

Adivasis of Rourkela

Looking Back on 50 Years
of Indo-German Economic Cooperation

Documents - Interpretations - International Law

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Documents - Interpretations - International Law

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Adivasi-Koordination in Germany
Secretariat: Dr. Theodor Rathgeber
Jugendheimstr. 10
D-34132 Kassel, Germany
Phone ++49-561-47597800
Fax ++49-561-47597801
email adivasi.koordination@gmx.de
www.Adivasi-Koordination.de

This *sarini* publication is distributed from:

Sahayog Pustak Kuteer (Trust)
11-A, Nangli Rajapur
Nizamuddin east
New Delhi 110 013, India
Phone ++91-11-24353997
email sahyogpk@rediffmail.com

B.I.R.S.A. Mines Monitoring Centre
B6 Abilasha Apartments,
11 A Purulia Road
Ranchi 834001, Jharkhand, India
Phone ++91-651 2531874
email mmc@birs.org

CEDEC/NISWASS
3, Chandrashekharapur
Bhubaneswar 751.016, Orissa, India
Phone ++91-674-2300052 / 2300831

Adivasis for Social & Human Rights Action
ASHRA-Niketan
P.O. Kuanrmunda,
Distr. Sundargarh, Orissa, India

C.R. Bijoy
Doctors' Quarters
Sri R.K. Hospital
395, Avaram Palayam
Coimbatore 641.044, T.N., India
email rights@rediffmail.com

sarini
c/o Johannes Laping
Christophstr. 31
D-69214 Eppelheim, Germany
Phone ++49-6221-766557
Fax ++49-6221-766559
email sarini-jl@gmx.de

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PREFACE

Around fifty years ago, in the 1950s, the land of the Adivasis or the indigenous peoples of Rourkela was taken over for the construction of a steel plant and ancillary industries together with a new residential town. German technical and financial assistance in designing and planning, construction and operation of the steel plant continued over five decades.

Achievements and failures of this long term project of bilateral cooperation are interpreted in various ways depending on the larger interests and on the criteria adopted by the observer. This publication presents some information on the life and of the Adivasi population in and around Rourkela.

The texts are arranged in four main sections. The general layout rule is like this:

- comments and interpretations are in two columns;
 - documents are in single columns and in boxes.
- All texts in the four sections are arranged in chronological order.

Part I contains a few official and semi-official documents as well as selected documents of the decades long struggle of the Adivasis for rehabilitation after they were forced to give up their land in the places where the steel plant and the new "steel city" came up. These documents are presented in boxes and in single column. At times these documents are introduced or commented

in *italic* characters and that is in two columns layout. Data on displacement, which are compiled from different documents, along with a map of the resettlement sites are also included here.

In Part II we reproduce interpretations of this peculiar Rourkela process, from different perspectives and dating from different times.

In Part III we look at the wider implications of industrialisation and mining in the mineral rich areas of eastern India, Orissa and Jharkhand. This includes details on new industrial projects and peoples' reactions to these. A report and an analysis on the dramatic developments in early 2006 in Orissa are also given here.

Part IV - for ready reference - gives the two most important instruments of international law plus a recent U.N. document, adopted only in June 2006, that will have to be considered when outlining the further developments. The layout for this is in single column and in grey boxes.

All this is in preparation of a "Rourkela Conference" that is being held in Germany on 22-24 September, 2006. In this conference, Indian and German representatives from civil society and from government institutions will discuss historical experiences as well as expectations, tasks and future activities. This reading material will also be published in German language and will later be appended with the conference findings.

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. As such we have taken up to initiate a process of critical review and assessment of the entire Rourkela experience, from the beginnings to the present day, and to set some guidelines for the future.

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LIST OF ABBREVIATIONS OR LOCAL NAMES

Abadi	cultivated land
Anabadi	uncultivated land
Ac./ac./acr.	acre(s) (1 ac. = 0.4071 hectares/1 hectare = 2.471 acres)
ADM	Additional District Magistrate
benami	"unnamed", "unspecified"
CBI	Central Bureau of Investigation
B.I.R.S.A.	Bindrai Institute for Research, Study & Action, Ranchi
B.J.D.	Biju Janata Dal
B.J.P.	Bharatiya Janata Party
CNT	Chotanagpur Tenancy Act
crore	10 million (= 100 lakhs)
Dalal	"middleman"
DGM	Deputy General Manager
DIG	Deputy Inspector General (of Police)
Diku	"alien", "stranger" ("exploiter")
FIR	First Information Report
HSL	Hindustan Steel Limited
IAS	Indian Administrative Service
IDCO	Orissa Industrial Infrastructure Development Corporation
ILO	International Labour Organisation
IPS	Indian Police Service
ITI	Industrial Training Institute
J.M.A.C.C.	Jharkhand Mines Areas Coordination Committee, Ranchi
J.O.H.A.R.	Jharkhandis' Organisation for Human Rights, Chaibasa and Ranchi
khata	holding
L.A.	Land Acquisition
lakh	100,000
lathi	baton, long stick used by police
LDP	Local Displaced Person(s)
MLA	Member of Legislative Assembly
MP	Member of Parliament
N.G.O.	Non-Governmental organisation
NHRC	National Human Rights Commission
OAS	Orissa Administrative Service
O.S.E.B.	Orissa State Electricity Board
PD	Peripheral Development
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
RDC	Revenue Divisional Commissioner
RKL	Rourkela
RS	Resettlement Colony
RSP	Rourkela Steel Plant
SAIL	Steel Authority of India Limited
SDDPAC	Sundargarh District Displaced Persons' Action Committee
SDO	Sub-Divisional Officer
SNG	Sundargarh (District)
SP	Superintendent of Police
ST	Scheduled Tribe(s)
Tahsil	administrative sub-division of a district
TSP	Tribal Sub Plan
U.N.	United Nations

PART I: DOCUMENTS AND FIGURES

Introduction

Industrialisation as a national priority

Even before the British rule ended in India in 1947, many politicians and industrialists (Tata, Birla etc.) worked out plans for industrialisation in India. The government was supposed to provide land, negotiate the foreign collaborations and help constructing steel plants and power plants (mainly hydroelectric power through dams and thermal plants through coal). In early 1953, the Government of India started negotiations in different countries: German steel companies (Krupp, DEMAG et al.) were asked for constructing a steel plant in the mineral rich area of Orissa, the USSR in Bhilai (M.P.), the British in Durgapur (West Bengal) and USA (later the USSR) in Bokaro (Bihar at that time, today Jharkhand).

In 1955, German engineers arrived at Rourkela for the site planning of the steel plant. It started working in 1958. In 1961 additional German experts were sent to Rourkela to master the problems that had emerged while running the plant. The German Federal Government safeguarded the business in 1958 through credits, initially with the amount of 660 millions DM. More credits were provided later to modernise the plant and enhance its capacity.

Why Rourkela?

The Government of Orissa at that time was determined to attract investments and establish industrial projects in its northern district of Sundargarh. The arguments put forward were that this was one of the most backward regions with mainly tribal illiterate population which would highly deserve to be developed. Ultimately the decision for Rourkela was made primarily for technical-logistical reasons: The raw materials (iron ore, coal and limestone) were available in the areas near-by and could be transported over the well developed infrastructure. Water would be provided by the Brahmani river flowing next to Rourkela. The railway line Kolkata-Mumbai passed through Rourkela (about 400 km west of Kolkata). Electricity was available from the Hirakud dam, about 200 km south-west (the German company Voith-Siemens had supplied the generators for this hydel plant).

Land acquisition for Rourkela Steel Plant etc.

A number of official, semi-official and civil docu-

ments are in circulation which contain notifications, lists of villages, press notes, memorandums, etc. Those documents that were accessible for this publication - apart from being in bad printing - are not all fully consistent: names of villages are given in different spellings, sometimes the tabulation of plots of acquired land is slightly inaccurate. There are also differences in the lists of acquired lands presented by social activists as against the figures that can be found in official lists. For example, the first document reproduced here, Revenue Department Notification of 16th February 1954, lists 53 villages and a total of 67.17 Sq.Miles. But Revenue Department Notification of 22nd February 1954, only a few days later lists 92 villages and mentions a total area of "more or less 78 square miles". The full and consolidated details of the land acquisition were not available at the time of this research, only some stray documents do give some idea on the matter:

In the end, 32 villages plus one with a population of round about 13,000 were evicted. This one additional village is Bondamunda, which had to give way a little later for establishing the steel plant's railway marshalling yard. The figures of the total extent of the area taken (around 20,000 acres) also vary and cannot be fully ascertained. This being the case with the statistical cumulative data, one can well imagine how the compensation procedures with individual owners or occupants of land may have been handled.

Part of the notified land was later "denotified", part of the acquired land was later returned - not to the original owners or occupants -, but to the Government of Orissa. In 1995, lists of villages and lands were prepared showing an extent and details of areas supposedly to be returned. Apparently only in the 1990s a lease deed of 15,714.210 acres of land has been executed between the steel plant and the state government. This is according to a letter from the "Office of the Special Officer cum A.D.M. Rourkela" to the Additional District Magistrate, Sundargarh.

The handling of this particular issue, named "surplus land", by the state authorities has created much irritation among the Adivasis of Rourkela who are till today struggling for fair rehabilitation and compensation. Altogether,

there is no absolute clarity about the extent of land actually taken and used for the declared puposes. Nevertheless, we are giving here the various lists, inconsistent as they may be.

Little known outside India is the fact that along with the steel plant and the new residential area ("Steel City") another vast stretch of land was taken. In 1957, the Mandira dam was constructed across the river Sankh (ca. 30 km away from Rourkela) in order to provide sufficient water to the steel plant and the new residential area. 11,923.98 acres or about 5,700 hectares of land was covered by the reservoir, dam site etc., evicting about 9,000 people in 31 villages. Details on this have been compiled by activists.

Resettlement

It is surprising to find - at closer look - that there are apparently no solid official documents with details of such vital importance for the evicted people. A Government Press Note of 27th June 1955 gives only vague indications or intentions, but nothing of a programme and due procedures. The details given on this issue also vary through different documents.

Apparently two large resettlement colonies were established near Rourkela: Jhirpani and Jalda, to accommodate all the displaced families from Rourkela area. About half of the people from the Mandira Dam area were resettled in what is either called resettlement colonies or in so-called reclamation camps. This is a kind of second line of action, where displaced families were allotted land to continue agriculture. The total area of these reclamation lands, according to one list, is about 4,138.52 acres. This includes resettlers both from Rourkela and from Mandira areas. Even when one adds to this the area of 186,88 acres for almost 3,400 house plots provided at the resettlement colonies Jhirpani and Jalda, this is about less than the sixth part of the total area taken. The distinction between what is a resettlement colony and what a reclamation camp is not always clear.

It is also not clear in most cases what the allotment of land to the evicted families meant in legal terms. In the mid 1990s, some administrative activity is visible, but even then there are cases where persons were made to sign papers which they could not read and which were also not duly explained to them. Many families till date do not have any certainty about the land they now occupy and cultivate.

For the majority of Adivasis, who were evicted

and brought to the remote places upto 100 km away from their earlier homes, the experience was traumatic and the resettlement hard and painful. Most of them had lived in a well-knit community and had their agriculture, crafts and forest income. They had modest earnings and secure living. They came to know about the construction of the steel plant or the dam only when the government had already taken the decision and fixed the dates for eviction:

"One day, lorries appeared in our village and we were told by the officers to pack our belongings and board the vehicles. They did not give us much time... We were brought to Lachhda and were given temporary shelters with only some leaves as roofs. This did neither protect us from sun nor from rains. During the rainy season, the floor was completely wet and muddy... We had neither medical care nor a school. The land declared as agricultural land and given to us was practically not cultivable. Some of our people decided to return to their home lands and walked back for two days or more".

With these bitter words a 60 years old lady described in March 2005 her experience of the "resettlement". The death rate among these Adivasis was above average in the earlier years of the resettlement. They had no clean drinking water and no proper medical care. And the psychic pressure was tremendous. Most of the resettlement sites also had a mixed population from different villages in the evacuated area. This, occasionally, created further problems.

During the late 1950s and into the 1960s, a few individuals - Adivasi as well as Non-Adivasi - tried to fight for appropriate compensation payments for abandoned houses, utensils, other movable property, house gardens and trees. By and large, it seems, the compensation payments received by the evicted Adivasis were below the market rates.

Employment for Adivasis

The promises made to the resettled Adivasis are not very clear and binding. In fact, the language of official statements at the time is revealing: as far as employment is concerned, the talk is mainly of the "people of Orissa".

During the construction phase of Rourkela Steel Plant, huge numbers of workers were required for the earth works and hard manual jobs. Many Adivasis were employed in this phase. But when

the construction was over and the plant started running, government could not provide jobs to the evicted families in sufficient number. Many of the jobs also could not be filled with the Adivasi quota, as the majority of the evicted Adivasis did not have the required qualifications. Apparently the labour organisations or trade unions did not take up the issue of Adivasi employment.

Already in the first appeals made by the evicted Adivasis the issue of employment has been raised prominently. But only in the 1970s a rather vague agreement was made, known as the T.N.Singh Formula, according to which one member of each displaced family shall be entitled to be employed in RSP. But even then, the controversy over unkept promises remained and was taken to the judiciary. In the 1990s, political interventions led to a few hectic official reactions where at least some data were compiled and notices or memorandums sent to concerned offices.

A Supreme Court Judgement in 1995 reflected in detail on the plight of the displaced Adivasis but ultimately dismissed the employment demands of the petitioners as exaggerated. The interesting

fact is that today RSP is referring to this particular Supreme Court Judgement for turning down any further demands of any nature. In 2002 one organisation of the displaced Adivasis launched a new series of appeals to the state government of Orissa, to the central government, and even to the German Chancellor.

Remaining tasks

Displaced Adivasis have brought to light that a number of people who did not belong to the displaced communities had managed to get "Displaced" certificates. In this way, they could get benefits which were meant for the displaced Adivasis, like land or employment in RSP.

The majority of the Adivasis of Rourkela have lost during these 50 years, only few have gained. It will remain as one of the tasks for the future to put under scrutiny the correct performance of the administration and RSP in assessing and settling for each displaced family:

- the land and property lost,
- the appropriate compensation, and
- the due receiving of the same by the concerned families.

Technical note

Especially the documents of SDDPAC in this section repeat their arguments in different forms. We have nevertheless kept them and take this fact itself as a genuine expression of the urgency of the matter.

Most of the documents printed in this section were available only in bad xerox quality, as typed and re-typed documents, and with plenty of spelling or typing errors and other mistakes. These have only mildly been corrected. Further errors and mistakes might have occurred when processing the texts for layout and printing. The responsibility for any mistakes, therefore, is on many shoulders.

The Orissa Gazette Extraordinary

Published by Authority
No. 26 Cuttack, Tuesday, February 16, 1954

Revenue Department Notification The 16th February 1954

No. 665-Dev.-XVII-27/54-R.-Whereas it appears to the Government of Orissa that land is required to be taken by Government at the public expense for a public purpose, viz., for establishment of a Steel Works and allied ancillary industries and Government buildings at Rourkela in the district of Sundargarh, it is hereby notified that the land in the villages specified in the schedule below is likely to be needed for the purpose noted above.

This notification is made under the provisions of section 4 of Act I of 1894 as amended by Act 38 of 1923 to all whom it may concern. The Government of Orissa are pleased to authorise the officers for the time being engaged in the preliminary investigations relating to the project to enter upon and survey land and all other acts required for the proper execution of their work as provided for or specified in sub-section (2) of section (4) of the said Act. Objections to the acquisition, if any, filed under section 5(A) by any persons interested within the meaning of that section within 30 days of the publication of notification before the Collector of Sundargarh will be considered.

By order of the Governor
V.Ramanathan
Addl. Secretary to Government

The above document is maybe the first official document available. It has in its Appendix a "Schedule: List of villages and land statement of the site for the proposed steel plant near Rourkela (Orissa), District Sundargarh" giving the names and land details for 53 villages. We will only list here the names:

(1) Kapatmunda, (2) Barabans, (3) Gurgudjore, (4) Kudarbahal, (5) Uparbahal, (6) Birkera, (7) Kukuda, (8) Dumerta, (9) Dumermunda, (10) Sanramloi, (11) Sanpokhri, (12) Duduria, (13) Sanuparbahal, (14) Badeljore, (15) Manko, (16) Bad-ramoli, (17) Barsuan, (18) Bandonmunda, (19) Tarkera, (20) Deogaon, (21) Goradidi, (22) Bhangamunda, (23) Milmili, (24) Rourkela, (25) Jharmunda, (26) Bijubandh, (27) Tangarpali, (28) Jalda, (29) Kansar, (30) Hatibandha, (31) Attaghat, (32) Asurchhapal, (33) Suidihi, (34) Sunaparbat, (35) Nuatoli, (36) Dalakudar,

(37) Lohadar, (38) Karlakhman, (39) Lathikata, (40) Kulamunda, (41) Ergeda, (42) Menko, (43) Thepatoli, (44) Turiberna, (45) Kanarsuan, (46) Jharabahal, (47) Raghunathpalli, (48) Durgapur, (49) Mundajori, (50) Balani, (51) Barkani, (52) Urtum, (53) Mahulpali.

The totals given in the tabulation are slightly inaccurate, with a difference of about 100 acres above correct tabulation...

In the concluding lines of that Schedule the figures are summarized like this:

Total Cultivable area	18.081,88 acres
Total Anabadi area	5.846,15 acres
Total Khesra forest area	9.761,33 acres
Reserve Forest area	9.302,00 acres

Total	42.991,36 acres
	or 67.17 Sq.Miles

**The Orissa Gazette
Extraordinary**

**Published by Authority
No. 34 Cuttack, Monday, February 22, 1954**

**Revenue Department
Notification
The 22nd February 1954**

No. 863-Dev.-XVII-27/54-R. – Whereas it appears to the Government of Orissa that land is required to be acquired speedily by Government for development of Industries, namely, establishment of a Steel Plant and allied and ancillary industries in the blocks of villages as shown in the schedule below, it is hereby notified that for the above purpose an area measuring more or less 78 square miles is required within the aforesaid villages.

This notification is made under the provisions of sub-section (1) of section 3 of the Orissa Act XVIII of 1948 to all whom it may concern.
A plan of the land may be inspected in the office of the Collector, Sundargarh.

Schedule

I. Block A – Consisting of the undermentioned villages bounded as follows:-
Boundary

North	River Koil
South	Eastern Railway
West	Rivers Brahmani and Koil
East	Revenue Road from Railway level crossing at Rourkela to village Hamirpur and beyond up to river Koil

List of villages- (1) Panposh, (2) Dahiposh, (3) Tumkella, (4) Purnapani, (5) Luakera, (6) Chhend, (7) Bandhposh, (8) Hamirpur, (9) Lanjiberna.

II. Block B – Consisting of the following villages:-

(1) Bhalupatra, (2) Chikatmati, (3) Sarala, (4) Malikapali, (5) Nuagaon, (6) Mahaliapali, (7) Beldih, (8) Kalokadar, (9) Lungai, (10) Goppali, (11) Brahmanitarang, (12) Goibhanga, (13) Gadeibalanda, (14) Tiabahal, (15) Balanda, (16) Jharjaranga, (17) Dandiapali, (18) Gutidharh, (19) Garjan, (20) Tumran, (21) Bimal, (22) Khairbandh, (23) Buchahanda, (24) Gopdihi, (25) Birkira, (26) Arha Jharibahal, (27) Ranto, (28) Kendberna, (29) Nakakhandia, (30) Jadakubar, (31) Kapatmunda, (32) Barabans, (33) Gurgudjore, (34) Kudarbahal, (35) Uparbahal, (36) Birkera, (37) Kukuda, (38) Dumerta, (39) Dumermunda, (40) Sanramloi, (41) Sanpokhari, (42) Duduria, (43) Sanuparbahal, (44) Bandeljore, (45) Manko, (46) Bad-ramoli, (47) Barsuan, (48) Bandonmunda, (49) Tarkera, (50) Deogaon, (51) Goradihi, (52) Bhangamunda, (53) Milmili, (54) Rourkela, (55) Jharmunda, (56) Bijubandh, (57) Tangarpalli, (58) Jalda, (59) Kansar, (60) Hatibandha, (61) Attaghat, (62) Asurchhapal, (63) Suidihi, (64) Sunaparat, (65) Nuatoli, (66) Dalakudar, (67) Lohadar, (68) Karlakhaman, (69) Lathikata, (70) Kulamunda, (71) Egeda, (72) Menko, (73) Thepatoli, (74) Turiberna, (75) Kunarsuan, (76) Jharabahal, (77) Raghunathpalli, (78) Durgapur, (79) Mundjori, (80) Balani, (81) Barkani, (82) Urtum, (83) Mahulpali.

By order of the Governor
V.Ramanathan, Additional Secretary to Government

Table 1: Acquisition of land for Rourkela Steel Plant and residential area

Sl. No.	Name of the village	Total Area handed over to RSP in Acres				Net Agreement Area in Acres			
		acquired land	Govt. Land	Total	acquired land	Govt. Land	Total
1	2	3	4	5	12	13	14
1	Ahira Bandh	206,88	28,87	235,75			206,88	28,87	235,75
2	Bandha Posh	308,22	165,43	473,65			246,85	149,91	396,76
3	Bankia	291,57	20,36	311,93			176,01	18,26	194,27
4	Barkani	1.046,71	514,39	1.561,10			479,98	421,87	901,85
5	Bhanga munda	299,36	49,45	348,81			299,32	49,16	348,48
6	Biju bandha	116,76	140,33	257,09			116,76	140,33	257,09
7	Chhend	796,22	324,19	1.120,41			512,80	219,67	732,47
8	Dahi Posh	203,90	37,68	241,58			203,90	37,68	241,58
9	Deogaon	324,11	219,24	543,35			273,68	196,39	470,07
10	Dumerta	48,66	3,46	52,12			48,66	3,46	52,12
11	Durgapur	674,88	533,00	1.207,88			300,69	320,97	621,66
12	Garjan	21,60	1,52	23,12			21,60	1,52	23,12
13	Guradihi	587,51	249,63	837,14			587,51	249,63	837,14
14	Hamirpur	625,96	119,55	745,51			625,39	119,55	744,94
15	Jharabahal	243,05	177,09	420,14			243,05	177,09	420,14
16	Jharia Ghati	47,71	20,53	68,24			47,71	20,53	68,24
17	Jharmunda	146,82	131,04	277,86			146,82	131,04	277,86
18	Jhirpani	576,14	228,25	804,39			316,56	98,77	415,33
19	Kantajhar	678,54	288,58	967,12			176,83	141,66	318,49
20	Kharia Bahal	241,58	110,85	352,43			241,58	110,85	352,43
21	Luhakera	437,26	76,94	514,20			437,11	76,89	514,00
22	Mahul Pali	308,18	125,62	433,80			149,75	78,68	228,43
23	Milimili	351,29	112,93	464,22			351,29	109,37	460,66
24	Pradhan Pali	45,44	1,40	46,84			34,35	1,40	35,75
25	Puruna Pali	1.246,67	174,10	1.420,77			1.246,67	174,10	1.420,77
26	Raghunath Pali	413,12	135,52	548,64			70,29	4,68	74,97
27	Rourkela	811,56	229,57	1.041,13			811,56	229,57	1.041,13
28	Sanlanji Berna	77,34	27,00	104,34			76,84	22,38	99,22
29	Tangar Pali	259,75	107,29	367,04			259,75	107,29	367,04
30	Tarkera	715,13	108,66	823,79			546,77	80,10	626,87
31	Tumkela	1.604,77	155,05	1.759,82			1.604,77	155,05	1.759,82
32	Udtum	847,52	233,33	1.080,85			716,40	196,52	912,92
33	Uparama Bahal	219,97	47,66	267,63			216,54	46,30	262,84
Total		14.824,18	4.898,51	19.722,69			11.794,67	3.919,54	15.714,21

The above details of village-wise land are from an undated document issued probably in 1993 after extended legal debate, the cumulative figures from this table are also referred to in a written communication from "Office of the Special Officer cum A.D.M. Rour-

kela, No 14/8/ Dt.24.12.95, To the Addl.District Magistrate, Sundargarh", which is reproduced later. (The left out columns 6 to 11 give details of "surrendered" or returned land, accumulating to 4,008.48 acres. These areas are listed separately)

Table 2: Acquisition of Land for Mandira Dam, 1956-57

Sl. No.	Name of Village	Total Abadi	Total Anabadi	Grand Total
1	2	3	4	5
1.	Dumerjor	70.39	76.06	146.45
2.	Bankibahal	786.26	324.50	1110.76
3.	Laikera	327.60	347.36	674.96
4.	Jharbera Jungel	19.94	49.55	69.49
5.	Jharbera	134.59	140.63	275.22
6.	Hetposh	359.35	510.40	869.75
7.	Jaidega	178.54	131.01	309.55
8.	Dublabera	209.94	114.53	324.47
9.	Kantabeda	232.03	111.96	343.99
10.	Burhikudar	363.52	263.12	626.64
11.	Jhunmur	25.76	73.73	99.49
12.	Sankuchlu	80.35	126.59	206.94
13.	Kadamunda	127.92	150.52	278.44
14.	Pandrisilla	185.83	150.52	336.35
15.	Rangabira	376.09	247.03	623.12
16.	Badmal	026.38	034.77	61.15
17.	Kendudihi	94.63	91.43	186.06
18.	Dalki	200.64	548.85	749.49
19.	Salangabahl	05.06	76.24	81.30
20.	Sahajbahl	00.00	91.57	91.57
21.	Laing	222.34	105.27	327.61
22.	Hetabahal	224.83	142.62	367.45
23.	Khardihi	481.92	329.19	811.11
24.	Sarumohan	312.32	214.72	527.04
25.	Bad Kuchlu	310.33	180.76	491.09
26.	Kukudamunda	165.88	105.14	271.02
27.	Hathmunda	203.73	239.03	442.76
28.	Bheluadihi	226.22	251.81	478.03
29.	Laxmiposh	21.15	75.92	97.07
30.	Samlaimunda	158.09	218.24	376.33
31.	Tarkera	28.19	241.09	269.28
Total		6159.82	5764.16	11,923.98

Source: Orissa District Gazetteers, Sundargarh, Gazetteer of India, Orissa, Sundargarh, 1975. P.96

*This list is reproduced from:
Xaxa, Celestine: "The Life and Struggles of the
Displaced Adivasis of Sundargarh District in Orissa",
Bangalore-Delhi 2002*

Table 3: Resettlement Colonies and Reclamation Camps

Sl. No.	Name of the village	Block or P.S./ Sub-division or Tahsil	Resettled from which area	Approx. distance from RSP
1	2	3	4	5
1	Amgaon [PD] [*]	Barkot/Deogarh District	RSP	ca. 100 km south
2	Bankibahal [PD]	Kuanrmunda	Mandira	ca. 36 km northwest
3	Bartagutu	Kuanrmunda	Mandira	ca. 20 km north
4	Bondamunda (A, B) [PD]	Bisra	RSP	ca. 10 km east
5	Champa Jharan [*]	Lathikata	RSP	ca. 25 km southeast
6	Dhuan Kata	Raiboga	Mandira	ca. 40 km northwest
7	Hathidharsa [*]	Rajgangpur	RSP	ca. 65 km west
8	Gahami [*]	Banki/Bonai	RSP	ca. 50 km south
9	Jaidega (A, B) [PD]	Kuanrmunda	Mandira	ca. 30 km northwest
10	Jalda (A, B, C) [PD]	Lathikatha	RSP	ca. 16 km southeast
11	Jhandapahar	Raiboga	Mandira	ca. 60 km northwest
12	Jhirpani [PD]	Bisra	RSP	ca. 7 km northeast
13	Kacharu	Kuanrmunda	Mandira	ca. 15 km north
14	Kadalipahal	Bisra	Mandira	ca. 10 km north
15	Kendro	Gurundia/Bonai	Mandira	ca. 90 km southwest
16	Kendu Bani	Kuanrmunda	Mandira	ca. 20 km south
17	Lachhda [PD]	Gurundia/Bonai	Mandira	ca. 90 km southwest
18	Laing [PD]	Kuanrmunda	Mandira	ca. 36 km west
19	Ranto	Kuanrmunda	Mandira	ca. 15 km south
20	Raghudarah	Kuanrmunda	Mandira	ca. 60 km northwest
21	Salangabahal	Raiboga	Mandira	ca. 70 km northwest
22	Sankarla	Kuanrmunda	Mandira	ca. 20 km northwest
23	Sili Kata [*]	Gurundia/Bonai	RSP	ca. 56 km south
24	Sukuda or Kukuda	Rajgangpur	RSP	ca. 30 km west
25	Tainsar	Kuanrmunda	RSP	ca. 15 km south
26	Ulandajharan	Gurundia/Bonai	RSP	ca. 80 km southwest
27	Usra [PD]	Kuanrmunda	Mandira	ca. 32 km west

There is no consolidated official information on the resettlement colonies and reclamation camps. Several official and semi-official communications give varying numbers of places, e.g. a communication from "Office of the Special Officer cum A.D.M. Rourkela, No 14/8/ Dt.24.12.95, To the Addl. District Magistrate, Sundargarh" (which is reproduced later), gives only 17 places but contains details on the numbers of families and area allotted.

The above list, therefore, had to be compiled from different sources. Names of places were found in different spellings, also some places have different local names. E.g., Sukuda in the above list very likely corresponds to a place named as Kukuda in the map. Some of the names are quite common all over the area (like Jalda and Jhirpani). During a research tour in February and

March 2006, a good number of the sites were visited, but some could not even be properly identified by name or located in locally available maps. This is the case with Champa Jharan (possibly Jhirpani near Ch. Railway Station), Raghudarah and Ulandajharan.

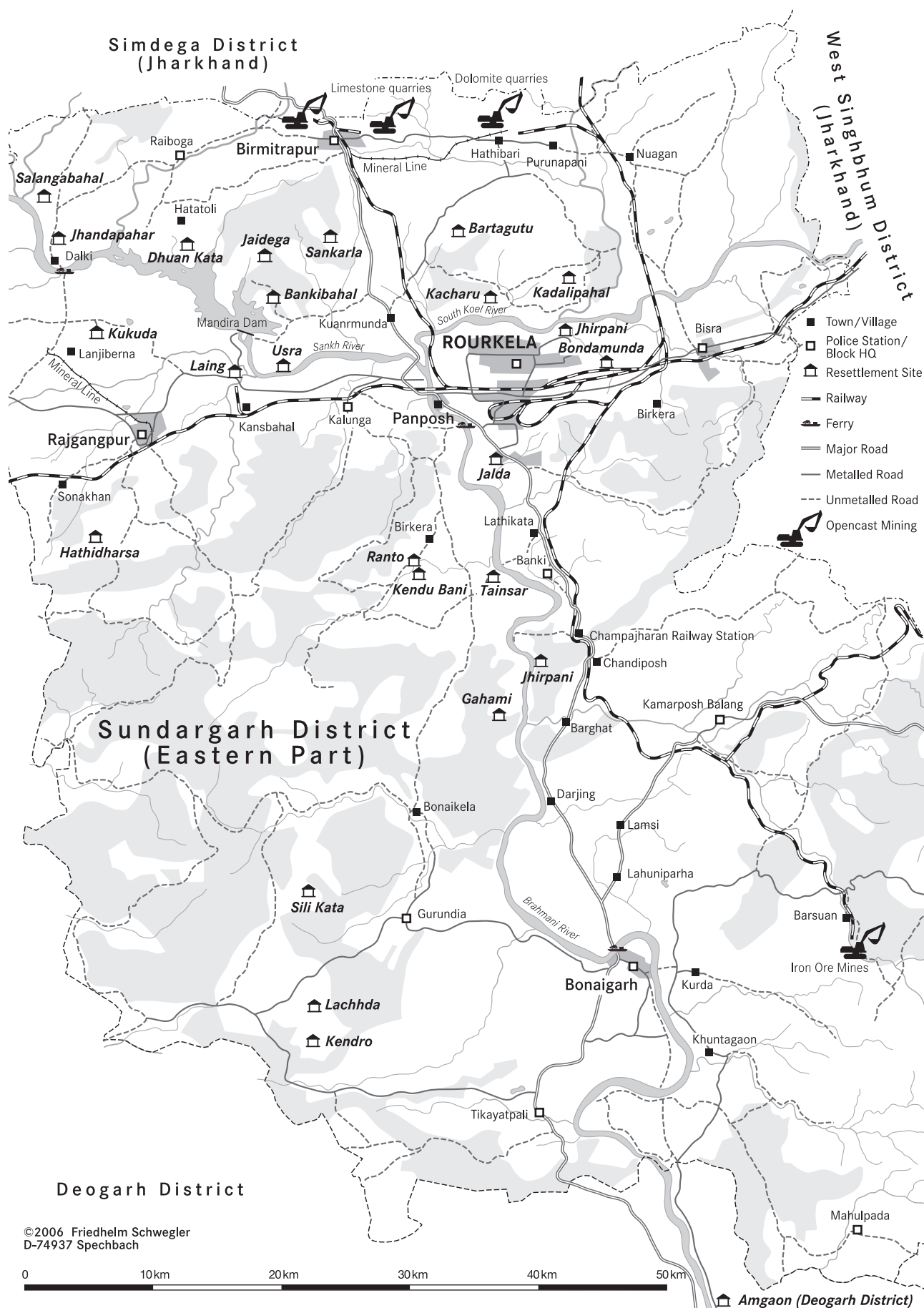
Legend of bracket marks

(A, B, C) are different sectors in resettlement sites. Sometimes the sections A, B, C, are counted as separate colonies.

[PD] is for Peripheral Development Programme. During the last few years RSP has shown some activity in these nine places.

[*] marks a few places that have been mentioned with a warning tone as early as 1963 in a German report.

Map: Approximate Locations of Resettlement Colonies and Reclamation Camps



Government of Orissa Industries Department

PRESS NOTE

[Dated 27.6.1955]

1. The Government of Orissa are aware of the existence of wide spread anxiety, among all sections of people and in particular among the population of the area to be acquired for the construction of the Steel Factory at Rourkela, in the matter of ensuring that the people of the State derive adequate benefits from the establishment of the Factory in Orissa. The local population, who have to make room for the Factory are also deeply concerned about their future, after they give up their hearth and homes. Interested parties are taking advantage of this anxiety to circulate false and exaggerated rumours, calculated to disrupt the smooth progress of construction and to generally hamper the progress of this national venture. Government, have, therefore, decided that it is desirable to give the widest possible publicity to the arrangements they have made in all these matters.

2. First and foremost, with the start of the construction of the Factory and township, a large number of people now in occupation of the 20,000 odd acres of land immediately required for construction of the Factory and township, will have to give up their hearth and homes and resettle themselves elsewhere. Every one may not be required to leave at once, but once construction starts in full swing, it would become increasingly inconvenient for persons to continue occupying the existing villages. The disruption of normal life would affect about 2,000 families and their resettlement in the shortest possible time is therefore, an operation of some magnitude. The entire population will therefore, have immediately to be found alternative sites for building new villages and also as much agricultural land [a]s possible.

3. In order to cope with this problem and to ensure that the evacuation and resettlement is made as expeditiously as possible and at the same time with the least hardship, Government have decided to appoint the present District Magistrate of Sundergarh as Deputy Commissioner, Land Acquisition and Resettlement in addition to his own duties to make all necessary arrangements. This Officer will be responsible under the general supervision of the Member, Borad of Revenue, Sambalpur for payment of compensation for acquired land, houses etc., as also for [arranging the laying out of new village sites, new agricultural colonies and also for ensuring that all employable persons among the persons displaced are given gainful employment in the construction of the Steel Factory.]

4. Agricultural land in adequate quantities, to satisfy every one will, obviously, not be available. Also, with the increased employment opportunities offered by the Steel Company, every one may not require agricultural land. The problem of each individual and family will be different and it will be the aim of the Government, through the Deputy Commissioner, Land Acquisition, and Resettlement, Rourkela, to assist each individual to resettle himself in the best manner possible.

5. A certain amount of new forest land will be leased out for reclamation to those who prefer to continue agriculture. The leased areas will mostly be in

the commanded areas of minor irrigation projects under construction, although for certain proportions, irrigation facility cannot be guaranteed. As the land will require to be reclaimed, before it can grow crops, the displaced persons who are allotted these lands, will be given some subsidies, in addition to compensation for their land. It is also proposed that the displaced persons should be given subsidies to help them construct new houses in the new village sites.

6. As already stated, the evacuation and resettlement of over 2,300 families in the short period of 1 or 2 months, is a stupendous task. The extent to which the Deputy Commissioner, Land Acquisition and Resettlement, is able to prevent hardship and to arrange smooth resettlement will, to a great deal, [depend on the extent of cooperation] that would be forthcoming from the persons to be [displaced. Government have] therefore, decided that all these facilities such as allotment of new land, village sites and subsidies for housing buildings should be made available strictly on the condition that the persons concerned co-operate, to the fullest extent, with the Deputy Commissioner and obey his instructions implicitly. It is only on these conditions that hardship and [con]fusion can be prevented and Government therefore, hope that every one concerned will extend to this Officer his utmost co-operation.

7. Doubts have been expressed in certain quarters regarding the adequacy of compensation. Government want to make it quite clear that there is absolutely no room for such doubts. Adequate compensation – based on actual land values but not speculation values and other relevant considerations – will be paid for all land, trees, buildings etc., and arrangements have been made to effect these payments as soon [as the acquisition is completed. The rate offered for different varieties of land will naturally] vary, but Government can give the assurance that in all cases [adequate compensation] will be paid.

8. Anxiety is also expressed in regard to employment opportunities [for the people of] Orissa. In this matter also, a great deal of false propaganda is being made [to] the detriment of the smooth progress of work. Government wish to give the widest publicity to the fact that the Hindustan Steel Company have undertaken that inhabitants of the State, if they are qualified, will be preferred for all jobs under them. Already a good percentage of the Labourers now engaged by the Company is from among the local population which is going to be displaced. Employment in other categories has not yet made great progress, but Government have been assured that preference will be given to Oriyas for all jobs in all categories provided they are qualified.

9. An arrangement has been made that the company may draw upon surplus personnel of the Government. Already a large number of Engineers from the State Government service have been made available to the Company.

10. An Employment Exchange will shortly be started in Rourkela by the Government of India, the management of which will be taken over by the State Government before long. The State Government, in conjunction with the Government of India, will shortly start an Adult Training Centre to be located for the present in Cuttack, but ultimately to be shifted to Rourkela, to train Technicians and recruitments to this, will be restricted, in the first instance, to local inhabitants, preference being given to Adibasis. The Steel Company will also restrict their recruitment of trainees, for their own training course, to the people of Orissa and selection parties for this purpose will shortly begin round the districts of Orissa.

11. As far as the employment of persons to be immediately displaced is concerned, there would be no difficulty for any one willing to work to get a job in construction. For the small trader who is not accustomed to labour manual there will be increased opportunities for trade due to the large labour population that will spring up.

12. The Government [have also] in hand plans for building up one or more [semi-]industrial areas around the Steel Company's Township in which building sites, [Factories] and shop sites will be allocated to inhabitants of this State who wish to set up [in business] to provide various amenities to the increased population. Preference [in such allotments will be given to the persons displaced by land acquisition. Again the Steel Company have already agreed that Oriyas will be preferred for the allotment of shops,] bazars etc. inside their own area.

13. It will be the special concern of the Deputy Commissioner, Land Acquisition and Resettlement to help the local people to take full advantage of the above facilities. The Government have also made available to the Steel Company the services of one of their senior I.A.S. Officers Shri G.C.Dash. The Company have posted this Officer to Rourkela as a Development Officer. Thus both from the Government side and from the side of the Company high level Officers have been put in charge of ensuring that all facilities that can normally be expected to accrue to the State by the establishment of a National concern within its borders would, in fact, become available to the people of Orissa.

14. Government wish to reiterate that their efforts in this matter would only be successful if they have the whole hearted co-operation of all concerned. In particular Government wish to warn the local population against being led away by false propaganda of interested parties, who do not have the interest of the people of the State [at] heart but who merely wish to cause disruption and dislocation to the smooth progress of work, to the detriment of the National Development Plans and to bring into disrepute the people of Orissa. Government therefore, earnestly hope that no attention would be paid to such false and malicious propaganda.

OGP (Industries) 3-600-27.6.1955

**To
The President, Republic of India.
Camp Rourkela**

Dated Rourkela, the 3rd February, 1959.

Respected Sir,

We, the displaced persons of Rourkela, deem it a great privilege to welcome your exalted self, on the occasion of inaugurating the first Blast Furnace of the Hindusthan Steel Plant at Rourkela. We join with the others in the rest of the country, on this happy occasion.

But may we take the liberty of acquainting you with the unmitigated misery and hardship that has been imposed on us, on account of apathy and cold blooded indiifference of the authorities concerned. We had no intention to disturb the galvanised picture of this achievement of the 2nd Five Year Plan. If we do so, it is not with the intention to strike a note of bitterness on this happy occasion but to draw your sympathetic attention as the Head of the State to the miserable conditions of 3,300 displaced families consisting of 16,000 people, whose suffering and sacrifice have consecrated this project.

We may recall that as late as 1955, 20,000 acres of productive land and villages teeming with population were acquired by the Govt. for setting up the plant site. Normal life of the people were [*sic*] rudely disrupted and house holders settled for generations were thrown overboard like refugees. At that time the Govt. in a Press Note dated 27-6-55 had assured the following: -

1. "The entire population will, therefore, have immediately to be found alternative sites for building new villages and also as much agricultural land as possible."
2. "That all employable persons among the persons displaced are given gainful employment in the construction of the Steel Factory."
3. "Adequate compensation will be paid for all land, trees, building etc."
4. "That inhabitants of the State if they are qualified will be preferred for all jobs under the Hindusthan Steel Company. As far as the employment of persons to be immediately displaced is concerned, there would be no difficulty for any one willing to work to get a job in construction."
5. Those who were not accustomed to manual labour were promised all facilities for trade and it was assured that preference will be given to the inhabitants of the State in allotment of land for setting up business, big or small.
6. For agriculturists leasing of new forest lands was assured, so that they could continue agriculture.
7. Even the Govt. had directed to look into individual cases for rehabilitation as each case was bound to be different from the other.

A copy of the Press Note under reference may be found in the annexure, appended to this memorial.

On these assurances we had volunteered to let go our villages and paddies under the Bulldozers of the Hindusthan Steel. But after long 4 years we realise to our bitter misfortune, that those assurances were mere scraps of papers, which had no significance.

The re-settlement programme of the displaced persons has been fraud and fiasco. Alternative sites have been found in the midst of thick jungles where no alternative source of livelihood exists. These sites are at a distance of about 8 miles from the plant site. The agricultural lands which have been provided for some of the displaced families, to be re-settled in these Colonies, lie at a distance of about 20 miles from these Colonies. Unless the Government intend to provide the displaced persons with a jeep car for each family, it is next to impossible to cover the distance for ploughing lands measuring less than 5 acres per family. How on earth these displaced persons lacking basic implements and the next meal in the day, can cover this distance for agricultural operations is still a question which nobody bothers to answer. Moreover these re-settlement Colonies are not economically self sufficient units. As such the people living in these Colonies, have to depend upon near by places where they can find gainful employment for earning a livelihood. But the distance from the plant site makes this possibility impossible. Therefore most of the people have not preferred these re-settlement colonies and are roaming about like refugees uprooted from their hearth and home. Out of about 16,000 displaced persons only about 4,000 have been living in these colonies under the circumstances stated above.

As regards employment, not only the displaced persons but also the people at large have been meted out a step motherly treatment. Even though all other conditions remain equal, the local people and the inhabitants of the State have not been given preference, as was assured to them by the Hindusthan Steel Company and the Government. In superior and clerical jobs very few local people are taken in. Even for class IV jobs, outsiders are preferred to the local people. A sort of colonial out-look dominates the attitude of the authorities concerned in these matters.

As regards compensation even though '*adequate*' compensation was assured to the people, what they have got is almost negligible. Moreover compensation for houses and buildings are being paid at pre-war rate which virtually negates the assurance of 'land for land', and 'house for house'.

Even though the displaced persons as well as the inhabitants of the State were assured preferential treatment in getting sites, for setting up business in Rourkela they have been completely denied that opportunity. Not even the smallest 'Pan-shop' in Rourkela is today run by either the displaced persons or the inhabitants of the State. The Company Administration seems to suffer from a peculiar allergy towards the local people, which if not cured immediately will spell misfortune for all concerned.

We need not emphasize that the Hindusthan Steel Company is a concern in a public sector of which even the displaced persons are also competent shareholders. We had looked up to the company as well as the Ministry of Steel and the Local Government. To look into our legitimate grievances. Our appeal for sympathetic consideration has been met with ruthless repression by the

Police and the Security Staff of the Company and indiscriminate arrests.

We look up to you, sir, as the Head of the biggest Democracy in the world, for directing your Govt. to lose no time in looking into our legitimate grievances with sympathy, good will and understanding.

We remain, Sir,
Your
Most obedient Citizens.

(i)
Harihar Patel, M.P.
President, Rourkela displaced persons
Welfare Committee

(ii)
Dr. Joachim Sahu, H.M.B.
Vice-President, R.D.P.W.C.

(iii)
Dr. Augustin Kispatta
Secretary, R.D.P.W.C.

(iv)
Theophil Xess, B.A.
Jt. Secretary, R.D.P.W.C.

(v)
Gobardhan Acharya
Member, R.D.P.W.C.

To
Sri T.N.Singh, Honourable Minister for Iron and Steel,
Government of India. Camp Rourkela

Dated 13-11-1966

Respected Sir,

We the displaced persons of Rourkela, deem it a great privilege to welcome your goodself on the occasion of your first visit of Rourkela as Minister for Iron & Steel.

We may kindly be permitted to avail of this opportunity by acquainting you with the unmitigated misery and hardship that have been imposed on us, on account of apathy and indifference of the Orissa Govt. and the Hindustan Steel authorities concerned towards the displaced persons.

We may recall that as late as 1955, about 20,000 acres of productive land and villages teeming with population were acquired by the Govt. for setting up the plant. Normal lives of about 3,300 families consisting of about 16,000 people have been rudely disrupted and house holders settled for generations were thrown away on the street and sufferings and sacrifices of these people accentuated in giving shape to this gigantic Steel Plant providing steel to a number of people, from all over the country, who built their fortunes out of the miseries and hardship which the displaced persons got in return of their sacrifices made for the country.

All hopes and promises given by the Govt. to the displaced persons to give land in substitution of land and [j]employment to every affected individual have vanished like things seen and heard in the dream. Our persistant efforts since 11 years have failed to draw the attention of the Govt. as well as the Steel Plant authorities towards the problems of the displaced persons. A sincere thought by the authorities concerned would have solved those problems much earlier without any embarrassment to the H.S.L. authorities.

The problems of the displaced persons for the solution of which we are pursuing the authorities concerned since a long time, are very few and can be enumerated as follows:-

1. That the displaced persons should be allowed to cultivate the fallow lands which are lying useless and thereby solve the food problem prevailing in the area till those lands are required for the expansion purposes.
2. Cases of eviction instituted by the Hindustan Steel Limited against the displaced persons who have occupied a scanty land in question of their livelihood, should be immediately withdrawn, till any alternative arrangement is made by the State Govt.
3. Most of the displaced persons are unemployed inspite of their persistant efforts to get a job. All such persons should be immediately absorbed in the services of the Hindustan Steel Limited.

4. The displaced persons who have been employed in a particular job some 8 to 10 years back, have been working in the same post till today without getting any promotion. Such persons should be promoted to the next higher grade posts.

5. Lands acquired for the purpose of establishment of Steel Plant are leased out to big persons and being utilised in commercial purposes whereas the displaced persons are being evicted from their own land.

6. That the outsiders were allotted several shops in the newly constructed Ispat Market, whereas those shops are not being allotted to the displaced persons inspite of their applications for the same. These displaced persons who intend to take shops in lease, they should be immediately allotted.

On behalf of
Rourkela Displaced Persons' Committee.

**Orissa District Gazetteers
Sundargarh
(1975)**

**Department of Revenue
Government of Orissa**

[page 96]

When the Rourkela steel plant was established 32 villages were acquired and 2,465 families were uprooted. For their resettlement, three resettlement colonies have been set up by the State Government and some reclamation blocks have been opened in the interior. To help the displaced persons to resettle and rehabilitate themselves the following assistance has been given and expenditure incurred which are shared equally between Hindustan Steel Limited and the State Government:-

- (a) A plot of land measuring 60' X 40' 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. Rs. 100/- per acre to each family.

The Mandira Dam was built by Hirakud Dam organisation for the Hindustan Steel Limited. The work started in February 1957 and was completed in June 1959. For the construction of the Dam, 31 villages were acquired and 941 families comprising 8,785 persons were uprooted. The displaced persons were rehabilitated in two colonies, namely, Liang *[sic]* resettlement colony and Usra colony.

Due to the establishment of the Utkal Machinery Limited at Kansbahal, 236.27 acres of land were acquired from four villages of Kainsbahal *[sic]* (129.65 acres), Pourposh (97.08 acres), Dheluan (5.38 acres) and Chungimati (4.21 acres) of Sundargarh subdivision. As a result, altogether 34 families having a total population of 183 were uprooted. The displaced persons were rehabilitated at Kansbahal resettlement colony. Each displaced family has been allotted a plot of homestead land. Out of these displaced families, 13 families were given a subsidy @ Rs. 400 each and 6 families @ Rs. 300 each for construction of their new houses.

**Minutes of the meeting between Rourkela Steel Plant
and Jhirpani Resettlement Colony residen[ts]
in presence of Sundargarh District authorities on 29.08.1981**

It was agreed by all present the[re]

1. The land adjacent to Jhirpani resettlement colony bounded by the River Koel at the north, the road leading to Jhirpani colony itself on the east and following Nalla on the west would be surrendered to the State Govt. for the purpose of allotment of those families of Jhirpani resettlement colony to meet their additional requirement due to sub-division of families.

