conference.

In Rourkela and the resettlement colonies, the local organisations of Displaced Persons and their supporters will continue discussions and follow up on the complaints and demands put forward in the Conference and strategize accordingly.

In Germany, lobby work with the German institutions and authorities, like KfW, the Ministry for Development Cooperation, and the companies - who were or still are business partners of RSP - will be continued. They will be confronted again and again with the mal-developments in Rourkela. THEY HAVE TO ACKNOWLEDGE at least a co-responsibility for putting these things right. So far, they have denied any responsibility and blamed it on the Indian authorities. But: KfW initiated and sanctioned funds for a so-called Periphery Development Programme (PDP). However, the amount of funds made available for this PDP, its orientation, functioning and monitoring are kept as a secret both by RSP and KfW. Apparently the peripheral development under this pro-

gramme is very little geared towards the Displaced Persons (cf. Rourkela and after - 50 years of industrial development and social responsibility in Indo-German Cooperation, *sarini* Occ. Papers, No. 5). - Re-orienting this PDP towards the needs of the Displaced Persons would be a practical step, easy enough and a symbolic gesture at the same time. It would not even require additional funds but only following the principles of equity and justice for the Displaced Persons. And it would have to be negotiated with a firm commitment - by the German and the Indian authorities - to the affected people more than 50 years after their troubles began.

Friendship and solidarity with the Displaced Persons in their struggle for justice at Rourkela will continue. A visible form of support is this publication, which is by now the third in a row (cf. above, page 2). More may follow...

Already in the first two publications, we have dwelt extensively on legal aspects. The same has again been covered in several presentations of this Conference. And it will be one of the main working areas in the future also.

#### **On the Annexure**

In 1996, a Writ Petition was dismissed by the Supreme Court of India (cf. Adivasis of Rourkela, *sarini* Occ. Papers, No. 4). Now during the preparation phase of this Conference, a Writ Petition had been submitted to the High Court of Orissa, Cuttack, challenging the legal basis of the land acquisition for RSP and the Mandira Dam in the 1950s. On 9th July 2010, this Writ Petition was also dismissed. We are printing this Judgment in facsimile as an Annexure to the Conference Proceedings, for convenient reference by anybody who is interested (cf. following pages A 1 to A 9).

In fact, a different judgment could not have been expected, because the Petition was shaking at the very roots of the Rourkela project and would do so with most other industrial projects of the past, present and future. So we have to expose the ways the State and the Judiciary are responding and reacting on the laws. And we have to study the options of legal struggle very carefully.

IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK  
(EXTRA-ORDINARY ORIGINAL CIVIL JURISDICTION)

W.P.(c). No. 8840 OF 2009

09/800  
Code No. : 45300

IN THE MATTERS OF :

A PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA WHICH IS BEING  
LAID BEFORE THIS HON'BLE COURT BY  
"ADIVASIS FOR SOCIAL AND HUMAN  
RIGHTS ACTION", FOR THE ENFORCEMENT  
OF THE RIGHTS UNDER ARTICLES 14, 19,  
21, 244 READ WITH FIFTH SCHEDULE TO  
THE CONSTITUTION OF INDIA.

AND

IN THE MATTER OF:

**ADIVASIS FOR SOCIAL AND HUMAN  
RIGHTS ACTION,**

(Shortly called as A.S.H.R.A. ) a registered society  
under the Societies Registration Act 1860.

At.- Ashra Niketan,  
P.O. Kuarmunda,  
Distt.- Sundargarh  
Orissa-770039

Represented by its Secretary Celestine Xaxa,  
S/o. Late Raymond Xaxa.

**..PETITIONER.**

Versus

1. Union of India is represented through  
The Secretary to Govt. of India,  
Ministry of Tribal Welfare Department,  
Govt. of India, Shastri Bhawan,  
New Delhi.

22-6-09  
N. C. MISHRA  
ATTORNEY & SUTANT  
CUTTACK TOWNSHIP (ORISSA)  
SARINI P.O. 751005

HIGH COURT

12/2 1404 2007  
HIGH COURT OF ORISSA

2. The Secretary, Govt. of India,  
Ministry of Law & Justice Union Govt.  
Shastri Bhawan,  
New Delhi-110001.
3. Election Commission of India  
Is represented through  
The Chief Election Commissioner,  
Nirvacahan Sadan,  
Ashoka Road,  
New Delhi-110001.
4. State of Orissa is represented through  
its Chief Secretary, Govt. of Orissa  
At./Po.-Secretariate Building,  
Bhubaneswar  
Dist.-Khurda, Orissa.
5. The Secretary Law, Govt. of Orissa  
Ministry of Law , Law Department  
State Secretariate Building,  
Bhubaneswar, Dist.-Khurda.
6. The Secretary to Govt. of Orissa  
Ministry of Tribal Welfare Department  
At./Po.-Secretariate Building  
Bhubaneswar, Dist.-Khurda.