2. The revenue agency of the State Govt. would make the allotment.

3. The Rourkela Steel Plant could lable [sic] the land to be surrendered necessary for the purpose of homestead land.

4. As the village grows on a new site, the Steel Plant would provide

- a) Approach road,
- b) School building for M.E. and High School on the basis of need,
- c) Water stand port or tube well which will be later on maintained by the NAC (ST) and
- d) Health centre on the same patter[n] as it is done in other resettlement colony but the Medical staff would be provided by NAC (ST).

5. The Revenue Authority would earmark about three acres surrendered land as open space for the festival ground of the Tribals of the resettlement colony.

6. Displace[d] person[s] eligible for appointment under T.N.Singh formulae will be given employment at the earliest to the post befitting their qualification. Till those people are fully absorbed no fresh recruitment of any other will be made in the relevant category of the post.

7. Unemployed displaced persons[s] not covered under T.N.Singh formulae but otherwise eligile for appointment would be given preference in employment over non-displaced persons.

8. There would be a clause in the agreement to be executed by the beneficiaries under the Koel Nagar Housing scheme that they can not transfer their houses to person[s] other than Rourkela Steel Plant employees and without the prior permission of the RSP authorities/State Govt. as the case may be.

9. The people of Jhirpani resettlement colony agree to called [sic] off their agitation against the Koel Nagar Housing Scheme in the execution thereof.

A Committee of five represent[atives] of Jhirpani Colony will pursuiate [sic] the matter.

The agreement was made in the presence of the following persons:

- | | |
|---|--------------------|
| 1. Sri Sahadev Sahu (D.G.M.) | 1. Patras Tirkey |
| 2. Sri Harmohan Pattanaik (Collector, Sundargarh) | 2. B.Tirkey |
| 3. Sri Jayant Kumar Dev (A.D.M., Rourkela) | 3. Nirmal Lakra |
| 4. Sri Junas Belung (M.L.A., Birmitrapur) | 4. K.T.B. Laha |
| | 5. Arta Trana Pati |
| | 6. J.Majhi |

**Minutes of the meeting held on 11.03.1993
in connection with employment of local displaced persons
(under T.N.Singh Formulae) in Rourkela Steel Plant,
Rourkela.**

Members present:

State represented by: Sri A.K.Tripathy, IAS
ADM, Rourkela

Sri S.Naik
Circle Officer, L.A., Rourkela

R.S.P. represented by: Sri R.N.Bhanja
Dy. General Manager I/c (P&A)

Sri S.C.Patnaik
Chief Personnel Manager (HRP&WS)

The rehabilitation of eligible members of families affected by land acquisition of Rourkela Steel Plant in accordance with the provision of Act XVII of 1948 has been a contentious subject. The local administration as well as the RSP management are seized with the continuing demand for early completion of providing jobs to minimum one member of each family as per the norms set by the so-called T.N.Singh Formulae. Records reveal that 4671 nos. of persons have already been provided with job in Rourkela Steel Plant from amongst the members of affected families. The number of persons employed exceeds the number of families affected. However, as no comprehensive rehabilitation package was drawn up at outset, complaints and grievances are being received regarding non-coverage of some families. Hence, starting with 1991-92, an exhaustive exercise was taken up by Rourkela Land Organisation Section of A.D.M., Rourkela's office in collaboration with Personnel Department of Rourkela Steel Plant. The Circle Officer and the Sr. Manager (Recruitment), Personnel Department, Rourkela Steel Plant, headed the respective teams.

It reveals from the records that as back [as] 1973, 395 nos. of families were not provided with jobs, as was brought out in a survey. Later on 398 LDPs were shown to be un-represented in employment in RSP. Hence RSP was requested to provide jobs to those persons. Similarly, the records in the A.D.M. Rourkela's office also showed at different points of times as mentioned below certain number of families not to have been provided with jobs:

1. The Minutes of meeting dated 30.05.1981 indicated that 130 LDPs from the list sent to RSP between August, 1975 and August, 1978 were left uncovered in employment. The list of 130 LDPs is at Annexure-I.
2. A list of 260 LDPs were sent to RSP in May '82. Out of this, 117 LDPs have not been covered in employment. The list of 117 LDPs is at Annexure-II.

Thus it is clear that 130+117 (i.e. 247) LDPs exist for consideration for employment in RSP. Simultaneously, efforts were made to prepare records which would reveal the holding no. of persons employed in RSP from time to time. As the records in the ADM, Rourkela's office were sketchy and Employment

Exchange did not maintain the revenue particulars of the sponsoring land oustees and the Personnel Deptt. of RSP did not maintain elaborate service record of LDPs, the exercise remain[s] inconclusive. But it was a rewarding task. Lot of gaps were bridged. In a gross sense it was brought out that not many persons in Rourkela area (villages numbering 31) have been left unre-presented in employment in Rourkela Steel Plant. To be exercise [sic], only 247 LDP families yet remain unrepresented in employment from Rourkela RSP.

In contrast, the Mandira Dam oustees have been largely unrepresented in employment in RSP. Out of 1193 families, 342 families have been provided with jobs so far. The rest of the eligible persons of the affected families are claiming for jobs in terms of T.N.Singh formulae. The list of 851 LDP families is annexed as Annexure-III.

The LDPs with Matric qualification and having bonafide certificate, registered in the local Employment Exchange, would continue to be provided with jobs in Rourkela Steel Plant as and when required by the Plant.

It is further decided that [as] a measure of rehabilitation, those LDPs with less than matric qualification (Class VII pass) and [which] are on the rolls of Employment Exchange with vaild certificates would also be considered for employment after their successful induction through a training programme of one and half year's duration to be conducted at the local ITI in collaboration with the Directorate of Technical Education, Govt. of Orissa. RSP will sponsor this training programme for 100 LDPs every year from uncovered LDP families from the list at Annexure-I, II & III. RSP Management has agreed to fund the programme fully and pay a monthly stipend of Rs. 300 to the LDPs while undergoing training.

It is decided that the Mandira and RSP land oustees eligible for employment for RSP will be sponsored in the ration of 80:20 for undergoing the above training. The LDPs with higher age and qualification will be considered first in consideration of the fact that the maximum age limit for employment in Rourkela Steel Plant is 35 years. On successful completion of the training, the LDPs will be provided employment in RSP as per the Plant's requirement.

For selection of candidates for training, application will be invited from the LDPs by the office of ADM, Rourkela in April every year and selection process completed by a committee consisting of the Circle Officer, L.A., Rourkela; Employment Officer, Rourkela and a representative of RSP so that the training start in July.

(R.N.Bhanja)
Dy. General Manager I/c (P&A)
RSP

(A.K.Tripathy, IAS)
Addl.District Magistrate
Rourkela

**In the Supreme Court of India
Civil Original Jurisdiction
Writ Petition (C) No. 167 of 1992**

[Judgement released on March 30, 1995]

Butu Prasad Kumbhar & Ors.
Versus
Steel Authority of India Ltd. & Ors.

Petitioners

Respondents

Judgement
R.M. Sahai, J.

[1.] The question that arises for consideration in this petition filed under Article 32 of the Constitution of India, by the petitioners, who were residents of villages which formed part of Rourkela, is whether the respondents were bound to give employment to all the erstwhile residents and even their descendents and in any case to treat them preferentially for employment as they or their members of families were displaced due to setting up of Rourkela Steel Plant even though they were given market value for their land acquired.

[2.] Rourkela Steel Plant, one of the largest steel plants was conceived in the year 1954. It was decided to set it up at Rourkela which at that time consisted of small villages and for this purpose nearly 20000 acres of land were acquired under the Land Acquisition Act. Compensation was paid. When the project was in offing there was probably resistance by local residents, therefore, the State Government issued statement that the displaced persons would be given alternative sites for farming and they would be given jobs in the steel plant. According to petitioners the hopes of the displaced persons were belied as after the steel plant was constructed workers were employed from outside and no offer of employment was made to the poor displaced tribals. The petitioners claim that when the then President of India visited Rourkela Steel Plant to inaugurate the first blast furnace of the RSP in 1959 a representation was made to him by the Rourkela Displaced Persons Welfare Committee highlighting their grievances and explaining that the alternative sites offered to them were just eyewash as they were at a distance of about 20 miles from the resettlement colonies and it was impossible for the displaced persons to travel to and fro and undertake agricultural operations. It was also pointed out that in these circumstances the only alternative was to afford gainful employment to the displaced persons in the steel plant.

It is pointed out that in 1981 after prolonged discussions an agreement was reached between the RSP and the displaced residents of one of the resettlement colonies, namely, Jhirpani Resettlement Colony and it was agreed that the displaced persons would be given employment at the earliest under the T.N.Singh Formula, yet the petitioners all of whom are of Jhirpani Resettlement Colony were not given any employment. According to petitioners the sympathetic sentiments were echoed even in the meeting held on 29th November 1988 but the petitioners and various other unemployed displaced persons numbering nearly 1500 whose list has been attached as Annexure 'A' to the Writ Petition *[not available here]* could not secure employment. In the counter affidavit filed by the Additional Chief Personnel Manager of RSP of

Steel Authority of India Limited (for short 'SAIL') these allegations are denied and it is stated that the minutes dated 25th August 1981 have been fully implemented as even though only approximately 2900 families were affected by the land acquisition yet the company has employed 4557 displaced persons. It is further averred that in accordance with the minutes of the meeting held on 25th August 1981 171.50 acres of land was surrendered to the State Government for allotment to the residents of Jhirpani Resettlement Colony and have been handed over by the respondents to the Government. It is stated that this petition was filed 1982, that is, 30 to 35 years after the acquisition and now it is even the second and third generation who are seeking employment on the basis of descent which is violative of Articles 14 and 16 of the Constitution. The affidavit further states that the company has shared to the extent of 50 % the expenditure incurred in the resettlement/rehabilitation of the families in providing infrastructure and other amenities like roads, water supply, health care, education facilities, school etc. All the displaced persons were given additional amount as housing subsidy of Rs. 200-400/- per family and the reclamation subsidy of Rs. 200/- per acre of land. The company has further stated to have provided basic development facilities to the peripheral areas including the resettlement colonies and has incurred huge expenditure. It has pointed out that due to all this pressure the company had to employ 22538 persons as against the requirement of 19500.

[3.] What is described as T.N.Singh Formula shall be clear from the letter dated 25th July 1973 which is extracted below:

"With reference to the letter cited above, I am to say that there is no specific scheme of Govt. to provide employment to the displaced persons of Rourkela in the H.S.L. Rourkela. However, Shri T.N.Singh the then Steel Minister of Govt. of India during course of discussion, advised that at least one person of each displaced family may be provided job in RSP. Accordingly Rourkela Land Organisation, Rourkela has prepared family history of displaced persons after short [or short] inquiry. Such list has also been available to the local employment exchange as well as H.S.L. to consider their cases for appointment in H.S.L."

There was thus no scheme for employing every displaced person. But in view of the press statement of the State Government the then Union Minister considered it reasonable that the respondents should employ in the plant at least one member of each family. Whether such assurance or decision was legal and constitutional or not but it was certainly fair and in the larger interest of displaced persons. Its compliance as averred in the counter affidavit could not be seriously disputed.

[4.] Faced with the factual difficulty which the petitioners could not successfully rebut either by filing a proper affidavit or by bringing material on record to demonstrate that the averments in the counter affidavit were incorrect the learned counsel for petitioners submitted that the effect of acquisition was that it deprived not only the head of the family or the member in whose name the land was entered in the revenue records but every adult member suffered the injury as he was prevented from reaping the benefit from the land both at the date when acquisition was made and even in future. Therefore, giving employment to one person of the family of displaced persons was violative of the constitutional guarantee under article 21 and consequently it was the obligation of the State to ensure that every member of the family was given

employment in the plant or in the alternative whenever the vacancy arose it should consider them on preferential basis. The learned counsel urged that the employment of one person of each displaced family on T.N.Singh Formula could not deprive other members of family who were adults or would have been adult at any time in future of their fundamental right of livelihood as explained in this Court in *Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors.* (1985) 3 SCC 545. He urged that payment of compensation for acquired land was a poor solace and in any case the State Government having assured and the Central Government having advised the SAIL to give employment to the displaced persons and the petitioners and others like them having been kept under a promise that they shall be given employment they are precluded on principle of promissory estoppel[sic] from backing out and claiming either that the employment was not available or that there was over staffing or that they have to accommodate the displaced persons on *Mandira bandh*. It was further urged that apart from persons whose land had been acquired the assurance was to offer employment to those eligible displaced persons who in consequence of setting up of the steel plant were rendered unemployed. He also pleaded vehemently that not only the adult members and other members of the family but even those children who were then minor but have now become major or they being descendents and may be second generation were entitled, on the same principle of being deprived of their bread and butter which could have been available to them after they became major to be employed or at least given preference.

[5.] What stands admitted is that the land was acquired in 1953-54 and the steel plant was set up in 1959. Yet these petitioners many of whom, we are informed, are already in employment of the respondents and that was vehemently urged by the learned Solicitor General as a preliminary objection to the maintainability of the petition, approached this Court in 1992 for enforcement of their rights. That a petition on incorrect facts and after such an inordinate delay which has resulted in a generation gap normally is sufficient for refusal to exercise the extraordinary jurisdiction. However, considering the nature of the problem and respondents' decision even in 1988 in relation to giving employment to displaced persons it did not appear expedient to dismiss the petition on ground of delay or the conduct of some of the petitioners in joining those who have not been given employment. There is no satisfactory answer to the averment in the counter affidavit that the respondent company having provided employment to 4557 displaced persons when only 2901 families were affected by the land acquisition and the assurance given was to employ only one person of each family there does not appear much substance in the grievance made by the petitioners. Further no details have been furnished by the petitioners in respect of the persons whose list has been appended with the writ petition as to whether any member of their family was given appointment by the Steel Plant or not. There is no reason, therefore, to doubt that one person of every displaced family whose land was acquired has been given employment and, therefore, the letter and spirit of the scheme to accommodate the displaced persons stood satisfied.

[6.] The constitutional challenge based on Article 21 does not appear to have any substance. In *Olga Tellis* (supra) it was observed by this Court that the concept of right of life conferred was wide and far-reaching and the deprivation of the right to livelihood without following the procedure established by law was violative of the fundamental guarantee to a citizen. Needless to say that petitioners or their ancestors were not deprived of their land without following the procedure established in law. Their land was taken

under the Land Acquisition Act. They were paid compensation for it. Therefore, the challenge raised on violation of Article 21 is devoid of any merit. Even otherwise the obligation of the State to ensure that no citizen is deprived of his livelihood does not extend to provide employment to every member of each family displaced in consequence of acquisition of land. Rourkela Plant was established for the growth of the country. It is one of the prestigious steel plants. It is established in public sector. The Government has paid market value for the land acquired. Even if the Government or the steel plant would not have offered any employment to any person it would not have resulted in violation of any fundamental right yet considering the poverty of the persons who were displaced both the Central and the State Government took steps to ensure that each family was protected by giving employment to at least one member in the plant. We fail to appreciate how such a step by the Government is violative of Article 21. The claim of the petitioners that unless each adult member is given employment or the future generation is ensured of a preferential claim it would be arbitrary or contrary with the constitutional guarantee is indeed stretching Article 21 without any regard to its scope and ambit as explained by this Court. Truly speaking it is just the otherwise. Acceptance of such a demand would be against Article 14.

[7.] The learned Solicitor General however stated that even though the public sector undertaking because of being over-staffed is being put to great strain and even though Government of India had taken a policy decision as far back as 1984 not to give employment to any one in future, yet the respondent-Steel Plant after verification has found 247 persons eligible for being given employment. They are willing to abide by it. He has pointed out that in the meantime another dam has been constructed and the persons who had been displaced also have been required to be accommodated and, therefore, a scheme has been framed in which 80 % displaced in consequence of Mandira Dam and 20 % out of 247 are being given employment since 1993. he stated that nearly 50 persons out of 247 have already been absorbed. We are of the opinion that giving employment to 20 % may take longer time since the age bar has been put at 35 it would be appropriate if SAIL expedited the absorption of these persons by increasing their number from 20 % to 40 % each year.

[8.] In the result, this petition fails and is dismissed subject to the observations made in respect of 247 persons identified by the respondents. There shall be no order as to costs.

Sd
(R.M.Sahai)

Sd
(S.B.Majumdar)

New Delhi
March 30, 1995

Office of the Special Officer cum A.D.M. Rourkela
No 14/8/ Dt. 24.12.95

To the Addl.District Magistrate,
Sundargarh

Sir,

As per your Telephonic message, I am to furnish herewith the required information for answering the Assembly Question.

1. Land acquired for Rourkela Steel Plant:- Total area of Ac. 19,722.690 of land acquired from 32 villages were handed over to R.S.P. for establishment of steel plant and other ancillary industries. The R.S.P after utilising the land for the purpose of which the land was acquired, surrendered 4008,480 of surplus land to State Govt. The lease deed for transfer of Ac. 15,714.210 of land has been executed between SAIL RSP and State Govt. (Collector, SNG) on 1.7.93 and registered on 20.8.93.

Due to the said acquisition, 2975 families were affected including 74 Sukhbasi families. Arrangement was made to resettle all the displaced families of 32 villages in re-settlement colonies Jhirpani and Jalda providing one plot to each family and also in 15 reclamation camps. A detailed statement regarding rehabilitation is enclosed at Annexure- A.

2. Land acquired for Mandira Dam Project. For construction of Mandira Dam over the river Sankha by R.S.P., land to the extent of Ac. 11,964,00 was acquired from 1040 holdings in 31 villages. Due to this acquisition, 1193 families were affected. Arrangement was made to re-settle the mandira Dam displaced families in six resettlement colonies, i.e. 1.Lachhda, (2) Jhandapahad (3) Laing (4) Usra (5) Jaidega (6) Bankibahal. Out of 1193 displaced families only 639 families were resettled in these colonies. Other displaced families were resettled in their old villages according to their choice. Each displaced family was also provided with Govt. land for agriculture purpose at the rate of Ac. 5,00 in the maximum. Other detailed particulars are available in District Office, Sundargarh.

3. Land acquired for Purunapani Mines and Township:-

An area of Ac. 715.50 was acquired from 83 holdings in 4 villages. Due to this acquisition 280 families were affected.

4. Land acquired for Purunapani Railway line:-

An area of Ac 120.72 was acquired from 47 holdings in 4 villages. Due to this acquisition 185 families were affected. As regards rehabilitation etc. no information is available in this office.

5. Land acquired for Barsuan Mines, Kalta Mines, Bondomunda Marshalling Yard:-

No paper relating to acquisition of land is available in this office. The same will be available in District Office, Sundargarh.

However, an area of Ac 5.23 from 4 villages was acquired for Barsuan Mining road

6. Employment Facilities:-

As regards providing employment to the family members of the displaced persons, there was no such provision at the time of acquisition of the land. But as per the T.N.Singh formula it has been decided to provide employment at least to one member from each displaced family due to acquisition of land for R.S.P. and ancillary projects during the year 1973. Since 1973 till date the R.S.P. has been providing employments in phases as per eligibility of the candidates. Detailed position is enclosed in annexure- B.

Besides, in 1993, the R.S.P. Authorities have made provision to take about 150 persons annually from the un-covered families with non-matric qualification who are to be trained in I.T.I. Rourkela subject to subsequent employment after completion of the training. During the training period of one and half year a stipend of Rs. 300/- is given to the candidate per month. Till date 206 candidates have undergone training in local I.T.I. Rourkela.

7. There is a persistent and growing demand from the displaced people for employment under R.S.P. mainly on the following grounds:-

- (i) Providing employment to all persons belonging to displaced families/ their successors.
- (ii) Providing employment to ladies candidates of the displaced families.
- (iii) Providing employment to the candidates of the displaced families whose land was acquired for the Railway line on the ground that the same was meant for transportation of goods for running the R.S.P.

Yours faithfully

Sd/
A.D.M. cum Spl. Officer

Annexure "A"**Land Schedule of different reclamation camp/resettlement colonies offered to displaced persons and recorded in their favour.**

Sl. No.	Name of the Reclamation Camp	Total No. of Rayats allotted in the reclamation camp	Total area allotted in the camp, home stead land	Agriculture land	Total area allotted in Reclamation Colony
1	2	3	4	5	6
1.	Sankarla	2		8,97	
2.	Tainsar	43	6,45	154,33	
3.	Sukuda	16	3,20	105,32	
4.	Silikuta	77	21,00	566,06	
5.	Ulandajharan	37	1,20	83,20	
6.	Hatidharsa	52	10,40	236,37	
7.	Kacharu	25		62,13	
8.	Raghudharsa	19		82,86	
9.	Bartagutu	4	0,08	24,15	
10.	Usra	11	2,20	57,00	
11.	Kadlibahal	7	3,53	50,44	
12.	Rantokenduberna	13		75,23	
13.	Gahami	67	17,35	378,99	
14.	Champajharan	41	5,40	323,24	
15.	Amgaon	270	83,87	1774,74	
Total		684	155,40	3983,12	4138,52
Re-Settlement Colonies:					
1.	Jhirpani	1611 plots			88,60
2.	Jalda ABC	1787 plots			98,28
Total		3398 plots			186,88

Annexure "B"**Employment position in R.S.P. and Mandira Dam Project**

1. Rourkela Steel Plant:
 - (i) No. Of families displaced 2901
 - (ii) No. Of persons employed 4671
 - (iii) No. Of families provided employment 2654
 - (iv) No. Of families not covered under employment 247

Out of 247 families, 19 persons selected for Special Training in I.T.I.Rourkela.

2. Mandira Dam Project:
 - (i) No. Of families displaced 1193
 - (ii) No. Of persons employed 578
 - (iii) No. Of families provided employment 342
 - (iv) No. Of families not covered under employment 851

Out of 851 families, 187 persons selected for Special Training in I.T.I.Rourkela.

Annexure 1A

Land surrendered to state govt. By ROURKELA STEEL PLANT

1.	Industrial Estate Area No. 14	Ac.	347,94	
2.	Civil Township Area No. 7 and 8	Ac.	299,47	
3.	Civil Township Area No. 17	Ac.	321,82	
4.	Plant site police station	Ac.	2,15	
5.	Hirakud Sub-station and Colony	Ac.	11,31	
6.	Industrial Housing Scheme	Ac.	150,00	
7.	Bankia Fodder farm	Ac.	79,74	
8.	Koel Bridge	Ac.	33,19	
9.	Mission area	Ac.	0,57	
10.	Judicial Building	Ac.	2,05	
11.	Fire Station	Ac.	2,00	
12.	Tarkera Grid Sub-station	Ac.	52,16	
13.	Expansion of Railway facilities	Ac.	224,39	
14.	App[r]oach Road to Hirakud Sub-station	Ac.	1,62	
15.	Excise Deptt.	Ac.	0,11	
16.	Girl High School	Ac.	5,00	
17.	Both side of ring road	Ac.	32,36	
18.	Bus Station	Ac.	6,44	
19.	Northern Boundary	Ac.	58,18	
20.	Tourist Bunglow	Ac.	5,12	
21.	De-Notified area	Ac.	0,20	
22.	Rehabilitation of encroacher	Ac.	50,00	
23.	Dhabaleswar Maha Prabhu	Ac.	74,58	
24.	Northern Boundary 300' to 500'	Ac.	2,01	
25.	Liquid Milk Plant	Ac.	15,82	
26.	Chhend Housing scheme	Ac.	299,74	
27.	TV and AIR Station	Ac.	5,60	
28.	Improvement of N.H. Road 23	Ac.	23,00	
29.	Pump and sump chamber	Ac.	0,58	
30.	Jhirpani R.S. Colony	Ac.	171,50	
31.	Rourkela Engineering College	Ac.	647,82	
32.	Bandomunda Marshalling yard	Ac.	777,18	
33.	O.S.E.B. Tarkera	Ac.	15,14	
34.	Birsa Maidan	Ac.	19,60	
35.	Land between 300' to 500'	Ac.	49,07	
36.	Koelnagar Housing Scheme	Ac.	217,56	
37.	Sodium Nitrite	Ac.	3,56	
	Total:	Ac.	4008,48	
38.	O.S.E.B., Electrical for 132/33 KV-Sub-station at Rourkela	Ac.	15,00	[added later and corrected by hand]
	G. Total-	Ac.	4023,48	[corrected by hand]
39.	Land lying with Addl.Tdr.RKL	Ac.	5,00	[added later]
	G. Total	Ac.	4028,48	

Sd/
Spl.Officer, 9.7.96

**Committee of Village, Lachhda, Kendro
Resettlement Colony, A,B,C,D, Blocks
P.O. Lachhda, Via Gurundia
Dist. Sundargarh, Orissa**

Date 3-2-1997
Reminder 4.3.2003

To
The Additional District Magistrate,
Rourkela, Panposh Uditnagar,
Rourkela 12,

2. The Managing Director, SAIL, Rourkela Steel Plant, Rourkela
3. The Honourable Prime Minister, H.D. Deve Gowda, Govt. of India, New Delhi
4. The Hon'ble Union Home Minister, Govt. of India, New Delhi

Subjects:

1. The Orissa Gazette, Extraordinary, published by authority, No. 26 & 34, Cuttack on Tuesday and Monday, the 16th and 22th February 1954 vide the registered No. O.14, printed and published by S.H.Khan, Superintendent Govt.Press. Ex.G. 167-652 6.2.1954 and Ex.G. 177-669, Department Notification No. 665-Dev.-xvii-27/54R and Notification No. 863-Dev.-xvii-27/54R by revenue Department, Govt. of Orissa.

2. The Gazette of India, the Orissa District Gazetteer Sundargarh 1975, edited by Chief Editor Sri Nilamani Senapati, L.C.(Rtd) and by Sri Durga Charan Kuanr M.A. (Alld.) O.R.S. State Editor, Gazetteer Unit Department of Revenue, Govt. of Orissa. Printed by the Director, Printing, stationary and publication, Orissa, Cuttack-10 and obtainable from him.

When the Rourkela Steel Plant was established the Mandira Dam was built by Hirakud Dam Organisation for Hindustan Steel Limited. The work started in February, 1957 and was completed in June, 1959. For the construction of the Dam 31 villages originally were acquired and 941 families comprising 8785 persons were uprooted. The displaced persons were rehabilitated in two colonies and some reclamation blocks have been opened in the interior. To help the displaced persons to resettle and rehabilitate themselves the following assistances have been given and expenditure incurred which were shared equally between Hindustan Steel Limited and the State Government,

- (a) A plot of land measuring 60 x 40 feet 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 upto a maximum of 33 acres to each recorded tenant and,
- (d) Land reclamation subsidy of Rs 100/- per acre to each family.

3. Utkala Prasanga Panchadasa Bhage Shestha Sankhya, Maghe 6 dina 1880 Sakadba [i.e. date according to Saka era], January 26th 1959, The Steel Plant Rourkela and Mandira Water Reservoir at page 49 to 53 Mandira Bandha Jajanare Orgragati by Sri Hemchandra Mardaraj Deo, Minister for River and River Valleys Development and Rourkela Affairs, Govt. of Orissa.

Sir,

(A) Grant of cultivable waste land in lieu of acquired cultivated land free of cost upto a maximum of 33 acres to each recorded tenant on above mentioned subject 'C') it is fraudulent, baseless, fabricated, and unfounded. Spot inquiry by the C.B.I. be done and 33 acres of land be identified to the each tenants on the spot in Lachhda Kendro Resettlement Colony which is reclamation block in interior.

(B) When all the eligible persons of a non-displaced family are getting employment opportunity under the SAIL, Rourkela Steel Plant by the competent authorities and by the concerned Senior Manager (Pl.) Recruitment SAIL, Rourkela Steel Plant.

We came to know from reliable sources that the non-displaced persons are getting displaced certificates, caste certificates, residential certificates against the several holding numbers of several villages acquired under the Mandira Dam Water Reservoir. How it is happening? As such we are regretted in such matters and how the employment opportunity is given to them by the competent authority Govt. of Orissa and by the concerned competent authorities that is senior Manager (Pl.) Recruitment SAIL, Rourkela Steel Plant, Rourkela.

Hence the displaced persons of the Resettlement Colony Lachhda Kendro should not be imposed T.N.Singh formula and harassed. And all the eligible members of the families under the holding numbers of several villages under the Mandira Dam Water Reservoir of the tenants must be employed by the senior Manager (Pl.) Recruitment SAIL, Rourkela Steel Plant, Rourkela and the competent authority of State Government, Orissa respectively.

(C) Among the 31 villages originally acquired under the Mandira Dam water Reservoir, village Bankibahal is one of them which is under P.S.Raiboga, previously under Gangpur State and at present so called Sundargarh district in Orissa. Details of the 96 holding numbers of the tenants according to the land settlement records of Mandira Dam Project which have been submerged under Mandira Dam Water Reservoir in 1957-1959. This may be enquired by the C.B.I. that to whom, which department, against which holding numbers in which post the employment opportunities have been offered. The details of the land holdings in village Bankibahal are mentioned below and identify them accordingly.

List of the persons passed Matriculate, technical and above qualification (boys and girls) of A,B,C,D blocks of Lachhda Kendro Resettlement Colony who are not been given employment opportunity as follows:

[Here follows a list of 63 persons giving: (1) Nos 1-63; (2) Name, father's name, Khata No. or holding No. & Employment exchange card No.; (3) Village displaced from, Police Station, district & state, (4) At present residing, name of resettlement colony, village, police station, district, state]

List of persons passed under-matriculate and II plucked (Class 5th to 11th plucked).

[Here follows a list of 59 persons giving: (1) Nos 1-63; (2) Name, father's name, Khata No. or holding No. & Employment exchange card No.; (3) Village displaced from, Police Station, district & state, (4) At present residing, name of resettlement colony, village, police station, district, state]

List of holding records of 1936 Land Settlement acquired for Mandira Dam water Reservoir in 1957-1959 of village Bankibahal, P.S. Raiboga, previously Gangpur State at present so called Sundargarh District, Orissa, as follows:

[Here follows a list of 98 giving: (1) Nos 1-98; (2) Khata or holding No.; (3) Total plots in each holding Nos; (4) Total area in acres in each holding Nos. [total: 1110.76]; (5) Acquired land in Mandira Dam]

Total Abadi (Possessing Abadi) land Ac. 786.26 acquired.

Total Anabadi (uncultivated) land Ac. 524.50 acquired.

All total land acquired. Ac. 1110.76 by the A.N.Tiwari, IAS, Special Officer Mandira Dam Organisation, Rajgangpur in Sundargarh District, Orissa on 11.7.1955.

[There is a logical gap in the document here - or one page has been lost giving details of copies no. 1-4, to whom they were addressed and dealing with which issue.]

Copy No. 5: to the D.I.G. of Police, Western Range, Orissa, at Rourkela-2 for information and disciplinary action on misdeed works against the displaced persons and on resttlers in the Resettlement Colony, village at different other villages and at Reclamation Blocks in interior.

No. 6: To the Collector and District Magistrate Mr. Ashit Kumar Tripathi, IAS, Sundargarh District, Orissa is requested to look after the sincerity, on sound services and neat and clean administration in the district of Sundargarh of the imposition in the district which are happening by the O.A.S. officers in Sundargarh District vigorously with cruelty. Otherwise hunger strikes or else kind will stand-up before your door after December '96 or at elsewhere within Sundargarh district. In such you stop and keep it pure from communalism, divisive, terrorists, Naxalites, Assassimators etc. and do not mean the same to the innocent displaced persons in villages, on resettlers in the Resttlement Colony, in the Reclamation Blocks in interior who are speaking for, voicing for justice and for legality.

No. 7: To the A.D.C. Sambalpur for information and action.

No. 8: To Union Home Secretary, Govt. of India, New Delhi for information action, and No. 1 & 2 A.D.M. Rourkela and Managing Director, SAIL, Rourkela Steel Plant are requested to give us the list of persons to whom the employment given against each holding numbers as 98 holding nos. mentioned above of village Bankibahal, P.S. Raiboga, Mandira Dam Project in Sundargarh district, Orissa. Any type of verification in this regards should be made at Resettlement Colony, Lachhada Kendro – Block B, P.S. Gurundia, District Sundargarh and at Resettlement Colony Bankibahal, P.S. Raiboga, District Sundargarh, Orissa.

Yours faithfully,
Committee of Village Lachhada Kendro
Resettlement Colony A,B,C,D Blocks.

[Signature]
Gregory Ekka
President of Village Committee
of Village Lachhada Kendro
Resettlement Committee A,B,C,D Blocks

[Plus 25 more signatures]

**SUNDARGARH DISTRICT DISPLACED PERSONS'
ACTION COMMITTEE**

**C/o John Ekka, C2M3, Chhend Phase II,
Rourkela-769 015, Orissa, India**

**To
His Excellency,
The Chancellor,
United Federal Germany**

Date: 18.7.2002

Sub :

- (1) Protest against selling & leasing of unutilised land of Rourkela Steel Plant (RSP) acquired and the quarters.
- (2) Rehabilitation and Resettlement of the displaced people.

Your Excellency,

From centuries we the Indigenous/Tribal people used to live on agriculture and forest in and around Rourkela in peace and harmony. But in the name of economic development of the tribals and of the nation, the Rourkela Steel Plant (RSP) and the Mandira Dam were established acquiring about 43,000 acres or 67 square miles of land displacing officially 2465 tenants for RSP and 941 tenants for Mandira Dam, total 3406 tenants or say minimum 5 members for each families implies 17,030 persons.

Today each tenants have become 12 in numbers. Therefore $3406 \times 12 = 40,872$ families or each family constitutes 5 members, then 2,04,360 persons in total are affected by RSP and Mandira Dam. However in the presentation sent to the President of India on 03.02.1959, it is mentioned 3,300 tenants were displaced for RSP alone. We are very sad to say that till date we are not settled neither rehabilitated nor compensated adequately. Rather we were forcefully removed and uprooted from our ancestral land and from a settled life and thrown into a deep and strang forest/hill land about 100 K.M. away from Rourkela and forced to live inhuman life. The assurance and promises were all in vain, not fulfilled, the concerned authorities did not bother about us in the last 48 years and our socio-cultural and economical life has been ruined, we are living a sub-human life.

These sorry plights of the displaced people, mostly the indigenous/tribals makes us to draw your attention as the Rourkela Steel Plant was the collaboration project between Indo-German Govt., we seek for your kind intervention for the above subject (1) and (2) and request to instruct the Indian Govt. to settle matters. So that we the local displaced people particularly the tribals may be able to live a dignified life. We have sent the letter to the President of India and give you the copy with a high expectation for the redressal of our grievances from your end.

Sincerely yours

[Signatures]
(John Ekka)
General Secretary

(Gregory Ekka)
President

[Attachments to this letter on the following pages]

[Attachment to the letter addressed to the German Chancellor]

From

The President

**SUNDARGARH DISTRICT DISPLACED PERSONS'
ACTION COMMITTEE**

**C/o Mr. John Ekka, C2M3, Chhend Phase II, Rourkela-769 015,
Sundargarh, Orissa, India**

[Date: 18.7.2002]

To

His Excellency

The Governor

The Govt. of Orissa

Raj Bhavan

Bhubaneswar, Orissa

Sub: Indefinite hungerstrike by the Displaced People of Rourkela Steel Plant (R.S.P.) and request to intervene the sale of R.S.P. surplus land and quarters by R.S.P. and State Authorities

Your Excellency,

We the displaced people of Rourkela Steel Plant (R.S.P.) came to know about the sale of R.S.P. surplus land and quarters and had sent the protest memorandum to the District Collector, A.D.Ms, S.Ps. of Sundargarh and Rourkela and the M.D. (R.S.P.) but no one heard us.

To our surprise in the oriya daily news paper the "SAMBAD", dated 17.7.2002, it was published that SAIL and the State authorities have finalized to sell the surplus land and the quarters fo R.S.P. and notification starts from 22nd July onwards.....

In this memorandum we request you to intervene the same and issue an order to refrain from selling the land and quarters of R.S.P. till lakhs of displaced people whose lives are in agony and misry are properly rehabilitated and resettled.

If our demands are not met within 30 days of this petition we are forced to do **indefinite hunger strike** *[emphasis in the original]*. Therefore, please treat this matter seriously and urgently.

Sincerely your's

SUNDARGARH DISTRICT DISPLACED PERSONS' ACTION COMMITTEE

[Signatures]

(Gregory Ekka)
President

(John Ekka)
General Secretary

[Attachment to the letter addressed to the German Chancellor]

From

The President

**SUNDARGARH DISTRICT DISPLACED PERSONS'
ACTION COMMITTEE**

**C/o Mr. John Ekka, C2M3, Chhend Phase II, Rourkela-769 015,
Sundargarh, Orissa, India**

[Date: 18.7.2002]

To

His Excellency,

The President of India,

Rashtrapati Bhavan

New Delhi, India

Sub : 1 - Protest against selling & leasing of unutilised land of RSP acquired
and the quarters.

2 - Rehabilitation and Resettlement of the displaced people.

Your Excellency,

We the following signatories under the "Sundargarh District Displaced Persons' Action Committee" ask you to look into the following matters seriously and urgently and request to take immediate and favourable steps in rehabilitating and resettling of the displaced people of Rourkela Steel Plant:

1. INTRODUCTION

(A) ROURKELA WAS INHABITATION OF INDIGENOUS/TRIBAL PEOPLE

The land where the RSP is situated, were mostly inhabited by the indigenous / Tribals (Munda, Oraon, Kharia, Kissan, Gonds, Bhuiyan etc.) from the centuries in and round Rourkela Steel Plant area. Our forefathers had cleared the dense forest, toiled the soil, fought with the wild animals and had made a dwelling place for themselves. They lived a prosperous, culturally rich and fully satisfied and contented life. They coexisted with the others harmoniously. The life flourished in the dense jungle of Rourkela and entire tribal district of Sundargarh, Orissa.

(B) Proposed iron and Steel Plant, Rourkela

After the independence of the country, the Union Govt. proposed to establish an iron and Steel Plant at Rourkela for the purpose of the economic development of the local people, mostly the tribals. The then Prime Minister Late Ptd. Jawaharlal Nehru while on his visit to Rourkela had categorically mentioned that RSP would be for the economic development of the local tribals.

Again, the then President, The Republic of India, while on his visit to Rourkela on 3rd February 1959, met the "Rourkela Displaced Persons' Welfare Committee" had assured for the complete settlement of the displaced people and was given a memorandum on this matter.

2. ROURKELA STEEL PLANT

- (i) According to the Orissa Gazzette Notification, Revenue Department No. 665-Dev-XVII- 27/54-R, dated 16.02.1954 and No. 863-Dev-XVII-27/54-R, dated 22-02-1954 the Govt. of Orissa acquired 42,991.36 acres or 67.17 sq. miles of land displacing/uprooting 92 villages for the

construction of the Rourkela Steel Plant (RSP) or Hindustan Steel Ltd. (HSL).

- (ii) The Orissa District Gazetteers, Sundargarh, Gazetteer of India, 1975 at page-96, it says "2,465 families were uprooted" for RSP and for Mandira Dam 31 villages, 941 families comprising 8,785 persons were uprooted, acquiring over about 12,000 acres of land.
- (iii) The construction of the factory began in the year 1954 with the collaboration of Indo-German Govt.
- (iv) The then President of India came to inaugurate the First Blast Furnace of 3rd February, 1959 and thus the life in Rourkela began and flourish.

3. PROMISES AND ASSURANCES BY STATE GOVT. AND THE RSP AUTHORITIES

(A) The following assurances were widely published through Press Note, Industries Department, Govt. of Orissa on dated 27.06.1955

- (i) "the entire population will, therefore have immediately to be found alternative sites for building new villages and also as much agricultural land as is possible." Press Note No.2
- (ii) "That all employable persons among the persons displaced are given gainful employment in the construction of Steel Factory." Press Note No.3
- (iii) "The problem of each individual and family will be different and it will be the aim of the Govt. to assist each individual to resettle himself in the best manner possible." Press Note No.4
- (iv) "A certain amount of new forest land will be leased out for reclamation to those who prefer to continue agriculture. The leased areas will mostly be in the commanded areas of minor irrigation project under construction." Press Note No.5
- (v) "All these allotments such as new land, village sites and subsidies for housing, building, trees should be made available." Press Note No.6
- (vi) "Adequate compensation will be paid for all land, tree, building...etc." press Note No.7
- (vii) "Government has assured that preference will be given to Oriyas for jobs in all categories provided they are qualified." Press Note No. 8
- (viii) "As far as the employment of persons to be immediately displaced is concerned, there would be no difficulty for any one willing to work to get a job in construction." Press Note No. [9]
- (ix) "To train technicians and recruitments to this will be restricted, in the first instances, to local inhabitants, preference being given to Adivasis." Press Note No. 10
- (x) "Those who were not accustomed to manual labour were promised all facilities for trade and it was assured that preference will be given to the inhabitation of the state in allotment of land for setting up business, big or small." Press Note No. 11
- (xi) "All the facilities that can normally be expected to accrue to the state by the establishment of a national concern within its borders would, in fact, become available to the people of Orissa." Press Note No. 13

(B) In compliance of above assurances according to the "Orissa District Gazetteers, Sundargarh, Gazetteers of India, 1975, at page no.96." It claims as follows:-

To help the displaced persons to resettle and rehabilitate themselves the following assistance has been given and expenditure incurred which are shared equally between Hindusthan Steel Ltd. 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 wasteland 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 acres to each family.
- Even there was an assurance that if the land acquired are left surplus and unutilised would be return back to the original tenants.

4.(a) BASELESS AND FALSE STATEMENTS BY THE RSP AND THE STATE GOVERNMENT

It is pertinent to mention here that the above statements, assurances (most of them) are out and out false, made and baseless. The individuals who have filed cases in the court, there also the RSP and State Authorities have given similar false and fabricated statements and have misled the Honourable courts and thus justice and truths are denied to the displaced people of RSP and Mandira Dam.

- (b) Facts about resettlements and rehabilitation
 - (i) The then tribals were simple and illiterate. They did not know what and whom to approach about the settlement. It is said that bulldozers came along with big trucks brought down the house roofs with tiles, woods, bamboos together and loaded them in the big trucks. Then the police forcefully loaded the goods, utensils... etc, pushed the family members in the truck together with their cows, goats, dogs, cats, chickens... etc. The truck reached them to a dense forest (supposed to be rehabilitation colony) about 100 K.M. far away from RSP. There after unloading them the truck never went back nor any official nor any one turned to the site. These places are called Lachdagarh, Amgaon, Hathi Dharsa... etc, where no human being was living in those days. There was absolutely no arrangements for human living. There was no house, no electricity, absolutely it was a strange land.
 - (ii) Employment opportunities :
 - (a) The displaced people waited for job opportunities. Since the local displaced people were illiterate, they joined as labour force, as daily earners, contractory workers. And thus it was considered as employment opportunities to the local displaced people. Once the contractory or construction work was over then no job for these people.
 - (b) Agitation for employment:
The displaced persons those who were qualified were employed after long agitations, dharnas, gheraos... etc.
 - (c) The lands were acquired for RSP were of local people of Rourkela of whom mostly were indigenous or tribals. For us there was not much chance for employment. The job opportunities were for the people of Orissa, for the Oriyas (communal) and the officials were mostly Oriyas, who neglected us the tribals. They gave chances to their kin and kith but didn't bother about the locals as stated in the Press Note, Govt. of Orissa, No.8, No.10, No.11, No.12... etc. There were many qualified local persons among displaced group but they were not given the opportunities for the jobs.

5. DISPLACED PEOPLES' CONDITION AT PRESENT

In the name of economical development, we the indigenous/tribal people were destroyed, ruined. We lost our life and livelihood-

- (i) The situation of Lachdagarh/Amgaon/Hathidharsa resettlement colony:

Lachada is situated about 80 Kms. far away from the RSP in the middle of the forest. For long the communication was not established between the colonies and the rest of the places as well as the district headquarter and Rourkela. No transport facilities were there for them. No proper education and health facilities for these displaced people. The land is not developed for cultivation. There is no irrigation facility. Till today there is no electricity in this village. In the beginning so many people died due to various diseases. There is no other source of livelihood. Due to acute shortage of food and drinking water they were forced to eat the leaves/ grass/ the flesh of dead animals and were force to drink the dirty pond. Besides these hundred of families scattered here and there, which yet to be traced out.

(ii) Social life:

Their social life has been fully affected. They are estranged from their kin and kith. Their traditional way of life, cultural celebrations, feasts & festivals, worships and prayers have been affected adversely. Most of the displaced people even forgotten their languages. Their philosophy of life, philosophy of religion, thinking pattern, co-operation collaboration, value based life, unity, sense of belongingness to each other... etc. has been totally ruined.

(iii) Economic Situation :

The displaced people were given hope that land in lieu of land, add to that 33 acres per family will be given, house in lieu of house, land reclamation, subsidies... etc. will be given. But alas! When they reached by the trucks and they were unloaded, they were dumb founded. It was a land of dense forest with huge trees, mountains, absolutely where no human life could be possible. But there was no option left for them, but to accept it by all means. It was a total unfavourable and hostile condition to live as human being economically. Their source of livelihood, that was land, was snatched away and because of RSP they were given the land that were totally unfit for cultivation and living. Therefore their economic life has been totally ruined in several aspect beyond redemption. Our live is reduced from prosperity to nothing. Still we continue to struggle for our daily basic needs like food, cloth, medicine, education for our children.

6. MISUTILIZATION OF RSP SURPLUS LAND:

- (a) In the year 1975-1976, the Rourkela Steel Plant after utilizing its required area has returned about 14000 acres of land to State Government of Orissa. But the State Government is settling the said land illegally in favour of non-tribals, instead of returning it back to the oustees as per the initial promise at the time of acquisition. Instead of returning the same, Government and its agencies have been illegally auctioning, leasing and selling the land not required in the Steel Plant to the private parties. The affected tribals have time and again continued making representations while the Government continue to allot these lands to influential bureaucrats, politicians, higher officials of the State and businessmen etc. and as a result about 5000 acres of land have been misplaced from the acquisition of the above referred 92 villages. The tribals have been left landless, impoverished and the State Government is not returning the land acquired but not required in the Steel Plant nor have they given compensation or any alternate land given to them.
- (b) The State Government of Orissa is now dealing in profit making business through auction/ lease of the said land of the tribals abandoned by the Rourkela Steel Plant, to private parties. The Government has framed

one Rule, vide Revenue Deptt. Notification No. 22333/ R-GE, Sundargarh, 1 of 1968 on 12.1.1968 in the name and style, Special Rules for disposal of Govt. Land in Civil Township area at Rourkela. This civil Township area is named and 7 and 8 Developed area. About 300 acres of land acquired by the Government from the local Adivasis are being allotted to influential bureaucrats, politicians, high officials of the state, big business people of the State on exorbitant rates by way of allotment / or auction. The action of State Govt. is contrary to the Orissa Communal Forest and Private Lands (Protection of Alienation) Act, 1940 and other provisions of law which are meant to protect the land of the tribals against alienation.

- (c) The State Government of Orissa has been dealing in sale/ lease of surplus land returned by the Rourkela Steel Plant with private parties and with their own staff working in Revenue Department or Superintendent of Police, Additional District Magistrate etc. For example in Rourkela Civil Township on 7th day of April 1972 a plot of land no.6, in Block No. D, Rourkela, measuring an area of 50' x 75' = 3750 sq. ft. was leased by the State Government of Orissa for a period of 90 years to Sri Khetrabasi Mohanty who is working as Accounts Officer to the Revenue Division Commissioner, Northern Division Orissa, Sambalpur on 5.9.1973. In the same way a land measuring 5400 sq. ft. has been leased out to Sri Nalini Ranjan Patnaik, IPS, for a period of 90 years. In another case on 2.7.1975 a plot measuring an area of Ac.0.25 decimals for construction of private house has been leased out to Sri Shankar Menon, District Magistrate, Kalahandi (Orissa) etc. These lands were private land belonging to the tribal people of Orissa. In this way State Government of Orissa and Rourkela Steel Plant have entered into a number of lease agreements with private parties and influential bureaucrats and have infringed the fundamental rights of the affected people, which is unconstitutional and illegal.
- (d) The legislature, in its wisdom, has provided to restore the tribal land back to the tribals by the Land Revenue/ Executive authorities whenever the land has been lost to the tribals due to various methods, in spite of the prohibition of the transfer of tribal land. The Orissa Regulation (2) of 1956 (Orissa Scheduled Areas Transfer of Immoveable Properties by Scheduled Tribes Regulation, 1956) is one of such Regulations. It was also provided in the said Regulation that since the tribals are not able to stand the legal proceedings, not to expect their admissions before the court and the burden of proof is always on the non tribals to show the reason to their title and be involved in such proceedings. Thereafter the said Regulation was amended in 1975 since the Legislature felt that the restoration was taking place less sufficiently than the law intended to achieve.
- (e) The transfer of tribal land inside the Scheduled area declared as such under the constitutional provisions is forbidden as far as the State of Orissa is concerned as per the provisions of "Orissa Scheduled Areas Transfer of Immoveable Property (Scheduled Tribes Regulation (2) of 1956)." Even at the time of initial acquisition and taking over of the land, from the 92 villages, these provisions were available and perhaps since no challenge was advanced, the acquisition remained. But, once the land acquired has been abandoned where the land was not required, the prohibitory provisions of the said Regulation (2) of 1956 will continue to apply at least with respect to the land which has been abandoned by the State Government as not required for the Public purposes.

We have observed and experienced that on the acquired land of RSP, the State Govt. and the RSP authorities jointly busy in selling/ leasing the surplus land.

The Chhend housing project, Basanti Colony, LIC Colony, Koel Nagar, 7-8 Area, SOS Village, Hanuman Batika, Banking Colony... etc. are the examples where the State Govt. and the RSP authorities have openly violated the rules relating to the transfer of tribal land to the non-tribals.

B. THE LATEST MOVE OF THE STATE GOVT. AND RSP AUTHORITIES

We are extremely surprise and shocked to see a news report about the sell of unutilised land and quarters of RSP. In the local hindi daily newspaper "Nav Bharat Times" dated 01.05.2002 that the RSP and the State Govt. of Orissa are planning to sell the surplus land for Rs.39,00,000/- (rupees Thirty Nine Lakhs) only per acre and a list of 1500 (Fifteen Hundred) individuals are in waiting list to purchase of the RSP Quarters. Again on 17th July 2002 in the oriya daily newspaper "the SAMBAD" on the title "On the Sale of RSP Quarters is final, Notification on 22nd July, 2002." *[here follows a quotation in Oriya]*. Very clearly it reports that from 29th July to 24th August applications for buying the quarters will be accepted.

7. OUR GRIEVANCES:

We the displaced people of Rourkela are very aggrieved and annoyed over the plans and treatment (behaviour) of the RSP and the State Govt. of Orissa. Till now most of us, the displaced people are given compensation for only one year's loss of crops of the cultivated land, that was for the year 1954-55 for RSP and 1957-1958 for Mandira Dam respectively. Only few of us were given employment opportunities after prolonged and repeated agitations. When democratically we gathered together to put forward our grievances and just demands the administration suppressed us brutally and arrested many of us. Most of the time we were not heard at all. Our demands that were based on the conditions and promises were totally ignored. Hence, we are totally deprived, deceived, and betrayed by both the RSP and the State Govt. of Orissa. Total injustice and exploitation is done to us to the tribals, as a result many of us are forced to live as sub-human life. In the name of development we the tribals have lost our livelihood, our cultural heritages, our holy places like SARNA, Grave yards etc. In other words we the tribals/indigenous have been indirectly destroyed. This type of cruel and inhuman treatment, no one can put up with, not even God, which is total violation of Human Rights or slow death of the tribes.

8. OUR DEMANDS:

- (i) (a) Stop the plan of selling or leasing out the unutilised land of the RSP and the quarters by any means. The RSP and the State Govt. of Orissa are asked to give back the unutilised/surplus land to the original tenants families through the "Sundargarh District Displaced Persons' Action Committee" Sundargarh, Orissa.
- (b) The illegal constructions are to be given back the original tenants families through the said committee.
- (ii) 33 acres of land be given to each recorded tenants families with employment as per the assistance falsely claimed to have given to the displaced people.
- (iii) For land development Rs. 5,00,000/- (Rupees Five lakhs) per acre only as subsidies be granted to each displaced family. It is impossible to develop land for cultivation with Rs. 100/- as assured by the RSP and State Govt. in the places like – Lachdagarh, Bankinahal, Jaydega, Jhandapahad, Hathi Dharsa... etc. so called resettlement colonies.

- (iv) Again Rs. 5,00,000/- (Rupees Five Lakh) only be granted for the construction of (i) residential house, (ii) Kitchen, (iii) Latrine, (iv) Cow Shed, (v) Goat Shed, (vi) Buffalo Shed, (vii) Pig Hut, (viii) Well, (ix) Boundary Wall, (x) Approach Road... etc.
- (v) It is surprise to us as well as to others that already 48 and 45 years are over for the RSP and Mandira Dam, but the displaced peoples' problems remain unsolved. So many cases were filed, still we didn't get justice. Therefore we demand for a spot verification by outside team with the displaced committee.

Most humbly, we the **"Sundargarh District Displaced Persons' Action Committee"** pray, that by His Excellency's kind intervention and favourable steps may be taken to uphold the sacred constitutional office of the Union of the Republic of India to give justice and human dignity to the displaced tribals of Sundargarh District.

Sincerely yours

[Signatures]

(John Ekka)
General Secretary

(Gregory Ekka)
President

COPY SENT TO THE FOLLOWING DIGNITORIES FOR INFORMATION AND IMMEDIATE ACTION

[Date: 18.7.2002]

1. His Excellency, The Governor of Orissa
2. His Excellency, The Chancellor, United Germany
3. The General Secretary, U.N.O., Geneva
4. Mr. Atal Bihari Bajpayee, The Prime Minister of India
5. Mr. Naveen Pattanaik, The Chief Minister of Orissa.
6. The Chairman, The Steel Authority of India.
7. The Managing Director of R.S.P.
8. The Steel Minister of India.
9. Sri Juel Oram. Tribal Affairs & Welfare Minister, Govt. of India.
10. Sri Mangala Kisan, S.C., S.T. & Minority Minister, Govt. of Orissa.
11. The Revenue Minister, Govt. of Orissa.
12. The Revenue Commissioner, Govt. of Orissa.
13. The Revenue Divisional Commissioner, Northern Division, Sambalpur.
14. The Chairman, National Human Rights Commission, New Delhi.
15. The Chairman, National Commission for SCs/Sts, New Delhi.
16. The President, Bharat Jan Andolan, New Delhi.
17. The Ambassador, Germany, Chanakyapuri, New Delhi
18. Amnesty International, New York
19. The Director, National Commission for SCs/STs, Bhubaneswar.
20. Mrs. Sonia Gandhi, Opposition Leader & President of NCP of India.
21. The Collector & District Magistrate, A.D.M., S.P., Sundargarh.
22. The A.D.M., S.P., D.I.G., Rourkela.
23. VIVAT International
24. The Minister of Rural Development, New Delhi

[Signatures]

(John Ekka)
General Secretary

(Gregory Ekka)
President

Hereafter are attached two lists giving details of the land acquired for RSP and Mandira Dam, with hand written additions. The lists are more or less identical with the ones given above on pages 12 and 13.

The above appeal, which was also sent to the German Chancellor, possibly via the German Embassy in New Delhi, received a rather dry response from the Embassy.

This document was discovered only in 2006 and presented to the Embassy along with the full appeal text during a talk in March 2006. It is reproduced here.

**Botschaft der Bundesrepublik Deutschland
Embassy of the Federal Republic of Germany**

Head of Commercial Department

Minister Counsellor Mr. Jürgen Mertens

Ref.: Wi 412.03

New Delhi, 20. August 2002

Mr. Gregory Ekka

President

Sundargarh District Displaced Persons' Action Committee

C2 M3 Chhend Phase II

Rourkela 769 015

Ref.: Your letter dated July 18, 2002

Dear Mr. Ekka,

The Embassy acknowledges with thanks receipt of your above mentioned letter and feels sorry for the hardships faced by the displaced people in Rourkela due to the establishment of Rourkela Steel Plant and Mandira Dam.

The Embassy hopes that this dispute will be solved amicably and wishes your organisation all the very best in your struggle for rehabilitation and resettlement of displaced people.

With kind regards

[Signature]

(Jürgen Mertens)

Minister Counsellor

Head of the Commercial and Economic Department

**SUNDARGARH DISTRICT DISPLACED PERSONS'
ACTION COMMITTEE**

**C/o John Ekka, C2M3, Chhend Phase II,
Rourkela-769 015, Orissa, India**

Date: 13.05.2003

PRESS NOTE

**Opening of Biju Pattanaik University at Rourkela
vehemently opposed by tribals**

The tribals and displaced persons of Sundargarh District have turned hostile against BIJU PATTNAIK University of Technology at Rourkela. The representatives of the tribals of Sundargarh District and Sundargarh District Displaced Persons' Action Committee met jointly on 4 May, 2003 at Rajgangpur and made a decision to have mass protest against laying the foundation stone of BIJU PATTNAIK University of Technology at Rourkela by the President of India, A.P.J. Abdul Kalam during his visit on the 15th day of May, 2003. They have submitted a Memorandum to the President of India on date 7.5.2003 in which they have demanded to cancel the proposed BIJU PATTNAIK University of Technology at Rourkela as it violates the constitutional rights of the tribals to establish it over tribal land in the schedule areas.

It has been alleged that about 3586 tribal families have been uprooted and displaced on account of the establishment of Rourkela Steel Plant as well as for the construction of Mandira Dam. The authorities of RSP and State Government have not given them due compensation nor rehabilitated them properly. On the other hand the State Govt. and the RSP Authorities are leasing out about 15,000 acres of surplus land to the rich and wealthy non-tribals instead of returning back to the original tenants.

The State Government and the Steel Company have no right to lease out the tribal land in schedule area. The unlawful SOS at Baghbarhi Village and proposal to open BIJU PATTNAIK University of Technology at Rourkela are glaring examples of the planned conspiracy of the vested interested non-tribals against the local tribals to annihilate their identity by dispossessing of tribal lands. If the ensuing programme of laying the foundation stone of BIJU PATTNAIK University at Rourkela on dated 15th day of May, 2003 is not stopped, the tribals and displaced persons would wave black flags in protest of the said programme on 15, May, 2003.

[Signatures]

John Ekka
Secretary

Gregory Ekka
President

From
The President
Sundargarh District Displaced Persons' Action Committee
E/219, Sector-18, Rourkela-769003
Dist- : Sundargarh, ORISSA(INDIA)

[Dated:] 9.8.2003

To
His Excellency,
Governor of Orissa,
Raj Bhavan, Bhubaneswar,
Orissa

Sub : A memorandum of the displaced persons of Sundargarh District regarding the long standing grievances for sympathetic consideration and redressal.

Your Excellency,

We, the local displaced persons of Sundargarh District on the occasion of "VISHWA ADIVASI DIWAS" on 9th August 2003 like to draw your kind attention towards the genuine grievances of the Displaced Persons of Sundargarh District for your kind perusal and sympathetic redressal on the following matters:-

1. LAND ACQUISITION FOR ROURKELA STEEL PLANT & MANDIRA DAM.

The real problems of displaced persons in the Sundargarh district of Orissa state have not been properly understood by the Steel Authorities and the Govt. officials. So far the displaced persons movements were by and large within the control of administrative authorities through their suppressive and oppressive methods. The victims of Rourkela Steel Plant and Mandira Dam development projects in the district are struggling for their survival. They are fighting for their inalienable rights. They are demanding "JUSTICE", because they have been forcibly and unjustly uprooted from their homeland. They are systematically and methodically being dispossessed of the ownership of their means of production and particularly of the very means of human existence. The Adivasis are deeply concerned for their future, as they are dispossessed of their socio-political autonomy; and their community life is being broken up in the name of development of the nation. Moreover, they are dispossessed of their cultures, their values and their very identity through well-planned national developmental projects and policies. It is true that for centuries the indigenous peoples of Sundargarh district lived in harmonious relationship with their environment. Their culture is closely related to nature. Land, water and forests are the basic natural resources of their means of livelihood. They have a symbiotic relationship with these resources. By tradition, they are agriculturists. They cannot survive without their lands and forests.

According to Orissa Gazette Notification No. 665.Dev-XV11.27/54R, dated 16.2.1954 and No. 863-Dev-XVII-27/54R, dated 22.2.1954, 33 villages surrounding Rourkela totalling 25,035.24 acres of land have been acquired by the Orissa Govt. to set up Steel Plant at Rourkela and 31 villages totalling 11,923.98 acres of land have been acquired for the construction of Mandira Dam in 1956-57.

In both the projects 36,959.12 acres of land have been acquired for RSP and Mandira Dam resulting which 4,251 families or 23,400 persons have been uprooted. According to Govt. of India, 1985: 18; 83-84 and Dhebar 1961:115 reports 23,400 persons have been displaced from these two projects which 4607 (19.69%) persons have been provided employment under T.N.Singh formula. Some of the displaced persons were transported mercilessly to distance places of resettlement colonies of Lachhada, Amgaon, Silikata, Jagi-jharan, Jharain and Ulanda. They have not been allotted the same grade and area of cultivable land acquired from the Gangpur Estate, the Land Revenue settlement Record, 1929-1936 for the construction of Rourkela Steel Plant. Above all they have been uprooted from their hearth and home and thrown out from the Industrial Complexes to the dense forests and hilly tracts where they have been left to starve in the distant settlement colonies. It is very clear that the Govt. of Orissa acquired land at random without having any specific pre-plan. Instead, the RSP Management and Govt. of Orissa established L.I.C. Colony in village Raghunathpali; Basanti Colony & 7-8 Area in village Durgapur; Koelnagar in village Jhirpani; Chhend Housing Project and Kalinga Vihar in village Chhend to settle the outsiders who are not the victims. It is quite clear that in the disguise of development, the tribals and other indigenous peoples have been forcibly uprooted from their hearth and home and made them slaves and refugees in their own centuries-old home land. Their economy have been completely shattered. They are now living in a starving and wretched condition. They are low languishing due to economic distress. They are living from hand to mouth.

2. ASSURANCES GIVEN BY THE STATE GOVERNMENT

The Govt. of Orissa made a wide publicity through the Industries Department press note in dtd. 27.6.1955 about the assurances as follows :-

- (i) The entire population will have, immediately to be found alternative sites for building new villages and also as much agricultural land is possible.
- (ii) That all employable persons among the persons displaced are given gainful employment in the construction of Steel Factory.
- (iii) The problem of each individual and family will be different and it will be the aim of Government to assist each individual to resettle himself in the best manner possible.
- (iv) A certain amount of new forest land will be based [= leased ?] out for reclamation to those who prefer to continue agriculture. The leased areas will mostly be in the commanded areas of minor irrigation projects under construction. The displaced persons who are allotted these lands, will be given some subsidies, in addition to compensation for their land. It is also proposed that the displaced persons should be given some subsidies to help them to construct new houses in the new village sites.
- (v) All these facilities such as allotment of new land, village sites and subsidies for housing, buildings, trees etc. should be made available.
- (vi) Adequate compensation based on actual land values and other relevant considerations will be paid for all land, trees, buildings etc.
- (vii) The Hindustan Steel company have undertaken that inhabitants of the State who are qualified will be preferred for all jobs under them. Government have been assured that preference will be given to Oriyas for jobs in all categories provided they are qualified.
- (viii) A large number of Engineers from the State Government service shall be made available to the company.

- (ix) The Adult Training Center at Cuttack shall be shifted to Rourkela to train Technicians and recruitment will be made to local inhabitants and preference shall be given to Adivasis.
- (x) As far as the employment of persons to be immediately displaced is concerned, there would be no difficulty for any one willing to work to get a job in construction. For the small trader who is not accustomed to labour manual there will be increased opportunities for trade due to the large labour population that will spring up.
- (xi) All the facilities that can normally be expected to accrue to the State by the establishment of a national concern within its borders would, in fact become available to the people of Orissa.

3. LONG STANDING GRIEVANCES OF DISPLACED PERSONS

The displaced persons were given certain economic packages yet it was not enough to satisfy them. The displaced persons movement started as soon as 92 villages were acquired for the establishment of Rourkela Steel Plant and they were uprooted from their hearth and home and thrown out at distant places by the Govt. of Orissa and the Management of Rourkela Steel Plant without being provided with basic amenities of life. They have expressed their discontentment and demands several times before the Government and the management. The reasons of discontentment among the displaced persons are as follows:-

1. Displaced persons of Rourkela have been allotted only house plots measuring about 20 decimals for each family i.e. only at Jhirpani R.S. colony, Jalda R.S. colony and Bondamunda R.S.colony. But irrigation, education and medical facilities and amenities of life have not been provided till date.
2. Some displaced families have been thrown out at distance places like Amgaon R.S. colony, Silikata R.S. colony, Lachhada R.S. colony, Raghudarsha R.S. colony, Hathidharsa R.S. colony, Jugijharein R.S. colony, and Ulandajharein R.S. colony and till now they have not been provided with basic amenities of life. These places are arid and hilly regions. Roads, Parks, Schools, community centers, markets, wells, tanks, permanent pipe water schemes etc. have not been provided to these Re-settlement colonies.
3. The displaced persons of these distant R.S. colonies have not been allotted the same grade and area of cultivable land acquired from the Gangpur Estate the Land Revenue settlement Record, 1929-1936 for the construction of Rourkela Steel Plant (R.S.P.). Above all they have been uprooted from their hearth and home and thrown out from the Industrial Complexes to the dense forests and hilly tracks where they have been left to starve in the distant resettlement colonies.
4. The State Govt. of Orissa and the Management of R.S.P. have not given adequate compensation to the displaced persons. A sum of Rs. 14,70,00,000.00 towards compensation to the displaced persons remained unpaid till date.
5. The Govt. of Orissa acquired excessive land from tribals for the public purpose i.e. for Rourkela Steel plant. Instead of returning the surplus land as per the Board of Revenue Bihar & Orissa, 1896, the R.S.P. Management and Govt. of Orissa encouraged illegal construction of housing

colonies at L.I.C. colony in village Raghunathpali; Basanti colony and 7/8 Area in village Durgapur; Koel Nagar in village Jhirpani; Chhend Housing Project and Kalinga Vihar in village Chhend. A strong feeling of resentment towards the R.S.P. Management and the Govt. of Orissa [is] getting momentum in a big way on the ground that in the disguise of National Development, the tribals and other indigenous people have been uprooted and thrown out. These housing colonies plots were sold at a very high rate which is beyond the reach of the displaced people. The Adivasis of Sundargarh district have been badly cheated and their long standing demands have not been fulfilled till date.

All the agreements and assurances of the Govt. of Orissa went in vain. It was assured that land for land, house for house and employment etc, would be made for them and house for house would be constructed at settlement colonies free of cost. Irrigation, Transport facility, Education facilities, medical facilities, Electrification to be provided to the displaced families. But till date nothing has been done to alleviate the suffering of the displaced families.

4. PRESENT ACTION OF THE GOVT. AND RSP AUTHORITIES

- I) After the utilization of the acquired land for Rourkela Steel Plant, the Hindustan Steel Limited returned about 14000 acres of unutilized surplus land to the State Government of Orissa in the year 1975-76. The same surplus land should have been returned back to the original tenants, which were recorded against the original tenants in Land Revenue Settlement 1929-1936 of Mukherji Settlement. But instead Of returning the same, the State Govt. of Orissa and its agencies have constructed colonies in gross misuse of power and settled the non-tribals of outside the district through illegal way of auction, lease and selling of surplus lands to the influential bureaucrats, politicians, IAS, IPS, OAS, administrative officials of Govt. of India and Govt. of Orissa, doctors, businessmen, industrialists and other private parties etc. and giving enmass settlements on the land acquired for public purpose. This action of the State Government is illegal, arbitrary, discriminatory and above all unconstitutional. No Govt. has the right to evict the original tenants and give ownership rights to another person on the same land acquired for public purpose.
- II) The displaced persons feel that they have sacrificed their landed properties for the public purpose and not for any private business which is contrary to law. But about 14000 acres of surplus land have been sub-latted to different private persons and with the passage of time innumerable unauthorized constructions, illegal transfers, auctions, leases were made with the help of the implication of false litigations, strong arm tactics, engagement of dalals and adopted by the mafia group. All such steps have been directed against the main purpose of setting up of Rourkela Steel Plant.
- III) The State Govt. of Orissa has framed a rule, vide Revenue Department Notification No. 22333/R-G.E. Sundergarh, 1 of 1968 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 and 8 Developed Area. About 300 acres of land acquired by the Govt. from the local Adivasis and the lands so surrendered were allotted to the non-tribals such as influential bureaucrats, politicians, high officials of the State, doctors, business people, industrialists etc. on exorbitant

rate by way of lease, allotment, auction, sale which is beyond the reach of the poor displaced persons. The action of State Govt. is contrary to the provisions of the Constitution of India as well as the Orissa Communal Forest and-Private Lands (Protection of Alienation) Act, 1940 and in violation of the provisions of Orissa Regulation 2 of 1956 (Orissa Scheduled Areas Transfer of Immovable Properties by Scheduled Tribes) Regulation, 1956. It is also in contravention of the Land Acquisition Act which is specified that the land which were only acquired for the public purposes as defined, can only be acquired under the Act and there is no concept of "Multiple uses for Public Purposes" for two same set of lands. The State Govt. should have returned to the original owners without any prejudice caused to them.

- IV) It is very clear that the predominant object of para 5 (2) of the Fifth Schedule of the Constitution and the Regulation is to impose total prohibition of transfer of immovable property to any person other than a tribal for the peace and good government of a tribal area; to protect possession, right, title and interest of the members of the Scheduled Tribes held in the land at one time by the tribals. The Orissa Regulation (2) of 1956 (Orissa Scheduled Areas Transfer of Immovable properties by Scheduled Tribes Regulation, 1956) also provides that since the tribals are not able to stand the legal proceedings, not to expect their admissions before the court and the burden of proof is always on the non-tribals to show the reasons to their title and be involved in such proceedings. There after the said Regulation was amended in 1975 as the legislature felt that the restoration of tribal land was taking place less sufficiently than the law intended to achieve.
- V) Inspite of the prohibitory provisions under the Orissa Regulation (2) of 1956 and the para 5(2) of the Fifth Schedule of the Constitution, the State Govt. of Orissa and the RSP authorities are jointly busy in selling and leasing out the surplus lands. The Chhend housing, Basanty colony, LIC colony, Banking colony, Koelnagar, 7-8 Area, SOS village. Hanuman Batika etc. are the glaring examples where the State Govt. and RSP authorities have openly violated the rules relating to the transfer of tribal lands to the non-tribals.

The latest move of the State Govt. and RSP authorities is the decision to sell the unutilized lands and quarters of RSP. In the local Hindi daily Newspaper "Nav Bharat Times" dated 01.05. 2002 that the RSP and the State Govt. of Orissa are planning to sell the surplus land for Rs. 39.00.000/- (Rupees Thirty nine lakhs) only per acre of land and a list of 1500 (Fifteen hundred) individuals are in waiting list to purchase of the RSP quarter. Again on 17th July 2002 in the Oriya daily newspaper "The Sambad" on the title "On the sale of RSP Quarters is Final. Notification on 22nd July, 2002 (*Oriya quotation*). Very clearly it is reported that from 29th July to 24th August applications for buying the quarters will be accepted.

OUR DEMANDS

The displaced Adivasis of Sundargarh district are struggling right from the beginning for survival. They neither got any justice from the State Government of Orissa, nor from the Rourkela Steel Plant Management, nor from court cases. So, on the occasion of VISHWA ADIVASI DIWAS, we the local displaced persons of Sundargarh District submit the following charter of demands as follows :-

1. A "DISPLACED PERSONS ADVISORY COMMITTEE" should be constituted by the State Govt. and the RSP Management and call for an open dialogue with the District Displaced Persons Committee for amicable settlement within 6 (Six) months and settle the long standing problems of the displaced persons of Rourkela Steel Plant and Mandira Dam.
2. The burning issues of the displaced persons of Sundargarh district are related to land, compensations, rehabilitation, employment, education, environment, forest and the development of agriculture. Since Government of Orissa and the RSP Management are unable to give due compensation and employment to the displaced persons; it is the moral obligation of the Government to return back the surplus land to the displaced persons unscrupulously within 6 (Six) months.
3. Govt. of Orissa should clear up the arear dues of the displaced persons a sum of about Rs.15,00,00,000/- (Rupees fifteen crores) only towards compensations which have not been paid till date as it is complained by the Displaced persons.
4. Instead of giving slow poison to the local Adivasis Iron Sponge Factories and other ancilliary industries which are coming up like mushrooms by outsiders should not be encouraged at the cost of these poor and innocent Adivasis.
5. The Govt. officials who are responsible for manipulations of the Adivasis land and the land grabbers who are illegally in possession of Adivasis land should be severely dealt with in accordance with law. The Govt. should take adequate measures for the restoration of tribal lands which have been transferred illegally to non-tribals under the Orissa Regulation 2 of 1956. At the same time offences under the Regulation should be tried by the judicial magistrate without making further delay.
6. Checks and controls on illegal alienations of tribal land in the Scheduled Areas should be given priority. The Collector and District Magistrate and other Competent Authorities should from time to time supervise properly and institute cases under Regulation 2 and take full measures to restore the tribal lands which have been transferred to non-Adivasis by way of illegal deed, lease, mortgage, benamy, hoax, proxy transactions etc.
7. It is strongly demanded that a high level judicial enquiry should be conducted to investigate the facts about illegal grabbing of Adivasi land and necessary steps be taken for the restoration of tribal land.
8. It is on humanitarian ground demanded by the displaced persons to return back 14,000 acres of surplus land to the original tenants rather than selling them for commercial purposes.
9. There is a big controversial issue regarding issuing of fake displaced certificates to non-displaced persons. The displaced persons who have not been employed in the R.S.P. have complained that some corrupt responsible Govt. officials and R.S.P. officials have a big racket who are issuing fake certificates to their relatives and friends who are outsiders and non-displaced persons with the help of some dalals and mafias whereas the real displaced persons have been deprived of their rights.

In such a case C.B.I. or judicial probe is needed to identify the persons involved and take remedial measures within 6 (Six) months.

10. It is the moral obligation of the State Government and RSP management to give proper justice to the displaced persons who are real victims suffering on accounts of their loss of land, hearth and home, community life, culture, social life, polity etc. So, it is strongly demanded that a thorough survey has to be conducted to maintain peace and justice to the discontented victims of Sundargarh district.
11. A detailed list of 6,059 displaced persons employed by Rourkela Steel Plant as stated vide Oriya news paper "SAMBAD" dated 11.07.2000 should be furnished by the Rourkela Steel Plant for the veracity of the statement.

We are happy to place before you our grievances and problems for the protection and safeguard of the Rights of the tribals of the Scheduled Areas of the State, as you are the Constitutional Head of the tribals. We hope, your excellency to look into the above problems personally and take necessary steps for the maintenance of peace and good governance in the Scheduled Areas of the State of Orissa.

Thanking You,
Sincerely Yours

[Signatures]

(Mr. Gregory Ekka)
President

(Mr. John Ekka)
Secretary

Copy forwarded for kind information and necessary action to :-

1. Sri Naveen Pattnaik, Honourable Chief Minister, Orissa.
2. Sri Dilip Singh Bhuria, Chairman,
National Commission for Scheduled Tribes, New Delhi.
3. Chairman, National Commission for Human Rights, New Delhi
4. The Minister, Tribal and Minority Welfare, Govt. of Orissa.
5. The Minister, Panchayat Dept. Govt. of Orissa.
6. Shri Jua Oram, Honourable Union Minister for Tribal Welfare,
Govt. of India.
7. Shri Mangala Kisan, Honourable Minister of Water Resources,
Govt. of Orissa.
8. Honourable Minister, Panchayati Raj, Govt. of Orissa.
9. Honourable Minister for Revenue, Govt. of Orissa.
10. Revenue Divisional Commissioner (NR), Sambalpur, Orissa.
11. Collector and District Magistrate, Sundargarh
12. Additional District Magistrate, Rourkela.

MEMORANDUM

„WHAT’S WRONG ON TRUTHS WITH RIGHTS ON FALSE“ OUR DEMAND SUBJECTS FOR AT EARLIEST REDRESSAL.

Date: 9.8.2003

- (1) Protest against selling & leasing out it unutilised acquired land, unemploy displaced persons in the employments according the aboriginal acquire land record against the TENANTS, of misdeed dealings by the disasters man made and official bureaucracies for outsiders and the quarters for employess of Rourkela Steel Plant (R.S.P.), Rourkela, with the collaboration both civil and police machineries, State Govt. of Orissa.
 - (2) Proper rehabilitation with cultivable 33 acres of land for each family in the reclamation blocks in the interior and in the resettlement colonies within the State Govt. of Orissa in the District Sundargarh of the displaced people from Mandira Dam water reservoir, Rourkela Steel Plant, Rourkela etc. our grievances.
- A-(i) Stop the plan of selling or leasing out the unutilised acquired land of the RSP, Rourkela and the quarters constructed for company employees by any means. The RSP and the State Govt. of Orissa are asked to give back the nutilised surplus acquired land to the aboriginal tenant displaced families through “SUNDARGARH DISTRICT DISPLACED PERSONS ACTION COMMITTEE”, Orissa.
- (ii)The illegal constructions and illegally constructed anythings on the acquired land for RSP are to be vacated and given back to the aboriginal tenants and families through the said Committee, i.e. SDDPAC.
- B-(i) 33 acres of cultivable land for each displaced family be given to each recorded 1936 Final Land revenue Settlement records acquired aboriginal tenants displaced families with employments as per the assistance falsely claimed to have [been] given to the displaced people in the Orissa District Gazetteers, Sundargarh, Gazetteer of India 1975 in page 96, and also in the High Court of Orissa filed the Petitioners Sri Theophil Lakra & 6 others versus State Govt. of Orissa & others... Opposite Parties (1) – vide the Court Order sheet O.J.C. No. 3680 of 1993 and filed the petitioners Sri Jagdip Lakra and others versus State Govt. of Orissa & others... Opposite Parties (2) – vide the Court Order sheet O.J.C. No. 6697/94 respectively, falsely claimed to have given to the each displaced families of the aboriginal tenants acquired land for Rourkela Steel Plant (RSP), Rourkela and Mandira Dam Water Reservoir.
- (ii)(a) According the Orissa District Gazetteers, Sundargarh, Gazetteer of India 1975, for the construction of the Dam 31 villages were acquired and 941 families comprising 8785 persons were uprooted. The displaced persons were rehabilitated in two R.S. colonies, namely Laing Resettlement Colony and Usra Resettlement Colony in page 96 of Mandira Dam Displacements.

- (ii)(b) Lachhada Resettlement-cum-Rehabilitation Reclamation Colony of A, B, C, D Blocks under Police Station Gurundia, (2) – Bankibahal R.S.Colony, (3) Jaydega R.S.Colony, (4) Dhuan Kata R.S.Colony, (5) Jhandapahar R.S.Colony, (6). Around the existing villages of Mandira Dam Water Reservoir etc... resettlement colony, Resettlement-cum-Rehabilitation Reclamation Camps under Police Station Raiboga, Birmitrapur, Gurundia, Distr. Sundargarh, have [been] abandoned or left out mentioning the details in Orissa District Gazetteers, Sundargarh, Gazetteer of India 1975 in page 96 and knowingly torturing, harassing, exploiting the displaced peoples of these R.S.Colonies, instead of development of the displaced persons [in] various way[s] by both the Civil and Police machineries seriously.
- (3) We claim Rs. 35,00,000/- (Rupees Thirty Five Lakhs only) as price per acre of acquired land for the displaced families of the aboriginal tenants.

OR

33 acres of cultivable land be provided for each family and for the land development Rs. 5,00,000/- (Rupees Five Lakhs only) as subsidies per acre be granted to each displaced family. It is impossible to develop land for cultivation with Rs 100/- (Rupees One Hundred only) assured by the RSP, Rourkela and State Govt. of Orissa in the dense forest and hilly track like Lachhada, Bankibahal, Jaydega, Jhandapahar, Dhuan Kata, Raghudara, Silikata, Ulandajharan, Hathidharsa etc. so called resettlement colonies.

- (4) Again Rs. 5,00,000/- (Rupees Five Lakhs only) as subsidies be granted for the construction of (1) residential house, (2) kitchen, (3) Latrine, (4) cow shed, (5) buffalo shed, (6) goat shed, (7) pig hut, (8) well, (9) boundary wall, (10) approach road etc. It is impossible to develop with Rs 200/- (Rupees Two hundred only) as assured by the RSP, Rourkela and State Govt. of Orissa, in the resettlement colonies mentioned above or return back us to on our aboriginal acquired land of our original native villages.
- (5) The illegal proposals to build up forcefully the water reservoirs on (1) "RUKRA NALA" under the Police Station of Gurundia and Bonaigarh, in the Bonai Sub-Division or Ex-princely State Bonai, Dist. Sundargarh at present or Ex-Gangpur State on (2) river IB, the "IB" project the water reservoir proposal under Police Station Talsera, Lefripada and Sundargarh in the Sadar Sub-Division or Ex-Princely State Gangpur at present in Sundargarh Dist. Without solving the "REHABILITATION" in the reclamation blocks in interior, without solving the "RESETTLEMENT" in the resettlement colonies, without solving the "EMPLOYMENT" problems truly of the displaced people and famil[ies] of Mandira Dam Water Reservoir, Rourkela Steel Plant etc. in the Dist. of Sundargarh, Orissa, are to be stopped. We do not want to be refugees, dacoits, thieves, looters, beggars, terrorists, communalists, non-conformists, MCC, liar lawyers, cheaters etc. Instead of we want to be good officials, good bureaucrats, like O.A.S., I.A.S., I.P.C., I.P.S., Governor, Chief Ministers, Minister, Inspector of Schools (C.I.S.), M.L.As, M.Ps, Block Chairman, Zilla Parishad Chairman, Sarpanch, Ward Members, Clerks, Peon, Village Chowkidar etc.

OR

Before displacement and acquisition of land by acquiring land, villages, trees etc. alternate arrangements for a living and settling like house for house, land for land, education, marketing, communication, medical, electrical facilities, water facilities for drinking and bathing, employment, Birsa Munda University etc. should be made first. The people displaced from "IB" project, "RUKRA" project, displacing the people of the forest or jungle areas villages etc. in the District of Sundargarh, Orissa, should not be cheated by any means in regard of displacement as in the case of displaced people of Mandira Dam Water Reservoir who have been misled and are regretted.

[(6)-(8) deal with cases from Sundargarh history and historical land alienation of tribals by erstwhile rulers of Gangpur state who then claimed the land compensation for Mandira Dam; these are left out here]

- (9) It surprises us as well as others that already 48 and 46 years have been over for R.S.P. Rourkela, Mandira Dam Water Reservoir for R.S.P., Rourkela and of Sundargarh District problems of the displaced persons have remained completely unsolved. So many cases were filed, still we have not got justice.

Therefore, we claim and demand for a spot verification by outside team with the Sundargarh District Displaced Persons Action Committee (SDDPAC).

Thanking you,
Yours faithfully

[Date 9-8-2003 Signature]

(Gregory Ekka)
The President
Sundargarh District Displaced Persons' Action Committee
E/219, Sector 18, Rourkela 769 003, Dist. Sundargarh (Orissa)

*This Memorandum was addressed to:
Additional District Magistrate, Rourkela on 17.7.2003
and to the Governor of Orissa on 9.8.2003.*

**SUNDARGARH DISTRICT DISPLACED PERSONS'
ACTION COMMITTEE****C/o John Ekka, C2M3, Chhend Phase II,
Rourkela-769 015, Orissa, India**

16. June 2004

**To
Additional District Magistrate (ADM)
Panposh, Uditnagar, Rourkela,
Dist.: Sundargarh, Orissa**

Sub: Objection of "The Land Distribution of SAIL, RSP" as per your notice on News Paper "SAMBAD" on dated 12th June 2004, Page-10.

Sir,

On behalf of the "The Sundargarh District Displaced Persons' Action Committee" and 'Sundargarh Aboriginal people', I, the President, Sri Gregory Ekka, put forward our Objections.

I am to remind you that we had given representation to District Collector and Magistrate, Sundargarh RDC, Northern Zone, Sambalpur, The Chief Minister, His Excellency the Governor of Orissa etc.. Please see on Serial No.4 below, objection for the sale of surplus land and quarters etc. that had been acquired for public purpose. We are surprised and annoyed, why the Government and the SAIL Management, time & again, are planning to sale and lease out the lands for Private Individuals, Companies etc. in spite of our repeated protests.

By assuring employment, development and other benefits to the indigenous people of the district, who had given the land for National purpose, the original people have been deceived. But alas! All the assurances of the State & the Central Government have become empty, false and we are deceived in the disguise of development. Till now, the Lakhs of displaced persons are neither rehabilitated, properly compensated nor other benefits or alternative arrangements were made. Today, due to SAIL, RSP, Rourkela and Mandira Dam Water Reservoir, Lakhs of indigenous people are displaced from their lands and villages. They are broken totally. The Government has forced the Tribal to become beggars of the streets. They are forced/made to slaves, beggars, thieves, drunkard, dacoits and anti-socials.

There was no need to displace the villagers at Koelnagar, Shaktinagar, Basanti Colony, Chhend Housing Projects, L.I.C. Colony, 7-8 Areas etc. who were aboriginals. But due to the Colonial attitudes of Administrators, SAIL Management, Politician's and Dalalls, the innocent tribals are made to live a sub-human life.

The displaced people of SAIL, Rourkela and Mandira Dam Water Reservoir have represented their just demands and grievances as individuals and as groups, but they are unheard and unattended, so far, often, they are suppressed by Police in the name of Law & Order.

Today, we the "Sundargarh District Displaced Persons Action Committee" and the "Sundargarh District Indigenous People" strongly object to your plan of Sale the surplus land of RSP and demand as follows:

- (1) Sundargarh District is a Scheduled District, which comes under the 5th Schedule of the Constitution of India. The total lands acquired by RSP originally belonged to mostly the tribals.
Therefore, we urge you to respect the Constitution of India and request you to:
 - (i) Protect the Tribals of Sundargarh District.
 - (ii) Restore the surplus RSP land to the original tenants.
 - (iii) Implement the provisions of Orissa Regulation 2 of 1956 (Orissa Scheduled Areas Transfer of Immovable Properties by Scheduled Tribes), Regulation, 1956.
 - (iv) The Constitution Of India does not permit to take away the ownership rights of one tenant and to give to another tenant. So, immediate steps should be taken to evict the illegally occupied tribal lands.
 - (v) In order to solve our longstanding demands amicably, we request you to constitute a statutory Committee in which 2/3rd members should be our representatives.
- (2) Stop the plan of selling or leasing out the unutilized land of RSP and Quarters by any means.
- (3) The surplus land and illegally encroached lands are to be given back to the original tenants through our Committee.
- (4) We request you kindly to go through our following representations.
 - (a) Address to the General Manager, SAIL, RSP Rourkela, 12th December 1977 -, 25th March 1987
 - (b) Address to Mrs. Indira Gandhi, The Then Prime Minister of India, New Delhi, 19th August 1981; 28th June 1982; 22nd January 1983
 - (c) Addressed to Sri Nilam Sanjiva Reddy, The then President Of India, New Delhi, 29th May 1981
 - (d) Addressed to The Leader. Study Group Of Parliamentary Committee For the Welfare of the SC & ST' Govt of India, Camp at Rourkela House 6th & 7th July 1983
 - (e) Addressed to Gyani Zail Singh, The Then President of India, New Delhi, 25th March, 1987
 - (f) Addressed to Rajiv Gandhi, The Then Prime Minister of India, New Delhi, 25th May, 1987
 - (g) Address to The Union Govt. Of India New Delhi, 24th July 1987
 - (h) Addressed to the Collector & District Magistrate, Sundargarh, Orissa, 6th July 2002
 - (i) Addressed to His Excellency, The President of India, Rashtrapati Bhawan, New Delhi 18th July 2002.
 - (j) Address to the Additional District Magistrate. Dr. Saumya Prasad Mishra, I.A.S., Panposh, Uditnagar, Rourkela-769012, 8th October 2002
 - (k) Address to The Collector & The District Magistrate. Sundargarh, Orissa. 8.11.2002
 - (l) Addressed to Sri Dilip Singh Bhuria, Chairman, National Scheduled Areas and Scheduled Tribe Commission, Govt. Of India, Camp at Lefri Pada. 25th April 2003; 27th April 2003
 - (m) Addressed to His Excellency, the Governor of Orissa, through Collector & District Magistrate, Sundargarh, Orissa. 9th August 2003

If our genuine demands are not taken into consideration, we will be forced to take agitational methods to fulfill our demands and for any untoward incidents take place in future, Government will be held wholly responsible.

[A hand written line is added here:]

A copy herewith enclosed for your ready reference dated 9th August 2003

Thanking you, Sir,
Yours sincerely

[Signature]

Gregory Ekka
President

Sundargarh District Displaced Persons' Action Committee
E/219, Sector-18, Rourkela-769003
Dist- : Sundargarh, ORISSA(INDIA)

Rourkela
16th June2004

Copy To:

1. His Excellency, The Governor Of Orissa
2. Navin Pattanaik, Chief Minister Of Orissa.
3. The Revenue Minister, Govt. Of Orissa.
4. R.D.C., Northern Zone, Sambalpur Orissa.
5. The Collector & District Magistrate, Sundergarh, Orissa.
6. The D.I.G. Of Police. Western Range, Rourkela, Orissa
7. The Managing Director, SAIL, RSP, Rourkela. Orissa.
8. The President Of India, New Delhi.
9. The Prime Minister, Govt. Of India, New Delhi.
10. Mrs. Sonia Gandhi.
- [hand written addition:]*
11. Miss Firda Topno, Ex MLA, Ex MP, Ex Minister

An identical letter was addressed to Mr. Rambilash Paswan, Steel Minister, Govt. of India, Camp at Rourkela House, on 26th & 27th June, 2004.

**SUNDARGARH DISTRICT DISPLACED PERSONS'
ACTION COMMITTEE**

**C/o Mr. Gregory Ekka, President, E/219, Sector-18,
Rourkela-769003, Orissa**

By Registered Post with A.D. Date: 16.11. 2004

**To
His Excellency,
The Governor of Orissa,
Raj Bhawan, Bhubaneswar, Orissa**

Sub: Your order by Orissa Gazette Notification No. 665.Dev XVII-27/54R, Dated 16.2.1954. and No.863 Dev.XVII. 27/54 R, dated 22.2.1954. 33 villages surrounding Rourkela, totaling about 25035.21 acres of Land acquired for Rourkela Steel Plant and 31 villages totaling about 11923.98 acres of Land acquired for the construction of Mandira Dam water reservoir for Rourkela Steel Plant, Rourkela in 1956-1957.

Your Excellency,

We the local displaced persons of Sundargarh District, on the Occasion of VISHWA ADIVASI DIWAS" on 9th August 2004, urge you and like to draw your kind attention towards the genuine grievances with demands of the actual displaced persons of Sundargarh District, for your kind perusal and sympathetic redressal on the following matters:

That, we are mentioning our employment exchange Registration Nos. along with our signature campaign, for our employments.

The all khatians of Land Recorded Records in 1936 Final Revenue Land settlement of all the acquired villages of Mandira Dam water Reservoir and Rourkela Steel Plant etc. in Sundargarh District of Orissa State (Ex-GANGPUR STATE), are under the controlling of RDC, Northern Zone, Orissa, Sambalpur, The Collector & The District magistrate Sundargarh, The additional District magistrate Sundargarh District, The Additional District Magistrate, Panposh Uditnagar, Rourkela-769012, The Tahasildar, Birmitrapur Tahasil, The Tahasildar, Kuarmunda Tahasil, the Tahasildar, Rajgangpur Tahasil etc. or to say Govt. of Orissa.

How the residential certificates, Displaced person's certificates, legal hair certificates or recommendations, verifications accordingly, Affidavits, Employments are given to non-displaced persons in the name of actual displaced persons and the real displaced persons are sufferers and accordingly every rights etc. are given to them as actual displaced persons instead of real displaced persons?

Kindly look after the matters, so to say that in your order notifications accordingly lands, Villages etc. from the aboriginal indigenous peoples, mostly Tribal, for use of nation purpose and the projects. The innocent tribals and backward classes are being exploited, Suppressed, harassed with atrocities which are happening officially since then, till today, on the above mentioned problems.

Therefore, our claim is that the whole earning benefits have taken away and are taking away by the non-displaced persons by communicating officially as an actual displaced person, for which, the fake persons enjoying now of the acquired prosperities, records of villages, and are employed at SAIL, RSP, Rourkela in the name of actual displaced persons. So that the very particular earning benefits should be paid to the real displaced persons or to the families, officially, by the concerned authority of the State Govt., Orissa and the concerned authority of the Management of SAIL, RSP, Rourkela, we the youth Forum of SDDPAC, in the presence of our president, have decided on 03.08.2004 & 07.08.2004, for the signature campaign in this regard.

The actual verification Team comprising from the outside of the state should be ordered in this regards etc. for finding out the real problems of actual displaced persons or families perfectly, the misdeed dealings taken place knowingly officially with Dalals and Miscreants. In this regard, if any untoward disturbances occur, we are not responsible.

We the displaced tribals of Sundargarh District, have hope in your excellency in redressing our long standing grievances and avail us our genuine need and make our life better and go in the main stream of the Nation. Let no undo [= untoward ?] incident of violence take place due to all these exploitations.

These sorry plights of the aboriginal displaced people and non-displaced people mostly the indigenous tribals makes us to draw your attention as the constitutional head of the state & of the Nation, for your kind intervention, for the above mentioned matter and settle the matter. So that, we, the local displaced people and non-displaced people, particularly the Tribal/Indigenous people may be able to live a dignified life, those who have been, sacrificed for the nation. We remind you again address to you on 09.08.2003 and on 28.07.2004 for actions. Again we have placed MEMORANDUMS" on 9th August 2004 addressed to you "Through A.D.M. Rourkela", for sincerely, truly and efficiently action to be taken.

Thanking your Excellency,
Yours faithfully

[Signature]
(Gregory Ekka)
President
Rourkela
Date 16.11.2004

Copy To:

1. The National Human Rights Commissioner, Govt. of India, New Delhi
2. Mr. A.P.J. Abdul Kalam, His Excellency, The President of India New Delhi
3. The Chairman, National Scheduled Area & Scheduled Tribes Commissioner, 21 Jawaharlal Nehru Stadium. Lodi Road. New Delhi.
4. Mr. Mamnohan Singh, The Hon'ble Prime Minister, Govt. of India, New Delhi
5. Mrs. Sonia Gandhi, The President of Congress Party & The National Advisory Councils, Govt. Of India, New Delhi.
6. RDC, Northern Division, Orissa , Sambalpur.
7. Collector & District Magistrate, Sundargarh
8. Additional District Magistrate, Panposh Uditnagar Rourkela 12.
9. Additional District Magistrate, Sundargarh District, Sundargarh, Orissa
10. The sub- collector, Bonai, At/P.O. Bonaigarh, Dist.Sundargarh, Orissa
11. Dy.I.G. of Police. Western Range orissa, Rourkela-2
12. Officer in-charge of police, police station Gurundia, Tikayatpali.
13. Managing Director SAIL RSP Rourkela, Orissa.

For information & needful appropriate action.

[Appended to this document is handwritten list of 315 names]

For our employment IST List enclosed hereunder for your early action for employment

SUNDARGARH DISTRICT DISPLACED PERSONS' ACTION COMMITTEE

C/o Mr. Gregory Ekka, President, E/219, Sector-18,
Rourkela-769003, Orissa

Date: 16.11.2004

To
His Excellency,
The Governor,
Govt. of Orissa,
Bhubaneswar (Orissa)

- (A) The Vigilance Officer in charge Orissa, The All India Corruption Committee, was on duty in Sundargarh District Orissa. He was on way for catch with friendly process the corruptor on employment matter in SAIL, RSP, Rourkela and was going to be caught with proof successfully. In course of time Date: 14.7.2004 to 28.7.2004 within the period the corruptor had mixed with police officers, police station TANGARPALI, miscreant political leaders, which was not known to the Anti corruption Committee Vigilance Officer.

But suddenly without notice or Infomation to the Vigilance Officer, Orissa, was arrested by the Police officers, police station TANGARPALI and police station sector-15, Rourkela 3 on 28th July 2004 and also sent him by the police officers to jail custody by misusing the law and Orders and Power. The B.J.D. & B.J.P., Govt. Of Orissa is exercising colonial attitudes against the People of Sundargarh District in Orissa, instead of development of the displaced persons and of non-displaced persons (peoples) in the District of Sundargarh Dist. in Orissa. So such type of police Officers should be dismissed from the service without delay. The orders by the Home Department should be issued to the C.B.I. and to the All India Anti Corruption Committee for Investigations in this regards and actions to be taken against the miscreants, miscreant political leaders and miscreant corruptioners Corporators with the police at immediately. (Reliable sources xerox copies enclosed herewith).

- B) On 23-9-2000, The A.D.M, Panposh, Uditnagar, Rourkela-12 in Sundargarh District, Orissa called by his office bearing Notice No. 3021, over about 400 (Four Hundred) candidates verifications in his Office for employments in SAIL, R.S.P, Rourkela and selected 77 persons miscreants from 400 (four Hundred) candidates by demanding each Rs. 10,000/- (Rupees Ten Thousand). It is from reliable sources, in the name of displaced persons, who are not the displaced persons. And Abandoned the real displaced persons in selections officially knowingly in the A.D.M office, Rourkela-12. The investigations should be occured perfectly, trully, sincerely with efficiently by the authorities mentioned above in 'A' and actions to be taken for solvation correctly in employment etc.

[Hand written line:] (From Reliable sources xerox copies enclosed herewith)

- C) a) Address to the District Collector and the District Magistrate, Sundargarh, Orissa on 5-4-2002, 6-7-2002, 8-11-2002.