...OPP.PARTIES

(The matter out of which this Writ Petition arises was not  
before this Hon'ble Court in the present form as per  
instruction)

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**HIGH COURT OF ORISSA : CUTTACK**

**W.P.(C)No. 8840 of 2009**

**A.F.R.**

In the matter of an application under Article 226 of the Constitution of India.

Adivasis for Social and  
Human Rights Action

... ..

Petitioner

-Versus-

Union of India and others

... ..

Opp. Parties



For Petitioner : M/s. A.P. Mohanty,  
K.C. Mohanty, D.K. Singh,  
S.K. Biswal and T. Sahu.

For Opposite parties : Mr. J.K. Mishra  
(Asst. Solicitor General-1)  
Mr. S.D. Das  
(Asst. Solicitor General-2)

M/s. D.P. Dhal,  
S.K. Tripathy, K. Dash,  
S.K. Dash and P.K. Routray

 **PRESENT :**

**THE HONOURABLE SHRI V. GOPALA GOWDA**  
**CHIEF JUSTICE**  
**AND**  
**THE HONOURABLE SHRI JUSTICE S.C. PARIJA**

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**Date of Judgment : 09.07.2010**  
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**S.C. Parija, J.**

The petitioner who claims to be a registered Society, formed with avowed object of securing justice and well being of the members of Scheduled Tribes in the State, has filed this writ petition seeking



enforcement of the rights of the Scheduled Tribes of Sundargarh district in the State of Orissa, guaranteed under Articles 14, 19(1)(e), 21 and 244 read with the Fifth Schedule to the Constitution of India.

2. The contention of the petitioner is that in a Scheduled Area none but the Scheduled Tribe has the right to settle down on the soil comprising the Scheduled Area. Hence, no person other than a Scheduled Tribe has the right to live in a Scheduled Area and every person not being a Scheduled Tribe is an unlawful occupant on the soil comprising the Scheduled Area and as such he cannot exercise the right to vote in any constituency in a Scheduled Area.

3. The other contention of the petitioner is that every constituency in a Scheduled Area, in the election to the House of People or State Legislative Assembly, should be declared as a reserved constituency under Articles 330 and 332 of the Constitution of India. According to the petitioner, no candidate other than a candidate who belongs to a Scheduled Tribe should have the right to contest election from any constituency created in the Scheduled Area, for being a member of the Legislative Assembly of a State or for being a member of the Parliament of India. In this regard, it is submitted that the representation of People's Act 1950 and 1951 and the Delimitation Act, 2002 having not been made applicable to the Scheduled Areas of the State of Orissa by the Governor, in exercise of his power under sub-clause (1) of Clause (5) of Part 'B' of the Fifth Schedule to the Constitution, all elections held by the Election Commission in the Scheduled Areas of the State, by application of the provisions of the law made in the Representation of People's Act, 1950 and 1951 is void. Accordingly, it is contended that no Act of the Parliament or of the Legislature of the State can apply to a Scheduled Area, unless the same is made specifically applicable by public notification made by the Governor of the State.

  
A blue ink signature is written at the end of the text, with a line pointing to it from the left.

4. In the counter affidavit filed on behalf of the opposite parties 4, 5 and 6, it has been stated that the entire Sundargarh district in the State of Orissa has been declared as a 'Scheduled Area' by the President of India, in exercise of power conferred under sub-clause(1) of clause (6) of the Fifth Schedule, read with Article 244 (1) of the Constitution of India. However, it is not the law that any person who is not a Scheduled Tribe has no right to live in a area declared to be a Scheduled Area and that such area is wholly and exclusively reserved for the Scheduled Tribe only. It is further stated that the Fifth Schedule to the Constitution of India does not exclude the general population from living in the Scheduled Areas. On the other hand, clause 5(2) of the Fifth Schedule provides that the Governor of the State may make regulation which may (a) prohibit or restrict transfer of land by or amongst members of the Scheduled Tribes in such area, (b) regulate the allotment of land to members of the Scheduled Tribes in such areas and (c) regulate the carrying on of business as money lender by persons who lend money to members of the Scheduled Tribes in such area.