- b) Address to the President of India, Rashtrapati Bhavan, New Delhi 18-7-2002, 29-7-2004, 13-5-2003, 7-5-2003, 16-7-2002.
 - c) Address to the A.D.M, Panposh, Uditnagar, Rourkela-769012, Dist. Sundargarh, Orissa on 16-6-2004, 8-10-2002, 7-7-03, 6-7-2002.
 - d) Address to Mr. Ram Vilash Paswan, The Steel Minister. Govt. of India. New Delhi, on 30-6-2004,
 - e) Address to Mr. Dilip Singh Bhuria, Camp at Lefripada, Block Office, Dist. Sundargarh, Orissa on 25-4-2003
 - f) Address to His Excellency, The Governor, Govt. of Orissa, Raj Bhavan, Bhubaneswar, through The collector & District Magistrate, Sundargarh, Orissa on 9th August 2003 and through the A.D.M, Panposh, Uditnagar, Rourkela-769 012, Dist. Sundargarh, Orissa on 9th August 2004.
 - g) Address to the Deputy Inspector General of Police, Western Range, Orissa, Rourkela-769 002 Orissa on 6-7-2002.
 - h) Address to the Managing Director, SAIL. R.S.P, Rourkela, Dist: Sundargarh, Orissa on 6-7-2002.
 - l) Address to the Circle Officer-Cum-Civil Defence Officer at A.D.M. office, Rourkela-12 on 4-3-2003.
 - j) Address to Mrs. Sonia Gandhi, the President of the All India Congress Party and the National Advisory, Govt. of India on 17-3-2004, 13-4-2004
(But all the above are in remain silence till today).
- D) From Assistant Registrar(Law), The National Human Rights Commission (Law Division), Sardar Patel Bhavan, Sansad Marg, New-Delhi-110 001, Dated. 5-10-2002, To the District Collector, Sundargarh, Orissa (xerox copy enclosed herewith). The case No. 297/18/2002-2003/OC have not yet been looked into the matter by the Collector, Sundargarh. Corruptions are more high position on displaced persons. Due to economical situations we are unable to run New-Delhi, Bhubaneswar even District Head Quarter - Sundargarh, Orissa.
- E) From PRESIDENT'S SECRETARIAT PUBLIC-2 SECTION, NO. P2-231789 - dated 03rd. August-2004, Rastrapati Bhavan, New Delhi-110 004. The Chief secretary to the Government of Orissa have not yet been looked into the matter and no appropriate actions have taken till today, corruptions are more high position on displaced persons, who have been sacrificed for the Nation and for the internal. Due to economical situations we are unable to RUN NEW DELHI, BHUBANESWAR, even District Head Quarter SUNDARGARH for our Physical explanation before you.

Yours faithfully

[Date 16.11.2004, Signature]
(Gregory Ekka)
President

C.C. to:
The Human Rights Commission, (Law Division)
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

- for kind information & necessary action please

[The letter apparently concludes with the following lines:]

These sorry plights of the aboriginal displaced people and non-displaced people mostly the indigenous tribals makes us to draw your attention as the constitutional head of the state & of the Nation, for your kind intervene, for the above mentioned matter and settle the matter. So that, we, the local displaced people and non-displaced people, particularly the Tribal/Indigenous people may be able to live a dignified life, those who have been, sacrificed for the nation. We remind you again address to you on 09.08.2003 and on 28.07.2004 for actions. Again we have placed MEMORANDUMS" on 9th August 2004 addressed to you "Through A.D.M. Rourkela", for sincerely, truly and efficiently action to be taken.

Thanking your Excellency,
Yours faithfully

[Signature]

(Gregory Ekka)

President

Sundargarh District Displaced Persons Action Committee,
C/O-E 219, Sector-18, Rourkela -769003.

Copy To:

1. The National Human Rights Commissioner, Govt Of India, New Delhi
2. Mr.A.P.J.Kalam, His Excellency, The President of India New Delhi.
3. The Chairman National Scheduled Area & Scheduled Tribes Commissioner, 21 Jawaharlal Nehru Stadium, Lodi Road, New Delhi
4. Mr. Manmohan Singh, The Honble Prime Minister, Govt. of India, New Delhi
5. Mrs. Sonia Gandhi, President of Congress party & The National Advisory Councils, Govt. of India
6. RDC, Northern Division, Orissa, Sambalpur.
7. Collector & District Magistrate, Sundargarh
8. Additional District Magistrate, Panposh Uditnagar Rourkela -12
9. Additional District Magistrate, Sundargarh District, Sundargarh Orissa
10. The sub-collector, Bonai, at P/O Bonaigarh, Dist -Sundargarh. Orissa.
11. DyI.G. of Police. Western Range, Orissa, Rourkela-2.
12. Officer-in-charge, police station Gurundia, Tikayatpali
13. Managing Director SAIL RSP Rourkela, Orissa.
14. The union Home secretary Govt. of India New Delhi
15. Union Home Minister, Govt. of India, New Delhi
16. The steel Minister (Cabinet)
17. The chairman Steel Authority of India Limited, Govt. of India New Delhi
18. The chief secretary, Govt. of Orissa Bhubaneswar
19. The Inspector General of Police, Orissa, Govt. of Orissa Bhubaneswar.
20. Chief Revenue Commissioner, Govt. of Orissa, Bhubaneswar.

For information & needful appropriate action.

The incident of the Vigilance Officer in charge Orissa, All India Corruption Committee, referred to in the above document is also reported in detail in a personal letter of the same officer, dated 31.10.2004 and addressed to the Chief Minister of Orissa. A copy of this

personal letter is with the editors. However, for reasons of protection of the personal rights of that officer and of other persons mentioned by name, that letter is not printed here.

Revenue Department

RESOLUTION

No. 20075 /R., Dt. 13-5-05
R&REH-28/05

Sub:- Formulation of a High Level Committee under the Chairmanship of Principal Secretary to Government, Revenue Deptt. To look after rehabilitation and resettlement issues of RSP and Mandira Dam Project in the District of Sundargarh.

Rourkela Steel Plant was set up during the 1950. Although at present the nitty-gritty of Rehabilitation and Re-settlement to displaced/affected families/ persons in connection with above projects do not exist, yet residual issues remain to be addressed. Such issues can not be sorted out at level of local administration as many of them require policy decision of State Govt. The project affected persons have resorted to agitation in the past several times. The matter of the displaced persons of RSP has also been agitated in the floor of Assembly time and again.

After careful consideration of the matter Government have been pleased to constitute a High Level Committee with the following members. This Committee will replace the Rehabilitation Advisory Committee constituted earlier vide this Department Resolution No. 55010/R dt. 20.11.2003. However the P.D.C. constituted earlier vide Resolution dtd. 20.11.2003 under the Chairmanship of R.D.C. (N.D) Sambalpur will continue as such.

Composition of the High Level Committee.

- | | | | |
|-----|---|---|-----------------------------|
| 1. | Principal Secretary, Revenue Department | : | Chairman |
| 2. | Representative of Steel & Mines Deptt.
(Not below the rank of Dy. Secretary) | : | Member |
| 3. | Representative of Industries Department
(Not below the rank of Dy. Secretary) | : | Member |
| 4. | Representative of Labour & Employment Department
(Not below the rank of Dy. Secretary) | : | Member |
| 5. | Representative of Home Department
(Not below the rank of Dy. Secretary) | : | Member |
| 6. | RDC (ND) Sambalpur | : | Member |
| 7. | Collector, Sundargarh | : | Member |
| 8. | A.D.M., Rourkela | : | Member |
| 9. | Superintendent of Police, Rourkela | : | Member |
| 10. | Managing Director of Rourkela Steel Plant | : | Member |
| 11. | Deputy Secretary to Govt. Revenue Deptt.
(In-charge of R & R Cell) | : | Member-
cum-
Convenor |

FUNCTIONS

The Committee will meet as and when required to deliberate on the rehabilitation and resettlement issues and recommend remedial measures for approval of State Government.

ORDER

Ordered that the Resolution be published in the Orissa Gazette and copies of the same forwarded to all Departments of Government and Heads of Department/All members of the committee as indicated above/A.G.Orissa, Bhubaneswar/D.A.G., Orissa, Puri/Secretary to Governor/Secretary to Chiefminister, Orissa.

By order of the Governor
Tarun Kanti Mishra
Principal Secretary to Government.

Memo No. 20076/R.,Dt. 13-5-05

Copy forwarded to the Director, Printing, Stationary and Publication, Orissa, Cuttack with a request to publish the Resolution in an extra-ordinary issue of Orissa Gazette and supply 50 copies of the same to this Deptt.

Sd/
Under Secretary to Government

Memo No. 20077/R., Dt. 13-5-05

Copy forwarded to Revenue Divisional Commissioner (Northern Division) Sambalpur/Collector, Sundargarh/S.P., Rourkela/A.D.M.,Rourkela/Managing Director, R.S.P. for information and necessary action.

Sd/
Under Secretary to Government

Memo No. 20078/R., Dt. 13-5-05

Copy forwarded to All Departments of Government/All Heads of Department/ All Members of the Committee/A.G.Orissa, Bhubaneswar/D.A.G., Orissa, Puri/ Secretary to Governor/Secretary to Chief Minister, Orissa for information.

Sd/
Under Secretary to Government

Memo No. 20079/R., Dt. 13-5-05

Copy forwarded to the Private Secretary to Minister, Revenue/P.S. to Chief Secretary, Orissa/P.S. to Development Commissioner-cum-Addl. Chief Secretary, Orissa/P.S. to Principal Secretary, Revenue Department for information of Minister, Revenue/Chief Secretary/Development Commissioner-cum-Addl.Chief Secretary/Principal Secretary Revenue.

Sd/
Under Secretary to Government

Memo No. 20080/R., Dt. 13-5-05

20 (twenty) spare copies to R.& R. Cell of Revenue Department for information.

Sd/
Under Secretary to Government

**Office of the Additional District Magistrate
Rourkela**

NOTICE

[Dated 20.6.05]

It is hereby notified that, the following displaced persons, whose lands has been acquired for establishment of Rourkela Steel Plant in the year 1955 to 1960 have not received compensation value of their land as per list enclosed. Any interested person claiming to be the legal heir of the original Recorded Tenant (as per list) may apply to the Additional District Magistrate, Rourkela within two months from the publication of this notice. The application must be accompanied with the legalheir certificate issued by the concerned Tahasildar and any other document/documents as a probe that, the applicant is the legalheir of the original Recorded Tenant. The legalheir certificate should show the geneology of the applicant connecting the original Recorded Tenant alongwith the Khata number and concerned villages.

Any application received beyond stipulated period shall not be entertained without prejudice to claim of others.

Sd/
Additional District Magistrate,
Rourkela

Memo No._____/Dt._____

Copy to the Executive Officer, Rourkela Municipality/Sub-Collector, Panposh/Tahasildar, Rourkela for information. They are requested to affix on their notice board.

Sd/
Additional District Magistrate,
Rourkela

Memo No. 1880 /Dt. 20.6.05

Copy to Sri Rama Chandra Sahu, President, Local Displaced Persons Association for information and wide circulation.

Sd/ *[S.Pandit, 20.6.05]*
Additional District Magistrate,
Rourkela

Memo No._____/Dt._____

Copy submitted to the Collector, Sundargarh for favour of information.

Sd/
Additional District Magistrate,
Rourkela

Attached to this Notice is a "List of Land Losers" who have not received compensation for acquired Land for Establishment of Rourkela Steel Plant. We are reproducing this list on the next page in a condensed form

giving only summary figures for the respective villages. The list contains personal names und plot numbers, but these are left out here. These will be helpful, however, in the follow-up process.

Table 4: List of Land Losers who have not received compensation for acquired land for establishment of Rourkela Steel Plant

Sl. No.	Name of the village or area	Number of Land Losers or tenants (recorded by name and Khata No.)	"Amount deposited in treasury" in Rs.
1	2	3	4
1.	Hamirpur	19	15,600.63
2.	Uparmabahal	4	135.74
3.	Tumkela	23	17,247.77
4.	Sana Lanjiberna	3	103.62
5.	Luakera	1	21.06
6.	Dahiposh	3	706.12
7.	Pradhanpali	3	117.50
8.	Chhend	5	513.56
9.	Purunapani	8	20761.40
10.	Jhirpani	3	501.84
11.	Khariabahal	5	861.06
12.	Kantajhar	3	348.19
13.	Raghunathpali	10	741.98
14.	Durgapur	9	10,986.44
15.	Deogaon	8	40,850.69
16.	Goradihi	3	230.75
17.	Tarkera	4	227.03
18.	Mahulpali	13	1638.68
19.	Rourkela	5	2476.43
20.	Bhangamunda	2	526.51
21.	Milimili	1	5.25
22.	Udtum	5	253.00
23.	Barkani	1	160.75
24.	Banposh	1	96.44
25.	Bankia	1	48.00
26.	Ahirabandha	2	29.58
27.	Jharabahal	1	18.06
28.	Bijubandh	1	178.00
29.	Dengula (Tensa Dengula Road)	2	169.00
30.	Purunapani (Lime Stone Quarry)	3	236.20
Acquisition of land for laying pipe line at Purunapani		1	24595.64
Mining Township and magazine		1	990.00
Village Bhojpur Mining Township and Magazine		7	2624.50
Acquisition of land for laying out pipe line at Purunapani (Bhojpur		15	52499.62
Kalaiposh Mining Road to Banai		2	66.00
Basubahal Mining Road to Bonai		1	2.01
Dumerta (Railway line to Fertiliser Plant)		1	112.00
Total		210	1,94,440.55

PART II: INTERPRETATIONS AND ASSESSMENTS

Introduction

From the official German side, Rourkela is being presented as a successful example, as a showpiece of cooperation in development. Many economists and social scientists have analysed the Rourkela project and its impact on regional development. J.B.Sperling's study of 1963 is the only critical voice during the early phase. Later studies have focussed on micro and macro economic aspects of the industrialisation process in this region. But none of them have taken a closer look into the living conditions of the displaced Adivasis.

For the official Indian side, productivity of the steel plant is most important. The glossy brochures of RSP/SAIL do not mention the Adivasi communities who were forced to give up their land and livelihood. Even programmes for what is named as "peripheral development" hardly ever extend into the remote and interior areas where part of the displaced Adivasis were supposed to be resettled and rehabilitated.

However, many Adivasi activists and other supporters from civil society see Rourkela as a synonym for reckless and irresponsible planning by the state and subsequent enforcement of profit-oriented concerns against the weaker sections of society. Activists in Sundargarh District characterise the steel plant and the Mandira dam as the "twin destroyers" of the Adivasi culture in this region. Their argument does not end with the miserable conditions of the directly affected communities who were uprooted, and the unkept promises of the government. There are wider consequences like the demographic changes which can be observed: the percentage of the Adivasi population in the district is slowly declining. The main reason for this is immigration of outsiders who occupy the qualified jobs in the industries. This was the case already with RSP, and this situation is even more accentuated now. The planners have intended this. And the Adivasis - especially those who have to make way for new industrial sites - are at loss. Sundargarh District is a Scheduled District with (still) tribal majority population. This means special protection for members of the Scheduled Tribe population or Adivasis. Presently, there are rumours about plans of dividing Sundargarh District and making the area around Rourkela a separate district... and then de-scheduling it...

Human rights of the Adivasis:

State responsibility and corporate responsibility

Recent studies in India have analysed the forced evictions of people for the construction of Rourkela Steel Plant and the Mandira dam - and their ongoing plight - from the human rights perspective. In this context it is important to understand that human rights and human dignity of vulnerable communities as the Adivasis extend beyond the dry language of existing international law. This is amply demonstrated in the study of the Kisans printed below.

The procedures of land acquisition for 'public purpose' have been rooted till date in the old colonial law. But the first instances of special provisions for the protection of the tribal population are also dating from the colonial times. The Constitution of independent India has integrated part of these. And beyond this, the Constitution has established 'Fundamental Rights' and in addition again special provisions for the protection of the "Scheduled Tribes", as the Adivasis are termed in technical-administrative language. State laws and central laws plus court judgements provide further arguments for the cause of the Adivasis. All these are discussed in detail in Celestine Xaxa's text printed in this section.

Rourkela Steel Plant and the new city were designed by German engineers and constructed with German technical and financial assistance. Even though the Constitution was young then, there was - apparently - on the part of the Indian authorities no awareness about the constitutional provisions for the Adivasis, nor about the fundamental rights which the Constitution has laid down and which are a profound reflection of the "Universal Declaration of Human Rights" of the United Nations of 1948. In 1958, that is about the same time when Rourkela was under construction, India ratified the International Labour Organisation's (ILO) Convention No. 107 of 1957, "Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries".

Against this backdrop, the responsibility of the Indian administration (central or state) for the expropriations, inadequate compensations and the general attack on the culture of the Adivasis

of Rourkela is obvious: Rourkela Steel Plant as a part of Hindustan Steel Ltd. (now: Steel Authority of India Ltd. or SAIL) is a public enterprise. And the government authorities have failed their duties.

The German involvement in Rourkela had started with private sector companies and was later supplemented by loan agreements made by the German government. Also the German Constitution was young then, and it has also laid down fundamental rights. And Germany was just at that time going through the experience of receiving and compensating the many displaced families from its eastern parts after the lost World War II.

Even when Germany had at that time no reason to ratify ILO Convention No. 107 of 1957, they could - and should - have known that

- that the Adivasis were (and still are) the most vulnerable sections of the Indian society,
- that the land belonged to the Adivasi communities since generations,
- that the Adivasi culture would be destroyed by the forcible evictions.

In addition, the first German report by J.B. Sperling in 1963 (quoted in excerpts below) mentioned the forced resettlements and deficiencies in delivering compensation to the resettled people. But more than this, the author also advised how these

issues could have been addressed in the process, and he even designed special tasks for social workers from Germany...

Therefore, the German private sector companies as well as the German government involved in the Rourkela project at that time with technology, personnel and financial aid cannot be acquitted from their responsibilities.

Future perspectives and initiatives

Since 1990, the Federal Republic of Germany has been financing the modernisation of Rourkela Steel Plant through its KfW ("Kreditanstalt fuer Wiederaufbau", i.e. the state owned bank for financial cooperation and development). This on-going German aid includes assistance for a so-called "Periphery Development Programme" which is meant to benefit – among many others – also the Adivasi population around Rourkela. But beyond the rhetoric on "Periphery Development", there is need on the German side for a deeper study of the ground problems. And this will have to be followed by a concrete commitment towards rectification of the past mistakes and – wherever found necessary – towards reparation. Adivasi organisations should be included all through this process of planning and implementing these activities - to ensure that their vital concerns will not again be bypassed.

Rourkela - Socio-Economic Problems of a Development Project

By J. BODO SPERLING

Rourkela – Sozio-ökonomische Probleme eines Entwicklungsprojekts.

Eichholz Verlag Bonn 1963. 56 pages & annexures

[Excerpts, translated from German]

[Earlier conditions:]

[p. 13 f.:] The original village Rourkela [...] consisted only of a small insignificant railway station as well as a number of rural clay huts whose inhabitants lived on primitive agriculture with heel and plow, predominantly cultivating rice. The few brick houses gave the impression of the beginning of the urban culture though the railway station did not have much commercial significance. Altogether less than 2000 people lived here.

In direct neighbourhood to the west, the two localities Udithnagar and Panposh between Rourkela and the Brahmani, where different subordinate offices of the district administration in Sundargarh have been set up, do give a somewhat more representative, urban impression.

Moreover, there were numerous small and smallest rural settlements which had to give way to the construction of the steel plant and the modern residential town. [...]

Whereas the inhabitants of Udithnagar and Panposh to a large extent belonged to the Oriyas - the Hindu population of Orissa, which (in simple words) can be assigned to the Indid race and the Indo-Aryan language family - the population of all other villages of this area of Rourkela hinterland consisted of different aboriginal tribes which are to be identified as primitive tribes and "their culture belongs even today to the stone age" (according to Hermann Goetz, History of India, Stuttgart 1962, p. 19).

These human beings are referred to as aboriginals or Adivasis which means both as much as native inhabitants. This kind of the population posed special problems in the Rourkela area. [...]

[p. 15 f.:] The presently available statistical data show that with 3,009,580 Adivasis, i.e. 21 per cent of the total population, Orissa has the comparatively largest portion of scheduled tribes of India. In the Rourkela area, this (Adivasi) proportion must have been substantially higher in 1951 [...] In the broader Rourkela area, there are, as

mentioned, apart from the Oraons and Mundas, other smaller tribes, like the Bhunijs, the Kolhas and the Kisan. The district Sundargarh, to which Rourkela belongs, shows the largest portion of Adivasis of whole Orissa [...]

[p. 16:] Earlier industrialization began by the excavation of lime and dolomite, not far from Rajgangpur and Raghunathpalli in the years 1911 to 1921 as well as soon thereafter in Bisra, Birmitrapur and Hathibari in direct proximity. A large cement factory was established with German assistance a little later in Rajgangpur [...]

[p. 16 f.:] Only a few kilometers northwest from the today's Rourkela is the fifty years old mission station at Hamirpur, with German, English and Polish priests, which belongs to the Steyl congregation. They promoted development among the Adivasis of the area from which work force was to be recruited for the steel plant at Rourkela by explaining matters and educating them with infinite patience [...] A little away from Rourkela, there is a number of Christian - mostly German - mission stations of both denominations which are doing excellent educative work among the Adivasis. [...]

[Resettlement:]

[p. 17 ff.:] Of the 32 villages and settlements, which were assigned within 82 square km of the area for the steel plant and the new residential town as well as company-owned peripheral areas, 16 villages were to be completely vacated before starting the construction work, while the remaining villages were affected by partial evacuations only. Altogether about 2,400 families, 12,878 persons as estimated by the responsible Indian authority (according to specifications of the Land Officer, Government of Orissa, Udithnagar), had to be evacuated from the affected Adivasi villages. This number increased later, however the exact data were not accessible to the author.

In order to accommodate these people otherwise, two settlement projects were started at upto then unexplored areas a few kilometers from today's

Rourkela: Jalda and Jhirpani. Both settlements were planned for those evacuated Adivasis who intended to earn their livelihood from the steel plant and the upcoming large city. For others who intended to do agriculture, 12 agricultural settlement areas of altogether approx. 26 square km were identified far away from Rourkela. Most of them lie in direct proximity of already existing villages: Gahami, Silkoda, Champa Jharan (Bonai sub division), Amgaon (Deogarh sub division), Hathidarsha (Sundargarh) and others.

All evacuees received remunerations per family between Rs. 200,- and 900,- (DM 176,- / 792,-) (Note: 100 Rs. = DM 88,-), depending upon size and quality of the given up land. All together, the government had to spend an amount of Rs. 8,091 974.75. Likewise remunerations were made for the loss of the huts and houses. The amounts for this lay between Rs. 700,- and 2000,- (DM 616,- / 1760,-). In some few individual cases even up to Rs. 5000,- (DM 4400,-) had to be spent on remunerations (The data in this paragraph is from the government notice in the newspaper 'The Statesman', Calcutta, dated 16.12.1958).

Beyond this, the evacuees, regardless of the type of project they decided for, were assigned gratis land on which they could build up their new existence either as part-time "small settlers" with house, vegetable garden, poultry breeding and animal husbandry or as land and cattle farmers. Those who had decided for purely agricultural livelihood were even specially considered; whereas the evacuated Adivasis had earlier called as their own, on the average, only 5-10 acres land, they were assigned substantially more land in the context of the resettlement programme, and moreover, apart from the remunerations mentioned earlier, received Rs. 100,- per head. The Orissa government announced that it spent, in addition to all these measures, an amount of Rs. 710,000,- (DM 614,800,-) exclusively in the year 1958, the year of the completion of the evacuation, for the promotion and development of the resettlement projects.

Of the evacuated Adivasis, 4,384 decided for settlement Jalda in the southwest of Rourkela, near the steel plant on the banks of river Brahmani, whereas approximately 1,100 could be settled at the much smaller settlement in the northeast, Jhirpani, at the edge of the upcoming residential town near the river Koel. The others decided for the agricultural livelihood in the context of the 12 purely agricultural settlement projects.

These planning, organisational and financial measures of the government agencies entrusted with the resettlement were published and praised in the Indian press in the years of their execution (particularly in 1958). From the actual result, this commendation seems to be premature to the author because the success leaves much to be desired till today. The same result is also conveyed by Wildhagen (Wildhagen, K. H., *Souveränität und Partnerschaft*, in: *Die Neue Gesellschaft*. Bielefeld 8.Jhg., Heft 4, Juli/Aug. 1961, S. 282), who refers to the measures only as "basic preparations" and confirms, at the most, that HSL have "courageously approached this problem".

The two settlements Jalda and Jhirpani near Rourkela were actually designed to provide labour for the steel plant and the upcoming new city. However the records of the personnel department of the steel plant representing national HSL show that out of altogether 5,973 employable evacuated Adivasis only 853 men and women were assigned a job in the steel plant (data for the year 1959). As a reason for this it was said that the evacuees were at such a low stage of development that HSL could employ these people only to a very limited extent.

Even considering that a larger number of these people was employed by the other Indian and German firms involved in the construction [...] to do unskilled work, such a purely temporary solution cannot be called as satisfying with regard to the original idea of having small settlers with industrial wages in the two new settlements.

[Jalda and Jhirpani]

[p. 19 ff.:] If one looks at the settlements in Jalda and Jhirpani, then there is nothing to criticise in the form of the houses and the rectangular, spacious arrangement of the roads and residential areas. On the contrary. At each street corner, easily accessible for all resident, is a water tap with brick-lined wash place. Sewage and water purification for each settlement ensures perfect quality of the water taken from the rivers. Also drains are there. Broad streets constructed on high verge offer spaciousness and dry steadiness in the rainy season.

Of course there is a school. Also a shopping center for all kinds of purchases, adapted to the needs of the Adivasis, is there in every settlement.

The settlement is airy and generous in its planning. However, as far as the construction of

the houses is concerned, the planning was left often at only building some isolated model houses at streets or street corners, labeled then as "one, two or three bed rooms" and giving their respective prices. The houses remained empty and did not encourage the Adivasis living around in miserable huts to build such houses for themselves as was expected by the planners. (A part of these model houses was even in the traditional architectural style of the huts common in the evacuated Adivasi villages. This kind of construction has been implemented more in Jalda).

Also the community centre set in the centre of each settlement seems to serve only as an "exhibit". It is unlocked and shown with pride to every visitor by the government official [...] responsible for the development of the settlement. There is a battery-driven radio (so far only a part of the settlement Jalda has electricity), to receive the numerous educational programmes of the All India Radio and to educate the Adivasis and other inhabitants of the backward areas on health, construction of latrines, animal husbandry, fertilizers etc.

Also a sewing machine is available to conduct sewing courses for young girls. Everything gives an ideal but unutilised impression. But the tables and maps on the walls refer to all the numerable measures which are being implemented for the development of the evacuees, and other measures which are still to be expected. The question remains whether the inhabitants of the settlements would ever make use of their community centre. [...]

The crucial point, however, is that the Adivasis, who had been living earlier in their own, strong tribal organisation with their own religious customs, are confused, partly uprooted in the new settlements, and are obviously unable to revoke the old tribal organisational setup. That lets a majority of them sink into a dull laze.

[Reclamation camps]

[p. 21:] The experiences with the evacuees in the 12 agricultural settlement areas were not better by any means. The settlement nearest to Rourkela was Champa Jharan in Bonaigarh, approx. 60 km away from Rourkela. This area lies in a dense jungle, enclosed by wooded, unexplored hills, which is known as the habitat of elephants and leopards. Hardly half a dozen of the resettled families could dare to take their children or older relatives into this area under such circumstances.

It was right by the evacuees to ask for roads, levelling of the agricultural land, irrigation facilities and the clearing of the forest in order to successfully cultivate the land. [...]

[Conclusions]

[p. 47 ff.]

Inadequate preparations

After the detailed description of the earlier and present situation in and around Rourkela, one can in a final outlook draw the conclusion that for the construction of the plant and the city as well as for the development of the surrounding countryside no adequate planning was done from the sociological, socio-political and also economic perspectives at the preparatory stage, and that this planning was based on insufficient preliminary investigations. Though Mohanty for example writes at the end of his detailed report about the suitability of Rourkela as the site for the steel plant: "the Rourkela site is, therefore, the site par excellence" (Mohanty, H.B., Location of Steel plants in Orissa: Rourkela, Gov. of Orissa, Industries department, Bhubaneswar, 1954, p. 106), many of his statements, on which his conclusions are based, could easily be disproved or proved to be exaggerated: for example, when he claims that more than one million people from the State of Orissa worked outside of Orissa as skilled workers in industrial enterprises, and a large number of skilled workers from Orissa are employed in the Hirakud project alone, which employs "several hundred thousand people"; that there are "skilled workers in abundance" in Orissa, even operators, well trained technicians for the running and maintenance of a steel plant" (Mohanty, *ibid.*, p. 68). Not only the contrary experiences described in the present study speak against these statements [...], but also the fact that official statistics reveal only about 30,000 factory labourers as employed in Orissa [...]. Numerous further examples show that this so-called Mohanty Report, which constitutes a substantial part of the preliminary investigation, proved to be wrong in many points or at least "flattering". This confirms the relevance of the same as "propaganda material" for influencing the decision to set-up the steel plant at Rourkela. But at the same time, it also proves to be of dubitable relevance as part of a detailed preliminary study.

The fate of the evacuated Adivasis indicates that a survey of the existing conditions at that time by a team of sociologists, anthropologists and agronomists should have preceded the planning of the Rourkela project. Such an investigation would

certainly have prevented a set of fundamental errors while handling the resettlement issues. However, such a research project should not have been trapped in so-called "ethnological idealism", as it often happens when anthropologists analyse development issues in backward tribes and ethnic groups only from the point of their special interest. To some extent even Indian scientists are still of the opinion that one must under any circumstances protect the Adivasis from civilisation, administrative care, research etc., so that they would not lose their endearing virgin self-reliance (Jal F. Bulsara, *Some of the problems of the diffusion and survival of cultures*, Presidential Address – 26.2.1958, *The journal of the Anthropological Society of Bombay*, p. 8 ff.).

It is beyond doubt that a preliminary scientific study would have pointed out the problems of uprooting and developing of the Adivasis when transferring them from a tribal community of a village into a local, no more tribal or kinship oriented community, and thus forcing them to find completely new ways of community life, which was earlier rural village oriented and now would be colony oriented. Probably the scientist team would have also realised the dangers of the way the remunerations were actually carried out in Rourkela, and would have suggested means and ways, how the evacuees could have been spared the unfamiliarity and suddenness of the possession of perishable cash.

Similarly, even motivation of those Adivasis would have been possible who during the construction of the steel plant had temporarily (for few months or years) exchanged their daily routine in the native village for the unskilled labour in the steel plant. How much more it would have been helpful for them or even entire village communities, if one had known to control the spending or saving of their "wage packet money" in a meaningful way! The "Rice Banks" in the Adivasi villages, encouraged by the missionaries and partly also by government officials (Block Development Officers), show that implementation of such measures is quite useful [...].

Also concerning employment in the steel plant of the Adivasis from the resettlement projects as well as from the surrounding villages, a thorough preliminary investigation could have supplied useful basic material. Instead of realising only at the completion of its construction the inability of the Adivasis to carry out suitable jobs in the steel plant - with utmost disappointment and embitterment on the part of the Adivasis - and, with a

touch of regret, leaving it at that: one could have utilised the data of the preliminary study to prepare training courses which would have reduced or avoided later frustrations for a large number of these people. It is difficult to judge today to what extent a preliminary study could have foreseen the developments that took place in Old Rourkela. We can only note that relevant proposals could have been charted out easily. Moreover, it is difficult to understand why no agreements could be made between the Orissa government and the planners of HSL which would have given some direction to the development of Old Rourkela following certain plans and concepts. Probably due insights and corresponding concepts were just missing even here.

Similar results can be derived when looking at the town planning of 'New Rourkela'. A modern town planning in India should not be limited only to the purely spatial-architectural conceptions but should include, in a broader sense, also the people, much more than this has been obviously done in the case of Rourkela.

The concern and care for the people is far too important and should have been consolidated in time by a preparatory study and an adequate concept based on it. Which conceptions at HSL had existed in this regard, cannot be determined at this later stage. Apparently, the population not directly belonging to the steel plant was - at best - considered as an "unavoidable evil", because the possibly existing concepts for creating the new city obviously did not consider the vital conditions for the functioning of urban life in their totality. This explains, for example, why non-members of the steel plant have to pay fivefold [...] the rent compared to HSL staff for the same type of house, and this even though as grocer, attorney, banker, craftsman, haulage contractor etc. they carry out services which are absolutely necessary for the total population. These discriminating extra charges linked to these occupations, like higher rents, are naturally taken back by detour from the entire population by way of higher prices.

Discrimination of the non-HSL members is even more visible in the medical services. For the steel plant and thus for all HSL members, an excellent medical service is available [...]. But this applies only for HSL members, except for extreme emergencies. For the remaining population there are only few private physicians and only one government hospital at Panposh for indoor treatment, about 10 km away. In contrast to the HSL

hospital in Rourkela, which is first class in every respect, the government hospital is a building of doubtful cleanliness and poorest equipments, constantly threatening to collapse. Thus, any non-HSL members can praise themselves lucky who are successful to somehow get treatment in the HSL hospital by HSL physicians, on appropriate payment but against existing regulations (HSL staff are treated there partly freely, partly on very small payment).

[...] it is to be stated that, in a concept of the new steel town Rourkela, non-HSL members were either not included or they were heavily disadvantaged right from the outset. Likewise, it seems that there was hardly any advance planning of the supplies with goods and food of all kinds for the new city and its 100,000 inhabitants. Apparently it was expected that these things would get into practice automatically. The results today show that this happened only quite insufficiently and partly created unpleasant effects (cf. Old Rourkela). In particular, the integration of the countryside around Rourkela and its inhabitants into supply production for the new city are not adequately considered and researched. The few initiatives which nevertheless developed in this area [...] prove that even today it is still worth to take up the various tasks for future supplies from the surrounding countryside to the Rourkela population.

Social tasks

The earlier remarks already showed that tasks of social work on Rourkela have to be understood only in its broadest sense of the term. This includes the area from social hygiene to problems of education and training.

A deliberation on the starting points of meaningful social work in the above sense must begin [...] with a demarcation of the spheres of influence between the government of India and the Orissa government. The steel plant and the new city, being the property of HSL and clearly marked as sphere of influence of the central government, should be completely taken out of the considerations for the time being. The entry points for social work must initially begin at a far lower level than this is being done in the steel plant and the residential town of HSL today. "In the already existing urban settlements, we must use our proven tools of 'community development and improvement' by beginning with selected issues of most backward or vulnerable human groups and slum areas" (Bulsara, J.F.; Urban Community Development,

Lecture at: Indian Conference of Social Work, Ninth session Jaipur, Special edition, Jaipur 1956, p. 22; [re-translated from German]).

Thus the areas, which fall under the responsibility of the Orissa administration, would be: the whole Old Rourkela, the workers' quarters near the steel plant, the resettlement colonies Jalda and Jhirpani, and finally, the new settlements and villages of the closer Rourkela hinterland.

According to Bulsara, one of the prominent Indian sociologists and an expert at the U.N. for many years, the starting point would certainly be at Old Rourkela. From there the social work would have to expand perhaps later also towards the other areas mentioned. Old Rourkela, the total population of which [...] might be around 50,000, has a morbid and much too small primary school, dating from the time when Rourkela was a small village. Despite certain extensions made, this school does not satisfy by any means the grown needs [...]

In this sector remedy should be made first, if possible simultaneously in the areas of education and medical-social hygiene. Also here it is recommended to proceed with every possible caution and carefulness; an all too sudden and forced change will not be of long duration in most cases. Development must take place mainly beginning from inside and it should not be "grafted" under any circumstances. That is a matter of time and patience. And this one learns to observe and judge nowhere better than in the activities - successes as well as failures - of the missionary stations many of which are working already in the second or third generation.

As a practical step, one could think of upgrading the existing school to a "primary school", which would fulfill the present needs, the further needs to be woken up in the process, and possibly also the needs in the larger area. [...]

Reaching out to more people is extremely important in order to develop gradually a feeling of a community or even unity and to discover and develop neighbourhood relationships in this mixed population. "Assistance to self-help" must be the guiding principle of social work there in order to accelerate the process. This has been rightly recognised in the resettlement colonies Jalda and Jhirpani, but there is no achievement by any measure in this regard, because the right point of departure and the patience for a long, difficult journey were lacking.

What has been generally said here for the issue of schools is also applicable to the medical service which would have to be established in Old Rourkela. [...] In the long term, it would be advisable with the help of qualified and experienced per-

sonnel from these institutions to establish branch offices for consultation and medical care in the surrounding areas and in the workers colonies, in Jalda and Jhirpani and, finally, also in the Adivasi villages. [...]

On the basis of the above quoted publication, the same author, J.B. Sperling and others, were commissioned in 1964 by the German Ministry for Economic Cooperation to undertake another study. Among many other issues, they proposed therein an additional German project component for social work, focussing on

- 1) the conditions of contract labourers;*
- 2) the inhabitants of the resettlement colonies and their economic and social integration;*
- 3) the other village people - to be done in collaboration with the missionary stations;*
- 4) the persons having specific problems with adjusting to the changing conditions (single women and adolescents).*

The study recommended that the German social workers for this project should be well trained and experienced especially in family and child counselling, industrial and vocational counselling, health services, working with people having adjustment problems, rural work and community organisation.

Apparently this particular programme was never implemented and - at best - left to individual initiatives of German residents feeling concerned.

A Report on the Study of the Kisans - Some Burning Problems

By NATIONAL INSTITUTE OF SOCIAL WORK AND SOCIAL SCIENCES (NISWASS),
Bhubaneswar (unpublished manuscript, ca. 1996)
[Abridged version]

With the financial support of the Ministry of Welfare, Government of India, the Institute undertook this study on one of the most burning problems of the Kisan Tribes of Orissa, which is the problem of land alienation and displacement caused by the construction of Mandira Dam. Needless to state that the Dam-site was the home of the Kisan tribal people. While the Dam resulted in an extensive alienation of land and displacement of the Kisan people, its impact was far-reaching and the socio-economic survival kit of the Kisan tribes got totally demolished. The consequences in fact proved to be disastrous to the entire life-style of the tribal people in diverse ways even in terms, ecological, cultural and psychological.

The operation of land alienation and displacement raises certain fundamental issues which constitute basically the question of the rights of the tribal people over land and forest, which act as living organisms to them for their sustenance and survival. The study also impelled us to find out the extent to which the customs, traditions, forest and land wealth were all affected by the Dam construction. The study no doubt touches upon the crucial issue of basic human rights of the Kisans arising out of the alienation of land and the displacement of the tribal people from their habitat.

The study brings out a number of original ideas and means for the sustainable development of the Kisans in particular and the tribal people of the country in general. Particular mention must be made of the various significant conclusions drawn in the last chapter, which contain recommendations from the point of view of policy formulation to help the planners, policy makers and development scientists. [...]

CHAPTER I

Introduction

The Kisans, constitute one of the many Adivasis (original inhabitants) of South Asia and constitute one of the fading margins of contemporary society. These groups are ultra-poor, belong to the 'fourth world', are indigenous and are referred to as tribes, castes, 'backward classes' and so on, by the mainstream societies which envelop them or by governments. Anthropological literature on these groups so far has begun with certain fixed preconceptions as to what tribal or indigenous studies should concern. Various forms of cultural snobbery and prejudice have led to certain discourses being given primacy at the expense of others, in particular those of the indigenous themselves. In the context of a dominant outside later society controlling the life and situation of these vulnerable groups the discourse of emancipation usually remains stifled for a number of reasons. The articulation of their predicament is limited by factors ranging from different forms of neo-colonialism to the dismissal of their voice as a usual political rhetoric.

This study concentrates only on one aspect of the Kisan society viz., land alienation which concerns the violation of their human rights, and the social complexities associated with it. Since the emphasis shall be on this issue, the various other important issues and variables are not dealt with in any detail. The interpretation here draws from the Institute's experiences with the Kisans, among whom the scholars of the Institute lived about a year and the presentation here is based on reflection achieved through constant dialogue and participation in their routine social activities. The arguments have been substantiated with their "voices" translated into English, and integrated into the text to facilitate the reader's comprehension of the situation. However, it must be admitted that even one year of stay by our scholars with the Kisans was too short to fully understand their cultural situation or to develop a sympathetic 'cultural imagination' at its most

intimate level, which would enable us to attempt to think or feel as the Kisans do.

The Kisans are one of the many victims of progress in a rapidly industrialising India. They have been displaced as a consequence of a large scale irrigation and power project of the Government of India which involved the construction of the "Mandira" Dam on the river Sankh near Rourkela. This involved geographical and environmental displacement leading to extensive cultural and psychological effects, each having multiple consequences of their own. In addition to facing the adverse environmental effects of extensive displacement, they are subject to severe land alienation, prey to the sexual harassment of their women by outsiders, stereotyping and cultural subjugation by the wider society, being deprived of their means of livelihood, suffering the worst health, receiving the least education, being among the very poorest, and ultimately being denigrated as an obstacle impeding economic progress in the light of recent policy changes that aim for a vigorous market-friendly economy.

In this study we find that these are violations of their human rights according to the officially declared guarantees for them in the form of rights in the Indian constitution, the United Nations Charter and the conventions of the International Labour Organisation. The forms and nature of the violations are elaborated in chapter II using data from five Kisan villages. The mechanisms adopted by the Kisans to cope with the violations and their viability in the present context are also examined. The violations, we shall show in Chapter III, have led to the destruction of their ecological, economic and cultural sustainability; deprivation of their belief system which was alienated along with land; loss of identity and esteem in a process of painful integration into the wider social, political and economic networks; intense mental stress caused by all the above consequences; and other undesirable effects on their cultural system. In this context, we would argue that displacement has more severe and deeper effects than just in terms of the material and the environmental. In the case of the Kisans, it has caused the people to be in a state of continuous pining for their land and an increased death rate. More significantly, land was an integral part of their sustenance. It was deeply connected to the entire complex of their beliefs and world view. Related to this complexity was their notion of rights. The non-reproduction of this complex in the post-displaced situation exposed the Kisans to more harm and made them a

resigned society. They have no resistance to offer despite continuous violations of their basic rights.

The discussion explores the underlying ecological, psychological and cultural dimensions of the process. The cultural interpretation involves the analysis of the reasons for their stance of resignation as opposed to protest, their irreversible cultural disintegration due to a multitude of new and powerful forces, and their overall psychological disposition. This chapter will also review their understanding of the notions of rights, justice, environment, religion, and the unified complex that they form in the Kisan ideological system.

In this light, we call, in chapter IV, for a critical re-examination of the human rights discourse which fails to take into account the socio-psychological dimensions of the violations of rights. It defines rights in terms of "a lawful entitlement", "universality, individuality, paramountcy, practicability, enforceability" and, rights having orientations as elective, non-elective, ethical, moral, legal, liberty, security, civil and political, economic, social, individual, collective, etc. These definitions make human rights only comprehensible as individual entitlements and not as a collective one and therefore create problems of articulation for social groups who may have a fundamentally different (and collectively held) system of ideas and values. The negligence of the socio-cultural dimension has become increasingly problematic, for the entitlements themselves have become the cause of further violations.

The human rights discourse in its present form chiefly developed in the liberal individualist political paradigm, roots of which can be found in the Greek city states, the Bill of Rights of 1689, Hobbes' Leviathan, Locke's, the French declaration of the Rights of Man in 1798, and so on. The post-second world war period, however, saw the strongest reference to the idea of human rights in the form of the Charter of the United Nations in 1948. Special reference to the indigenous peoples in relation to human rights has primarily been made at the level of international legal conventions within the International Labour Organisation from 1950 onwards, though a number of general references to the category of minority or minority rights also occurred in various conventions of the United Nations. Human Rights for indigenous peoples have generally been understood as the extension of positive rights such as rights of self-determination and to land. The nature and understanding of

these, until now, have been based on early indigenous demands by peoples in North America and certain Latin American countries. Many individual countries world-wide, however, have either incorporated these in their constitutions in different forms or accepted these by being signatories to them through the United Nations framework. India guarantees these rights both through its constitution and by being a signatory. Interestingly, India has had in its traditions - historical (evinced under Mughal rule especially that of Akbar, British rule, etc.), philosophical (in the Vedas like the Rigveda, the epic Mahabharata, Kautilya's Arthashastra, in the notion of Dharma, etc.) and religious (Buddhism, Sophism, Islam, Bhakti cult, etc.) - various indigenous formulations of rights of man. However, these formulations, it must be argued, that akin to the present day ones, aim to the universalistic in their applicability and homogenising in their effects. The reason for this can be probably found in questions such as: which groups or classes of the social strata constructed the concept of human rights as it is today, and for what ends. Chapter IV, however goes beyond this to explain the more profound discrepancies that need to be set in order with the existing paradigm of human rights and how unpleasant effects on tribal groups can possibly be minimised.

Location and Population of Kisans

The tribe Kisan is found in Orissa, Bihar and West Bengal. Orissa claims to have the largest share of Kisan population (91.09 per cent), followed by Bihar with 8.55 per cent and then by West Bengal with 0.36 per cent. According to 1981 census, Kisan population in the State of Orissa was 2,27,990, constituting 3.85 per cent of the total population of the State. The sex ratio was 1003 females per thousand males. Although they are found in most of the districts of the State, yet their concentration is very heavy in the districts of Sundargarh and Sambalpur.

Kisans are a tribe of settled cultivators. It is probable that the tribe has acquired its Hindi appellation from the devotion of the people of the tribe to the occupation of agriculture. The term 'Kisan' in Hindi means the agriculturist. They migrated to Orissa from the Chotanagpur area of Bihar and from Madhya Pradesh.

The Kisans do not live in any compact area but live side by side with other tribes and castes in heterogeneous villages. They however live in separate hamlets called "tola", set up at one corner of the village. The arrangement of houses

in a Kisan settlement and the house pattern are not the same throughout the locality. In some settlements, generally in the old villages, the houses are clustered together, while in some others, they are arranged in either side of the village road.

Literacy rate of the Kisan according to 1981 census was 17.3 per cent as against 13.96 per cent of the tribal population of the State as a whole. This indicates that they are ahead of many of the tribal communities in the educational field.[...]

The Methodology

Mixed methodology of interviews, observations, case studies and study of secondary data was adopted for the purpose. - The methodology consists of a study of five villages affected by Mandira dam. There were other tribal villages submerged or affected by the dams, but the above are the ones particularly inhabited by the Kisans. Only Kisan inhabited villages had been covered. - Only the land aspect of the problems had been studied, since the very basis of Kisan existence was their land. - For obtaining data regarding land, the local revenue offices had been contacted. Blocks and Tahsil offices had also been referred to for the collection of population details. - In order to collect primary data, the researchers had to live in the area and conduct personal interviews and discussions in groups. - Elders and learned persons from the villages had to be contacted for village data. - There were case studies of individuals for the generation of data on the people's sentiments, attitudes, perceptions and comprehension of actual miseries. - On the spot observation was made to study the culture and world view of the Kisans. - One of the five affected villages was studied in detail, to find out the post-displacement employment pattern of Kisans. - Other villagers were not covered since the emphasis of the study was centred around "land", which was perceived to be the most vital aspect of Kisan life. - Villages from Sambalpur district had been covered for the purpose of generating data on social and cultural life of the Kisans.

CHAPTER II

Land Alienation and Displacement: A Precarious Situation

The Kisans are a displaced people who lost their traditional land to the government during the year 1955-56 due to the construction of the "Mandira" dam across the river Sankh at Mandira and to various mine owning companies like the Tata Iron and Steel Company. Displacement,

solely for the purpose of the dam, involved the acquisition of land which had previously settled 31 villages. 1193 families and more than 12,000 acres of cultivated land. Displacements due to mines have, on the other hand, been of a different nature, i.e. usually requiring the people to move at short notice to areas that have previously been quarried and refilled for settlement, and this still remains a frequent feature. This has involved populations being 'twice displaced', as the people concerned have already been displaced due to the dam in the first instance.

The Government of Orissa resettled the dam-displaced population in six resettlement colonies i.e. (i) Laing colony (ii) Lachda colony (iii) Banki Bahal (iv) Usra colony (v) Gurundia and (vi) Kendro, which were located in waste land. Those compensated by land for appropriated cultivated land, received land which was neither adequate nor cultivable, let alone fertile. These lands had previously been quarried and refilled by soil having a high proportion of gravel, rejected metallic and other residual ores instead of topsoil. Such land have been lying barren but, the recent trend has been to sell them when in dire need to non-tribes for meagre amounts of money who buy them mostly as speculative purchases against future sales as the price of land is calculated to increase through time. It is expected in the foreseeable future that through this process the Kisans would lose all land gained by them in compensation rapidly, despite the restriction put in the Land Reforms Law of the State.[...]

With the loss of cultivated land, the people either had to migrate elsewhere, or adopt some other means of livelihood, or stay there leaving their fate to the almighty.[...]

The study reveals that in most of the cases original Kisan lands were taken over by the State through oral agreement. Table No.3 indicates as high as 62 per cent of cases have reported of their original land taken over by oral agreement. In case of 21.30 per cent of cases the land was taken, over by the State by force while 16.66 per cent of cases reported of their land being taken over through proper administrative procedures. The table presents a shattering picture. The State itself fooled the Kisans, by acquiring their land through oral agreements. This implies that the Kisans do not have any proof of their land being taken over. Once there is no proof, no compensation is awarded, and this is what has happened with the Kisans.

Table 3

Mode of Acquisition of Original Kisan Land by the State, in the Sample Villages

Village	No. of cases	By admin. proc.	By oral agr.	By force
1	2	3	4	5
Sarumohan	24		16	8
Samalaimunda	17	12	5	
Hamirpur	20		18	2
Laxmipose	23	6	17	
Kheramuta	24		11	13
Total	108	18	67	23
Percentage to the total	100	16.66	62.04	21.30

The data also indicates that most of the Kisans did not have "patta", the legal land document, and were alien to the legal procedures. Since the Kisans did not have land documents, they virtually were not the owners of their land and hence the State orally acquired their possessions. The traditional land owning pattern of the tribals, more particularly of the Kisans, was not respected. This amounts to a gross violation of human rights.

The study reveals that in most of the cases [...] compensation was awarded in the form of land (50.95 per cent) followed by cash (42.45 per cent) and jobs (6.60 per cent). The Kisans themselves would have preferred compensation in the form of land, since cash compensation as elaborated later, has been misutilised by them. Compensation in the form of jobs, amounted to a total change of life pattern. Any form of forcible change in the life pattern of a group of people, is a violation of human rights, which has occurred in the case of Kisans. [...]

Table No.5 indicates that out of the total land granted in compensation, 31.85 per cent had already been sold to others before the Kisans could acquire. This indicates that these lands already had legal complications, which were awarded to the Kisans. This also implied that the Kisans who were awarded such lands, virtually became landless after displacement. 18.60 per cent of the total awarded land, belonged to the uncultivable category, reducing the owners, to virtual landlessness. In case they were keen on developing such land, they had to invest a lot of money, which ultimately would reduce them to poverty. Only

49.55 per cent of the land granted fell under cultivable category. The whole table indicates that the State was very indifferent to the well-being of the Kisans after their displacement.