5. It has been averred in the counter affidavit that the Governor of Orissa has promulgated the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, to control and check transfer of immovable property by the Scheduled Tribes in the Scheduled Areas of the State of Orissa, which is in force in the district of Sundargarh.

6. Coming to the plea of the petitioner that all constituencies in a Scheduled Area is to be reserved for the Scheduled Tribes, it has been stated in the counter affidavit that the Delimitation Commission was established by the Government of India under the Delimitation Act, 2002, to redraw the boundaries of various Assembly and Lok Sabha constituencies based on the recent census. The Delimitation Commission of India prescribed the guidelines and methodology of delimitation of Assembly and Parliamentary constituencies, which have been delimited on the basis of 2001 census. As per Section 9(1) (d) of the Delimitation Act



2002, seats for Scheduled Tribes are to be reserved in the constituencies in which the percentage of their population to the total population is the largest. Accordingly, out of 147 seats for Assembly constituencies in the State of Orissa, 24 seats have been reserved for Scheduled Castes and 33 seats have been reserved for Scheduled Tribes.

As regard the entitlement of seats for Scheduled Tribes in the district of Sundargarh, it has been stated in the counter affidavit that keeping in view the 2001 census and the percentage of Scheduled Tribe population in the district, out of 7 seats for the Assembly constituencies in the district of Sundargarh, 5 seats have been reserved for Scheduled Tribes, in conformity with the provisions of the Delimitation Act 2002 and the guidelines issued thereunder.

7. Articles 330 and 332 of the Constitution of India provides for reservation of seats in the House of People (Lok Sabha) and the Legislative Assembly of the State, for Scheduled Castes and Scheduled Tribes, which shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the Lok Sabha and the total number of seats in the State Assembly, as the population of the Scheduled Castes and Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

8. Article 244 of the Constitution of India provides for administration of Scheduled Areas and Tribal Areas. Clause (1) of Article 244 provides that the provision of Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States specified therein.

9. Section 9(1) (c) and (d) of the Delimitation Act, 2002, provides that constituencies in which seats are reserved for Scheduled Castes or Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

8

10. In the present case, as has been revealed in the counter affidavit, constituencies in the State of Orissa for State Assembly and Lok Sabha have been delimited on the basis of 2001 census. Taking into consideration the population of Scheduled Castes and Scheduled Tribes in proportion to the total population of the State, 24 seats have been reserved for Scheduled Castes and 33 seats have been reserved for Scheduled Tribes in the State Assembly. As per the provisions of the Delimitation Act, 2002, out of the 7 seats in the district of Sundargarh for the State Assembly, 5 seats have been reserved for Scheduled Tribes on the basis of the percentage of their population to the total population of the district is the largest.

11. The Fifth Schedule to the Constitution contains 7 clauses and consists of Parts A, B, C and D. Clause 6 in Part C deals with Scheduled Areas as the President may by order declare. Clause 5 of the Fifth Schedule deals with laws applicable to the Scheduled Areas. Sub-clause (1) of clause 5 provides that the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State, subject to such exception and modification as the Governor may specify in the notification which may be given retrospective effect.

12. Sub-clause (2) of clause 5 of the Fifth Schedule provides that the Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. Under Sub-clause (3) of clause (5) of the Fifth Schedule, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

13. Admittedly, the entire district of Sundergarh has been declared as a 'Scheduled Area' by the President, in exercise of power conferred under



clause 6(1) of the Fifth Schedule, read with Article 244(1) of the Constitution. The Governor of Orissa for the peace and good government of the Scheduled Area has promulgated the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956, to control and check transfer of immovable property in the Scheduled Areas of the State, in order to protect the rights of Scheduled Tribes. Similarly, the Orissa (Scheduled Areas) Debt Relief Regulation, 1967, has been promulgated to provide for relief from indebtedness to the Scheduled Tribes in the Scheduled Areas of the State. All these regulations are in force in the district of Sundergarh, being a Scheduled Area.

14. From the above, it cannot be said that the Union or the State Government has failed to comply with the provisions of Article 244(1) read with Fifth Schedule of the Constitution. The plea of the petitioner that the entire Sundargarh district having been declared as a Scheduled Area, nobody else, except a Scheduled Tribe has the right to live in such a area is wholly erroneous and misconceived. Merely because an area has been declared to be a Scheduled Area under Part 'C' of the Fifth Schedule, the same does not imply that nobody else except a Scheduled Tribe has a right to live in the said area.