Table 5

Type of Land Granted in Compensation to the Kisans and its Use in the Displaced Sample Villages in Sundargarh District

Village	Total land (in hect.)	Sold Forest (to them)	Un-culti- vated	Culti- vated
1	2	3	4	5
Sarumohan	21	4		16
Samlaimunda	20	3		11
Hamirpur	32	14		9
Laxmipose	20	2		13
Kheramuta	20	13		7
Total	113	36		56
Percentage to the total	100	31.85	18.60	49.55

The Kisans who were compensated by cash are in an even worse situation as they have exhausted their compensation money while seeking short term benefits. There was hardly anyone among those compensated by cash who bought land and in the confusion and disorientation in a new environment created by the abrupt displacement, many of them spent their money on drinking. It would be worthwhile mentioning the case of one Mr. K. Ekka of Sarumohan who was compensated with Rupees Ten thousand for his piece of paddy land. He fails to clearly answer what happened to his money. He vaguely recollects after a long silence, that,

"... the official who was in-charge of handing over compensation money took away two thousand rupees for his help my son took money from me frequently to do some trading in Sundergarh the district headquarters and now he is here ... what trading ? What business ? ... my daughter got married in the meantime , .. and the rest ... finished"

At present, he is landless and his son (whose earnings are the only source of income for the family which consists of six members) works as a daily labourer in the neighbouring limestone quarry. It is important to note that a high percentage of land has been taken away through oral agreements rather than through administrative procedures. This is supported by the fact that

documents such as affidavits or agreements are not possessed by the Kisans and official documentation does not exist. This situation has given rise to another form of exploitation whereby [some] Kisans still pay tax on the land that they previously owned in addition to current land holdings, for formal administrative records are still held as authorities to hold good.

Cash compensation for house and land is yet to be paid in full by the government. Further, the fixed monetary figure for compensation is substantially lower than the market prices for similar productive land elsewhere. This has been in part due to the non-revision of prices fixed during previous plans to reflect current prices, as well as to a great degree due to administrative malfunction.

The construction of Mandira dam, apart from causing land alienation, has displaced people from their original settlements. Some of the villagers inspite of loss of land, have refused to leave their villager while others have left for good. Out of the total number of villages (Table No.6) people from Sarumohan and Laxmipose have stayed back in their original places, with even additions of new members, while there has been mobility of people from, Samlaimunda, Hamirpur, and Kheramuta. Reasons for people not moving out of their original villages are very much sentimental and cultural. People are very much sentimentally attached to their birth places. Their gods, spirits, and ancestors are living within the vicinity of their villages. And hence, unless forced, the people would not leave their original place. The fact that several people have left their original places, indicates that they had no other choice but to migrate.

Table 6

The Changing Population Pattern in the Displaced Sample Villages in Sundargarh District

Village	Pre-dis- placement population ('57)	Post-dis- placement population ('91)	Percentage increase/ decline in vill.pop.
1	2	3	4
Sarumohan	92	94	+2.1
Samlaimunda	121	107	-11.6
Hamirpur	188	175	-7.0
Laxmipose	103	108	+4.8
Kheramuta	164	118	-28.0
[...]			

There has been a policy for recruitment of displaced people in jobs. But implementation of this policy in a just manner was far from reality. The policy of reservation of jobs in the public services for the displaced people has not been implemented due to the confusion between two different policies by the recruiting bodies. The reservation provisions for the LDPs (Locally Displaced Person) and the STs (Scheduled Tribes) was initiated by the government to increase the intake of the displaced tribe but, while recruiting, the provisions have not been kept separate, so that in effect one provision of the two is implemented. This has left many otherwise eligible Kisan candidates unemployed.

Labouring in the neighbouring limestone and iron-ore mines is the new occupation of the previously settled agriculturist. This is the only choice of the displaced people to earn their food. Both men and women are involved in manual labour and are usually hired by a labour contractor who has a contract with the mines to supply labour. Wages are paid by the contractor on a daily basis and these are lower than the minimum wage fixed by the government. Women are paid lower wages than men by convention, though not permissible by law.

Labouring lasts several hours of the day to earn enough to buy food grains for two meals a day for the family. Their wages are however not enough when certain unavoidable expenditures befall them. This is supplemented by some members engaging in fishing and selling their catch for meagre amounts to the traders who operate from the towns.

In effect, the Kisans today are an economically impoverished community and are struggling to survive, and they are barely able to subsist. They live on an additional supply of food grains rationed by the Department of Food and Civil Supplies of the Government of Orissa, and this has to be bought at a price fixed by it. The Kisans have a high mortality rate and an equally high infant mortality rate, and their population growth has receded rapidly in the post-displacement condition (though this does not necessarily follow). One elderly woman, the only woman in Samlaimunda who was willing to talk to the researchers about infant deaths and miscarriages, remarked:

"... we do not have enough food ... no blood ... no strength in our bodies ... tell me how can we have babies ... no milk in us to feed our children ... they die as we look on ...".

Lack of nutrition and health care facilities is a feature of the Kisan social condition since their displacement.

We interpret these processes which the Kisans have been forced to undergo as violations of their human rights in terms of land alienation, compensation and rehabilitation, employment, sexual abuse, discrimination and development.

Land Alienation

The chief violators of their rights to land are the Government of India and the Tata Iron and Steel Company. Kisan land was appropriated despite India being a signatory to the International Labour Organisation's Convention 107 in 1957 which directs governments to respect the importance of the tribal peoples' relationship with the land they live in and guarantee effective protection of their rights of ownership and possession. It is clearly enshrined that these rights include the right of the people to participate in the use, management and conservation of the natural resources and in cases whereby the State retains ownership of the land or mineral or sub-surface resources, it shall strictly be based on consultation and consent. Further, the provisions also ensure that governments shall take measures to prevent unauthorised intrusions upon their lands and penalise those who do so. Unfortunately, India is yet to ratify ILO Convention 169 of 1989 which incorporates many of these important provisions concerning the indigenous people.

Another area of acute violation of rights is in the matter of the right to information about different aspects of the land acquired, evaluations and findings of the government body which approved the displacement, the site of resettlement and the basis of the fixation of cash or land compensation. The people have been left in the dark about all kinds of information pertaining to them, leaving aside the crucial factor that they were neglected to be consulted or made participant in the decision making process in the first place. The illiteracy and consequent ignorance of the Kisans coupled with the Urgency Clauses applied under the Land Acquisition Act left no clues or choice to them in these alienations.

The law dealing exclusively with the acquisition of private land by the State is the Land Acquisition Act of 1894, and its provisions, obviously, are not in keeping with the present role of the State which has dramatically changed since the time of framing of the Act. The State can still acquire any kind of land from any person(s) with the rationale

of subserving the 'common good' for such diverse purposes as irrigation, thermal power, medical, or military uses, or for providing residential accommodation to those who have been affected or displaced by the implementation of any government scheme. In many instances this has involved entire villages, as in the case of the Kisans being displaced. Further, the Act does not make explicit provisions for acquiring alternate land of equal value even in terms of resources for those who have lost their lands and homes due to acquisition under the Act.

The Indian Forest Act of 1927, the Forest Conservation Act of 1980 and the current National Forest Policy are the other legal mechanisms working in conjunction with the Land Acquisition Act, though these policies advocate participatory resource management schemes of practical benefit to the tribal community, they have side-stepped the issue of tribal rights to land and at times taken over tribal land for various purposes or identified them as reserved or protected forests declaring that no person could lay claims to it on grounds of private property, domicile or ancestral occupation. This has also affected some of the Kisans who were in a symbiotic relationship with the forest and depended on it for its produce.

The logic of the cost-benefit analysis method of the government which determines the socio-economic viability of large scale irrigation and power projects affecting huge populations still prevails as the method of evaluation. Unpleasant experiences of affected peoples in the past have made it lose all credibility. The Kisans have been a victim of this calculation. While it is generally accepted that environment and social costs cannot be measured in purely economic terms, the non-economic benefits have grossly been over-estimated.

Compensation and Rehabilitation

There is a violation of the rights of the Kisans in terms of the value and method of compensation. This goes against [Article 12 of ILO Convention 107 and] Articles 15 and 16 of ILO Convention 169 where the people are guaranteed to receive a fair compensation for any loss or injury, the nature and value of which shall be reached through consent and to receive this through established and lawful procedures. Compensation of acquired Kisan land through cash was the primary mode of disbursement and this, apart from being inadequate, had problems of its rapid depletion as safeguards were not taken against it being squandered or misused.

The National Policy on Rehabilitation has been inadequate as evident from the Kisans' and similar cases elsewhere. It did not include provisions for appropriate housing, schools for children, facilities for adult education, medical facilities, drinking water and other civic amenities. From this, the issue of collective versus individual rehabilitation arises. The Kisans were assessed and compensated in individual terms in accordance with the property they possessed. This was an incorrect method as it will be shown later. This is a central point to keep in mind in relation to tribal peoples' displacement issues, and the philosophical basis of collective rights.

Employment

The unemployment of eligible Kisans due to an unclear demarcation of provisions for reservation of jobs in the services and unequal wages for men and women was in violation of constitutional norms namely the special provisions for the upliftment of the Scheduled Tribes. It is also against [Article 15 of ILO Convention 107 and] Article 20 of ILO Convention 169 which directed governments to take measures for the promotion of skilled employment, equal remuneration for work of equal value, medical, social and occupationally related benefits and housing. The level of unemployment of the Kisans is a direct result of their displacement and loss of their traditional occupational structure, and opportunities which they have lacked the means of experience to easily adjust to.

Sexual Abuse

There is frequent sexual harassment in the form of indecent abuse, molestation and rape of Kisan women especially labourers by the labour contractors who employ them, truck drivers and other mining work personnel who had close access to their work place. These cases are usually covered up by the contractors with threats of physical assaults by local goons or of relieving them of employment. Reports of cases to the police station by their husbands or brothers yield no action as they are extremely frequent and the assaulted women rarely speak for themselves. Most of the time they would not tell their husbands about the incident. None of the Kisan women spoke about abuses to [the researcher], however, men frequently did so. Women, prefer not to speak about it, but do not deny it on being asked about such harassment. Women's rights, in general, are given special attention by the Government of India but there do not exist adequate measures for their protection in employment. Tribal women are vulnerable to sexual harass-

ment, and information about such incidents do not come to light as they take place often in remote areas and reports are not made by the women themselves. This along with inadequate media coverage are possible reasons for the issue of rights of tribal women not being articulated in the more general or mainstream movements for women's rights in the country.

Discrimination

The Kisans are subject to caste based discrimination which is unconstitutional and abolished by law. Discrimination, apart from the fact of their status of being outside the caste hierarchy, is on grounds of their illiteracy and certain stereotyped views. The stereotyped views are regarding their low performance in manual labour among the general population. This could possibly be understood in terms of the fact that they had become labourers not out of choice but driven by the poverty resulting from displacement. They want to be cultivators for themselves not labourers for the mining companies. Another approach to understanding the low reputation of the Kisans as effective wage labourers is in terms of the "weapons of the weak" described by Scott and others [J.C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven and London : Yale University Press. 1985]. Kisan labourers manifest their discontent with and resistance to their situation of displacement and impoverishment by foot-dragging and other measures when forced to perform wage labour.

They are also subject to unconscious and unintended discrimination by the wider society as they are stereotyped as being ignorant and unintelligent. In fact the term 'Kisan' itself is associated with such a prejudice. The Kisans, on the other hand, suffer from a 'discrimination complex' and themselves feel that they are actually people with such traits as they say,

"... we are the cursed people ... we feel out of place in the market and also in the Sahukar's (money lender's) house ... it is impossible to go into his house ... we stand outside and he deals with us there ...".

There is no doubt that the discrimination faced by them has intensified and heightened by their displacement, as they have now been put into everyday contact with people with whom they have no tradition of interaction, in a situation in which tribal people are in general demeaned. Their precarious economic situation in the new interaction environment has reinforced their marginal social status.

Development

The general condition of the Kisans today raises important issues concerning the definitions of the right to live and the right to development. They are citizens of a democratic country having rights to health, education, means of communication, vocational training, proper administration, social security and better living conditions. These should be considered anew in the context of policies of liberalisation and open market economy. The violations of democratic rights in India, however, is the paradox intrinsic in the development programmes and the complexities inherent in the system of Indian administration which is riddled with contradictions. When/If the will to uplift backwardness exists, implementing it is complicated. Tribal welfare programmes are affected by political lobbies, party politics, socio-political movements bureaucratic corruption and bottlenecks, red tape, casteist and community based prejudices, uncoordinated administration between the Central and State governments, grass roots resistance, Naxalites, youth movements and so on. The net effect of the complexities is unpredictable. Thus, while intending to alleviate the underprivileged like the Kisans, the government becomes the violator of their basic rights in the bargain.

While violating the basic rights of the Kisans, land alienation has simultaneously resulted in deeper cultural effects at the level of their feelings, imagination and behaviour. The next chapter shall provide an analysis of the forces causing such profound changes among the Kisans and an examination of the nature and direction of the transformation of their society.

CHAPTER III

Cultural Dimensions - Impact and Response: A Neglected Phenomenon

The effects of the various processes accompanying displacement of the Kisan cultural system are examined under the following terms; Ecological, Social, Religious, Political, and Psychological.

Ecological Repercussions

*Dear friend, fetch me a twig
from the jumboo tree.
I shall make an ear-stick for myself
and then we shall dance hands.*

*In the caves of our ancestors
on the fields of seera seeta
there live brothers and sisters.
There grows chiro grass in plenty.*

*O my brother,
they live in pairs and in rows
in the crab hole house of our ancestors.
O my brother,
they live in the earth.*

These are some of the Kisan songs which portray their relationship to land and the environment. They are a reflection of how they place themselves in relation to the environment. While the first highlights a sense of their dependence on the environment, the second is about their origin in it. The songs are not heard any more in the resettlements, a significant indicator of their cultural disruption. The complex relationship to their dependence on the forest and its resources for

- dwelling;
- food (tamarind, mango, kendu or *Diospyros ambryopteris*, bamboo, turmeric, mustard, arrowroot, ginger, wild honey, pepper, potatoes, sweet potatoes, pulses);
- stimulants (obtained from 'mahua' or *Bassia latifolia*, 'solopo' or *Caryota urens*);
- medicines 'satabari', 'amla', etc.);
- firewood; and
- crafts (ropes from suma grass, brooms or 'fula jhadu' from 'piri' grass, leaf plates or 'khalli' from the leaves of *Shorea robusta*, and other domestic items from chiro grass)

[has been severely affected]. In addition, forests were crucial to the practice of their agriculture and this has been affirmed by the environmentalists who argue that the relationship between subsistence agriculture and forests is one of interdependence resulting in high productivity. This has been true throughout the environmental history of India.

The ecological dislocation brought about significant changes in animal use patterns, dietary patterns, and use of implements. The high proportion of uncultivable land in the resettlements meant plough animals had to be sold for reasons of difficulties in their upkeep and their need for finance. They were also sold in times of social crises like deaths or marriages or for repayment of debts. The absence of forests meant a reduction in their consumption of wild game and non-vegetarian nutrition although rice remained their staple food. Their previous hunting equipments in the new situation have become functionless items.

A visible aspect of the displaced Kisan society is the fissioned residential pattern i.e. houses being scattered over a vast stretch of dry land. The new residential pattern features "oasis" like settlements, each oasis separated by at least 500 meters

and consisting of few houses, trees, a common well, and some acres of cultivated land around it. Paddy is being cultivated in these small and moisture trapping patches of land, the output being just a nominal amount probably lasting for few days of food supply. This cultivation effort is put in by the unemployed youth in a cooperative fashion. Members of different households come together and apply labour in the form of ploughing or irrigating or harvesting, to a patch of land which belongs to one of them. The output is shared in between them. This is locally called as "Sangha". In the new circumstances, given the infertility of land, cultivation requires intensive inputs of human energy in relatively restricted areas, while previously a small kin group could effectively organise such inputs.

The Sangha, despite being an under-productive venture, is the short-term and occasional domain of a few otherwise idle hands. The Sangha is made up of young Kisan males with variable psychological dispositions, some frustrated who had previously migrated in search of better economic opportunity and returned empty-handed, and others who are potentially migrants.

It is interesting to note that the Sangha is a new form of cooperation evolved by the Kisans in the displaced situation. It is a practice which, as demonstrated later, is related to their value system. In this context we recall a Kisan remark,

"... if I help a fellow village mate in his field through weeding, ploughing or harvesting paddy, he would help me in return either in the same way or differently, like constructing a shed for my cattle or thatching my roof ...".

Today, the Kisans are encountering a radically different ecological set-up, different even from the one they had been encountering since colonial times, which was itself considerably changed in relation to the pre-colonial era. They are uprooted not only in terms of ecology but in terms of their beliefs, which are interconnected and formed part of a cosmology that included their village, the paddy fields, the river, the landscape, etc.

Social change

A significant transformation has taken place in the sphere of kinship groupings. The typical pre-displacement three generational family including relatives (consisting of members of other lineages) in the household has split into [no] more than one, two generational units which are often nucleated. This pattern is the outcome of the process of social fissioning, out-migration, and mortality following transition. It can be argued that probably it is the

most economically viable under the present circumstances. Displacement saw a changing pattern of social relationships such as patron-client networks, working relations, etc. The Kisans currently interact with new money lenders who are the "Teli", the labour contractor who is their new employer, fellow labourers from other castes and tribes at work, and groups of fishermen who are trading partners for some of them.

Kisan society is today characterised by out-migrations which are usually by the adventurous youth in search of economic opportunities. Unemployment has been responsible in part for their frustrations and they float between the village and the neighbouring towns. Most of them are disoriented and idle. Some of them have taken to drinking, and expressions of their frustrations and anger under intoxication are frequent. The Sangha is the only productive activity they sometimes take part in.

Their relations with the parental generation are often strained. Disobedience and difference of opinion are common, as one of them remarked on being asked by his mother to clean the cattle,
"... would cleaning the cattle give me any money ? ... I am off to town ... can I have some money ? ..."

The Kisan women are more tied to domestic work in the new context than they were previously. The adolescent and the unmarried sometimes spend their time talking to each other in small gatherings, for example, while fetching water from the well.

According to the older women social activities like playing games, participating in festivities, gossiping, dressing up and going to town have declined among their daughters. A mother of two children who had then recently lost a six month old son says,

"... my daughters help me with the plastering (the walls with cow-dung and clay) and cooking ... they have to be married sometime ... the eldest was to be married ... the young man has not returned to the village since a year ... no one knows his whereabouts ..."

Kisan marriages according to their traditional rites have almost become substituted for by the Christian marriage ceremony, the reasons for which follow.

Religious behaviour

Traditional Kisan religion, in brief, consists of:

(a) the supreme being and the creator called

- (b) deities: Devta or gods, like "Patraja" who protects the village against all evil and sickness, "Devimai" or the mother goddess who protects the health of the village, and "bhut" or ghosts who are clan spirits, or the founder's spirit etc.;
- (c) spirits: mainly of three kinds,
 - (i) nature spirits like "Chandi" who is the bachelor's goddess and is the spirit of hunting, "Joda" propitiated by women for health and happiness, etc.
 - (ii) human spirits like "Pachbalar" or the ancestor spirits and
 - (iii) other spirits like "Dahachigree" the household spirit, "Chulahina" or the hearth spirit, etc.;
- (d) totems like "Lakra" or the tiger, "Khaiko" or the fish, and phallic symbols, etc.;
- (e) taboos, spells and the "Najar" or, evil eye;
- (f) souls like "Mua" which is the spirit of a person who died in unnatural circumstances like starvation or violence;
- (g) magical rites including witchcraft and black magic;
- (h) rites of pregnancy, child birth, purification, puberty, betrothal, marriage, funeral, sowing or "Dhanbuni" pooja etc.;
- (i) festivals like the "Sarhul", the food gathering festival, the hunting festival, etc.;
- (j) sacrifice or "Poojanana" performed by the "Pahan" or the village priest like the "Surjahi Pooja" or the sacrifice performed to appease the spirit of the open land.

Displacement brought about a transformation in the Kisan understanding of their environment. The Kisan relationship to the environment was intricately related to their belief system and this can be seen in: the myth of their origin (which holds that the Kisan emerged from a crab hole in the earth); the story of the creation of the nature spirits (who were once humans and made into spirits by "Dharmes" by his curse because of their being disobedient to him); the fact that ancestral spirits resided in their original home; nature spirits were viewed as residing in hillocks, streams, wells, etc.; the presence of guardian and village spirits in bamboo groves, ponds, etc. within the village boundary and named after natural structures in the landscape; their sacrifices to all spirits including "Chandi" their hunting spirit, and; festivities like the "Sarhul" where a symbolic marriage between "Dharmes" (sun) and "Khekhel" (earth) is enacted.

The important feature of the belief system is the association of spirits with the natural surroundings and their land. Ancestral spirits like

the "Khunt-Bhut" and clan or family spirits like the "Manita-Bhut" and village spirits like the "Gairahi-Bhut" live in the land. Contained in one's land is one's "Manita-Bhut" and "Khunt-Bhut" who protect the land and are part of it. One's neighbouring land has its own "Khunt-Bhut" coexist in harmony. When a family line or clan line comes to an end these spirits become part of the "Gairahi-Bhut" or village spirits. Village spirits are more important than family spirits and this fact reveals that the village land or communal land is accorded a primary status. Special sacrifices and rites have to be observed from time to time as part of the relationship with one's "Khunt-Bhut" and "Manita-Bhut". In fact, reference to "Dharti" or land brings to one's mind the complex of the spirits that it holds, the relationship that one has with them, all that it grows, the ecological system it is associated with. The communion with one's land was of a religious nature and was intensely binding. The severance of this ancestral, moral and ritual bond through displacement brought about a disruption in their complex of beliefs and ideas.

The pre-displacement situation was characterised by the coexistence of both the Kisan religious practice and Catholicism introduced by the missionaries. Intensified missionary activity however led to church rituals being incorporated into their religious practices like those of baptism, holy communion, marriage ceremony and the funeral rite, without necessarily putting an end to their own traditional practices. However, the advent of Kisan priests and Sunday mass being conducted in the local language gradually saw the substitution of church rites in place of traditional rites. The compatibility could be seen for instance in their conception of "Dharmes" who was the supreme creator and was benevolent, similar to the Catholic notion of God as the Father and Creator. The converts of following generations acquired a better understanding of Christianity and traditional Kisan ceremonies and festivals came to be celebrated with a 'Christian understanding'. Yet, Catholicism had not been able to make any inroads into their complex belief system especially those pertaining to their attachment to land.

The dislocation of the Kisans, however, in some ways facilitated the expansion of Christianity. Some Kisans immediately proclaimed themselves Catholics and later others converted to Hinduism. The logic of the latter in part was the conception that Hindus were economically better off and therefore by conversion they would be as well. Soon they realised that their new religious status

did not guarantee them any material benefit but was the cause of additional discrimination in the new Hindu ritual sphere as they were incorporated into the caste system at the lowest level of the hierarchy i.e. the same status as the untouchables. This resulted in a subsequent process of de-Hinduisation, in which converts left the new-found faith, and more disorientation. Today they cannot clearly find a single culturally consensual explanation to justify the loss. As one of them narrates,

"... some said it was the curse of 'Darha' (spirit of drought and epidemic) ... others said enough sacrifices had not been made to the spirits ... yet others said it was a period of trial and test by god which they should endure for a better spiritual after life ... some said it was fate ... the umbilical cord with our land has been severed ..."

"... we have no leaders ... our Kisan brother Ignace Majhi was a Minister in the government ... a great lawyer ... he does not bother about us ... why should he? ... he is better off with his family ... all Kisans voted for him for he was our hope ... he never kept his promises ... I have not voted in the two previous elections ... there is no use ..."

Blaming the handful of successful Kisans is a common attitude among them. The Kisan elite in the neighbouring towns do not look back, despite the fact that they are aware that their fellow people had high expectations in them in terms of fighting for their cause, the infeasibility of which both the former and latter had come to realise. Unfavourable feelings against them by the villagers are, however, never publicly [articulated. They] understand that theirs is a hopeless situation and they cannot be rescued from their situation even by their leaders.

Noteworthy is, however, a generational difference in political attitudes. The youth, especially the Kisan males are relatively more politically aware and have been attracted to various political parties for different reasons. One of them said,

"... the parties have money ... by shouting slogans for them I can earn upto rupees two thousand during an election ..."

The Jharkhand Mukti Morcha, a party with a manifesto for an autonomous Jharkhand State which would potentially consist of the tribal groups of the region, has lured many Kisan youths into its fold. A few of them have joined the Naxalite movement in the Chotanagpur region, which is largely dormant at present, and have not returned back home.

What is noteworthy in the circumstance is the resignation of the Kisans to their fate as opposed to an active stance of resistance, and their sense of an inability to effectively protest. Leadership is not a factor which motivates them for they have seen the [in]effectiveness of previous leaders. Their resignation is related to their religious disorientation and this itself is a cause. The church does not also provide an arena to effectively articulate their frustrations for two inter-related reasons: first, it does not want to be politicised for reasons of its own growth and so does not want to provide a platform for protest and violence. This could hamper their relations with the State and Central Governments and affect their projects of social work and development. Further, it could also isolate them from the larger regional church organisation on religious grounds, i.e. for preaching violence instead of goodwill and forgiveness; second, by recruiting Kisan priests and intensive missionary activity, it has managed to provide the people with justifications for the present situation especially through its ideas of sacrifice, penance, the nobility of suffering, etc. in their own language. This has subdued the peoples' potential to resist and protest. The church sympathising with their pitiable condition through public prayers which call for the mental strength to endure pain and the church's affirmation of the idea that the destiny of man is in god's hand, has also led them to an attitude of accepting the present and justifying their social condition.

Another factor which has been partly responsible for their resignation is the fact that the otherwise resistant elements of the society are migrating out of it, i.e. the young Kisan males now are joining the Naxalite movement and the Jharkhand political movement. Others who leave and manage to find jobs in the towns do not wish to come back to the village even if the jobs are underpaid or they are overworked because it is a way of escaping poverty. It is rare for them to come back with some savings for the family.

It can be seen that the Kisan youth are, if any one, the only hope for some form of political articulation of their cause. At the village level, the "Sangha" could provide the basic infrastructure for small scale unions or group activities in any form. But at this stage it is difficult to imagine that they can get angry enough to potentially organise themselves for any kind of political activity or confrontation to demand their rights.

Psychological state

*"... my land ... my home ... my village
... my happiness ... is under the river ...
everything is lost ... my life now is meaning-
less ... you tell me to protest for my rights ...
what are my rights? ... what will it get me? ...
can it get me my crops? ... my lands? ...
my happiness ?..."*

*"... we are powerless peoples ...
the government is all powerful ... "*

*"... the government cheated us ... we did not
know then ... the government is unjust ... "*

*"... when all the villagers reach a decision ...
it is good for all the people ... everyone obeys it
... it is wrong not to follow ... today we do not
reach decisions ... our sons do not agree
sometimes ... "*

*"... we have no say in our lives ...
we have no strength ... what is right?
what is wrong? ... if the government asks us
to move again, we will have to ... all of us ...
they may start digging here tomorrow ...
who knows ? ... "*

*"... they announced that we had to move ...
we did not know what to do ... how could we
leave our homes ... we were worried ... our
women folk were crying ... we had nothing to
console them with ... I was crying too ...
it was painful to leave our home... our land ...
my father did not speak for months and died
of grief ... he loved his land... he had fed us
with it and reared three generations ... "*

*"... most of them died pining (Jhuri) for their
land ... they shed tears ... after a while tears
did not form ... they became silent and would
not speak ... most of the time they would not
touch food or water ... they would suffer
from fever and consequently die ... "*

A youth narrates his father's death,

*"... 'Jhuri' was killing him slowly ... he was a
stubborn person and would not eat adequately
... I had to use physical force and stuff food
into his mouth ... he was often ill and suffered
from chest problems... I carried him once to
the town doctor and he gave some medicines
... he would not eat them ... he would keep the
pills in his mouth and spit them out ...
he passed away ... a month later my mother
expired ... they were buried according to the
church rites..."*

The term "Jhuri" literally translated would mean 'to long for or to pine for something intensely at the expense of pain to oneself. The act of "Jhuri" takes place when one has lost a much loved one, say, a parent or wife or child. It is normally applicable only to persons and does not happen in cases of material loss. The Kisans, however, use it in the context of their home and land. This means that land is given the status of a person in one's reference to it. They visualise loss of land as loss of a near and dear one. The state of "Jhuri" is associated with behaviour that is typical in the case of the death of an intimate person. Deaths are followed by lamentation at the deceased's house and the "Masan" (burial and cremation ground). Ceremonies like "Harbora" (bone drowning), "Pulkhi" (grave stone) and "Padakamna" (drinking and feasting rite to purify the household and the village) mark the end of lamenting. "Jhuri" which begins at death can possibly end or become relieved after the "Padakamna" which often is a lively occasion marking the transition to the normal state of affairs. In the present context, the state of "Jhuri" for their land is an ongoing process with no such ceremonies to mark the end to a period of grief, because their displacement is a completely unprecedented event. Other forms of beliefs like aspects of the Catholic belief system are ineffective in pacifying the Kisans. Absolute silence is the prominent symptom of "Jhuri" and is a characteristic feature of the older members of the society.

Associated closely with "Jhuri" is 'social stress' arising from displacement and its effects in the form of resignation. In fact 'the trauma of displacement began, according to the Kisans, well before the process of displacement actually began, when the Kisan were first intimated of their impending displacement, and was gradually aggravated during and after it. The consequent failure of ecological adaptation can be seen in their poor general health and high mortality rate. The social stress faced by the Kisans became a potent force which fundamentally altered their propensity to engage in acts of resistance or protest when exploited and deprived of what justly belongs to them. Historically speaking, resistance and rebellion were the order of things when they were first exposed to threatening forces but, over the years these forms of behaviour became uncommon under the pressure of strengthening State force. What is interesting here is, that stress was not confined to a single generation, but was certainly most acutely experienced by those old enough to remember their previous home well, and in this condition it is essential to point out

that one should not make the mistake of arguing that submission is a cultural quality of the Kisans, but on the contrary, recognize its concrete and contemporary historical origins.

Further, the permeation of a different belief and ideological system in the form of new religious practices into the Kisan cultural imagination today, has in itself brought about additional stress and difficulties as a result of the continuing conflict of these new cultural forces with tradition and memory: stress in this way has become 'a regularized and routine 'part of the Kisan way of life.

The demise of traditional knowledge such as curing ceremonies and shamanistic learning is significant in this context as these were in some ways stress releasing mechanisms. In the past, Kisan spirits could "ward off the evil-eye" and the malicious intention of sorcerers by chanting the "Bandhni" spell to restore normalcy. Psychologists have demonstrated that stress and individual judgement regarding control over a situation are related. Levels of stress in a person increase when the social situation becomes more and more threatening and unpleasant. Some social scientists put forward the argument that people learn to be "helpless" on sustained exposure to adverse situations and become less motivated to devise ways of avoiding or escaping from their condition. A possible explanation for Kisan deaths can be found in the analysis of writers such as Deci and Eder who assert that the denial of self determination, which is a generalised need, leads to loss of motivation, impairment of learning and performance, illness, and death (E.L. Deci: *The Psychology of Self-Determination*. Lexington, Mass: D.C. Heath and Co. 1980; J.F. Eder: *On The Road to Tribal Extinction*, California: University of California Press. 1992).

The Kisan society, or rather the society which surrounds it, has failed in its capacity to equip and motivate the Kisans to cope adequately with the problems they encounter, and to survive culturally as a distinct ethnic group. It is true that the issue of human motivation is closely related to ethnic identity, in that ethnic identity is critical in building that motivation. General discrimination and stereotypes have led invariably to the erosion of their self-esteem. Political impotency and the absence of decision making power characterise their hopelessness. The Kisans today are psychologically confused in a radically new environment, poor in morale, motivation and mental health. And these would be additional

obstructing factors in any development programmes designed for them. Their only hope is likely to lie among the youth who are struggling with their own fairly disoriented selves. Unlike their elders, stress has not pushed them to a state where they are losing the will to live. They have in them notions of justice and injustice, human rights and inhuman wrongs along with their frustrations, anger and desperation. This could potentially create the conditions for protest.

CHAPTER IV

Learning from the Victims - Rethinking the Development Discourse on the Indigenous: A Policy perspective

A contemporary philosophical issue of urgent and concrete political significance in our times concerns the question of whether notions of human rights are culturally specific or culturally bounded in their resonance or applicability. The idea of human rights is now pervasive in rhetoric in diverse fields such as international law, politics, trade, development, etc., and finds diverse modes of expression in the political and social arena. These modes of expression may have often overlooked the importance of cultural diversities and contexts in their attempts to be homogenous and universal in their applicability. In keeping with the tradition of Hobbes, Locke, and the liberal political tradition, this discourse aspires to be applicable to "everyone without distinction of any kind." It runs contrary to the idea that "individuals do not exist shorn of cultural, linguistic or religious peculiarities; to perspectives in which they do not exist in abstracto. Many important struggles today concern whether notions of human rights can be generalized in such a way as to take adequate account of human particularities.

The articulations of such universal values through constitutions, government machinery and other institutionalised structures in different cultural contexts have often led to their being defined in opposition to local cultural values and world views. Problems have arisen when they have been forcefully extended through powerful structures and have sometimes led to cultural consequences of an unpleasant nature. The Kisan cultural system is one such victim, in that the conceptions of human rights which would be appropriate to a full and sympathetic understanding of their situation are foreclosed, by the individualist and culture-incentive presuppositions of the conventional rights discourse, in which, at best their rights have until now been attempted to be

understood. Given the criticality of their present condition, it has become imperative to critically re-examine and rethink the human rights discourse.

The Kisan notion of rights, as has been shown, is intricately linked to their culture and shared cultural imagination in that it is the complex whole consisting of their land and home, the myths of their origin from it, the protective ancestral spirits residing in their land and environment, their ecological system, and deeper emotional and symbolic communion with it. The right to land for the Kisans does not refer to possessing a particular size, value or character of land but to a collective right to the land including the entire complex of their belief and value system in its environmental and cultural context. We have found that a notion of collective rights is indispensable to any understanding of the suffering of the Kisans, and that concepts of individual rights are not in themselves adequate to the task. The rights of the Kisans are also integrated into their cultural complex and not differentiated into separate specialised rights such as the right to cultivate or the right to practise religion. Deprivation of one of them from the unified complex, say their traditional lands, amounts to shattering the shared complex itself. Even if the Kisans had been compensated with a more conducive environment with cultivable land, they would still have been deprived of their rights in this fundamental sense, although it may have been far easier for them to recoup some elements of their loss in such a situation.

The symbolic and emotional relationships between the Kisans and their land show that the right of a people for their land is derived from a fundamental human need, the deprivation of which tantamount to their becoming extinct. In such a sphere, then, we may find it hard to distinguish between concepts of rights and concepts of needs. Yet, this basic need receives less protection in both theory and practice than other human rights because it concerns groups and cultures rather than individuals. Governments violate human rights associated with the maintenance of cultural wholes when they break up communal lands and treat them as individual and saleable land holdings failing to ask the question whether the culture concerned permits the separation of shared wholes into separate individual spheres. The Hindu joint family property system is an example of a legally recognized form of communal tenure that a government has incorporated in its legal system and practised for a considerable period.

There is, however, no corresponding recognition of tribal land tenure systems. The discourse of individual rights failed the Kisans not because it was fundamentally antagonistic to their needs but because it was inadequate to them.

One reason for the pervasive, nature of individualist notions of rights is their compatibility with expansionist policies of the State. In the case of India, its usefulness lies in its implicit support for the assimilation of tribals into the wider society. Assimilation is not a process initiated by the tribals themselves in the first place nor would they want to undertake it. It is needless to mention that "assimilation" (an issue which the United Nations has consistently glossed over in human rights documents such as the Universal Declaration of Human Rights, and the International Labour Organisation Conventions No. 107 of 1957 and No. 169 of 1989) is based on highly ethnocentric notions. In the language of the policies of the United Nations and various governments pertaining to the guarantee of rights to the indigenous, it is implicit that mainstream societies have the moral right to incorporate what they consider to be different and "backward" cultures. The hidden agenda may be to clearly demarcate who is "powerful" and who is "powerless", and to suppress what the former view as dangerous, i.e. tribal autonomy. The process of guaranteeing human rights to the indigenous, one of the so-called "benefits of civilisation", is perhaps only another mechanism to strengthen and legitimise the relations of power between the two worlds.

Whatever the purposes, explicit or implicit, that the guarantee of human rights serve, it is important to realise that it loses meaning in cultural contexts such as that of the Kisans, who are psychologically disoriented with the displacement effects, are culturally fragmented, have lost their religious institutions, have their youth out-migrating, and whose aged are gradually dying through pining for their land, and who have left themselves with no commonality or cohesive fibre with which to identify themselves as a tribe, and even more significantly, who are unbothered that their constitutionally and internationally guaranteed rights (as described in Chapter 2) are being violated, and who have resigned to a state of hopelessness. Even if the Kisans want to embrace change the available rights do not allow them to do so, or give them a choice to effectively determine their own future. The important question to ask here is how does one distinguish "volunteered change" from "coerced change"? It is in these circumstances that human rights becomes

meaningless. Individualistic rights concepts are inadequate for protecting people such as the Kisans. A new and more inclusive set of rights concepts is required. We need to move, as Baxi says, from a concept of "human rights" to one of the "right to be human" (U. Baxi, G. Sen & J. Fernandes, Eds.: *The Right to be Human*. Delhi: Lancer International. 1987).

The rethinking of the human rights discourse in regard to the issue of the socio-cultural dimensions of rights needs also to realise the limits to the idea of compensation. We should take into account the futility of thinking in terms of individual compensation when profoundly collective conceptions of identity are involved. We should also ask questions on the mode and object of compensation, and what it is that people really want. Do they want employment benefits, training in rural industries, or just cash?

There has been an interest among the international community over the issue of land rights of the indigenous peoples in the developing world as demands are being voiced everywhere for states to accord unambiguous rights over land and resource use and management to the traditional occupants. This involves the concept of territorial rights, the degree of the indigenous peoples' control over their lands and territories, the administrative arrangements devised for this purpose, and special rights over the land for the peoples concerned. Given its legal, environmental, economic, social and cultural dimensions, there has been a general consensus for a multi-sectoral and integrated approach. However, there are problems when customary patterns of land use and ownership come into the picture and when legislation is involved. Apart from this there is also the issue of latent manifestations of beliefs and values of peoples which is crucial in land rights.

A problematic issue that is inadequately addressed in the dominant literature concerns the role of authorities in charge of the practical upholding of human rights. Can the same authorities who have been responsible for violations of human rights be made to see what the violated need? And do they have the right to decide what is moral and right for the disenfranchised? The answer could possibly lie outside these structures, for instance in independent institutions with greater capacity to mediate between different value systems, such as non-governmental organisations or the church in the case of the Kisans. It is, however, essential for centres of power to create

conditions in which such mediation can occur. Anthropology, in this context, has a primary role in mediating against premature and preconceived judgements on the value and ideological systems of the cultures involved, and perhaps in acting as one such mediating agent itself.

The role of Anthropology, does not end there. It ought to facilitate the overcoming of Eurocentric assumptions concerning rights which have become universal, and in recognising the viability of traditional cultural practices and perceptions, beliefs and value systems. Further, it can play its part in reversing the logic of the developmental policies of many governments which have been rooted in the ultimately authoritarian belief in the greatest good of the greatest number and the neo-Darwinian view that indigenous societies stand in the inevitable course of capitalistic development.

Suggestions

- Land has been the key issue in the entire process of displacement of the Kisans. However huge the amount and mode of compensation may be, it does not compensate the loss of values to the Kisans, which are more social, psychological, religious and cultural, rather than mere economic by nature. It is in this context that the displacement policies of the State have to be worked out. The State in future need to be very careful while displacing a group of people, who, like the Kisans, get annihilated in the process. Here lies the human rights concerns, which the State so far has overlooked. The State hence in future need to carefully look into the human rights aspects before launching a Project, that would cause displacement to a group of people.
- The State need to re-study the displaced villages and work out further compensatory measures in order, to prevent further dehumanisation of the Kisans and other tribal groups. Displacement with a ritualistic compensation is nothing but a well devised genocide. The displaced people, down to the third generation hence need to be re-identified and humanitarian measures worked out in full association with them.
- The State has done very little in the field of health and education of the villagers affected by the dams and mines. The only concrete humanitarian actions initiated in the area is by the Christian Missionaries. The State should therefore make a detailed study and work out strategies for the education and health of the Kisans affected by these projects.
- Displacement is a dehumanising process and hence ritualistic compensation indicates the lack of comprehension of the process by the State. Material compensation hence have to be several times higher than the conventional rate, which have to be fixed in consultation with the people concerned. Indigenous people like the Kisans, who for years had been the custodians of nature and their environment, need to be adequately compensated for the roles played by them.
- Kisans of Sambalpur, who have not been affected by modern projects as in case of their brethren in Sundargarh, need to be fully protected from all possible onslaughts of such categories. The State hence need to initiate steps to balance the situation.
- Short term measures, like income generation activities, and social service measures, though they have little value when larger issues of regional concerns are debated, also are desirable for eliminating temporary and localised pressure of underdevelopment. They too need to be initiated in association with the Kisans of the region.

The Life and Struggles of the Displaced Adivasis of Sundargarh District in Orissa

By CELESTINE XAXA

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[Abridged version with updated figures]

CHAPTER I

Introduction

[...]

As per 1981 census, Sundargarh District is the highest industrialized district in the State of Orissa. Rourkela Steel Plant, Orissa Cement Ltd. at Rajgangpur, Utkal Machinery Ltd. at Kansbahal, Lime Stone Mines at Birmitrapur, Hathibari and Purnapani, Dolomite quarries at Gomardih as well as Lanjiberna and Zinc Mines at Sargipali etc. fall in the heart of the Adivasi land i.e. Sundargarh District. The existing water reservoir at Mandira and the proposed Ib Dam project under Sundargarh sub-division and Rukhra Dam Project under Bonai Sub-division threaten the tribal people with displacement and rehabilitation problems in the district. [The total ST population of the district as per 2001 census was 9,18,903, constituting 50.19 per cent of the total population of the district.] The total Adivasi population of the district as per 1991 census was 7,98,481 constituting 50.74 per cent of the total population of the district. The Adivasi population of the district as per 1981 census was 51.25 per cent [...]. It indicates that the Adivasi population has reduced by 0.51 per cent within the decade [1981 to 1991 and by 1.06 per cent within the two decades 1981-2001]. So, the immigrants consisting of non Adivasis from elsewhere have increased to that amount. Therefore, it is highly apprehended that the moment the Ib River Dam Project and the Rukhra Irrigation Dam Project will be effected many more Adivasis would be uprooted from the district. [...]

The 8 crore Adivasis in India constitute 8 per cent of our total population. Nearly 20 per cent of our land mass is Adivasi predominant area. The struggles for survival of the Adivasis are inextricably related to their history and to the conditions to which they have been subjected in course of time. Today the Adivasis in India and elsewhere in the world are threatened with brutal deliberateness to be submerged. From time immorial they are in search of a dignified existence, following only one law, i.e. THE LAW OF SURVIVAL.

The problem of displacement with reference to the displaced Adivasi population is discussed in this paper covering mostly the incidents of displacement due to construction of Rourkela Steel Plant & Mandira Dam. "As far as tribals are concerned, this is a very serious problem, for the reasons that tribals as a group have become the major casualty in this regard. In a recent report on rehabilitation of displaced tribals due to development projects brought out by the Ministry of Home Affairs, it was indicated that in four States, namely - Madhya Pradesh, Orissa, Gujarat and Rajasthan, a large number of tribal families are facing displacement in 18 projects, out of these 18 projects 100 per cent tribals are displaced in six of them and 90 per cent in another six and in the remaining the displacement of tribals are 50 per cent and above." The displacement takes place not only for the purpose of construction of dams but also for thousands of other medium and minor irrigation projects, industrial establishments, mining, power erection, creation of national parks, animal and bird sanctuaries, etc. No comprehensive data is yet available to show the magnitude of the problem of displacement and much less with regard to the tribals. During the period 1981-85 alone, the Central Coalfields have acquired 1.20 lakh acres of land and the Coalfields alone have displaced 32,751 families so far. The State Governments have been confining rehabilitation within the four corners of the Land Acquisition Act, i.e. for the State Governments, rehabilitation was equivalent to payment of compensation for land acquired under the Land Acquisition Act. Anything done in addition to this, was regarded as magnanimity or as charity. The State Governments refused to understand that payment of cash compensation, especially to the Adivasis cannot effectively assure their survival after the completion of the project. Cash compensation with other economic components and without settling them on land-to-land basis, shelter or employment, the State Governments were almost driving these families into destitution. They forget that the provisions of the Land Acquisition Act can be effectively applied only to a community which can effectively utilize the cash compensation paid in return to the land

acquired. To apply the same yardstick to the Adivasi population which has usually non-monetised or partially monetised economies is to disrupt the entire economic system of these people, resulting in the inauguration of a process towards destitution.

The Basic Concept of Development, Displacement & Rehabilitation

Today the planners of the country are making an effort to take India towards the 21st century. The scholars and social activists are more concerned with the weaker sections particularly on the question of displacement caused by various development projects. The issue of national development and rehabilitation of displaced persons are main debatable questions. Some would think that all development projects that cause displacement should be stopped completely, while some other would think in terms of alternative forms that would minimize the damage.

On the question of rehabilitation, a section of scholars and social activists think that asking for rehabilitation after displacement is a mockery and it is totally unjust. Others would argue that despite opposition from human rights activists, those with a vested interest would certainly continue to push through projects that displace large numbers. So, instead of opposing these projects, one should keep the door open for rehabilitation when the decisions go against the people. A third category of people would say that merely asking for rehabilitation is insufficient. They would prefer on the better distribution of benefits in such a way that even those who are displaced, would receive a share.

(i) The concept of displacement on the part of the State

Any government thinks of economic progress of the country. India took for granted that the growth of the Gross National Product (GNP) was the real criterion of national development. So, the Govt. concentrated on sophisticated technology and on heavy capital investment. The Government of India followed the Western pattern of development and therefore tried to improve sophisticated technology for the attainment of social and economic progress. Profit was the main criterion of progress in this model. The development of science and technology required heavy economic investments. Once the State invests a large sum of money for any developmental project, it is evident that the State does not bother about displacement of people. For the State, displacement is inevitable and it is necessary for the deve-

lopment of a country. So, for a State, displacement is a necessary evil.

(ii) The concept of displacement on the part of industrial class

India has one of the biggest iron ore reserves, the Steel Authority of India Limited (SAIL) being the largest steel producers in the country with a capital investment of about Rs.12,000 crores. According to official estimates, the four major Steel Plants established since 1956 have occupied over 45,000 hecta acres of land and have displaced 24,591 families or 1,35,200 persons. Three of them have given jobs to 22,115 persons [according to data from Govt. of India, 1985]. Thus because of the priority they seem to give to steel production over the rehabilitation of human beings who have been displaced, a large number are still to be relocated. To mention another example, the Malajkhand copper industry situated in the Balaghat district of Madhya Pradesh (now in Chhattishgarh) displaced 777 families (4,300 persons) of whom 497 (2,750) or 63.96 per cent were tribals. There is no record of any employment provided or rehabilitation measures taken (Govt. of India 1985: 18)

The industrial companies acquired mostly Adivasi lands through the Govt. of India to set up various industries. The sole aim of industrialists is to amass wealth and to make profit out of their investments. They are least bothered of any displacement or rehabilitation. They have no concern whatsoever whether the acquired lands for their purpose belong to tribals or dalits. The industrialists look at something necessary, an act of collaboration with the Government towards national development. The administrators, Govt. officials, police personnels, politicians, judicials, the rich and the upper caste people, businessmen etc, knit together in the garb of the development of the country with the support of the State and the industrial class for their vested interest. They have no hesitation to go against the constitutional provisions in the name of the national development. Hence, they act contrary to the human needs of the displaced people foregoing all the fundamental laws of the country for their vested interest.

(iii) The concept of displacement on the part of the victims

Any developmental project in the country is followed by displacement. When the planners of the State decide to implement various developmental projects in the country, there is no human power to resist them. At the beginning of

any project, lots of assurances are given to the affected persons such as land for land, due compensation, employments, rehabilitation, provision of shelter, land, cash compensation for lands, crops, houses, trees, construction of roads, ponds, schools, health centers, electrification, in the resettlement colonies, etc. But history has proved that so far all the foregoing promises and assurances have been proved to be false.

In the last fifty years it has been observed that a very large number of displaced people belong to the Scheduled Castes and Scheduled Tribes. Today Adivasis form 8 per cent of the country's population, their proportion among those displaced by development projects is as high as 40 per cent (Govt. of India 1985: 18-19). Similarly though the Scheduled Castes form only 16 per cent of the country's population [...] their proportion among the displaced is higher, though exact figures are not available.

There are generally two types of citizens in the country. The first category gets a right to land if they have lived on it for a certain period of time or have tilled or cultivated it etc, i.e. they come under the tenancy laws. On the other side are a very large number of tribals and other forest dwellers who come under the forest laws that do not give any right of ownership to the cultivator even after several generations of occupancy and cultivation. Most persons from the Scheduled Castes are landless and as such do not have any property rights other than perhaps a homestead. These two groups form the second category. Besides these two groups, there are also the groups that have traditionally depended on the natural resources for their survival. Forests, land and water have been their life support system. In any form of developmental projects in the country, mostly the Adivasis and Dalits are victims of development. They are systematically and methodically dispossessed of their means of livelihood. They are dispossessed of their political autonomy and their communities are broken up in the name of 'development' and 'national interest'. They are dispossessed of their cultures, customary laws, heritage, traditions, their values and above all their very identity for the sake of national integration and assimilation in order to bring them into the national mainstream.

When the displacement is viewed from the developmental aspect, it is very clear and crystal that the victims have no other alternative choice than to suffer silently. So, they can neither question the State nor question the industrial class. They

cannot resist the development project of the government. They cannot oppose any national project which is meant for the public purpose. They cannot question any master plan of the State. They cannot raise voice against displacement caused by development. So, they allow all such necessary evils for the development of the country. They allow themselves to be displaced, They become helpless, voiceless, powerless and they tolerate and suffer in silence.

But once people become awakened, they would demand that the development of the country should not lead to their underdevelopment. Hence, they should have a share in the development itself and if the State cannot guarantee this, then they will refuse to be displaced. Today we find a great difference in people's understanding and perception of development and displacement. Because, the command over the natural resources in tribal areas has been of utter confusion. Prior to the advent of the British Government, the Adivasis had been in full command over the natural resources and lived peaceful life in accordance with their customary laws without being disturbed by the outside force. Alienation of Adivasis land is a breach of their inherent right on their land. The Adivasis have inherited their land from their fathers and forefathers. They have not purchased their lands from anyone, unlike others who have purchased or possessed them by aggression or grabbing. The forefathers of the Adivasis have cleared the jungles and made it cultivable. It was directly inherited from nature or the one who holds the ultimate authority over the world (their God as they believe). When the Adivasis entered any part of the jungle it was no one's land but the property of the Creator. But after the British Rule came over India and an altogether new system of administration was introduced and imposed on the Tribal Self Rule it clashed vis-à-vis with the social system of the Adivasis. Therefore, out of utter frustration, a Tana Bhagat of Chotanagpur in Jharkhand raised his voice against the State with a clear declaration:

*"God created the Earth,
We are children of God,
Pray, wherefrom has the Government
appeared?"*

[...]

CHAPTER II

Sundargarh District - An Introduction

[...]

Demography :

According to the 2001 census, the district of

Sundargarh has a population of 18,29,412 which constitutes 4.98 per cent of the population of the province of Orissa, and in terms of population, it is placed at the sixth rank among the thirty districts of Orissa. Its total population consists of 9,34,902 males and 8,94,510 females. The sex ratio of females per 1000 males is 957. The total rural population is 12,00,520 while the total urban population is 6,28,892. The density of population per square kilometer in this district is 188 against 236 of the province of Orissa.

The district of Sundargarh is one of the backward districts of Orissa as it is pre-dominantly peopled by the socio-economically backward communities such as the Scheduled Tribes and the Scheduled Castes. The Scheduled Tribe population according to 2001 census is 9,18,903 which is 50.19 per cent of the total population of the district [...], while the Scheduled Caste population is 1,57,745 which is 8.62 per cent of the total population of the district [...]. Both the Scheduled Tribes and the Scheduled Castes, taken together, comprise 58.81 per cent of the total population of the district of Sundargarh. The major Scheduled Tribes of this district are Oraon, Munda, Kharia, Kisan Bhuyan and Gond Tribes. [...]

CHAPTER III

Land Acquisition for Rourkela Steel Plant and Mandira Dam

The real problems of displaced persons in the Sundargarh district of Orissa state have not been properly understood by the Steel Authorities and the Govt. officials. So far the displaced persons movements were by and large within the control of administrative authorities through their suppressive and oppressive methods. The victims of Rourkela Steel Plant and Mandira Dam development projects in the district are struggling for their survival. They are fighting for their inalienable rights. They are demanding "JUSTICE", because they have been forcibly and unjustly uprooted from their homeland. They are systematically and methodically being dispossessed of the ownership of their means of production and particularly of the very means of human existence. The Adivasis are deeply concerned for their future, as they are dispossessed of their socio-political autonomy; and their community life is being broken up in the name of development of the nation. Moreover, they are dispossessed of their cultures, their values and their very identity through well-planned national developmental projects and policies. It is true that for centuries the indigenous peoples of Sundargarh district lived in harmonious relationship with their

environment. Their culture is closely related to nature.

Land, water and forests are the basic natural resources of their means of livelihood. They have a symbiotic relationship with these resources. By tradition, they are agriculturists. They cannot survive without their lands and forests.

(A) How acquisition of land and displacement took place?

The construction of the first Steel Plant of independent India began in 1956 at Rourkela in the Sundargarh district of Orissa. At the time of its selection for the Steel Plant, Rourkela was a remote tribal area of 32 villages with 2,465 families of which 70 per cent were tribals. All these families were displaced. However, at present only 1,200 families are to be found rehabilitated in the two resettlement colonies of Jalda and Jhirpani. According to a letter of D.N. Tiwari, Director, Ministry of Home Affairs for the Rourkela Steel Plant, Mines and Mandira Dam, 32,567.71 acres of land were acquired resulting in the displacement of 4,251 families. The families displaced by Mandira dam were resettled in camps at Laing, Khandapahar, Lachhada, Mandalia, Jaidega and Bankibahal (Govt. of India 1985). According to Dhebar Commission Report, 1,231 Scheduled tribe families were displaced for the Rourkela Steel project from 8,158 acres of land and only 843 of them were settled on land; for the Mandira dam 817 Scheduled Tribe families were displaced from 4,225 acres and only 447 of them were settled on a total area of 1,696 acres (Dhebar 1961:115). As of June 1984, Rourkela had provided employment, under the T.N. Singh formula to 4,607 displaced persons including tribals (Govt. of India 1985). The Rourkela Plant has a proposal to acquire 320 acres for dolomite mining at Gattitangar (Purnapani).

According to the Orissa Gazette, Extraordinary, published by Authority No. 26 and 34, Cuttack on Tuesday and Monday, the 16th and 22nd February, 1954 vide Registered No.014 printed and published by S.H. Khan, Superintendent Govt. Press, Ex. G.167-652-16-2-1954 and Ex.G. 177-669 Department Notification No.665-Dev-XVII-27/54 R and Notification No. 863-Dev-XVII-27/54R Revenue Department, Govt. of Orissa, the following 33 villages surrounding Rourkela have been acquired by the Govt. of Orissa : 16,963.78 acres of Abadi and 8071.45 acres of Anabadi lands totaling 25,035.24 acres of land [cf. Table No. 1 on p. 11 above]. It has been found that 698.02 acres of Abadi land and 239.33 acres of Anabadi land

totaling 937.35 acres of land have been acquired from Hamirpur village under Raghunathpali P.S. Displaced persons of Rourkela have been allotted house plots measuring about 20 decimals for each family in the Resettlement Colonies of Jalda, Jhirpani and Bondamunda. Some of the displaced persons were transported mercilessly to distant places of resettlement colonies of Lachhada, Amgaon, Silikata, Jagijharan, Jharain and Ulanda. They have not been allotted the same grade and area of cultivable land as acquired from the Gangpur Estate, according to the Land Revenue Settlement Record, 1929-1936 for the construction of Rourkela Steel Plant. Above all they have been uprooted from their hearth and home and thrown out from the Industrial Complexes to the dense forests and hilly tracts where they have been left to starve in the distant settlement colonies. It is very clear that the Govt. of Orissa acquired land at random without having any specific pre-plan. Instead, the R.S.P. Management and Govt. of Orissa established L.I.C. Colony in village Raghunathpali; Basanti Colony & 7-8 Area in village Durgapur; Koelnagar in village Jhirpani; Chhend Housing Project and Kalinga Vihar in village Chhend to settle the outsiders who are not the victims. It is quite clear that in the disguise of development, the tribals and other indigenous peoples have been forcibly uprooted from their hearth and home and have been made slaves and refugees in their own centuries old home land. Their economy has been completely shattered. They are now living in a starving and wretched condition. They are low languishing due to economic distress. They are living from hand to mouth.

The Mandira Dam Reservoir was built by Hira-kud Dam Organisation for the Hindustan Steel Limited. The construction work was started in Feb. 1957 and was completed in June, 1959. For the construction of the Mandira Dam 6,159.82 acres of Abadi land and 5,764.16 acres of Anabadi land totaling 11,923.98 acres of land have been acquired from 31 villages under Raiboga P.S., Birmitrapur P.S. and Rajgangpur P.S. [*cf. Table No. 2 on p. 13 above*]. 941 families with 8,785 persons have been uprooted from their homeland and they were settled at resettlement colonies of Lachhada, Laing, Ushra, Bankibahal, Jaidega etc. in the district of Sundergarh.

The tribals and the indigenous people of Sundergarh district are basically agriculturalists, though a few have jobs in the formal sector. Land nevertheless is central to their very existence. To begin with, for tribals land does not simply mean the topsoil on which grows the vegetation, but it

includes all that is under the earth and above the earth. Thus hills, forests, water bodies, minerals and all the flora and fauna become part and parcel of the tribal concept of land. Land is the main source of their livelihood. It also becomes the core of their meaning system expressed through culture and religion and of their organized system articulated through polity and economy. Hence the need to protect the entire eco-system through Sarna(sacred grave), the Sasan(burial ground) and the Akhra(dancing floor) by the tribals (Fernandes 1993:60-61).

Tribal land belongs to the community and all have equal usufructory rights and access to it. For it was their first settlers who cleared the forests, established the villages and made the fields. This gave the Khunt-katti rights to the whole community though Govt. of Orissa does not recognize this right. Even in modern times, when individual persons and households own land, they do so as the trustees of the community and social property. Therefore apparent sale or purchase of tribal land is but the transfer of the responsibility to tend and harness it. There are no statutory laws governing the use and ownership of land in the tribal society, rather they are governed by the customary laws of society. It has nevertheless been observed that in some cases, the customary rights of tribals are protected under the Fifth and the Sixth Schedules of the Indian Constitution (Mohapatra 1993:85-86).

From the Government notifications and documents available from various court cases, it is ascertained that 36,959.22 acres of land that have been acquired for the public purposes, i.e. for establishment of Rourkela Steel Plant and for construction of the Mandira Dam, have been acquired under the provision of section 4 of Act 1 of 1894 as amended by Act 38 of 1923 and under the provisions of sub-section (1) of section 3 of Orissa Act XVIII of 1948.

Before the acquisition of land, the local affected persons were not consulted.

(B) Mechanisms of land alienation and displacement

The most important way in which the Adivasis and indigenous people are dispossessed of their land is the so called 'legal' method of acquiring land for public purpose. Let us analyze the mechanisms of land alienation in tribal areas, how Adivasis lands are acquired in the name of the national development. The Chotanagpur Tenancy Act (CNT) passed in 1908 prohibited the aliena-

tion of tribal land to non-tribals. This law was an impediment to the new industrial-urban development. As a result, the CNT act was amended in 1947 by the addition of section 49, so that the tribal land could be acquired for the purposes of urbanization and industrialization and for development projects.

In case of Rourkela Steel Plant and Mandira Dam, (18,081.88 acres of cultivable land, 5846.15 acres of Anabadi land, 9,761.33 acres of Khasra forest land and 9,302.00 acres of Reserve Forest area totaling 42,991.36 acres of) land have been acquired by the Orissa Govt. under the provisions of section 4 of Act 1 of 1894 as amended by Act 38 of 1923 and under the provisions of sub-section (1) of section 3 of Orissa Act XVIII of 1948. While acquiring the said land, the Govt. of Orissa circumvented the provisions of the Fifth Schedule of the Constitution of India as to check and control the immovable properties of tribals in the Scheduled Areas as provided in sub-paragraph (2) of paragraph 5 of the Fifth Schedule.

Prior to the acquisition of lands for Rourkela Steel Plant and Mandira dam, Orissa Government had not made any law for the protection of tribal land. Only after the acquisition of land for the above projects, "The Orissa Schedule Areas Transfer of Immovable Property (By Scheduled Tribes) Regulations, 1956" which is known as 'Orissa Regulation 2 of 1956' was introduced to control and check transfer of immovable property in the Scheduled Areas of the State of Orissa by Scheduled Tribes. In spite of the absence of such laws, the Government of Orissa could have taken preventive measures to protect the Tribal lands. But the Govt. of Orissa and the Steel Authority of India Limited never bothered for any protection of tribal land in the name of public purpose. The term public purpose is not properly defined, so, taking the undue advantage, the State Govt. and the Steel Authorities have acquired for public purposes. The term public purpose in this act is so broad that it can be used to sanction land for practically any purpose. Exactly it has happened in case of Rourkela Steel plant. Besides this major project of steel plant at Rourkela, numerous ancillary industries have been set up like mushrooms.

The destructive development projects like mining, industries, dams, iron sponge factories, cement factories and other ancillary industries etc. have destroyed the community life of the Adivasis, and a major influx of Non-Adivasis (dikus) better equipped with the skills of expropriation, in-

creased the pressure on the land in the district of Sundargarh. The only remaining source of survival, i.e. the land, is forced out of them. The tribal welfare and development programmes came in a big way adding to the influx and the emergence of a new class of exploiters such as the contractors, politicians, dalals, corrupt officials, businessmen, industrialists etc. who have robbed their land, the only remaining source of survival by illegal means. Land alienation is being continued illegally in various forms.

The "Report of Tribal Areas" (1981) of the National Commission of Development of Backward Areas stated clearly that land alienation has continued and time bound plans have not yielded results. The following forms of land alienation have occurred: benami transfers; the transfer of land from Adivasis to Non-Adivasis in the form of lease and mortgage; encroachment taking advantage of the lack of land records; concubinage or marital alliance, i.e. land purchased by Non-Adivasis and registered under the name of Adivasi women whom they keep as mistresses; acquisition in the name of their Adivasi farm servants who are under verbal contract with them; lending names by Adivasis to Non-Adivasis in exchange for momentary incentives; fictitious adoption of Non-Adivasi families with village officers as accomplices; the acquisition of land by the state for the so called development projects (under the Land Acquisition Act, 1894, etc. 300 odd large, major and medium dams have been constructed in the dense natural forests leading to submergence of land and displacement of Adivasis). Mining and other industries, wild life sanctuaries, etc., have been further contributing to state sponsored displacement. The land reforms of 'land to the tiller' have clearly worked against the Adivasis, as in their case they are the 'land lords' who, out of poverty, gave out their lands to the Non-Adivasis, or whose lands were grabbed outrightly by the Non-Adivasis by force.

In a question in the Lok Sabha, A.K. Roy, M.P. had alleged that Tata Company had illegally alienated Adivasi raiyati land at Nuamundi for establishing a pelletising plant there and that the ACC Company at Jhigpani had illegally taken Adivasi land for its mining activities. The Land Revenue Deputy Collector, Sadar, Chaibasa made a detailed inquiry regarding these allegations and submitted a report to the SDO, Sadar, Chaibasa on August 4, 1983. His report showed that the allegations were true. Regarding the Nuamundi case the report stated :

"It is clear from the evidence from the facts of

the records that some of the raiyats were made to sign or put the thumb impression in the names of dead persons by the company. In some Khewats in the name of dead persons other persons have put false signatures. In some, in the place of miners, some others have put the signature. Those people who have their names in the Khewat as the one who have sold their land are the ones who are filing cases against the company for the restoration of their lands. This shows that the land has been illegally occupied. It seems that through deceit the raiyats have been made to sign on the papers and the officers were tricked to get the permission for transfer of the land. In this way the adivasi lands have been illegally alienated by the company."

(Translated from Hindi)

The Adivasis have been cheated and exploited from time immemorial by the outsiders, Zamindars, Thikadars, money lenders, Jagirdars, land lords, British officials, and land grabbers. The Mundas and Oraons coined a new name and called them 'Dikus' which literally means foreigners and they refused to admit that they had any rights to the land. Even today the tribals call these non-tribals, outsiders, land grabbers, Dalals, Thikadars, businessmen, politicians, corrupt Govt. officials as Dikus. Presently Diku has become a popular name for any exploiter, Dalal or land grabber who is considered to be the enemy of the tribal people. On account of the rich minerals available in Sundargarh district, the Dikus have established several industries besides the exploitation of mines in this district. If they fail to find the way of voluntary selling, they use illegal and even strong arm methods to evict the original owner. There are some cases where tribals have been implicated in false litigations plotted ingeniously with the help of corrupt officials. If this method fails, the Dikus employ Dalals, Mafias, hooligans to terrorise the simple, poor, innocent tribals and force them to sell their lands. There are some cases in Rourkela that the poor Adivasis were unable to take possession of their land even after winning in the court, because of the strong arm tactics adopted by the Mafia group. In this way it is noticed that the Adivasis have a strong aversion towards Dikus as they have been deprived of their land.

CHAPTER IV

[...]

Long Standing Grievances of Displaced Persons

The displaced persons were given certain economic packages yet it was not enough to satisfy

them. The displaced persons movement started as soon as 92 villages were acquired for the establishment of Rourkela Steel Plant and they were uprooted from their hearth and home and thrown out at distant places by the Govt. of Orissa and the Management of Rourkela Steel Plant without being provided with basic amenities of life. They have expressed their discontentment and demands several times before the Government and the management. The reasons of discontentment among the displaced persons are as follows:-

1. Displaced persons of Rourkela have been allotted only house plots measuring about 20 decimals for each family i.e. only at Jhirpani R.S. colony, Jalda R.S. colony and Bondamunda R.S. colony. But irrigation, education and medical facilities and amenities of life have not been provided till date.
2. Some displaced families have been thrown out at distant places like Amgaon R.S. colony, Silikata R.S. colony, Lachhada R.S. colony, Raghudarsha R.S. colony, Hathidharsa R.S. colony, Jugijharein R.S. colony, and Ulandajharein R.S. colony and till now they have not been provided with basic amenities of life. These places are arid and hilly regions. Roads, parks, schools, community centers, markets, wells, tanks, permanent pipe water schemes etc. have not been provided to these resettlement colonies.
3. The displaced persons of these distant R.S. colonies have not been allotted the same grade and area of cultivable land acquired from the Gangpur Estate, according to the Land Revenue Settlement Record, 1929-1936 for the construction of Rourkela Steel Plant (R.S.P.). Above all they have been uprooted from their hearth and home and thrown out from the Industrial Complexes to the dense forests and hilly tracks where they have been left to starve in the distant resettlement colonies.
4. The State Govt. of Orissa and the Management of R.S.P. have not given adequate compensation to the displaced persons. A sum of Rs. 14,70,00,000.00 towards compensation to the displaced persons remained unpaid till date.
5. The Govt. of Orissa acquired excessive land from tribals for the public purpose i.e. for Rourkela Steel Plant. In stead of returning the surplus land as per the Board of Revenue Bihar & Orissa, 1896, the R.S.P. Management and Govt. of Orissa encouraged illegal construction of housing colonies at L.I.C. colony in village Raghunathpali; Basanti colony and 7/8 Area in village Durgapur; Koel Nagar in village Jhirpani; Chhend Housing Project and Kalinga Vihar in village Chhend. A strong feeling of

resentment towards the R.S.P. Management and the Govt. of Orissa is getting momentum in a big way on the ground that in the disguise of National Development, the tribals and other indigenous people have been uprooted and thrown out. These housing colonies plots were sold at a very high rate which is beyond the reach of the displaced people. The Adivasis of Sundargarh district have been badly cheated and their long standing demands have not been fulfilled till date.

All the agreements and assurances of the Govt. of Orissa went in vain. It was assured that land for land, house for house and employment etc. would be made for them and house for house would be constructed at resettlement colonies free of cost. Irrigation, transport facility, education facilities, medical facilities, electrification to be provided to the displaced families. But till date nothing has been done to alleviate the suffering of the displaced families.

CHAPTER V

Present Action of the Government

1. After the utilization of the acquired land for Rourkela Steel Plant, the Hindustan Steel Limited returned about 14,000 acres of unutilized surplus land to the State Government of Orissa in the year 1975-76. The same surplus land should have been returned back to the original tenants, which were recorded against the original tenants in Land Revenue Settlement 1929-1936 of Mukherji Settlement. But instead of returning the same, the State Govt. of Orissa and its agencies have constructed colonies for Dikus in gross misuse of power, and had settled the non-tribals of outside the district through illegal way of auction, lease and selling of surplus lands to the influential bureaucrats, politicians, IAS, IPS, OAS, administrative officials of Govt. of India and Govt. of Orissa, doctors, businessmen, industrialists and other private parties etc. and giving en masse settlements on the land acquired for public purpose. This action of the State Government is illegal, arbitrary, discriminatory and above all unconstitutional. No Govt. has the right to evict the original tenants and give ownership rights to another person on the same land acquired for public purpose.
2. The displaced persons feel that they have sacrificed their landed properties for the public purpose and not for any private business which is contrary to law. But about 14,000 acres of surplus land have been sub-letted to different private persons and with the passage of time innumerable unauthorized constructions, illegal transfers, auctions, leases were made with the help of the implication of false litigations, strong arm tactics, engagement of Dalals and adopted by the Mafia group. All such steps have been directed against the main purpose of setting up of Rourkela Steel Plant.
3. The State Govt. of Orissa has framed a rule, vide Revenue Department Notification No. 22333/R-G.E, Sundargarh, 1 of 1968 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 and 8 Developed Area. About 300 acres of land acquired by the Govt. from the local Adivasis and the lands so surrendered were allotted to the non-tribals such as influential bureaucrats, politicians, high officials of the State, doctors, business people, industrialists etc. on exorbitant rate by way of lease, allotment, auction, sale which is beyond the reach of the poor displaced persons. The action of State Govt. is contrary to the provisions of the Constitution of India as well as the Orissa Communal Forest and Private Lands (Protection of Alienation) Act, 1940 and in violation of the provisions of Orissa Regulation 2 of 1956 (Orissa Scheduled Areas Transfer of Immovable Properties by Scheduled Tribes) Regulation, 1956. It is also in contravention of the Land Acquisition Act which specifies that the lands which were only acquired for the public purposes as defined, can only be acquired under the Act and there is no concept of "Multiple uses for Public Purposes" for two same set of lands. The State Govt. should have returned to the original owners without any prejudice caused to them.
4. It is very clear that the predominant object of para 5 (2) of the Fifth Schedule of the Constitution and the Regulation is to impose total prohibition of transfer of immovable property to any person other than a tribal for the peace and good government of a tribal area; to protect possession, right, title and interest of the members of the Scheduled Tribes held in the land at one time by the tribals. The Orissa Regulation (2) of 1956 (Orissa Scheduled Areas Transfer of Immovable Properties by Scheduled Tribes Regulation, 1956) also provides that since the tribals are not able to stand the legal proceedings, not to expect their admissions before the court and the burden of proof is always on the non-tribals to show the reasons to their title and be involved in such proceedings. Thereafter the said Regulation

was amended in 1975 as the legislature felt that the restoration of tribal land was taking place less sufficiently than the law intended to achieve.

5. In spite of the prohibitory provisions under the Orissa Regulation(2) of 1956 and the para 5(2) of the Fifth Schedule of the Constitution, the State Govt. of Orissa and the RSP authorities are jointly busy in selling and leasing out the surplus lands. The Chhend housing, Basanty colony, LIC colony, Banking colony, Koelnagar, 7-8 Area, SOS village, Hanuman Batika etc. are the glaring examples where the State Govt. and RSP authorities have openly violated the rules relating to the transfer of tribal lands to the non-tribals.
6. The latest move of the State Govt. and RSP authorities is the decision to sell the unutilized lands and quarters of RSP. In the local Hindi daily Newspaper "Nav Bharat Times" dated 01. 05. 2002 that the RSP and the State Govt. of Orissa are planning to sell the surplus land for Rs. 39,00,000/- (Rupees Thirty nine lakhs) only per acre of land and a list of 1500 (Fifteen hundred) individuals are in waiting list to purchase of the RSP quarter. Again on 17th July 2002 in the Oriya daily newspaper 'The Sambad' on the title "On the sale of RSP Quarters is Final. Notification on 22nd July, 2002 [Quotation in Oriya]. Very clearly it is reported that from 29th July to 24th August applications for buying the quarters will be accepted.

CHAPTER VI

Constitutional Provisions on Displacement and Rehabilitation

In Republic India, every citizen is endowed with certain rights and responsibilities towards the development of the country. By "development", the Constitution means, simply, that process of governance which, while respecting human rights of all persons, secures to all freedom from material impoverishment. No citizen is against the development of the nation. Similarly, in the name of development, no state has any legal right to go against its citizens and take away the means of their livelihood. It is quite obvious that the planners of the Nation never consulted with the people in general or the affected displaced persons before the implementation of any developmental project regarding the site of the project (dam, industry, mines etc.); size of the project; areas of submergence or displacement; environmental impact; cost-benefit analysis; allocation of resources including international aid; design including safety designing; contracts for con-

struction; epidemiological impact; flow of benefits to certain classes/sectors; displacement; compensation and rehabilitation etc. As a matter of fact, there has been always reactions from the Displaced Persons (DPS) and Affected Displaced Persons (ADPS) who assume to be the sacrificial goats of the projects. But all such reactive forms of protests or democratic protests have been considered by the Government as anti-national movements of the people. Whatever may be the case, the citizens also have the right to question about the justification of the arbitrariness of governance of the executive administration with regard to their service of so-called "development". All citizens have the right to development, at the same time the Constitution of India should guarantee all citizens freedom from material impoverishment. In this context let us analyse the constitutional and legal provisions of displacement and rehabilitation with a particular reference to the Adivasis in the Scheduled Areas.

The Constitutional Provisions

The British had applied the principle of eminent domain and had enacted the Land Acquisition Act, 1894 which was made applicable fairly and equally to all people of India. As per the Revenue Department dated 16-2-1954 and No.863-Dev.-XVII-27/54R dtd. 22-2-1954 Notification Nos. 665-Dev.-XVIII-27/54-R, the Govt. of Orissa has made notification for the acquisition of land to be required for the establishment of a Steel Plant and ancillary industries in the district of Sundargarh under the provisions of section 4 of Act 1 of 1894 as amended by Act 38 of 1923.

Section 4 of Act 1 of 1894 reads as follows:

4(1)"Whenever it appears to the [appropriate Government] that land in any locality (is needed or) is likely to be needed for any public purpose (or for a company), a notification to that effect shall be published in the Official Gazette (and in two daily newspapers circulating in that locality of which at least one shall be in the regional language), and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the same locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification.)"

(i) Constitutional position on acquisition

It has always been recognized that the power of

eminent domain is an essential attribute of sovereignty. The concept of eminent domain establishes the supremacy of the State over all natural resources. It is based on the premise that the State is sovereign and that the compulsory acquisition of any land and property, including private property is possible by the due process of law.

(ii) Right to property

Previously, right to property was a fundamental right under Article 31 of the Constitution of India. Subsequently, there were several Amendments to Article 31, such as 4th Amendment in 1955, 25th Amendment in 1971, 42nd Amendment in 1976 and 44th Amendment in 1978. In 44th Amendment, "right to property" ceases to be a fundamental right, but the same is now conferred by Article 300-A which has been introduced by the 44th Amendment. Article 300-A provides:-

"No person shall be deprived of his property save by authority of law."

The Constitution (44th Amendment) Act, 1978, ultimately took away the right to property from the chapters on Fundamental Rights. Hence, the fundamental right to property is omitted. However, the right to property is secured as a Constitutional Right under Article 300A. This right will be available against the executive interference and not against the legislative action.

iii) Article 21 – 'Right to Life'

Article 21 provides:

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

The right secured by Article 21 is available to every person, citizen or non-citizen. Thus, even a foreigner can claim this right. However, Article 21 applies only to natural persons. It has no application to corporate bodies. Liquidation of a society cannot, thus, be equated to deprivation of life or personal liberty. Article 21 can be claimed only when a person is deprived of his 'life' or 'personal' liberty by the state as defined by article 12. Violation of the right to personal liberty by a private individual is not within the preview of Article 21. Article 21 secures two rights - (A) Right to life; and (B) Right to personal liberty. It is clear that Article 21 of the Constitution of India secures the "right to life" to every person and prohibits its deprivation except according to procedure established by law.

Therefore, the right to life does not merely mean the continuance of a person's animal existence. It means the fullest opportunity to develop one's personality and potentiality to the highest level

possible in the existing stage of our civilization. Inevitably it means the right to live decently as a member of a civilized society. It is to ensure all freedom and advantages that would go to make life agreeable. The right implies a reasonable standard of comfort and decency.

The right to life includes the right to livelihood. It is the obligation of the State to ensure that no citizen is deprived of his livelihood. In case of displaced persons, the State should provide them alternative sites for their resettlement and to earn livelihood. For tribals, lands, forests, water and other natural resources are the means of their livelihood. In such a case deprivation would not only denude the life of its effective content and meaning fullness but it would make life impossible to live.

The courts in various decisions, have given an extended connotation to the right to life and explained its meaning in different facets of the rights as follows :-

- a) Rights to live with human dignity;
- b) Right to livelihood;
- c) Right to live in Unpolluted Environment;
- d) Right to education;
- e) Right to Social Security and protection of the family;
- f) Right to health and medical aid;
- g) Duty to preserve life-medio-legal cases;
- h) No right to die or to commit suicide; and
- i) Sentence of death etc.

iv) Article 19 – The Right to reside and settle

Article 19 guarantees to all citizens protection of certain rights regarding freedom of speech and expression. Article 19 (1) (e) guarantees to every citizen of India, the right to reside and settle in any part of the territory of India. This right is subjected to reasonable restrictions, which may be imposed by the State, by law, under Article 19 (5), in the interest of general public or for the protection of the interests of any Scheduled Tribe. The Article 19 (5) reads as follows:

"(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe."

(v) Fundamental rights

Part III of the Constitution of India, titled as "Fundamental Rights" secures to the people of India certain basic, natural and inalienable rights. These rights have been declared essential rights in order that "human liberty may be preserved, human personality developed and an effective social and democratic life promoted."

Article 13, in fact, provides for the judicial review of all laws, whether past or future. This power is exercisable by the Supreme Court as well as by the High Courts under Articles 32 and 226 respectively. The Courts can declare a law unconstitutional if it is inconsistent with the rights conferred by part III of the Constitution.

CHAPTER VII

The Constitutional Rights of Adivasis

I. Administration of Scheduled & Tribal Areas in Fifth Schedule

Article 244(1) provides that the provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

The Fifth Schedule provides that the executive power of the State extends to the Scheduled Areas therein. The Governor of such a State is required to make a report to the President, annually or whenever required by the President, regarding the administration of these Areas. The Executive power of the Union extends to the giving of directions to the State regarding the administration of the said Area.

There is a Tribes Advisory Council in each State having Scheduled Areas therein, consisting of not more than 20 members of whom, as nearly as, three fourths are representatives of the Scheduled Tribes in the Legislative Assembly of the State. The duty of the Council is to advise on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

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 or shall apply subject to such exceptions and modifications as he may specify in the notification.

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. Such regulations are laws, and the Governor can apply specified laws to a Scheduled Area.

II. Excluded and Partially Excluded Areas

Under the Govt. of India Act, 1935, the administration of the Scheduled Districts was exclusively vested in the Governor of the province. Sub-section(1) and (2) of section 92 of the Government of India Act, 1935 provided as under:

"(1) The Executive authority of a Province extends to excluded and partially excluded areas therein, but not withstanding anything in this Act, no Act of the Dominion Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the areas, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit."

(2) The Governor may make regulations for the peace and good government of any area in a Province which is for the time being an excluded area, or a partially excluded area, and any regulations so made may repeal or amend any Act of the Dominion Legislature, or of the Provincial Legislature, or any existing Indian law, which is for the time being applicable to the area in question. Regulations made under this sub-section shall be submitted forthwith to the Governor General and until assented to by him shall have no effect."

N.B.: Excluded area (Sixth Schedule) and partially excluded area (Fifth Schedule) When the Constituent Assembly took up the Fifth Schedule (partially excluded area) for consideration in 5-9-1949, Dr. B. R. Ambedkar moved another Draft Fifth Schedule in place of the original Fifth Schedule. This Schedule was simpler in form and uniformly applied to all the Scheduled Areas. Para 5 of the new Draft as finally adopted and engrafted in the Constitution of India. Para 5(2) of the Fifth Schedule is quoted below:-

"5(2) The Governor or Rajpramukh, as the case may be, may make regulations for the peace and good government of any area in a State which is for the time being

a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may-

- (a) Prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;
- (b) Regulate the allotment of land to members of the Scheduled Tribes in such area;
- (c) Regulate the carrying on business as money lender by persons who lend money to members of the Scheduled Tribes in such area."

III. Restoration of the Rights of Tribes

On the basis of the Constitutional Provisions of the Fifth Schedule under Article 244 of the Constitution of India, the Hon'ble Supreme Court has given a landmark Judgment Restoring the Rights of Tribes in the Judgment of *Samata Vs the State of Andhra Pradesh & others*. (Civil Appeal No. 4601-4602/1997). Relevant paragraphs of the Judgment are quoted below:-

Para 9: Agriculture is the main part of the economy and source of livelihood to the rural Indians and succour for social status and a base for dignity of person. Land is a tangible product and sustaining asset to the agriculturist. In *Waman Rao v. Union of India* a Constitution Bench had observed that India being a predominantly agricultural society, there is a "strong linkage between the land and the person's status in social system." The strip of land on which they till and live assures them equal justice and "dignity of their person by providing to them a near decent means of livelihood". Agricultural land is the foundation for a sense of security and freedom from fear. Assured possession is a lasting source for peace and prosperity.

Para 10: Agriculture is the only source of livelihood for Scheduled Tribes, apart from collection and sale for minor forest produce to supplement their income. Land is their most important natural and valuable asset and imperishable endowment from which the tribals derive their sustenance, social status, economic and social equality, permanent place of abode and work and living. It is a security and source of economic empowerment.

Therefore, the tribes to have great emotional attachment to their lands. The land on which they live and till, assures them equality of status and dignity of person and means to economic and social justice

and is a potent weapon of economic empowerment in social democracy.

Para 15: The Montague and Chelmsford Report, 1918 briefly touched the administration of tribal areas and political reform and excluded them from the reformed Provincial Governments. The Government of India Act, 1919 divided the area into two parts-"Wholly excluded and partially excluded areas for reform." The former were small and the latter were given joint responsibility of the Governor and the Governor General-in-council. The Montague Chelmsford Report of 1918 suggested that the backward areas where primitive tribes live should be excluded from proposed political reform and administration was entrusted to the Governors of the Provinces.

Para 16: Pursuant to Simon Commission Report, the Government of India Act, 1935 dealt with excluded and partially excluded areas as per 1936 order issued under Section 91 of the Government of India Act, 1935. Simon Report is worth extracting here and reads thus:

"There were two dangers to which subjection to normal laws would have specially exposed these peoples, and both arose out of the fact that they were primitive people, simple, unsophisticated and frequently improvident. There was a risk of their agricultural land passing to the more civilized section of the population, and the occupation of the tribals was for the most part agricultural: and, secondly, they were likely to get into the 'wiles of the moneylenders.' The primary aim of government policy then was to protect them from these two dangers and preserve their tribal customs; and this was achieved by prescribing special procedures applicable to these backward areas."

Para 17: Therein also, "Scheduled Districts" defined in 1874 Act were treated as excluded and partially excluded areas. The administration thereof was exclusively vested in the Governor of the Province under Section 92 of the Government of India Act, 1935 and sub-sections (1) and (2).

Para 47: The predominant object of para 5(2) of the Fifth Schedule of the Constitution and the Regulation is to impose total prohibition of transfer of immovable property to any person other than a tribal for peace and proven good management

of a tribal area; to protect possession, right, title and interest of the members of the Scheduled Tribes held in the land at one time by the tribals. The non-tribals, at no point of time, have any legal or valid title to immovable property in Agency tracts unless acquired with prior sanction of the Government and saved by any law made consistent with the Fifth Schedule. With the passage of time, when persons other than tribals gained unlawful title to and possession of the lands in Agency tracts, their acquisition and holding of the immovable property, unless proved otherwise, have always been null and void. The Regulation, as its predecessor law did, prohibits transfer by a tribal to any other person and even benami purchaser in the name of a tribal for the benefit of a non-tribal also is null and void. Non-tribal thereon, acquires no right, title and interest in the land situated in a Scheduled Area. Indisputably, any transfer inter vivos between tribals or non-tribals or inter se between non-tribals except testamentary disposition to a tribal, has been totally prohibited.

Para 70: In *The Framing of India's Constitution*, a study by B. Shiva Rao, (Vol. V) in chapter 20 on the Fifth Schedule of the Constitution on the tribal areas, the author has surveyed the historical background for integration of Scheduled Tribes into the national mainstream. The historical survey and legislative development do assure us that throughout a system of modified exclusion of law was applied to the Scheduled Areas. The power was with the Governor. He exercises the executive and legislative power to apply, or to refrain from applying any law made by Parliament or State legislature to the Agency tracts. The object of Government policy is to protect the tribals or their land ... By securing to them protection from exploitation. The principal duty of the administration is to protect them from exploitation. Considering the past experience and the exploitation of the tribals' simplicity and truthfulness by the non-tribals, it became imperative by statutory safeguards to preserve the land which is their natural endowment and mainstay for their economic empowerment. No laws affecting social matters, occupation of land including tenancy laws allotment of land and

setting apart of land for village purposes and village management, including the establishment of village panchayats, would apply, unless they are suitable to the conditions. Shiva Rao has stated at p. 579 thus: "The transfer of land in a Scheduled Area from a tribal to a non-tribal was forbidden; and the State Government was also prohibited from allotting State land in a Scheduled Area to non-tribals except in accordance with rules made after consulting the Tribes Advisory Council. Likewise, if advised by the Council, the Governor was obliged to license money lending, prescribing such conditions as were considered necessary; and the breach of these conditions would be an offence. In order that public attention might be focused on the development work carried out in these areas, the State Government was required to show separately in its annual financial statement the revenues and expenditure pertaining to these areas."

Para 78: Article 21 of the Constitution reinforces "right to life" - a fundamental right- which is an inalienable human right declared by the Universal Declaration or Human Rights and the sequential conventions to which India is a signatory. In *Delhi Transport Corpn. V. D.T.C. Mazdoor Congress* (AIR at p. 173 in para 223: SCC p. 717, para 232) this court has held that right to life would include right to continue in permanent employment which is not a bounty of the employer nor can its survival be at the volition or mercy of the employer. Income is the foundation to enjoy many fundamental rights and when work is the source of income, the right to work would become as much a fundamental right. Fundamental rights can ill afford to be consigned to the limbo of undefined premises and uncertain application. That will be a mockery of them, In *Bandhua Mukti Morcha v. Union of India* (SCC at pp. 183-84, para 10) this Court had held that right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State policy and that opportunities and facilities should be provided to the children to develop in a healthy manner and in conditions of freedom and dignity. Adequate facilities, just and humane conditions of work etc. are the minimum requirements which must exist

in order to enable a person to live with human dignity and the State has to take every action. In *Subhash Kumar v. State of Bihar* this Court had held that the right to life includes the right to enjoyment of pollution free water and air for full enjoyment of life. In *Olga Tellis v. Bombay Municipal Corporation*. This court had held that right to livelihood is an important facet of the right to life. In *C.E.S.C. Ltd. v. Subash Chandra Bose* (SCC at pp. 462-63, para 30), it was held that right to social and economic justice is a fundamental right. Right to health of a worker is a fundamental right. Therefore, right to life enshrined in Article 21 means something more than mere survival of animal existence. The right to live with human dignity with minimum sustenance and shelter and all those rights and aspects of life which would go to make a man's life complete and worth living, would form part of the right to life. Enjoyment of life and its attainment - social, cultural and intellectual - without which life cannot be meaningful, would embrace the protection and preservation of life guaranteed by Article 21. Right to health and social justice was held to be fundamental right to workers in *Consumer Education and Research Centre v. Union of India and LIC of India v. Consumer Education and Research center*. Right to economic equality is held to be fundamental right in *Dalmia Cement (Bharat) Ltd. V. Union of India*. Right to shelter was held to be a fundamental human right in *P.G. Gupta v. State of Gujarat*, *Shantistar Builders v. Narayan Khimalal Totame*, *Chameli Singh v. State of U.P.* and *Ahmedabad Municipal Corpn. V. Nawab Khan Gulab Khan*. The tribals, therefore, have fundamental right to social and economic empowerment. As a part of the right to development to enjoy full freedom, democracy offered to them through the States regulated power of good government that the lands in Scheduled Areas are preserved for social economic empowerment of the tribals.

Para 110: The object of the Fifth and Sixth Schedules to the Constitution, as seen earlier, is not only to prevent acquisition, holding or disposal of the land in Scheduled Areas by the non-tribals from the tribals or alienation of such land among non-tribals inter se but also to ensure that

the tribals remain in possession and enjoyment of the lands in Scheduled Areas for their economic empowerment social status and dignity of their person. Equally exploitation of mineral resources constituting the national wealth undoubtedly is for the development of the nation. The competing rights of tribals and the State are required to be adjusted without defeating the rights of either. The Governor is empowered, as a constitutional duty, by legislative and executive action, to prohibit acquiring, holding and disposing of the land by non-tribals in the Scheduled Areas. The Cabinet, while exercising its power under Article 298, should equally be cognizant of the constitutional duty to protect and empower the tribals. Therefore, the Court is required to give effect to the constitutional mandate and legislative policy of total prohibition on the transfer of the land in Scheduled Areas to non-tribals.

Para 112: In the absence of any total prohibition, undoubtedly Article 298 empowers the governor being the head of the Executive to sanction transfer of its lands. Since the Executive is enjoined to protect social, economic and educational interests of the tribals and when the State leases out the lands in the Scheduled Areas to the non-tribals for exploitation of mineral resources, it transmits the correlative above constitutional duties and obligation to those who undertake to exploit the natural resources should also improve social, economic and educational empowerment of the tribals. As a part of the administration of the project, the licensee or lessee should incur the expenditure for:

- (a) Reforestation and maintenance of ecology in the Scheduled Areas;
- (b) Maintenance of roads and communication facilities in the Scheduled Areas where operation of the industry has the impact;
- (c) Supply of potable water to the tribals;
- (d) Establishment of schools for imparting free education at primary and secondary level and providing vocational training to the tribals to enable them to be qualified, competent and confident in pursuit of employment;
- (e) Providing employment to the tribals according to their qualifications in

- their establishment/factory;
- (f) Establishment of hospitals and camps for providing free medical aid and treatment to the tribals in the Scheduled Areas;
- (g) Maintenance of sanitation;
- (h) Construction of houses for tribals in the Scheduled Areas as enclosures.

The expenditure for the above projects should be part of his/its Annual Budget of the industry establishment or business avocation/venture.

Para 113: In this behalf, at least 20 per cent of the net profits should be set apart as a permanent fund as a part of industrial/business activity for establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities by laying roads etc. This 20 per cent allocation would not include the expenditure for reforestation and maintenance of ecology. It is needless to mention that necessary sanction for exemption of the said amount from income tax liability, may be obtained; and the Centre should ensure grant of such exemption and see that these activities are undertaken, carried on and maintained systematically and continuously. The above obligations and duties, should be undertaken and discharged by each and every person/ industry/ licensee/ lessee concerned so that the constitutional objectives of social, economic and human resource empowerment of the tribals could be achieved and peace and good government is achieved in Scheduled Areas. We have not examined the other Acts in detail but as and when such need arises, they may be examined in the light of the language used therein and the law.

Para 136: Tribals were the first settlers in this country but they were gradually pushed back into the forests and hills by subsequent settlers who were non-tribals. The forests and hills provided a natural barrier and isolated the tribal from the people living in the plains. On account of their isolation, they remained illiterate, uneducated, unsophisticated, poor and destitute and developed their own society where they allowed themselves to be governed by their own primitive and customary laws and rituals.

Para 137: Successive governments, which ruled India from medieval times to modern times (British period) allowed these

tribals and aboriginals to live in complete isolation and allowed them to follow their own traditional culture, social customs and animistic tribal faiths. There were many dangers in subjecting them to normal laws and they were, therefore, governed by special laws.

IV. The Orissa Scheduled Areas Transfer of Immovable property (by Scheduled Tribes) Regulations, 1956 (Orissa Regulation (2) of 1956)

This legislature, in its wisdom, has provided to restore the tribal land back to the tribals by the Land Revenue/ Executive Authorities whenever the land has been lost to the tribals due to various methods, inspite of the prohibition of the transfer of tribal land. The Orissa Regulation (2) of 1956 (Orissa Scheduled Areas Transfer of Immoveable Properties by Scheduled Tribes Regulation, 1956) is one of such Regulations. It was also provided in the said Regulation that since the tribals are not able to stand the legal proceedings, not to expect their admissions before the Court and the burden of proof is always on the non-tribals to show the reason to their title and be involved in such proceedings. Thereafter the said Regulation was amended in 1975 since the Legislature felt that the restoration was taking place less sufficiently than the law intended to achieve.

The transfer of tribal land inside the Scheduled Area declared as such under the Constitutional provisions is forbidden as far as the State of Orissa is concerned as to the provisions of "Orissa Scheduled Areas Transfer of Immoveable Property (Scheduled Tribes Regulation (2) of 1956)". Even at the time of initial acquisition and taking over of the land, from the 92 villages, these provisions were available and perhaps since no challenge was advanced, the acquisition remained. But, once the land acquired has been abandoned where the land was not required, the prohibitory provisions of the said Regulations (2) of 1956 will continue to apply at least with respect to the land which has been abandoned by the State Government as not required for the Public purposes.

Orissa Regulation (2) of 1956 is made to control and check transfer of immovable property in the Schedule Areas of the State of Orissa by Scheduled Tribes. Orissa Regulation (2) of 1956 received the assent of the President on the 21st September, 1956 and was first published in the Orissa Gazette, Extraordinary, dated 4th October, 1956.

The gist of the said provision and its compre-

hensive amendment made by the State Govt. of Orissa in the year 2000 has been reproduced below :-

a. The Orissa Scheduled Area Transfer of Immovable property (by Scheduled Tribes) Regulation, 1956 (Orissa Regulation-2 of 1956) is in force from 4.10.1956 in the Scheduled Areas of the State. The Scheduled Areas of the State of Orissa: Koraput, Phulbani, Rayagada, Navarangpur, Malakangiri, Gajapati, Kondhamal, Sundargarh, Keonjhar, Mayurbhanj Districts and parts of Kalahandi, Sambalpur, Ganjam and Balasore Districts.

b. This Regulations was being implemented by the government to protect landed properties of persons belonging to Scheduled Tribes in the Scheduled areas of the State.

Under Section-3 of the Regulation, any transfer of immoveable property in the Scheduled Areas by a person belonging to the Scheduled Tribe to another person not belonging to the Scheduled Tribe was ordinarily prohibited. But to meet hard cases, there was provision that a Scheduled Tribe person can transfer his or her land to a person not belonging to the Scheduled Tribe with permission from the competent authority. The competent authority is the Sub-Collector and Revenue Officer of the Sub-Collector's Office or the Officer on Special Duty (LR).

In Section 3(2) it was provided that the competent authority on his own motion or on application made by any person interested, can start a case and give due opportunities to the parties, eject the person who has unlawfully entered into possession of the land belonging to a tribal person of the Scheduled Areas.

Under Section 3-A(1), the competent authority is empowered to restore possession to the tribal land owner after evicting the non-tribal person from unlawful possession.

Transfer of tribal lands to non-tribals in contravention of provisions of the Regulation was treated as an offence, penalties are provided for under section 7(1) of the Regulation and Section 7A. Section 7(C) provides for the onus of proving the validity of any transfer or relinquishment of tribal land to non-tribal on the non-tribal.

Section 7(D) provides for amendment to limitation Act, Article 65 on adverse possession from 12 years to 30 years.

Section 7 (E) bars the jurisdiction of Civil Courts to try matters under the Regulation.

c. An amendment to Section 3 in 1996 provided that competent authority shall not accord permission to a Scheduled Tribe person to sell

land to a non-tribal person of land of the tribal person comes to be less than one standard acre after the transfer.

A female member belonging to S.T. who has married to a person not belonging to the Scheduled Tribe, shall be treated as a person not belonging to Scheduled Tribe as far as transfer of tribal land is concerned.