15. Coming to the plea of the petitioner that any Act of the Parliament or the State Legislature has to be made applicable to the Scheduled Areas by public notification to be issued by the Governor of State, under Part 'B' of the Fifth Schedule to the Constitution, in order to make the same operative in the Scheduled Area, the same is equally fallacious and misconceived and deserves outright rejection. What is provided under sub-clause (1) of clause 5 of the Fifth Schedule is that the Governor is empowered, notwithstanding anything in the Constitution, to direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or shall apply to a Scheduled Area subject to such exceptions or modifications, as the Governor may specify in



the notification. Hence, only if any Central or State Act is not to be applied to a Scheduled Area or is to be applied to a Scheduled Area, subject to such exceptions and modification, the Governor of the State may specify the same in the notification. Hence, by necessary implication, it cannot be said that all Acts of the Parliament or the State Legislature can only apply to a Scheduled Area, if there is a notification to that effect by the Governor of the State. (See- **Ram Kripal Bhagat and others -vrs- State of Bihar**, AIR 1970 SC 951).

16. In view of the foregoing discussions, we do not find any merit in the contentions raised by the petitioner so as to warrant any interference by this Court, in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition being devoid of merit, the same is accordingly dismissed.

Sd/- Sri. Parajapati, J.

Sd/- V. Gopala Chouda, C.J.

V. Gopala Gowda, C.J.

I agree



Orissa High Court, Cuttack  
Dated the 9<sup>th</sup> July, 2010/KCB:soi

Chouda

17/7/10

## Solidarity Action Research & Information Network International (*sarini*)

Towards a non-violent & non-oppressive society

*sarini* is a word from Sanskrit language. It means "the one that moves on steadily (like a creeper)". It is the female form.

*sarini* is an informal, voluntary network of like-minded people sharing in the view that the present political structure, social, economic and environmental conditions require a radical transformation, which, however, is unlikely to be achieved and wanted by those in power and through their traditional top-down planning approach.

*sarini* takes on a radical bottom-up approach that is responsible to the community in every respect.

*sarini* is coordinated in a strictly non-hierarchical manner. Individuals, action groups or support groups sharing in the above view and intention may at any time join *sarini* and establish themselves as autonomous local or regional groups. They may also opt out of *sarini* at any time. No *sarini* member or group shall ever dominate any other member or group.

*sarini* operates entirely through the voluntarism of her members.

*sarini* makes relevant informations, consistent with her intentions, accessible at local, regional, national and international levels by providing for translations into local regional, national and international languages.

*sarini* may function also in the way of a news agency, supplying informations researched and/or communicated by *sarini* members to news papers, journals and research journals. Multiplicity of publication is intended. Informations rejected or ignored by such media may be published by *sarini* in her own way.

*sarini* tries to obtain funds for carrying out her activities.

*sarini* research projects are to be formulated, carried out and evaluated in a participatory process of all the involved, especially the beneficiaries.

*sarini* will be accountable to funding agencies only through the voice of the beneficiaries of *sarini* engagements, and that, too, in a non-formalized manner.

*sarini* has been functioning already in many ways through individual contacts, and she will continue to do so. Yet, for her further growth and spreading, communications beyond *sarini* may be attached with this leaflet. So any recipient of such communications will get the idea, and communicating further automatically helps in expanding *sarini* without any obligations.

### Adivasi-Koordination in Germany (reg. soc.)

Adivasi-Koordination is a network of NGOs and individuals engaged in human rights and development work. Since its inception in 1993 - the International Year of the Indigenous Peoples - the main thrust of Adivasi-Koordination's activities has been:

- to support the Adivasi in their struggle for survival and for their human rights (e.g. participation in protest campaigns);
- to document recent developments in the political, social and cultural context, with special focus on human rights violations;
- to provide information to a wider audience through publications, seminars and other means;
- to support Adivasi delegates in their contacts with funding agencies, governments and international organisations;
- to be in dialogue with Adivasi organisations and supporters in India.

Other activities of Adivasi-Koordination are:

- to publish an Adivasi Newsletter (in German, 2-3 issues per year);
- to build up an archive of audio-visual media (tapes, slides, videos, films);
- to build up a newspaper clippings archive and service.

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