Even with such restriction large scale alienation of tribal lands particularly through Benami transactions have been reported by different quarters. It was therefore felt necessary to make further amendments in the existing provisions on the lines of enactments made by the Andhra Pradesh as well as Madhya Pradesh Grants to prevent completely transfer of tribal lands to the non-tribals in the scheduled areas. Accordingly, comprehensive amendment has been proposed to the Regulation and the same has been approved by the Tribes Advisory Council. This has been submitted to his excellency the President of India after concurrence by his excellency the Governor of Orissa. The salient features of the amendment of the Regulation are –

- i. Hereafter no tribal person of the scheduled areas can transfer his or her land to any non-tribal person. The previous provisions that he or she can do it with the permission of the competent authority has been abolished by the amendment.
- ii. The Tribal advisory committee have suggested that no tribal person can transfer his/ her land even to a tribal person, if after the proposed transfer his/ her land will be reduced to two acres irrigated land or five acres un-irrigated land.
- iii. A person belonging to the Scheduled Tribes who has got land from the State Government, Central Government or any such authority, cannot transfer that land to anybody.
- iv. Any Scheduled Tribe person purchasing land from any Scheduled Tribe person with consideration paid or provided by a person not belonging to a Scheduled Tribe shall be treated as not belonging to the Scheduled Tribe. This will curb effectively benami, hoax, proxy transactions.
- v. Previously, the competent authority initiated cases on illegal transfer of land from a Scheduled Tribe person, (a) on application from a person interested and (b) suo motu. After the amendment, the concerned Gram Panchayat also can inform about any such illegal transfer to

- vi. the competent authority.
The competent authority shall intimate the concerned Gram Panchayat about the order of ejection passed in respect of a person in unauthorised occupation of land belonging to a Scheduled Tribe and restoration thereof to the original owner or his successor.
- vii. After ejection of unlawful occupier of tribal land, the competent authority settled the same on other eligible landless persons of the village/ locality if the original tribal owner or his successors could not be found out. After the amendment, the competent authority shall obtain approval of the concerned Gram Panchayat for such settlement.
- viii. The amendment provides that every non-tribal person who is in possession of tribal land in the scheduled areas from 4.10.1956 to the date of operation of this amendment shall inform the nature of his purchase/possession of tribal land to the Sub-Collector in such form and manner, as prescribed by Government. Any person failing to intimate within 2 years shall be treated as an encroacher/un-lawful occupier of the tribal land. After obtaining intimation, the Sub-Collector should satisfy himself that the transfer is bonafide and as per the provisions of the Regulation 2. If not satisfied the land shall be restored to the tribal owner or his successor.
- ix. The offence under the Regulation is cognizable.
- x. Offences under the Regulation shall be tried by Executive Magistrates specially declared Judicial Magistrate of the first class or the second class.
- xi. Trial of offences shall be of summary nature.
- xii. Persons in unauthorized occupation of tribal land or in possession after order of ejection shall be liable to punishment, which may extend to two years rigorous imprisonment or Rs.5000/- fine or both.
- xiii. A person committing such offence subsequently shall be liable to rigorous imprisonment for three years or fine which may extend to Rs.10,000/- or with both.
- d. Checks and Controls on illegal alienation of tribal land :
The Collectors of the Scheduled Areas have been instructed from time to time to supervise properly institution of cases under Regulation

2 and their speedy disposal. They have also been instructed to deal with different categories of cases under the Regulation with clear-cut instruction from the Government in Revenue Department letters from time to time. Recently, in letter no.28557, dt.27.6.2000, Principal Secretary to Government in Revenue Department have requested Collectors of the Scheduled Areas to deal with the Regulation 2 cases and illegal transfer of tribal lands in their respective districts quickly and immediately.

In this letter and in the previous letters suitable instructions have been given to field level revenue officers through the Collectors as to how to deal with cases where alienation has been made without permission, cases where permission given by the competent authority is procedurally or without, cases where alienation has been made through fraud or deceit or cases where alienation is benami. In the Collector's conference on June 24-25, 2002 this issue was discussed in detail and Collectors of the concerned districts were enlightened with legal and procedural aspects of transfer of tribal land in the scheduled areas of the State.

Constitution of Task Force – In the Scheduled areas especially in Southern Orissa which borders with Andhra Pradesh tension built up in the past between tribal and non-tribal communities mainly on possession and enjoyment of land, especially there were previously Government land. Some unfortunate incident took place in the area. To prevent recurrence of such incidents in future and to protect the interest of the tribal people in regard to their land and other properties, a Task Force has been constituted by Revenue Department, Letter No.21344, dt.6.5.2000. The Revenue Divisional Commissioner, Southern Division, Berhampur is the Chairman of the Task Force, while Collectors, S.P.s, DFO's and Settlement Officers in the concerned Districts are members. The Task Force has held three meetings in the mean time and has chalked out suitable steps to maintain and enhance communal harmony, redress grievance of the tribal people, prevent inter-community conflagration and solve land disputes between the tribals and others.

The internally displaced tribals of Sundargarh District had moved writ applications before the Hon'ble High Court of Orissa from time to time for redressal of their grievances in OJC No. 2331 of 1990, 9309 of 93, 3680 of 93, 10089 of 93, 6697 of 94, 12827 of 1996. After careful

scrutiny it has been observed that in the above cases the aforesaid constitutional provisions and statutory laws mentioned above have not been taken into account, for which the tribals have been deprived of their human rights and legal justice.

e. The Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996:

The State Orissa Panchayat Raj Act 1997 negates the Central Act 'The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996'.

- > The country's Parliament has constitutional authority over the State Assemblies. And yet, the clear prescriptions contained in Clause 4 of 'The Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996' have been ignored by the Orissa State Act.
- > The Central Act prescribes in 4(n) that the State Legislations should ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha. This is where the Orissa State Act violates the letter and spirit of the Central Act.

Let us spell them out:

- > Central Act clause 4(o) enjoins the State Legislatures to follow the pattern of the Sixth Schedule of the Constitution while designing the administrative arrangements in the Panchayats at District levels in the Scheduled Areas. The State Act completely ignores this injunction
- > The Central Act, clause 5 directs that any provision of any law relating to Panchayats in force in Scheduled Areas which is inconsistent with this Act shall be amended or repealed by the State Legislatures within one year from the date on which this Act receives the assent of the President. Accordingly, what should have been done between 24.12.1996 and 24.12. 1997 was that the crucial Acts affecting the life of the Adivasi people such as Land Acquisition Act, Mining Act, Forest Act, Orissa Regulation 2 of 1956, Production Policy, Money-lending Act, Education Policy, Health Policy should have been reviewed and suitably amended in keeping with the letter and spirit of the Central Act. None of this was done by the Orissa Government from 1996 to 1997 upto now. This was a sin of omission. Now by enacting the State Act

on the Orissa Government has also committed a sin of commission.

- > The State Act prescribes elections to the Panchayat, prakhand and Zila Parishad, including in Scheduled Areas. This is odious to Adivasi people whose tradition is decision by consensus. Holding election at the village level will divide the people of the village community. Enough damage has been done by the State and National elections. Panchayat elections should be resisted forthwith.
- > Another serious anomaly with the State Act is that it is published in English. The fact is that the mother-tongue of 80 per cent of the Orissa population is not English. Besides, 70 per cent of rural population is illiterate even today. How are they to understand this English document?
- > The Gram Sabha shall be consulted before making the acquisition of land for development projects and before resettling or rehabilitating persons affected by such projects; (4:i). The State Act gives it to Zilla Parishad 4 (ii) (6) (b).
- > Its recommendations shall be sought before granting prospective license or mining lease for minor minerals and before granting of concession for the exploitation of minor minerals by auction; (4:k-1). The State Act gives it to Zilla Parishad 4 (ii) (6) (a)
- > Prior recommendation of the Gram Sabha/Panchayat is mandatory for grant of concession for the exploitation of minor minerals by auction (4:1). The State Act makes no mention of it.
- > The power to enforce prohibition or to regulate or restrict the sale & consumption of any intoxicant given to Gram Sabha & Panchayat (4:m.i). The State Act gives it to Zila Parishad.
- > Gram Sabha & Panchayat to be endowed with the ownership of minor forest produce (4:m.ii). The State Act concurs.
- > The State Act gives only the responsibility for the care & protection of forests to the Gram Sabha but not the ownership of forest-produce. The State Act gives this power only Zila Parishad.
- > Gram Sabha & Panchayat are given the power to prevent alienation of land in

- Scheduled Areas and to restore unlawfully alienated land of the Adivasi to the Gram Sabha (4.m.iii).
The State Act makes no mention.
- > Gram Sabha & Panchayat given the power to control over money-lending to Adivasis (4.m.v).
The State Act makes no mention.
- > Gram Sabha & Panchayat given the power to exercise control over institutions & functionaries in all social Sectors (education, health etc.) (4.m.vi.)
The State Act gives it only to Panchayat Samiti 5 (5) (i).

A human solution to displacement must go beyond even land for land, and extend to compensate all opportunity-costs of uprooting from habitats, i.e. complex social, religious, cultural and material ways of life. "Compensation should be based not just on the replacement value of the land, but of all tangible and intangible assets in the total habitat both individual and collective including knowledge and cultural losses".

Instead of redressing their grievances, the Central Govt. plans to amend the Land Acquisition Act, 1894 (LAQ) and change the Fifth Schedule to make acquisition easier by removing the obstacles in transferring tribal land to private parties. Hence, we need to analyse the system that marginalizes the displaced (DPs) and other Project Affected Persons (PAPs) in the name of national development. To understand the impact of the LAQ, one has to understand the issues raised by the struggles, and among this the debate on the numbers displaced since 1951 and the poor record of rehabilitation. As far rehabilitation is concerned, Orissa has resettled 32 per cent of its DPs from 1951-1995. The displaced persons of Koraput received a compensation of Rs. 2,700/- per acre. So, for sheer survival, the communities that have preserved forests for centuries now destroy what is left for sale as firewood. But deprived of their livelihood, the Govt. call them 'enemies of forests.'

CHAPTER VIII

Rehabilitation Policies of the Government

The history of rehabilitation is a dismal one: most often a story of a long struggle. It begins as a fight for just compensation and becomes one for survival. With no participation in the planning or a share in the benefits of the project that has completely disrupted their lives, in most cases the oustees move from a state of poverty to paupersation. The landed, unless they are big landlords, join the unskilled migrant labourers and the landless get lost in the score of urban slums trying to eke out a living. It is only the rich and wealthy who manage to survive with some dignity.

Table: Persons Displaced by Major Steel Plants since 1956 (Closest 100)

Sl. No.	Name of Plant	Locations	Area (ha)	Total displaced	Tribal	% of ST total	Employment provided (%)
1	2	3	4	5	6	7	8
1	Bokaro	Giridih Dist. Jharkhand	12,442.18	68,700	14,000	21.69	14,000 (20.38)
2	Bhilai	Durg Dist. Madhya Pradesh	13,500.46	31,300	2,400	7.67	3,508 (11.21)
3	Durgapur	Burdwan Dist. West Bengal	6,633.44	11,800	400	3.39	NA
4	Rourkela	Sundargarh Dist. Orissa	13,185.31	23,400	11,300	48.29	4,607 (19.69)
Total			45,761.39	1,35,200	29,000	21.45	2,2115 (17.92)

Sources : Govt. of India, 1985 : 18;83-84; Dhebar 1961:115

The term 'public purpose' has not been defined. So, more land than needed in acquired and mis-used. About 14,000 acres of tribal land acquired by the State Govt. are not required for the Rourkela Steel Plant. The displaced tribals have not received due compensation. They have been paid as compensation only for the loss of crops for one year. Besides, some displaced recorded tenants only were granted waste land instead of their cultivable land up to 3 to 4 acres of land.

Special Measures for Resettlement and Rehabilitation of Adversely Affected or Displaced Tribal Families

- i) Prior to the acquisition of land for any project in any tribal area, an enquiry must be made by the competent Revenue authorities to determine whether any tribal lands have been transferred in violation of the Law on the subject. Social activists and prominent NGOs of the area should be associated with such enquiry, transfer and restoration of the rights and titles of the tribals on their alienated land, before acquisition proceedings are started so that the tribal families are not deprived of their legal rights for compensation, and thus benefits, allotment of fresh land and such other related packages.
- ii) Measures should also be taken to record the rights of tribals in land previously allotted to them or under their possession. All forest land under occupation of the tribal families since 24th October, 1980 or before this date shall be deemed to have been allotted or owned by the concerned tribal families, and while disposing them from such land such families shall be paid full compensation under Land Acquisition Acts. This will ensure that the compensation and rehabilitation package is made available to the tribals.
- iii) In the event of absence of reliable other data for evaluation of the land value in the tribal areas, the minimum land value to be provided for acquisition per acre of tribal land shall not be less than Rs.15,000/-.
- iv) In respect of a tribal land owner, provision of land for land is mandatory.
- v) The resettlement site for displaced tribal families should be selected with great care and in consultation with their traditional/elected leaders or representatives of the displaced families and also with the project authorities as well as reputed voluntary organisations to ensure peaceful resettlement site. It should also be seen that the tribal families are rehabilitated as close to their natural habitat as possible, they should also be provided with their traditional

rights on minor forest produce and common property resources, if available, near to the new place of settlement, and in case any such family can continue their access or entry to such forest or common property in the area near to the place of eviction, they may continue to enjoy their earlier rights to the aforesaid sources of livelihood.

- vi) Efforts should be taken to ensure that all tribal families of the ousted villagers are resettled together in a particular area, to the extent possible. In no case such tribal families be so segregated in providing settlement with house-sites, that they lose the contact within their linguistic group and ethnic group, unless any such family had expressed his willingness/no objection in writing, to such segregated rehabilitation. For settlement of tribal families in a new locality, common property land for religious and community gathering should be allotted free of cost.
- vii) The displaced tribal families shall also be compensated for loss of their customary rights/usage on forest produce in case the new site does not provide for such gathering of such forest produces. Such compensation should be calculated @ 10 times the minimum wages which a tribal family would have earned at the rates fixed by the respective State Governments during one single working season of 45 days, i.e. equivalent to 450 days minimum agricultural wages.

CHAPTER IX

Some Suggestions and Recommendations

The displaced Adivasis of Sundargarh district are struggling right from the beginning for survival. They neither got any justice from the State Government of Orissa, nor from the Rourkela Steel Plant Management, nor from court cases. So, the following suggestions are recommended for taking further steps for solutions as follows :-

- i) The adversely affected displaced persons have ventilated their genuine grievances several times before the Orissa Government and the RSP Management. But the responsible authorities have ignored their problems and tried to tackle them by suppressive and oppressive methods. The State Government as well as the RSP Management never bothered about the pathetic problems of the local Adivasis and their dealings with the problems are quite apathetic in nature. As a result, discontentment among the displaced persons are mounting up day by day. Therefore, a "DISPLACED PERSONS ADVISORY COMMITTEE" should be

- constituted by the State Govt. and the RSP Management and call for an open dialogue with the District Displaced Persons Committee for amicable settlement.
- ii) The burning issues of the displaced persons of Sundargarh district are related to land, compensations, rehabilitation, employment, education, environment, forest and the development of agriculture. Since the Government of Orissa and the RSP Management are unable to give due compensation and employment to the displaced persons; it is the moral obligation of the Government to return back the surplus land to the displaced persons unscrupulously.
 - iii) Govt. of Orissa should clear up the arrear dues of the displaced persons a sum of about Rs. 15,00,00,000/- (Rs. fifteen crores) only towards compensations which have not been paid till date as it is complained by the Displaced Persons.
 - iv) The Displaced Persons as well as Displaced Affected Persons have been illegally dispossessed of their cultivable lands which are the only source of their livelihood. So, instead of giving slow poison to the local Adivasis, ancillary industries which are coming up like mushrooms by outsiders should not be encouraged at the cost of these poor and innocent Adivasis.
 - v) The Govt. officials who are responsible for manipulations of the Adivasis land and the land grabbers who are illegally in possession of Adivasis land should be severely dealt with in accordance with law. The Govt. should take adequate measures for the restoration of tribal lands which have been transferred illegally to non-tribals under the Orissa Regulation 2 of 1956. At the same time offences under the Regulation should be tried by the judicial magistrate without making further delay.
 - vi) Checks and controls on illegal alienations of tribal land in the Scheduled Areas should be given priority. The Collector and the District Magistrate should from time to time supervise properly and institute cases under Regulation 2 and take full measures to restore the tribal lands which have been transferred to Non-Adivasis by way of illegal deed, lease, mortgage, benamy, hoax, proxy transactions etc.
 - vii) There are number of cases in and around Rourkela and other parts of Sundargarh District where Adivasi lands have been illegally and forcibly occupied by Non-Adivasis for their vested interests and commercial purposes. So, it is demanded that a high level judicial enquiry should be conducted to investigate the facts about illegal grabbing of Adivasi land and necessary steps be taken for the restoration of their land.
 - viii) It is very often complained that the lands were acquired for the national purpose, but it is seen that with the passage of time innumerable un-authorized constructions, illegal transfers, leases etc are being made against the main purpose of setting up Rourkela Steel Plant. Nearly 14,000 acres of unutilized land have been subletted to different private persons un-authorized, and the State Govt. of Orissa is collecting rents for the same. The Adivasis have sacrificed their cultivable lands for the public purpose and now they have been left landless and impoverished. Therefore, it is on humanitarian ground demanded by the displaced persons to return back the surplus land to the original tenants rather than selling them for commercial purposes.
 - ix) There is a big controversial issue regarding issuing of fake displaced certificates to non-displaced persons. The displaced persons who have not been employed in the R.S.P. have complained that some corrupt responsible Govt. officials and R.S.P. officials have a big racket who are issuing fake certificates to their relatives and friends who are outsiders and non-displaced persons with the help of some Dalals and Mafias whereas the real displaced persons have been deprived of their rights. In such a case C.B.I. or judicial probe is needed to identify the persons involved and to know the veracity of such complaints.
 - x) The Rourkela Steel Plant was meant for the development of the nation as well as the all-round development of the local tribals. But the local tribals and the displaced persons could not be benefited in this developmental project. It is proved beyond doubt that the people of Sundargarh district and oustees are not the real beneficiaries of the R.S.P., but the real interested parties such as the State, Planners, administrators, technicians, traders, contractors, consultants, capitalists, corrupt officials, politicians, some rich influential persons, Mafias, Dalals, some NGOs and urban consumers who are the direct beneficiaries of the development. On the other hand the Displaced Persons and the Displaced Affected Persons are the real victims who are suffering on account of their loss of land, hearth and home, community life, culture, societal life, polity etc. and due to environmental deterioration, they are struggling for survival. Therefore, it is the moral obligation of the State to give equal justice to the victims. A thorough survey has to be conducted to maintain peace

and justice to the discontented victims of Sundargarh district.

- xi) The inhabitants of Sundargarh district have totally lost faith and confidence in their local leaders who have betrayed them in the past. So, fully committed and charismatic leaders are needed to bring about a socio-economic and political change in the district. The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, should be implemented in the district of Sundargarh in toto for the upliftment the Adivasis.

CONCLUSION

The Adivasi Society is basically an egalitarian society which greatly values co-operation, mutual obligation, community solidarity, honesty, simplicity, sincerity, straight-forwardness and truthfulness. The development of the Adivasis should be guided by the Provisions of the Fifth Schedule of the Constitution of India, the Provisions of Orissa Regulation (2) of 1956 and the Provisions of Panchayats (Extension to Schedule Areas) Act, 1996. Their rights in land and forests should be respected and the Government should take adequate measures to protect their lands. The Adivasis have their 'Self Rule' based on their customary laws, traditions, costumes, common heritage, culture and belief. After the imposition of the British Rules followed by the Free Government of India, the Adivasis have lost their socio-economic equilibrium. The external pressures and implantations of foreign cultures have destroyed the centuries-lived value systems of Adivasis. The land alienation has become a destabilising factor and the protection given under present legal provisions to Adivasi land holders are not adequate. Under the provisions of the Orissa Regulation 2 of 1956, Adivasi lands transferred in favour of Non-Adivasis by way of sale, gift, exchange, mortgage or lease or any other disposition so far have been constantly flouted, and in many of the cases of such transfer of Adivasi lands to the Non-Adivasis these are illegal and fraud. Within a period of a half century, numerous big and small industries have been set up like mushrooms in the district of Sundargarh. In most of the cases the Non-Adivasis have manipulated the existing laws and acquired the Adivasi lands illegally and through unfair means.

The Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes), Regulation, 1956 (Orissa Regulation 2 of 1956) was in force with effect from 4.10.1956 in the Scheduled Areas of the State of Orissa. Sundargarh District comes

under the pervue of the Fifth Schedule of the Constitution of India. This Regulation was being implemented by the Govt. to protect landed properties of persons belonging to Scheduled Tribes in the Scheduled Areas of the State. Under section 3-A(1), the competent authority is empowered to restore possession to the tribal land owner after evicting the non-tribal person from unlawful possession. Transfer of tribal lands to non-tribals in contravention of provisions of the Regulation was treated as an offence. Penalties are provided for u/s 7(1) of the Regulation and section 7A. Section 7C provides for the onus of proving the validity of any transfer or relinquishment of tribal land to non-tribals. In spite of the availability of such provisions for checks and controls on illegal alienation of tribal lands, offences under the Regulation are not implemented in toto. Lot of benami, hoax, proxy transactions, illegal alienations and unauthorized possessions of tribal lands by non-tribals are increasing day by day. None of the responsible govt. officials bother for the protection of tribal lands. So, the Adivasis are deprived of their legal justice and basic human rights.

Upholding the validity of the Act in Maharashtra in 1984, the Supreme Court noted that the transfers of land were due to unequal bargains, and Adivasis constitute a distinct class who need a special protection of the State. The bench also observed that:

"Under the scheme of the Constitution, the STs as a class require special protection against exploitation. The very culture and way of life based as it is upon agriculture which is inextricably linked with ownership of land, requires preventing an invasion upon their lands... one has only to look at the artlessness, the total lack of guile, the ignorance and innocence, the helplessness, the economic and educational backwardness of the tribals pitted against the artful, usurious, greedy land grabber and exploiter invading the tribal areas from outside, to realize the urgency of the need for special protection of the tribals if they are to survive, and to enjoy the benefits belonging to the sovereign socialist, secular, democratic republic which has vowed to secure to its citizens justice – social, economic and political – assuring the dignity of the individual."

Now it is the turn of the Adivasis to get organized themselves in one platform and demand for the implementation of the laws relating to checks and

control on illegal alienation of their land for three main reasons –

- (i) The Adivasis are gradually becoming a minority in the areas of their habitation in a short span of 30 to 40 years where once they were in the majority. They are yet to be organized as a community and a class commanding the political clout in languages and expressions that are understandable to the ruling classes.
- (ii) The tribal district of Sundargarh continues to provide natural resources for the State and market. And added strength to the Adivasis by return of their lands in the context of their growing political consciousness and assertion, they fear, would prove an effective barrier to the plunder of the resources.
- (iii) The Adivasis should be emancipated from the clutches of the corrupt Govt. Officials, politicians, greedy land grabbers and the corrupt web of judicial system and they should be allowed to have peace and good government in accordance with the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 based on their customary laws.

Dr. B.D. Sharma in his book entitled "TAMING THE TRANSITION IN SCHEDULED AREAS" has rightly pointed out as follows –

"A major point raised by the Bhuria Committee

related to this ad hocism. Moreover, the moment a person comes to occupy a position of authority in the System, he acquires oracular aura with little concern for other views and even the final goals. We have therefore, now the dubious distinction of having a system which, so far as the people are concerned, specializes in a negative sum game or may be, even for the nation as a whole. In this case each actor at the end of the day may congratulate himself for doing a 'perfect' job. Yet the sum-total of their collective efforts may be a simple disaster for the people. Thus in this arithmetic $1+1+1+1+\dots = -1$. This is what has happened in the case of tribal development. A BIG ZERO in their case could have gone down in history as a great achievement."

It is also applicable to the Adivasis of Sundargarh district due to the establishment of Rourkela Steel Plant. The life and struggle of the Displaced Adivasis of Sundargarh District in Orissa have created a big vacuum of Developmental Mirage. They will never compromise with their Dikus for such malicious acts as they have been adversely affected by the developmental project of the nation. In reality the development of the local Adivasis has become A BIG ZERO in the district and their Human Rights have been grossly violated.

Rourkela from 1921 to 2005

Text published on the backside of a Rourkela city poster map
for a Community Development Campaign by an NGO "GYANALOK", Rourkela 2005
[Excerpts]

Rourkela is known as the industrial capital of Orissa having the Rourkela Steel Plant and many ancillary industries have helped industrialization of the city. Recent up spurt in iron & steel pricing has seen a lot of industries of all sizes coming in and around Rourkela. Today the Rourkela city is not only known internationally for iron & steel trades or as steel city but also known as the Garden city of our country due to the prestigious Indira Priyadarshini Vrikshamitra Award which Rourkela has received from the Minister of Environment and Forest, Government of India on 16th September 2005.

Today the beautification of our Rourkela city and the picturesque of the modernized Rourkela township as well as it's developed peripheral areas not only make people bewitching but also wonder them to know that most of the areas were once surrounded by dense forests punctuated by low laying hills.

The population of Rourkela is more than 5 lakhs now. But the number of population as per the record of 1921 was only 382. The then railway station of Rourkela was within the revenue village of 'Mahulpali'. There was a very small village towards the southeast corner of Mahulpali within a distance of about two kilometers called 'Rourkela'. The literary meaning of Rourkela according to the language of 'Sadri' is your home. It is also learnt that a tribal community called 'Raulia' had been living at the village since time immemorial. They were experts in 'Tantrick Bidya'. According to their ancestral occupation the village was known as Rourkela. The present name of Rourkela is the outcome of the ancient tribal village of Rourkela.

The Bengal-Nagpur Railway Company constructed the Howrah Nagpur railways, which ran through Rourkela and some merchants, started settling at Rourkela with business motives, around the village and the railway station was named after the village Rourkela. The erstwhile revenue village of Rourkela is now popularly known as old Rourkela.

The habituated area around the railway station of Rourkela was declared as an urban town in the year 1931. The report of 1931 reveals that the number of population was 493. By the time a primary school, an office of the forester, a sub-post office, some tea stalls, restaurants, some shops of liquor and opium were there around the station area. Gradually a train line was connected to Birmitrapur and Rourkela could avail a status of a junction and the number of railway employees also started increasing.

There was another station at the village Panposh, which is about 10 kilometers away from Rourkela. The population of Panposh by 1931 was 2252 almost five times than that of Rourkela.

There was a village called Durgapur in between Rourkela and Panposh stations. The construction of the sub-divisional court building was started in 1945 at the village Durgapur, the present Uditnagar. As a result, the two railway stations of Panposh and Rourkela got famous.

India got her independence. The Government of India under the ablest leadership of the first Prime Minister Pandit Jawaharlal Nehru, decided to set up large steel plants by the government itself after the general election of 1952. To make India self-dependent in iron and steel, the feasible spot for steel plants were searched in different states like West Bengal, Orissa, Bihar, and Madhya Pradesh. Rourkela and it's adjacent areas are rich in iron ores, manganese, dolomite and limestones, the basic raw materials for production of iron and steel. Rourkela was considered as the best place for steel plant in spite of being a hilly area surrounded by dense forest. [...]

The world famous steel company Fried. Krupp of Germany and his partners the German engine constructors Demag AG came forward to provide financial and technical help for the proposed steel plant at Rourkela with the Indian Government, represented by the Hindustan Steel Limited (HSL). It had become the foundation for one of the most ambitious projects in the history of West

German democracy that [contributed] to the transformation of one of the most underdeveloped parts of India into one of the most modern industrial cities in Asia in a time of only four years. The head of Krupp's housing department, the architect and later mayor of the city of Essen, Konrad Steiler, designed Rourkela city.

The technical experts of the company advised the Government of India as well as the Government of Orissa for acquiring more amount of land and attempt was made to fulfill their suggestions. As a result a further area of 32 square kilometers was acquired out of thirty-one revenue villages. Almost 13,000 people comprising 2,424 families had to loose their dwelling sides. Later further 11,000 acres of land was acquired out of thirty-one revenue villages for the construction of Mandira Dam. Still further land was acquired for the purpose of constructing railway lines to Hatia and Barsuan. Construction of Bondamunda Railway junction required further acquisition of land as a matter of fact further 20,000 people had to leave their homestead land.

Thousands of technical personnel from West Germany extended their technical assistance. The infrastructure work of the plant was accomplished in between 1955 and 1960. The Republic of Germany extended technical know how for the construction of the steel plant and the plant was considered a joint venture of the Government of India and Germany. The initial production limit of one million tones steel per annum was raised to 1.8 million tones in the subsequent years. The internationally reputed firms like the KRUPP, DEMAG, G.H.H Sag, Schloemann, SIEMENS and VOEST ALPINE etc. supplied different machines and machinery parts to the plant at the beginning stage. Many different companies all over the country with contractors and labourers flocked to Rourkela and were engaged in constructing the steel plant. Consequently there arose a rush of workers and business community.

Rourkela Steel Plant, Fertilizer Plant, Fertilizer Township, Steel Township and different sectors were constructed on the areas so acquired by the Government of Orissa. A marshalling yard and a railway junction were established at Bondamunda over the land acquired by the government.

The people who lost their home stead land and native places were resettled in resettlement localities like Jalda, Jhirpani and Bondamunda. The Govt. land beyond the river Koel was distributed among the people who lost their land for the purpose of steel plant. [...]

Apart from crossing new milestones on the production and productivity front in the township too the Plant has been making fresh endeavors in the area of enhancing aesthetics and nurturing nature.

This year an award has been instituted to recognize the greenest departments in the works area every year. Besides, to improve the aesthetics more flower bearing trees are being planted. Dr. Sanak Mishra, an avid nature lover, has exhorted the Rourkelites to make Rourkela a garden city. On the leadership of him - recently, a face lift has been given to the entire steel township which includes cleaning and carpeting of roads, repairs of drains, removal of garbage, modification of chowks keeping in mind road safety, besides general cleanliness. This has been greatly appreciated by the public at large as well as the visitors to the Steel City. It is significant that the drive for solid waste utilization stepped up by the Plant has not only resulted in disposal of wastes that are a potential environmental hazard but also earned substantial revenue for the Plant. In fact today the development of the Rourkela City encourages everybody to march forward with a discipline platoon. Especially the movement by the youth power of the Rourkela city is now to be continued for the character evolution in our country. [...]

Rourkela Steel Plant A Shining Example of Indo-German Friendship and Collaboration

Lecture delivered by DR. SANAK MISHRA, Managing Director, Rourkela Steel Plant
on the occasion of the 49th Annual General Meeting
of the Indo-German Chamber of Commerce, Mumbai, September 28, 2005

Germany was one of the first nations to have established strong economic ties with independent India. The Government of India under the leadership of the then Prime Minister Pandit Jawaharlal Nehru, decided to set up large steel making facilities in the country. Soon after the General Election of 1952 the Planning Commission provisioned investment outlay during the Second Plan period of 1956 to 1961. Germany liberally extended economic and technical assistance to India. Soft-term economic assistance through Kreditanstalt für Wiederaufbau (KfW), the German Development Bank, helped a consortium of six large German companies to set up a most modern steel plant in a greenfield site at Rourkela on the north-western tip of the state of Orissa.

In December, 1953 the Government of India signed a historic agreement with a consortium of German companies viz. Krupp, Demag, Gutehoffnungshütte (GHH), Mannesmann, Allgemeine Electricitäts Gesellschaft (AEG) and Siemens. This was the first mighty leap by India towards rapid industrialization. The following year saw two further developments, one in India and the other in the Federal Republic of Germany. On January 19, 1954 Hindustan Steel Limited (HSL) was launched and a couple of months later in March 1954 Krupp and Demag set up a separate company - Indien Gemeinschaft Krupp Demag (IGKD) - with headquarters at Duisburg. The IGKD, besides being consultants for design and procurement of all plant equipment, was also to design the layout, supervise erection and commission India's first fully integrated steel plant.

On June 9, 1954 the Board of Directors of HSL met in New Delhi to give the go-ahead signal to IGKD for construction of the plant at Rourkela. The Rourkela Steel Plant (RSP) was constructed in less than five years during 1956-1961.

The Federal Republic of Germany extended technical knowhow for the construction of the steel plant and the plant was always considered as a joint venture of the Governments of India and

Germany. The first Blast Furnace was lighted up on 27th January, 1959 by the then President of India, His Excellency, Dr. Rajendra Prasad and the units at the 1.0 Million Tonne stage were commissioned between December 1958 and early part of 1962. With the finalisation of the Third Five-Year Plan, a decision was taken to expand the capacity of the Plant from 1 Million Tonne to 1.8 Million Tonne. The project was taken up at a cost of Rs.1,050 million. The Government of India entered into a loan agreement with the KfW Bank of West Germany for a credit of DM 396 million. The expansion units were all commissioned between 1965 and 1969.

The participation of German experts and specialists helped put Rourkela on the industrial map of the world. Teams of designers, project engineers and technicians came down from the Federal Republic of Germany to assist in the erection of the Plant. At the peak of the erection activity, 1,800 German engineers and technicians worked with their Indian colleagues in building this 'Temple of Modern India'. The IGKD assignment came to an end in 1962 with the completion of the first stage of the project. Under the schemes sponsored by the IGKD, a large group of Indian personnel received training, on advanced know-how, in the Federal Republic of Germany.

In order to overcome technological obsolescence and to continue to remain competitive in the marketplace, Rourkela Steel Plant went in for modernization in the year 1988. Once again the KfW Bank of Germany provided soft-term economic assistance secured by the Steel Authority of India (SAIL) vide an Agreement in October 1992. Phase-I of modernization focussed on improving the quality of raw materials, upgradation of Blast Furnaces, construction of Lime Dolomite Brick Plant, Cast House Slag Granulation Plant in BF#4, Raw Material Handling System, Coal Handling Plant in Coke Ovens and augmentation of Power Distribution System. This was completed in 1994. Phase-II of modernization, which got completed in 1997, introduced new Sinter Plant and Basic

Oxygen Furnaces and Slab Casting Shop in a new Steel Melting Shop-II, installation of Slab Casting Shop in the old Steel Melting Shop-I and modification of Plate Mill & Hot Strip Mill. German companies like SMS, MDH and MDS erected and commissioned facilities such as slab casters in Steel Melting Shops I and II and upgradation of the Hot Strip Mill. Apart from this, for ensuring cleaner environment, most of the existing units were provided with pollution control facilities, while some of the old units were phased out. The investment in the modernisation programme of RSP included an expenditure of about Rs. 1300 million on pollution control measures alone. This, along with the investments under different Addition, Modification and Replacement schemes which were implemented concurrently, added up to a bulk investment of Rs. 3200 million towards ensuring a clean environment. The present capacity of the plant is 2 MT of Hot Metal, 1.9 MT of Crude Steel and 1.671 MT of Saleable Steel. Its wide and sophisticated product range includes various flat, tubular and coated products including electric steel sheets.

Rourkela Steel Plant is the first steel plant in India with 100% slab production through continuous cast route. Almost all the major units of the plant are covered under ISO:9002 Certification and the Silicon Steel Mill of RSP was awarded ISO:14001 for Environment Management. It is one of the unique steel plants under the Steel Authority of India Limited (SAIL) with a wide variety of special purpose steels. The use of its plates in ship building and high pressure vessels, silicon steel in the electrical industries, corrugated galvanized sheets for roofing including industrial roofing, pipes in the oil & gas sectors, tin plates in packaging industry and special plates for defense applications is well known. Rourkela Steel Plant also had the distinction of being one of the most profitable plants of SAIL with the longest stretch of uninterrupted net profit during the period 1984-85 to 1994-95. However, during the period from 1995-96 till 2001-02, due to adverse market conditions and low capacity utilization of its modernized units, coupled with heavy interest burden, the Plant incurred huge losses. The adverse physical, market and financial conditions produced a predictable influence on the psyche of the human resources. Therefore, we initiated a comprehensive Turnaround Strategy in the year 2001-02 and took up the challenge of reviving and transforming Rourkela Steel Plant from a loss making to a "Profitable, Harmonious and Vibrant Organization".

The change intervention was started with a firm belief that people constitute the most powerful force in moving an organization forward even if the organization is technology centred. In order to synergise people towards taking up stretched goals through a collective resolve, we started the weekly Mass Contact Exercise on 1st April 2002, in addition to two department-specific Performance Improvement Workshops every week. The purpose of this massive interaction was to facilitate a convergence of more than 500 employees every week to secure individual commitment for survival and future of the plant. Such an intervention is unique in Indian corporate history.

If there was one thing that revolutionized the minds of the employees, it was the SAMSKAR Movement in Rourkela Steel Plant introduced along with the Mass Contact Exercise. The word SAMSKAR, imbibed from Vedic philosophy implies continual reforms. It states, "we have to create and sustain a peaceful work environment where every employee can contribute to the plant in assigned area of work with full freedom and dignity and without fear." By "Regenerating Strength with people", Rourkela Steel Plant has transformed into a "Profitable, Harmonious and Vibrant" organisation. In the year 2002-03, Rourkela Steel Plant ended the fiscal on a promising note, registering its best-ever annual physical performance since inception in all aspects of its working. Since then, there has been no looking back for Rourkela Steel Plant.

The employees of Rourkela Steel Plant have worked hard to achieve a very significant turnaround - both in physical terms and work culture - and overcome what has appeared at one stage as unsurmountable difficulties. This conviction of the Rourkela collective was further strengthened when the President of India, Dr APJ Abdul Kalam visited Rourkela on May 13, 2003.

The Rourkela Steel Plant achieved a spectacular financial result in the fiscal 2004-2005, registering a net profit of Rs. 1045 Cr (about Euro 200 Million) This financial turnaround was also supported by achievement of highest ever sales turnover since inception.

The focus has been on capacity utilization to bring down operating costs and during the year 2004-2005 the new steel melting shop operated at over 110% and the plate mill operated at as high as 115% capacity utilization. Process parameters like total metallic input and average lining life of converter and ladles in both the steel melting shops

were the best since inception. Other parameters like improvements in the yield in hot strip mill and plate mill, reduced energy consumption, petrofuel consumption and water consumption facilitated cost reduction endeavours.

The Plant today is building systems and processes that will help to sustain its performance. Rebuilding of Coke Oven Battery # 1, upgradation of ERW Pipe Plant by M/s Salzgitter, Germany, upgradation of power generation facilities in Captive Power Plant - I (CPP-I), are efforts in this direction. By the end of September 2005, the ERW Pipe Plant will be a Level II automated unit. Today RSP has the capability to produce 6000 Tons of hot metal everyday from its four blast furnaces as Blast Furnace # 4 has been commissioned after complete rebuilding with technical upgradation. Only recently the successful commissioning and stabilization of slag granulation plant for BF # 1 has eased the pressure on logistics in the Blast Furnace Shop, as a whole. RSP has made plans towards becoming a 3MT Plant by 2011-12. The build-up plan from 2MT to 3MT is being scripted in detail over three phases viz. 2004-2006, 2006-2008 and 2011-2012.

As already mentioned, SAIL had entered into an agreement with M/s KfW, Germany on 20-10-1992 for financing the modernization of RSP. As per terms of agreement M/s KfW provided loans to SAIL amounting to 280 Million DM. What is unique about the agreement is that every year a major portion of the interest i.e. 4% of 130 Million DM loan is earmarked for utilization in pollution control schemes and it may be mentioned that 8% interest of 20 Million DM Loan amount has been earmarked for financing periphery development. At RSP this arrangement is referred to as the KfW Split Interest Fund.

Apart from using the Split Interest Fund for financing many Pollution Control Schemes in areas such as Coke Ovens, Power Plant, Sinter Plant, etc. Rourkela Steel Plant, jointly with M/s Ecosmart India Limited, Mumbai, developed an on line Environmental Information Management System (EIMS), also supported by the same fund. The EIMS integrates all environmental parameters and processes the data generated at different sources to generate outputs which help in taking decision for initiating corrective action on the erring process. We are presently in the second and final phase of the implementation of the EIMS in all the departments of RSP. These departments and the township have been linked with optical fibre network and online real time sensors are

used for monitoring environmental parameters. The ambient air quality in the township is also monitored continuously and the data displayed through a LED scroll board for information of the citizens.

Our commitment to a better environment got national recognition, when RSP was awarded the 5th Annual Greentech Environment Excellence Gold Award given by the Greentech Foundation, New Delhi. It added another feather to its cap after getting Indira Gandhi Memorial National Award - 2004 for Excellent Pollution Control Implementation from International Greenland Society, Hyderabad. The Plant was conferred with the prestigious Golden Peacock Environment Management Award by the World Environment Foundation at the 7th World Congress on Environment held in June 2005, thereby making it the first steel plant of the country to bag the honour. This month, RSP has been awarded Indira Priyadarshini Vrikshamitra Award in the category of Corporate Sector for the year 2003 by the Ministry of Environment & Forest, Government of India, in recognition of outstanding work in the field of afforestation.

Committed to bringing about improvements and spread smiles in the whole region, RSP has gone beyond the realms of steelmaking and the boundaries of the steel plant to spread prosperity in the surrounding region. Thus developmental activities in the peripheral villages have been carried out in a planned and structured manner. For this purpose, the KfW Split Interest Fund has been used, apart from funding by RSP itself.

As part of the peripheral development activities, which received a strong boost with the visit to Rourkela in Feb, 2004 of Ms Andrea Johnston, the Head of KfW Office in New Delhi, medical aid centres have been set up in the periphery and two medical aid centers are operating in the neighbouring area specially for mentally challenged children. Free eye check-up camps and cataract operation camps are being organised regularly for elderly people living in the neighbourhood. We are providing adequate support to the Government's efforts in eradicating polio through publicity campaigns and organization of pulse polio camps.

RSP has constructed roads, culverts and bridges interlinking different villages with each other and with the nearby towns. On the education front, in the periphery villages, RSP has supported the Government efforts in constructing additional

class rooms in various schools and colleges, in 100 different villages.

A blue-print called 'Shankha Dhvani' was prepared, with the help of SRI (Society for Rural Industrialization), Ranchi which comprises a broad outline of the projects to be taken up in the next five years in the peripheral villages. To steer RSP's effort and commitment towards Corporate Social Responsibility, an Institute for Peripheral Development was created at Rourkela with KfW funds and building and infrastructures given by Rourkela Steel Plant to deal with policy, strategy and implementation of the projects. Further, in August, 2005, Rourkela Steel Plant has signed a Memorandum of Understanding (MoU) with BAIF, Pune, a pioneering organization in the field of social service. The MoU has helped to launch a five year programme, under which a number of schemes will be implemented dealing with the enhancement of livelihood opportunities of rural people, such as skill upgradation and capacity building through training; developing youth

leadership; promoting Agri-Horti-Forestry for improved yield, encouraging entrepreneurship, catalyzing the formation of self-help groups and village level organizations etc. The programme aims at direct involvement of the people at the grass roots level in every scheme.

Rourkela Steel Plant today stands as a monument of Indo-German friendship and co-operation. The technology and machines in the plant, layout of housing colonies, markets, water and sewerage treatment facilities in the township are all examples of strategic planning ingenuity. The indelible prints of German expertise are very much evident. The Indo-German Club and Max Mueller Bhawan (now Rourkela Social and Cultural Trust) are examples of the strong bonds Rourkela has with Germany.

The most eloquent testimony to this Steel City's close relationship with Germany is the fact that even today Rourkela is fondly referred to as - "The Ruhr area of India".

PART III: WIDER IMPLICATIONS OF INDUSTRIAL PROJECTS IN ADIVASI AREAS

Introduction

The state government of Orissa, since the 1950s, is strongly pursuing industrialisation and exploitation of the mineral resources in the state. Especially during the last few years, this development has taken some ugly turns: the government and the corporate sector as well are not much bothered about the protests of the people, especially the Adivasis living in these regions and struggling for their land and the environment which is their livelihood. A glaring example of this is the conflict over bauxite mining in the Adivasi areas of southern Orissa. Three Adivasis were killed there during a police raid in December 2000.

More and more industrial projects are coming up in Orissa and neighbouring Jharkhand, among them a large number of sponge iron plants who have been mushrooming all over the region, even in remote forest areas, where they are doing a lot of environmental damage. Some of these projects have foreign collaborations, however these are not always disclosed. Orissa and Jharkhand belong to the core areas of the Adivasis in India. In both states resistance is building up, and even brutal repression by the state cannot break this.

The experience with industrialisation in this region is now almost 50 years. It started with the historic Rourkela Steel Plant - and it found its tragic climax on 2nd January, 2006 with the violent death of at least 12 Adivasis. They were defending their land and culture against the establishment of another mega steel plant proposed by the private TATA Steel Company at Kalinganagar in Jajpur District, Orissa. A human rights and activist network from Jharkhand has provided an impressive report on this. Within days after the Kalinganagar massacre, protests in Rourkela flared up again in a massive way. This proves that the people see the link between Rourkela and Kalinganagar. They understand very well that this type of "development" has no place for them.

If corporate social responsibility is to be more than just rhetoric and linguistic nostalgia, it must be followed by reasonable action in direct dialogue with the social groups concerned and affected. The first demand in this regard is to honour the constitutional and legal provisions for Adivasis or the Scheduled Tribes of India. Beyond this, these provisions can also be interpreted in a creative and affirmative manner.

**Table 5: German and European companies
involved in the construction of Rourkela Steel Plant**

Sl. No.	Name	Present name after merging with other companies
1	AEG, Allgemeine Elektrizitätsgesellschaft A. G. , Berlin	ALSTOM
2	Arbeitsgemeinschaft Krupp-VÖEST, Essen	Siemens/VA Tech
3	British Oxygen Linde Ltd., London, together with Gesellschaft für Linde's Eismaschinen A.G., Höllriegelskreuth bei München	
4	Brown, Boveri & Cie. A.G., Mannheim	ALSTOM
5	DEMAG A.G., Duisburg	
6	(German Consortium consisting of:) Demag-Stahlbau, Duisburg Fried. Krupp, Rheinhausen Dortmunder Brückenbau, Dortmund C. H. Jucho, Dortmund Hein, Lehmann & Co. A.G., Düsseldorf Siegener A.G., Geisweid Rheinstahl-Union-Brückenbau A.G., Dortmund	Thyssen-Krupp AG SMS Demag AG
7	Didier-International GmbH., Wiesbaden	
8	Dorstener Eisengießerei- und Maschinenfabrik A.G., Dorsten/W.	
9	Gutehoffnungshütte Sterkrade A.G., Oberhausen-Sterkrade	SMS Demag AG
10	Kampnagel A. G. , Hamburg	
11	August Klönne, Dortmund	
12	Koppers-Export GmbH., Essen	
13	Fried. Krupp, Essen/Rheinhausen	Thyssen-Krupp AG
14	Krupp-Ardelt GmbH., Wilhelmshaven	
15	Krupp-Indien Handelsgesellschaft mbH., Essen/Düsseldorf	
16	Matthias Ludwig Industrieofenbau, Essen	
17	Lurgi-Apparatebau Ges. mbH., Frankfurt/M.	
18	Mannesmann-Meer A.G., Mönchen-Gladbach	SMS Demag AG
19	Mannesmann-Seiffert Rohrbau GmbH, Düsseldorf, Vereinigter Rohrleitungsbau A.G., Düsseldorf Maschinenbau A.G. Balcke, Bochum Klein, Schanzlin & Becker GmbH., Frankenthal/Pf.	
20	OFAG Ofenbau A.G., Düsseldorf	
21	OFÜ Ofenbau-Union GmbH., Düsseldorf	
22	Dr. C. Otto & Comp. GmbH., Düsseldorf-Rath	
23	Sack Maschinenfabrik GmbH., Düsseldorf-Rath	SMS Demag AG
24	SIEMAG Siegener Maschinenbau GmbH., Dahlbruch / Kr. Siegen	SMS Demag AG
25	Friedrich Siemens Industrieofenbau GmbH., Düsseldorf	
26	Siemens & Halske A.G., München/Braunschweig	
27	Siemens-Schuckertwerke A. G., Erlangen	
28	Carl Schenck Maschinenfabrik GmbH., Darmstadt	
29	(Stahlexport Gemeinschaft:) Robert Zapp-Fortuna GmbH., Düsseldorf Stahlwerke Brüninghaus, Westhofen/W.	
30	J. Vögele, Mannheim	
31	H. A. Waldrich GmbH., Siegen/W.	
32	Westofen GmbH., Wiesbaden	
33	Schloemann A.G., Düsseldorf	SMS Demag AG

*This list is excerpted from a German book:
Klaus Roeh, Rourkela als Testfall für die Errichtung
von Industrieprojekten in Entwicklungsländern.
(Rourkela - a test case for industrial projects in deve-
loping countries)
Hamburg. Verlag Weltarchiv. 1967.*

*The update information on present names of companies
is from a young engineer working with SMS Demag
AG.*

Table 6: List of Steel Plant Projects in Orissa

[Source: Government of Orissa, Department of Steel & Mines
<http://orissagov.nic.in/steel&mines/mous.htm>]

**LIST OF STEEL PLANT PROJECTS
 FOR WHICH MoUs HAVE BEEN SIGNED WITH STATE GOVERNMENT
 (AS ON NOVEMBER 03,2005)**

Sl. No	Name of the Company	Location	Capacity in MTPA	Investment Rs. in crore	Date of signing of MoU
1	M/s Bhushan Group of Companies	Lapanga, Sambalpur	Phase-I- 1.2 Phase-II- 1.6	1,650 1,850	15.05.2002
2	M/s Aarti Steels Ltd	Ghantikhal, Athagarh, Cuttack	Phase-I- 0.5 Phase-II- 0.5	512 374	01.10.2003
3	M/s Neepaz Metalicks (P) Ltd	Chadrihariharpur, Rourkela, Sundargarh	Phase-I- 0.26 Phase-II- 0.15	202.5 197.5	01.10.2003
4	M/s Scaw Industries (P) Ltd	Gundichapada, Dhenkanal	Phase-I- 0.25 Phase-II- 0.55	310 514	01.10.2003
5	M/s Deo Mines & Mineral (P) Ltd	Bonai, Sundargarh	0.325	316	01.10.2003
6	M/s Visa Industries Ltd	Jhakhapura, Duburi, Jajpur	0.35	345.78	26.12.2003
7	M/s SMC Power Generation Ltd	Hirma, Jharsuguda	Phase-I- 0.25 Phase-II- 0.15	141 314	26.12.2003
8	M/s Shyam DRI Power Ltd	Pandoli, Rengali, Sambalpur	0.27	224.71	09.02.2004
9	M/s Sun-Flag Special Steels Ltd.	Bomlai, Sambalpur	Phase-I- 0.35 Phase-II- 0.65	348.74 588.45	26.08.2004
10	M/s Orissa Sponge Iron Ltd	Gurla, Govindpur, Sambalpur	Phase-I- 0.35 Phase-II- 0.6	395 642	26.08.2004
11	M/s SPS Sponge Iron Ltd.	Badmal Growth Centre, Jharsuguda	0.29	210	26.08.2004
12	M/s Maharastra Seamless Ltd.	Kalinganagar Industrial Complex, Duburi, Jajpur	Phase-I- 0.3 Phase-II- 0.18	245 205	26.08.2004
13	M/s OCL India Ltd.	Rajgangpur, Sundargarh	0.25	204.21	27.11.2004
14	M/s AML Steel & Power Ltd.	Kalinganagar Industrial Complex, Duburi, Jajpur	0.275	208.67	27.11.2004
15	M/s Maheswary Ispat (P) Ltd.	Rampey, Khuntuni, Cuttack	0.25	210.00	27.11.2004

Sl. No	Name of the Company	Location	Capacity in MTPA	Investment Rs. in crore	Date of signing of MoU
16	M/s Monnet Ispat Ltd.	Mangalpur, Dhenkanal	0.25	281.09	27.11.2004
17	M/s Aryan Ispat & power (P)Ltd.	Bomlai, Rengali, Sambalpur	0.30	393.14	27.11.2004
18	M/s Maithan Ispat Ltd.	Kalinganagar Industrial Complex, Duburi, Jajpur	0.27	335.25	27.11.2004
19	M/s Sree Metaliks Ltd.	Loidapada, Barbil, Keonjhar	0.25	190.44	27.11.2004
20	M/s MSP Metalicks (P) Ltd.	Marakuta, Jharsuguda	0.26	260.59	27.11.2004
21	M/s Action . Ispat & Power (P) Ltd	Pandiripathar & Marakuta, Jharsuguda	0.25	270.00	27.11.2004
22	M/s Agrim Steel Industries Ltd.	Marakuta, Jharsuguda	0.36	501.73	27.11.2004
23	M/s Tube Investment India Ltd.	Kalinga Nagar, Industrial Complex, Duburi. Jajpur	Phase-I- 1.2 Phase-II- 1.8	3,480.00	21.04.2005
24	M/s Patnaik Steel & Alloys Ltd	Purunapani, Joda, Keonjhar	0.27	337.42	04.05.2005
25	M/s Rathi Udyog Ltd.	Potapally-Sikridi, Sambalpur	0.30	272.85	04.05.2005
26	M/s Viraj Steel & Energy Ltd	Gurupali, Pandalo, Sambalpur	0.30	207.00	04.05.2005
27	M/s Deepak Steels & Power Ltd.	Topodih, Barbil, Keonjhar	0.25	195.31	04.05.2005
28	M/s Konark Ispat Ltd.	Hirma, Jharsuguda Jharsuguda	0.25	196.50	04.05.2005
29	M/s Beekay Steel & Power Ltd	Uliburu, Barbil, Keonjhar	0.28	319.80	04.05.2005
30	M/s BRG Iron & Steel Co. (P) Ltd	Khurunti, Dhenkanal	0.25	228.05	04.05.2005
31	M/s Jain Sponge (P) Ltd	Durlaga, Jharsuguda	0.30	251.77	04.05.2005
32	M/s Jindal Stainless Ltd.	Kalinganagar Industrial Complex, Duburi, Jajpur	Phase-I- 0.8 Phase-II- 0.8	1,612.00 5,016.00	09.06.2005
33	M/s Rungta Mines Ltd.	Kamando, near Koira, Sundargarh and Jharaband, Dhenkanal	(1 MTPA each) 2.00	2,275.00	3.11.2005
34	M/s Stats Steel India (P) Ltd.	Tangi, Cuttack	0.5	855.00	3.11.2005

Sl. No	Name of the Company	Location	Capacity in MTPA	Investment Rs. in crore	Date of signing of MoU
35	M/s Brand Alloys Ltd.	Palaspanga, Keonjhar	0.27	307.54	3.11.2005
36	M/s Eastern Steels & Power Ltd.	Lahandabud, Jharsuguda	0.25	254.00	3.11.2005
37	M/s Jai Balaji Jyoti Steels Ltd.	Tanisar, near Lathikata, Sundargarh	0.33	321.14	3.11.2005
			(A)	21.94	28,570.18

**LIST OF MEGA STEEL PLANT PROJECTS
FOR WHICH MoUs HAVE BEEN SIGNED WITH STATE GOVERNMENT
(AS ON NOVEMBER 03,2005)**

Sl. No	Name of the Company	Location	Capacity in MTPA	Investment Rs. in crore	Date of signing of MoU
1	M/s TATA Iron & Steel Co. Ltd	Kalinganagar Industrial Complex, Duburi, Jajpur	1st Module- 3.00 2nd Module- 3.00	10,400 5,000	17.11.2004
2	M/s Sterlite Iron and Steel Company Ltd.	Palasponga, Keonjhar	Phase-I- 3.4 Phase-II- 1.7	9782 2720	15.10.2004
3	M/s Hy-Grade Pellets Ltd. (ESSAR Group)	Paradeep	4.00	10,721	21.04.2005
4	M/s POSCO India Project (P) Ltd.	Paradeep	12.00	51,000	22.06.2005
5	M/s Jindal Steel & Power Ltd.	Benefication Plant at Deojhar, Keonjhar & Steel Plant at Angul	6.00	13,135.02	3.11.2005
6	M/s Bhushan Steel & Strips Ltd.	Meramundali, Dhenkanal	3.00	5,828.15	3.11.2005
			(B)	36.10	108,586.17
Total			(A+B)	58.04	137,156
			C.	12.35	22,975.85
Gr. Total			(A+B+C)	70	160,132

The above list is from the official website of the Government of Orissa. The calculation with the totals is found there as such. It is not clear what is being calculated in category C at the bottom of the table.

Table 7: Ongoing and Upcoming Projects in Jharkhand

[The list below was compiled by B.I.R.S.A., an Adivasi activist group from Jharkhand, on the basis of a number of newspaper reports with apparently no uniform details.

All these projects are in Jharkhand districts like East Singhbhum, Seraikella Kharsawan, West Singhbhum and Latehar in the border areas of Orissa, Chhattisgarh states]

Sl. No.	Name of the Company	Product Details and Capacity of the Unit	Investment In Crore	No. & Names of Villages to be displaced /Area	No. of Population to be displaced	Land Requirement Acquired in Acres/Hectares	Forest Land Acquired in Acres/Hectares
1.	Tata Steel	Steel – 12MT Power Plant Captive Iron Ore Mines (Pro.)	42,000	23/Tentoposi Seraikella-Kharsawan,	30,000	10,000Acrs.	500Acrs.
2.	Mittal Iron and Steel Ltd .	Steel – 12MT Power Plant 2500MW Captive Iron Ore Mines	40,000	Meghahatuburu, West Singhbhum or Karra of Khuti, Ranchi		10,000Hec. [=ca.24,710Acrs]	
3.	Jindal Steel	Steel – 5MT Power Plant 1000MW		12/ Asanboni, Potka Block, East Singhbhum		3,000Acrs.	
4.	Calcutta Electric Supply Corp.	Power Plant	8,500	Nimdih Block, Chandil, Seraikella Kharsawan		1,000Acrs.	
5.	Tata Power			Nimdih Block, Chandil, Seraikella Kharsawan			
6.	Bhusan Steel	Steel (CRC Sheet) – 2.4MT	6,510	Ghorabandha, Asanboni, East Singhbhum		5,000Acrs.	
7.	KBL Steel	Steel	1,833				
8.	Hygrade Plate Ltd.					5,000Acrs.	
9.	Monet Ispat Ltd. (Delhi)	Iron & Steel Mining	1,400			5,000Acrs.	
10.	M/s. Technical . Yell Corp		6,500				
11.	Essar Steel Iron & Steel,	6MT, , Approx. 500MW Power Plant	13,500			5,000Acrs.	
12.	AML Steel	Iron, Steel and Power Plant	2,000			2,232Acrs.	
13.	MECIL	Gold		Goel Kerablock of West Singhbhum			
14.	Hindalco. Industries Ltd	Alumina Smelter	7,850	Villages of Latehar Distr.		4,000Acrs.	

Sl. No.	Name of the Company	Product Details and Capacity of the Unit	Investment In Crore	No. & Names of Villages to be displaced /Area	No. of Population to be displaced	Land Requirement Acquired in Acres/Hectares	Forest Land Acquired in Acres/Hectares
15.	UCIL	Uranium		10 Villages Banduhurang Open Cast Mining, East Singhbhum,	Core Zone 1,120 Buffer Zone 184,958	621.224Acres	66.106Hec. [=163.3Acres]
16.	UCIL	Uranium 500TPD		7 Vill. +Moholdih Underground Mines, East Singhbhum		72Hec. [=177.9Acres]	44.60Hec. [=120.2Acres]
17.	UCIL	Uranium Mines		15 Vill. Bagjata and Fooljhuri Mining Project		122.3Hec. [=302.2Acres]	
18.	UCIL	Uranium Mines				28Acres.	
19.	NPCIL (Nuclear Power)	1000MW		20 Vill.			
20.	Bimol Deep Sponge Iron	100/200TPD Sponge Iron, Iron Ore Mining					
21.	Smridhi	Sponge Iron 100/200TPD		Villages around Sinni			
22.	JMT Auto	Sponge Iron 200TPD		Kandra			
23.	Chandil Industry Ltd.			Chandil			
24.	Rugri Sponge Iron Co.			Chandil			
25.	Bihar Sponge Iron Ltd.	Sponge Iron, Iron Ore Mining		Chandil			
26.	Kohinoor Steel	.25MT Sponge Iron	410	Kandra, Seraikella Karsawan		160Acres.	
27.	Jai Mangal Sponge Iron Co.	Sponge Iron		Chandil, Seraikella Karsawan			
28.	Vallabh Steel Plant, Ludhiyana	Sponge Iron	288	Dugdha, Amdih, Seraikella Kharswan		150Acres.	
29.	Adhunik Iron & Power Ltd.	Sponge Iron 350/700TPD Power Plant	790	Kandra, Seraikella Karsawan		350Acres.	
30.	Nilachal Iron & Power Ltd.	Sponge Iron	450	Kandra, Seraikella Karsawan		67Acres.	
31.	Jharkhand Ispat Pvt. Ltd.	Sponge Iron Iron Ore Mines	400	Seraikella Karsawan		250Acres.	

Sl. No.	Name of the Company	Product Details and Capacity of the Unit	Investment In Crore	No. & Names of Villages to be displaced /Area	No. of Population to be displaced	Land Requirement Acquired in Acres/Hectares	Forest Land Acquired in Acres/Hectares
32.	Abhijit Infra-structure Pvt. Ltd	Iron Ore Mines	300	Seraikella Karsawan		1,000Acrs.	
33.	Corporate Ispat Alloy Ltd.	Sponge Iron	300	Seraikella Karsawan		1,000Acrs.	
34.	Annapurna Global Ltd.	Sponge Iron		Seraikella Karsawan			
35.	Prasad Group Resource Pvt Ltd	Sponge Iron	400	Seraikella Karsawan		80Acrs.	
36.	Prakash Ispat	Sponge Iron	71.40	Seraikella Karsawan		50Acrs.	
37.	Horizon Exim Ltd.	Sponge Iron Iron Ore Mines	74.15	Seraikella Karsawan		50Acrs.	
38.	Spectrum Mercantile Pvt. Ltd	Sponge Iron	74.15	Seraikella Karsawan		50Acrs.	
39.	Barbil Ispat . Pvt. Ltd	Sponge Iron	75.15	Seraikella Karsawan		50Acrs.	
40.	Balaji Industrial Product Ltd.	Sponge Iron	211.70	Seraikella Karsawan		33Acrs.	
41.	Pawanji Steel Power Ltd.	Steel & Power Plant	200	Seraikella Karsawan		155Acrs.	
42.	R.G. Steel Pvt. Ltd.	Sponge Iron	122	Seraikella Karsawan		100Acrs.	
43.	Balaji Metal & Sponge Pvt.	Sponge Iron	160	Seraikella Karsawan			
44.	Sun Flage Iron & Steel. Co. Ltd.	Sponge Iron	930	Kandra, Seraikella Karsawan		500Acrs.	

Impact of these projects

- 1) Eviction (five lakh people estimated) from the permanent source of livelihood like agricultural land and destruction of entire natural ecosystem of the areas around the industries, mines, power plant etc.
- 2) Common Property Resources like river, streamlets, water ways, grazing lands, waste land, forest land, road and other infrastructure would go under the companies control.
- 3) As the company would know the said things are under their control with the government support, so they would not bother for the prevention of air pollution, contamination of water bodies and rivers, agricultural land with green field areas.
- 4) Dilution of ethnic and local indigenous culture because of migration of outsiders.
- 5) Tribe and local indigenous and aboriginal people (especially women and children) would be the worst hit of the said projects.
- 6) The natural wealth of our nation would be exhausted within 20-25yrs.
- 7) Abandoned industrial skeletons will be standing only after fulfilling the demand of external market and as the local market and purchasing power is not developed yet to consume the products of those industries.
- 8) Community and workers health would be deteriorated due to numocosis, silicosis and cancer.
- 9) Migration of local community would take place from their native place to Delhi, Mumbai, Kolkata, etc.

Macha Kumuti Vows to Thwart Government Plan

By SHANTI SAWAIYAN

Published in 'Khan Khanij Adhikar',
Magazine of Jharkhand Mines Area Coordination Committee (JMACC), December 2005
[Translated from Hindi]

The Kolhan region of Jharkhand is all set for a keen battle over industrialization between the government and multinationals on one side and the indigenous people on the other. It vows to thwart any move of the Government to dislodge people from their resource in the name of industrialisation. Ten indigenous organisations of the region founded a federation named "Macha Kumuti" on 23rd October 2005 at Ho Samaj Mahasabha Club Bhawan, Chaibasa. On 10th November, Macha Kumuti declared at Gandhi Maidan, Chaibasa, its opposition to the government's move to facilitate industrialists and multinationals, eyeing rich mineral resources of the region to set up their plants. The conference at Gandhi Maidan declared categorically that none of the parties entering into any understanding with the Jharkhand government would be given an inch of land to set up industries in this region.

*'We would give our land to them only for
their cemetery.'*

The conference gave a call to siege the proposed sites where foundation laying has been proposed on the eve of Jharkhand Foundation Day on 14th of November by the Munda government. The gathering was massive. Adivasis armed to the teeth with traditional weapons thronged Chaibasa's choking arteries of the city - reminding one of the heyday of the Jharkhand movement. It was an emphatic "NO" to the designs and moves of the Munda government to industrialize the region at the cost of displacement of people, already besieged with the problems due to incomplete mega dam projects in the district. Slogans were flying in the air like:

*'Khadan hamko khata hai,
kheti hamko khilati hai'
(Industries eat us up,
agriculture feeds us),
'Vikas ke nam par adivasion ka vinash
band karo'
(Stop killing of Adivasis
in the name of development)
'Udyog ke nam par vishthapan band karo'
(Stop destruction in the name of jobs),*

*'Abua hatu re abua ral'
(Our destination in our hands)
'MNC wapas jao, wapas jao'
(MNC go back, go back)*

There was thunderous applause whenever speakers castigated the government over its move to welcome industrialists in the region. The opposition parties were also at the firing end of the speakers for not opposing tooth and nail the moves of the government.

Devendra Nath Champia of Ho Samaj Mahasabha said that the erstwhile Bihar government was better than the Munda government as it had not allowed any foreign company to dislodge tribal people from their resources. The Adivasis have already had to bear the brunt of displacement, and further invitation to multinationals would jeopardize the very existence of these people who are fighting to save themselves from multi-pronged attacks on their lands and other life sustaining resources. KC Hembrom of the Kolhan Raksha Sangh said that Kolhan enjoys special privilege in the constitutional set up and we had been sustaining our lives autonomously for long. Any outside interpolation in our affairs is not acceptable and would burn Kolhan. Antu Hembrom, president of the Manki Munda Sangh also gave a call to siege the sites where the Munda government had designed to lay foundation for steel plants secretly. The meeting was also addressed by [a number of delegates from Adivasi organisations from all over Jharkhand and a few from Orissa]. The meeting was presided by the Ramesh Jerai of Jharkhandi Organisation for Human Rights (JOHAR).

The organisations taking part in the convention included Adivasi Ho Samaj Mahasabha, Kolhan Porahat Manki Munda Sangh, Chaibasa, Kolhan Raksha Sangh, Kolhan Porahat Visthapan Prati-rodhi Adivasi Jan Sanghathan, Gram Ganarajya Zilla Samiti, Jharkhand Mines Area Coordination Committee (JMACC), Yuva Jummur, Mahila and Sandarbh Kendra, Chaibasa, Jharkhandi Organisation for Human Rights (JOHAR).

Macha Kumuti's Appeal to the President

Published in 'Khan Khanij Adhikar',
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[Translated from Hindi]

"Macha Kumuti" is working with full strength, against land acquisition for large scale industrial, and mining activities in the Scheduled Areas. It has sent a protest letter to the President of India, through the Commissioner of Kolhan Commissionerary. "Macha Kumuti" is a common forum engaged in struggle in the Kolhan area. The protest letter sent by "Macha Kumuti" says:

'We the Adivasis/Mulvasis or original inhabitants, protest against acquisition for the large scale industries and mining activities because:

1. *The ancestral lands of the tribes are gifted by nature much before the existence of the State or Government. Therefore they cannot be alienated. According to tribal customs and procedures, land is communally owned, and not by an individual. Therefore there should not be acquisition of such land.*
2. *In the Kolhan Commissionerary, approval has not been obtained from the Tribal Advisory Council for signing of agreements between 41 large and small scale industrial establishments and the Government. This Council has been constituted in accordance with the Vth Schedule of the Indian Constitution. Therefore all these agreements are violations of the Indian Constitution.*
3. *According to Bihar Scheduled Area Regulation, 1969, all the lands acquired by the Non-Tribes in an illegal manner, have to be returned back to the Tribes. The policy of the very same Government, for displacing the Tribes from their land, adversely affects their identity and existence.*
4. *In what way are these large scale industries above the historic Samata Judgment, 1997, of the Supreme Court, that the entire strength of the Government has been engaged for acquisition of land in their favour?*
5. *According to clause 50(7) of Chota Nagpur Tenancy Act 1908, no Deputy Commissioner has the right to acquire places existing on the surface of the earth, dedicated to the deities, other places of worship, and places for the disposal of the dead. All the villages,*

where land acquisition is in vogue, have sacred places in accordance with the above mentioned Act.

6. *According to the above Regulation, acquisition of the land without the written permission from the landholder is prohibited. Completely overlooking this provision, a directive has been issued through the Secretary of the Industries Department to the Deputy Commissioner of the district, to provide land to the industrialists whose names appear in the agreement.*
7. *Under PESA Act, 1996, Article 4 (i), the Gram Sabha has to be consulted before land acquisition for various Projects. Violation of this provision has become a prestigious phenomenon for the Government.*
8. *In the National Rule for the Tribes proposed by the Government, dispossessing a Scheduled Tribe of his ancestral land is a violation against the Vth Schedule.*
9. *Assurance given by the Government Machinery following the signing of M.o.U.s has no substance at all, which is proved in the following manner-*
 - *After Independence, consequent upon the setting up of various developmental and industrial projects on our lands, our population has gone down from 70 per cent to 20 per cent. Following the establishment of the proposed 41 projects, we shall be completely extinct.*
 - *Lakhs of people have not received compensation in the previous projects. According to the survey conducted by the Indian Social Institute, 6 lakh people have not been rehabilitated anywhere.*
 - *According to the report of the Indian Bureau of Mines, 1974, 40 small and large scale industries along with 300 mines, in the Kolhan Commissionerary, have spilled over from 4 to 24 towns.*

Besides the above, the President has been requested to close down all other Governmental activities, which are responsible for the reduction of our population.

Massacre of Adivasis at Kalinga Nagar

A Fact Finding Report

by

J.O.H.A.R. & J.M.A.C.C.

[Abridged version. The full text, written in January 2006, can be accessed at www.firstpeoplesfirst.in]

Who Are We?

J.O.H.A.R. : Jharkhandi's Organisation for Human Rights is the first human rights organisation of Jharkhand. Founded in 1987 it has become a mass based organisation and has done pioneering work in taking the human rights struggles of Jharkhand and of Jharkhandi Adivasis to the national and the international forums, including the UN. The Organisation continues to work on the right to self-determination of the Adivasi peoples, the strengthening and protection of the traditional system of administration, the right to a distinct identity, culture and economic system. [...] J.M.A.C.C.: Jharkhand Mines Area Coordination Committee is an alliance of communities affected by mining within Jharkhand. It was founded in 2001. J.M.A.C.C has since launched two mass campaigns on 'Ownership Rights to Minerals' and on the consequences of Greenfield mining and allied projects 'Mines Eat Us : Agriculture Feeds Us' [...]

Reason for this Fact Finding Mission

On 2nd of Jan 2006, in Kalinga Nagar, Sukinda Block of Jajpur District, Orissa, a state on the eastern coast of India, twelve Adivasi people were killed by the Orissa Police. As killing Adivasis and the committing of other atrocities against them for the expansion of mining and industry have become a common feature here, and as, in such cases, the Government and industry are both know to distort the facts in order to shield those responsible, J.M.A.C.C.(Jharkhand Mines Area Coordination Committee) and J.O.H.A.R. (Jharkhandi's Organisation for Human Rights) immediately dispatched a Fact Finding Team (hence forward referred to as FFT) to Kalinga Nagar to investigate the incident, and offer solidarity and support. [...]

Summary

It is not easy to summaries a massacre of such brutality and intensity, when committed by a democratically elected government, done to favour and facilitate a business house, the Tata Company, which is held by Indian mainstream society as one of India's most reputed monopoly houses.[...]

Massacres for Mining will continue unless the ruling caste and classes of India decide to respect the rule of law even when it may go against their profits. It also brings in question the bigger role that India is trying to climb up to as a world leader. Killing is not justified by greed. To sweep the atrocities under the rug, thinking there was no other way for development except over the dead bodies of the Adivasis, when in reality, before they were killed they were cheated, is to ignore the real killer: personal and corporate greed. If this country's ruling classes are racist, if this country's leading industrialist are slaughterers, if this country's governments are the prime law breakers, then what sort of a world leader are we hoping to image ourselves on?

It is not in order for the Conclusions of a Report to be placed along with the Summary, but considering the serious nature of the conclusions we are placing them before, rather than at the end of this document in order that they be given a serious ear.

Conclusions

From the evidence gathered, the Fact Finding Team has unanimously arrived at the following conclusions:

Prime Law-Breaker: The Government

1. The government has been prime law-breaker from the onset of the establishing of Kalinga Nagar.
2. It has failed to give 60 per cent of Adivasis their land papers despite a Supreme Court order.
3. It has failed to grant the displaced people the promised compensation in every previous instance, thus forfeiting the moral ground where the Adivasis could place their thrust in it.
4. By the fact that it provided and accompanied the Tata Co. contractors and workers with such a large armed force, is evidence enough that they came to kill, making the massacre that followed a pre-mediated crime.

Landmine Use: Legal & Ethical Violations

5. The use of landmine explosives to kill Adivasis implicates the government, the police and the

Tata Co. in a very serious legal and ethical issue.

- 5.1 Under the Indian Explosive Act, the police or the district administration are not authorised to possess dynamite sticks or detonators.
- 5.2 Among the three players that day it was only the Tata Company who was licensed to possess dynamite and detonators.
- 5.3 Therefore how did these explosives get into the hands of the District Collector, District Magistrate or the Senior Superintendent of Police who were the highest officers of the District Administration present and who were conducting the whole affair?

Government Unilaterally Broke Negotiations

6. On the land rights question the Adivasis were in possession of the land making any entry on their land illegal. They were in their right to question the operations of the government and Tata Co. on their land on that day.
7. Negotiations regarding its settlement were in progress with the villagers, they were demanding a price to be fixed considering the present market rate and the cost that the central government had paid for this land in 1990 i.e. 350,000 per acre. It was a fair demand.
- 7.1 By unilaterally breaching this process and going in for armed action the government has shown a disregard for a democratic process and rule of law.

Six Killed in Police Custody

8. With the killing of the six arrested persons while in police custody the government stands as a cold-blooded murderer.

Chopping off of Sex Organs

- 8.1 With the chopping off of the genitals and breasts of these six victims the government stands not only as a cold-blooded murderer but as a racist, sexual pervert of the worst kind.

Tata Company Involved

9. Tata Company's claim that their 'officials' were not present and that they having nothing to do with the incident stand as a lie.
- 9.1 While their 'officials' may not have been present, their contractors, equipment and more over their influence were. The government was acting on their behalf and broke the law for them, therefore however much they may try they cannot be detached from this massacre.
- 9.2 The Tata Company's silence on the killings speaks volumes about its sincerity to 'Corporate Social Responsibility'. This silence of theirs on such a brutal massacre of Adivasis portrays

them as a petty-trader of the worst kind. When it comes to business, their patronage for Adivasis is secondary.

Expectations from the Medical Community

10. The six who were killed in custody had bayonet stabs on their face and bodies, they also had bullet wounds which were not there when they were arrested. This proves that they were tortured before they were killed³. It was only after they were killed that the Police handed over their bodies to the civil surgeon and medical staff of Jaipur Town Hospital for an autopsy (according to Supreme Court directives all killings by police should be video-taped and done in the presence of the Civil Surgeon and a Judicial Magistrate) the medical reports are awaited. We hope that our medical fraternity will speak up to what they have seen and at least in them we can find some principles of ethics and morals.

THE REPORT

On 2nd January 06 in the late noon we received telephone messages informing us that there was a firing on Adivasis protesting against the sudden occupation of their lands in Champakoila village by the contractors of Tata Co. It was only by midnight we got more details from eye-witnesses over the telephone. The Orissa Police in cooperation and in support of the illegal entry had fired on unarmed Adivasis defending their land right. Twelve Adivasis and a policeman were killed, about thirty-five were injured but only fourteen could avail of hospital treatment.

The next day J.M.A.C.C and J.O.H.A.R put together a team of persons and they left by road for the site. They managed to arrive at Gobarghati, by 3.00 pm on the 4th January. A road blockade at Duburi (near Express Chhock), was in force, preventing any outsiders from entering Duburi. On seeing that a team from Jharkhand had come to offer solidarity, the embargo was lifted to let FFT in and thus they were able to enter Duburi and proceed to Ambagadia village where the mourners were performing the last rites for the twelve victims at the village centre.

After participating and filming this touching and painful ceremony they spent some time with the mourners and proceeded to Chandikol, enroute to Cuttack where the injured had been admitted to the S.C.B. Medical College Hospital, a state-run institution. After visiting the injured in the

hospital they returned back the next day to the affected villages, surveyed the site where the incident occurred and continued to listen to the stories of the people from the affected villages. In this process they held discussions with the local leaders, injured persons, the eyewitnesses, and relatives of those killed, or injured people who had lost their land for various projects, local journalists, social activists, the Superintendent of S.C.B. Medical College Hospital and other medical staff. Samples of the materials relevant to the incident which were available were photographed and some collected. All the interviews were videotaped. This report is based on the evidence thus gathered by the team.

THE BACKGROUND

Khuntkatidars

From time immemorial, people belonging to Ho Adivasi nation have been living in the Sukinda valley, which now comes within Jajpur District. From wild forest they developed the land into agricultural fields, granting them the title of Khuntkatidar, a title given under the British Raj to Munda and Ho first settlers. This fact is reflected in their folklore and the relationship they yet maintain with the other Ho inhabited areas. When the region came under the Princely State of Sukinda, its Raja had recognized their nation as a republic as [early] as 1920. The region, politically and culturally, once came under Kolhan⁴ Rule whose core area is presently within the neighbouring Jharkhand State. The Oriyas to this day refer to the Ho people as 'Kolhha'. With the division of Jharkhand (the region), and thereby Kolhan too, into Orissa and Jharkhand States the political notion 'Kolhan' began losing its significance. However the social and cultural links between the Hos of Sukinda and their relatives in Jharkhand are very strong to this day. The main reasons for this division are the same as for all the divisions in all Adivasi or tribal regions in India. It is consistent with government objectives/policy:

- to break the political and cultural unity of the Adivasi people who were militantly anti-colonial, and
- to divide this mineral and forest endowed homeland to better the process of expropriation.

Economic

The people are dependent on traditional farming, animal husbandry and forest gathering. The main crops they grow are paddy, a variety of pulses, oil seeds, and other food products. For their basic needs they are self-sufficient. The land in ques-

tion, and which the Tata Company set its eyes on, is rich paddy fields with fairly good irrigation system. This fertile land and their time-tested crop management patterns is so well balanced that they could survive even a drought or crop failure. However basic amenities for which the State is responsible for i.e. education, health care and irrigation are strikingly absent.

Demographic

Jajpur District, recently carved out of the former Cuttack District, has a total land area of 2,899 sq kms. The total population according to 2001 census is 1.623 million. The population density is 560 persons per sq kilometer, which is almost twice the population density of the rest of Orissa. This shows that the pressure on land and other natural resources is severe. According to 1991 census, Adivasi constituted 7.4 per cent of the total population in the district, but according to one UNDP survey, this has come down to 5.5 per cent in 2001. However, the Adivasi population in the Jajpur District is concentrated in just two blocks i.e. Sukinda and Danagadi, where it is said to constitute around 70 per cent of the total population.

The aforementioned drop in the proportion of Adivasis, relative to the non-Adivasis, in regions earmarked for industry or mining is a common phenomenon, and is to be ascribed to the immigration of outsiders and the dispossession of the local population, leading to pauperisation and out-migration. Pauperisation also brings in declining health standards, consequent higher infant mortality rates, and shorter life spans, which, together, can be shown to account for much of the drop in relative Adivasi population. For this reason the demographic profile of this region indicates that the non-Adivasi segment of the Orissa State's population is growing whereas the Adivasi population is dwindling.

Literacy

The literacy rate among the Adivasis is 5.6 per cent for females and 26 per cent among the male, a low figure compared to the non-Adivasi population in the same district, Sukinda, which is 70.95 per cent.

Kalinga Nagar

Kalinga Nagar was originally planned (1990) as a major Steel City on the lines of the former West-German-aided Rourkela Steel City (co-incidentally its fiftieth year Golden Jubilee is being celebrated this year). Planned as a Public Sector undertaking, a total area of 30,000 acres (52 sq miles) had been requisitioned by the government for this

purpose. The endowed Daitri Iron Ore Mines, another government owned enterprise managed by the Orissa Mining Corporation (OMC), was to supply it the iron ore. Kalinga Nagar, being only thirty kilometers away from Daitri Mines was considered an ideal location.

For yet another National Development dream project, the owners of the 30,000 acres of lands were asked to make a sacrifice of all they had – their land. Under the archaic Land Acquisition Act of the British Raj, a highly questionable legislative relic still in force, their lands were requisitioned. The first lands to be requisitioned, in 1990-96, were a group of villages near Duburi. In exchange the people were promised a compensation package which included: land for land taken, jobs in the industries, houses, schools, hospitals and other facilities. They got nothing. The promised jobs were as coolies in the construction work.

World Bank & D.F.I.D.

The present NDA (National Democratic Alliance) led by the BJD (Biju Janata Dal) party under the Chief Ministership of Sri Naveen Pattanaik, the son of the late Sri Biju Pattanaik, is another example of governments going over board with no regulatory mechanism in place to accept the agenda of the International Financial Institutions, designed by the Bretton Woods institutions. The government's plans, policies and agendas, which include favouring the private sector over the public sector are said to be set under the advice of not only the World Bank but also DFID (Department for International Development U.K.)⁵ both of whom are investing heavily in this dream project.

It was under this reform agenda that the government altered the original plan from a Public Sector enterprise to making it a 'Steel Hub for the private sector'. This is Sri Naveen Pattanaik's second term in office and hence over a period of seven years he has had the necessary time to foster here fifteen different steel industries of varying sizes and ownership. During this period, industries with a combined production capacity of four million tons a year were allowed to set-up shop here; the major ones are: Neelanchal, Jindal, Maharashtra Seamless, Rohith, Dinabandhu, Maithan Ispat, MESCO, K.J.Ispat, Orian, Sarita and VISA.

Kalinga Nagar core zone comprises of 13,000 acres where the industries are situated. The remaining 17,000 acres are earmarked for the townships and civic amenities. Surrounding this

is a green belt of dense forests spread over an additional area of 75 sq kms. The flora includes sal, kurum, vandan, ashan and piasal. The forests of Nakasa, Natimara, Barsuli etc, all within ten kilometers of the project area, are also home to rich and diverse wildlife like leopard, deer, scaly ant-eater, python, cobra etc. This is also an elephant corridor zone as it comes within the larger Saranda Sal Forest area.

What is noteworthy is that the people in these forty Adivasi villages have been protecting this forest zone even prior to 1946. Their protection plan included what we call today 'community vigilant groups'. It is for this reason that the forest and wild animals stayed protected from forest mafia, poachers' et al. Interestingly the practice of these community vigilant groups is older than our present day environmental NGO's claiming to protect the forest.

The Bone of Contention

A known fact is that the first and last land survey was undertaken in 1928 under the then British Raj. That land survey did not include the Adivasi areas, thus, a majority of the Adivasi population in Orissa was never given land papers. Despite a Supreme Court ruling in favour of the Adivasi, the government has not moved a finger to grant papers to the Adivasis. The advantage of maintaining the status quo by the upper dominant caste and class is manifold. One such advantage is seen here in Duburi where only those who had land papers were given compensation in 1994. The rest of the land the government got for free.

The Tata Factor

The Tata Steel Ltd (TSL), a late-comer in the project, has been allotted 2400 acres in Kalinga Nagar, for the construction of a six million tonne plant. The land that the government purchased at the rate of Rs. 37,000/- per acre in 1994, was sold to the Tata Co. for Rs. 3,35,000/- thus making a net profit of Rs 715,200,000 and at the same time giving the Tata Company a savings of over Rs. 87,600,000 over the market price. The market price is between Rs. 5,00,000 to 7,00,000 per acre.

It was this dispute over compensation that was on the negotiation table till 2nd January and was the reason why the people had assembled to prevent the bull-dozers from destroying their houses and taking over their lands that fatal day. There were other reasons for this dispute. The Government had paid only for those lands for which the people had ownership papers, amounting to 13,000 acres. For the remaining 17,000 acres,

which were in part common land and in part lands belonging to the Adivasis — though the papers due to them by the Supreme court ruling had never materialized — the government did not pay any money. Within the category of common lands comes forest land. Traditionally the Khunt-khatidars also had large amounts of forest lands and hence the ownership of these forest lands, and the question as to whether they belonged to the Forest Department (Government) or to the Khuntkhatidars, or how much belonged to each, had been in dispute. While this amounts to another staggering mathematical figure, in terms of blood, it has taken the lives of the twelve killed, injured dozens, and the trauma of the repression that has followed and the burden of collective memory is going to linger on.

Land in People's Possession

The dispute over price was an issue the people had taken up with the government and as no settlement had been reached they continued to enjoy the possession of the land and livelihood it granted. To facilitate negotiations, the affected people had united and organized - as has become the modus operandi of social movements in India, to better the process of collective bargaining— under the name Bisthapan Virodhi Jan Manch (BVJM) "People's Organisation Against Displacement".

In the dispute raised by B.V.J.M. they had staked claim to an additional amount. The organisation claims that in 1994 the Central Government had paid State Government Rs. 3,50,000 per acre for the land; it then being for a steel plant that came under the Central Government. They were thus demanding this price for handing over possession whereas the government had countered with an offer of an additional amount of a mere fifteen thousand which the people refused. This dispute was in the process of negotiations when on 1st January this year the villagers came to know that a heavy contingent of armed police was stationed in Jajpur, the district headquarters, and had been there for the past week.

CHRONOLOGY OF THE EVENTS

On receiving the above information the Bisthapan Virodhi Jan Manch had immediately called for a general body meeting on 1st Jan 06. With the entry of armed police it was now clear that the government was sending a loud message to them that the ongoing dialogue and negotiations process was to be unilaterally called off. It was in such a context, in which their very survival was being endangered, the threat of landlessness, unem-

ployment and inevitable pauperization was at their doorstep, that the following events need to be seen:

02 Jan 06, Day One

7.00 AM

Six bulldozers and other heavy duty earth moving equipment, Tata Company contractors, accompanied by all the top government officials of the district, i.e. the

- District Collector
- Senior Superintendent of Police
- Additional District Magistrate⁶

enter Champa Koila village under the protection of a four hundred and twenty⁷ strong, armed police force, and station themselves on the plot of land belonging to Sri Soberdev.

8.00 AM

The Tata Company labourers start leveling the ground while their mining staff spread out and place land mines made of dynamite sticks all around the area. The detonators of the dynamite sticks are connected to trap strings. The villagers are unaware of these trap strings. On seeing the work in progress the villagers all gathered at the other end of the football field where they were wondering what to do. As time went by, their number increased to a mass of people on one side of the Champa Koila football ground that stood in between the armed police force and them. Frightened the people decided to send a delegation to meet the government officials to question this illegal occupation of their private land. But D.C. and S.S.P. and other officials refused to listen to them and the ground leveling work continued.

9.30 AM

On seeing that their requests for a dialogue with the Government officials was turned down the people decided to request the Tata Company workers on the bulldozers to support them by stopping all work. A group of people went towards [them]. As they were approaching the workers, one of them, Sri Birasing Gop (27 yrs.) of Chandia village, hit the trap string of the dynamite and it went off, blowing off one of his feet and injuring three other people. This created a panic and anger among the people and they rushed towards the police abusing them. Simultaneously the police started firing live ammunition, tear-gas shells, rubber bullets and started a lathi/baton charge.

10 – 12 AM.

In the firing Sri Bhagaban Soy (25 yrs.) of Gobarghati village received two shots and became the

first victim of police bullets. Sri Landu Jarika (29 yrs.) of Bamiyagotha, who was by the side of Sri Bhagaban Soy, attempted to escape, but he was shot and became the second victim. A group of woman and some men ran towards the two injured and as they were running the police started firing indiscriminately on them, shooting them. The third to fall to police bullets was Sri Sudam Barla (25 yrs.) of Belohari village who received bullet injuries on his head and died on the spot. A child Gobinda Laguri (14) who was standing outside his house in Champa Koila was hit on his chest and dropped dead. He was the fourth victim hit and the second to die on the spot. Ms. Janga Jarika (27 yrs.) was on her way to bathe at the village pond when she was hit and died on the spot. She is a mother of four small children, two girls Bonita (6 yrs.) and Menka (3 yrs.) and two boys, Madhu (9 yrs) Bijay (7 yrs.). She was the fifth victim hit and the third to die on the spot.

As they were running away the police continued to fire on them. This is corroborated by the fact that many of the dead and injured have received bullet injuries showing that the bullets penetrated from the back. Most of them did not rush to their homes but into the forest in order to save their lives. On seeing them run away policemen chased them and continued with their targeted firing. Ms Muktha Bankira (30), an unmarried woman of Chandia, who had fallen to a bullet and was lying in a pool of blood was soon surrounded by police who started beating her up with what ever they could get their hands on. She too died on the spot, and became the fourth victim to die on the spot. A policeman, Gopa Prasad Mohanty who had entered the crowd and started hitting the people with rifle and bayonet was beaten to death by the people. The villagers who did not run away started taking their dead and injured. But the police stopped them and started arresting all of them. The villagers managed to rescue 14 of their injured people. [...]

On the 4th January the police asked the relatives to pick up their bodies from the town hospitals. Both the parties proceeded towards the Jajpur Town Hospital 40 km. away, though some of the villagers took their injured to the Cuttack Medical College Hospital 90 km away. Besides the 36 injured the villagers managed to take hold of four of their dead relatives and bring the bodies to their village. The Police first arrested 8 persons after torturing them and giving them up for dead they dumped their bodies in a Commander Jeep a good two hours after the arrest they took them to the Jajpur Town Hospital. In the Town Hospital

two were found alive, one Sri Rangalal Munduya later succumbed to his injuries and the other, Sri Chema Hembrom is receiving treatment guarded by his fellow villagers. Police repression continued till the late night and went to the extent of preventing them from taking the injured to hospital. [...]

3 Jan 06, Day Two

The villagers reached SCB Medical Hospital Cuttack at 11.00 PM on 2nd Jan 2006. But some of the injured persons were not allotted beds until around 12 pm the next day i.e. 3rd January, about 20 hours after their arrival in the casualty wing. Sri Chema Hembrom, who was referred by Jajpur Town Hospital to Cuttack Medical College arrived at Cuttack at 12 at midnight on 3rd Jan 06. He also was allotted his bed at around 10.30 AM next day, 4th January, a few minutes before the arrival of an Adivasi Member of Parliament who was visiting the ward.

At 11 am the police inform the relatives to collect the bodies of the six victims from the hospital morgue. By 3 pm the bodies arrive in Ambagadia.

4 Jan 06, Day Three

When the relatives are preparing the bodies for the cremation ceremonies they saw that both hands of all six victims were cut off. Those close saw that the genitals of all four men were cut off and the breasts of the two women.

SEQUENCE OF ATROCITIES PRIOR TO 2 JANUARY 2006

The above killings were the consequence of a series of acts of deceit, betrayal, injustices,. The issue of land rights, fair compensation, implementation of compensation packages, jobs, and rehabilitation had become recurrent issues between the Adivasis affected by the setting up of Kalinga Nagar, the government, and industry. Despite the numerous petitions, dialogues, the government failed to address the grievances of the people; on the other hand its all-out support, encouragement, and open identification with industry at the cost of injustice to the Adivasis has been the rule of thumb. Below is the sequence of events that occurred prior to January 2, 2006.

June 2004

Messrs Jindal started to evict the people from Baisipur village. This time a new strategy was employed. In the presence of a strong police force, they started blasting the rocks nearby the village. When stones and boulders started falling on the roofs, the people had no alternative but to leave

their homes and run for safety. These people are still living in tents near the road side in village Hudisai, and earning their livelihood by working in nearby stone crusher.

09 May 2005

At the foundation laying ceremony of Messrs. Maharashtra Seamless Ltd on 09 May 2005 near Khurunti village the people had organized a sit-in protest. On that day the same government team, consisting of the District Collector and District Superintendent of Police, and the ADM broke up this sit-in by beating up demonstrators and then resorted to shooting — that time with rubber bullets. The shooting was followed by a raid on the villages and the arrest of 40 people, including 25 women, 14 children, and a 70 year old man. Among them was a mother with a 15 day old infant. The infant was separated from his/her arrested mother who was nursing him. Two toddlers in Gadpur village and two sick people in Chandia village died as there was nobody left in their families to care for them.

07 October 2005

Tata Steel Ltd had their foundation ceremony at Dhulapathar village. Interestingly, no senior manager of the company was present. But the district level officials and a large contingent of police were there. The police used batons, lobbed tear gas shells and rained rubber bullets against the people who were peacefully protesting.

26 October 2005

Tata Co. started constructing a wall around the land allotted to them. The BJVM organized a sit-in at Dhulapathar junction from 11 am. A kilometer away, the government kept a fully armed force stationed, with bullet-proof jackets. The Director General of Police (DGP) together with the Officer in Charge (OIC) of the police station and the Deputy Collector came and met the leaders of the organisation. The DC told them "you do what you have to do; I will do what I have to do".

IMPORTANT NOTES

- A week after the massacre only on 9th Jan did the Tata Co. apply for the mandatory environment clearance from the Ministry of Environment and Forest. Therefore Government could not have transferred the lands to them, confirming our claim that the entry of the armed force on the Adivasi lands was illegal.
- Sri Shawasat Mishra was the District Collector of Kalahandi when the Vedanta scandal (www.minesandcommunities.org) broke out in the

Assembly, he was later accused of taking bribes from the Company and transferred.

- It should also be noted that after the Kashipur killings of three Adivasis on 16 Dec 2000 the Chief Minister appointed a Judicial Commission led by Justice R. Mishra to go into these killings. The commission report that came out three years later exonerated the government and said that the killings were justified.

Below is a sample of the Companies and how many got the jobs

Company	No of Displaced Families	Contract Jobs Given
Visa Steel	23	Not One
Jindal Steel	59	Not One
MESCO	53	47
Neelachal Ispat	634	182
Nigam Ltd		
Rohith	12	Not One
Common corridor	28	Not One

Regarding Bows & Arrows

Our imagery of 'Tribals' is a mindset in itself. We often fail to see them out of their grass skirts or feathers or bows & arrows. The government, the police, the Company, take advantage of such mindsets of ours and then in the mainstream media it takes on a domino effect. The use value of such imagery to the establishment is manifold; for they are able to blur the hard facts and portray the incident as a battle between two armed forces or as one side (inevitably the Adivasi in this case) 'instigating' the other by throwing the first stone. This precisely is the reason why the administration capitalized on our mindset and got the benefit of it.

Bows & Arrows are a part of Adivasi attire. They protect them from the wild animals in the forest as well as from the evil spirits especially when they go out of the jurisdiction of the spirits of their ancestors (the good spirits) who continuously give them protection. An arrow is placed on the bed of a child just born to ward off the evil spirits. On the 2nd January, as they were not organized for a battle they had not come with their bows and arrows. It was only later after the police firing that some of them ran to their homes and brought in their set. However, it was too late to match the weaponry of the police, i.e. landmines, guns including SLR's etc. Those that did go and get their arrows did so like in the metaphor 'to grab the last straw'.

Having explained this, the FFT would like to stress that, had the Adivasis come organized as a force, then there would have been more dead; on both sides.

Role of Prafulla Chandra Gadai Finance Minister of Orissa.

Mr. Gadai, the local MLA and the Finance Minister, known to be the number two in the Cabinet, runs a private army of the Bihar 'Bahuballi' variety and has called it the Biju⁸ Sena. He claims to use it to curb "extortionist activities of the anti-social elements" so that the investors would not shy away from putting up their projects in the area. But in fact the Biju Sena is used to terrorize the Adivasis struggling for their rights.

This Minister at several public meetings has called the Adivasis: 'Jharkhandis' (used here derogatively) and has said they should be driven back [to Jharkhand] so that the Oriya people will have land, jobs and other benefits from the proposed industrialisation. A Congress (I) leader, Mr. Sarat Raut, told the electronic media that the same Finance Minister, one day before the firing on 02 Jan 06 had made similar remarks at Mangalpur inciting a social rift between Oriya people and the Adivasi people.

THE OFFICIAL JUSTIFICATIONS

The Chief Minister, Mr. Naveen Pattanaik, while expressing sorrow at the death of the policeman killed, failed to even mention the fact that 12 Adivasis lost their lives. The Chief Minister defended the police action and accused the people of being responsible for the events. He has however ordered a judicial inquiry.

District Administration

According to the District Collector, Mr. Saswat Mishra, the villagers had brought in trouble-makers from outside. Also according to the District Collector, they had iron rods with them. After he was suspended, he made another statement where he said that it was the government who is responsible for the incident as the people should have been evicted before beginning the construction works.

This later statement putting the entire blame on the government is an interesting one as this statement looks to be timed to bail out the Tata Company from any implication.

The S.S.P. said that people were warned about firing.

Tata Steel

Mr. J. J. Irani, Director of Tata Sons, said that his company has no role in the event. It was the Government's responsibility to provide the land. He also added that "no company official was present at the scene". What is interesting in this statement is its silence; neither is the act of violence mentioned nor is any regret for the loss of life to establish his company expressed. The House of Tata is known for putting thought to each word it utters.

Concluding Remarks

The FFT concludes that this was a massacre done on unarmed, innocent, democratic-loving and law abiding citizens of this country who are also our first people. It cannot be and should not be termed in any lesser manner.

[...]

Notes:

[...]

- 3 On this matter the FFT will place eye witness accounts if called before the Judicial Commission.
- 4 The Hos call them selves Kol, but when interacting with non-Adivasis they prefer to be known as Ho which means 'human being'. The word Kol gradually is used by non-Adivasis as a derogative way to mean 'hard nut'. Hos are often teased by this rhyme 'The Oal (a potato) does not cook, and a Kol cannot comprehend'
- 5 On 15 August 2002 a platform of Left party organisations of Orissa united to give a 'Quit India' call to World Bank and DFID, one of their allegations was that both these institutions had influenced government policy on privatisation which included the retrenchment of 50 per cent of government staff employed in the Health and Education sectors.
- 6 When an ADM accompanies such a contingent it is read as a preparedness for shooting. The ADM in such instances carries a pre-filled and signed order permitting the police to use firearms.
- 7 Fourteen Platoon
- 8 Sri Biju Pattanaik is called the 'father of Modern Orissa' an Industrialist and the father of the present Chief Minister Naveen Pattanaik.

The full version of this Fact Finding Report contains lists of the names of the victims, photographs and also the list of steel plant projects which is printed here above on pages 128 to 130.

People's Revolt in Kalinga Nagar Non-Negotiable is The Ownership

By B.D. SHARMA, Bharat Jan Andolan

*[Abridged and edited version. The original text, written in January 2006, can be accessed at
http://www.openspaceforum.net/twiki/tiki-read_article.php?articleId=60&PHPSESSID=4d32b36948af78c256fb11dbd4f5f1eb]*

PART I

The Background

The tribal areas are generally endowed with rich natural resources. These areas, along with their simple inhabitants, were at the margin of the national economy, which was predominantly agricultural before Independence. This harmonious frame of 'marginal areas and marginal people' was shaken in the wake of the industrial sector being accorded the lead sector role in national development. Accordingly the resource-rich hills and forests, the abodes of the tribal people, came on to the center of stage in the national economy, while the tribal people remained at its margin. With the opening up of these areas, the simple people occupying that territory were perceived as hurdle in the path of development. Massive displacement followed.

The Indian Constitution, however, takes special note of this contingency. It provides for full protection to the tribal people under various provisions, especially the Fifth and the Sixth Schedules. Accordingly attempts have been made from time to time, albeit largely proforma, to ensure that (i) the traditional command of the community over resources is honoured, (ii) development in these areas takes place with focus on the quality of life of the people, and (iii) the overall frame of national development itself is formed with equity. The irony is that the 'path of development with equity' has been largely ignored and finally abandoned by those in hurry for the so-called development. This has resulted in accentuation of confrontation between the people, especially the tribal people and the State, which ironically is also their guardian and protector under the Constitution.

The Kalinga Nagar incident and the unrest in the designated industrial zone thereabout is only the tip of the iceberg. Fiery unrest is engulfing the entire tribal tract in the State and the country. It is a matter of deep regret that there is callous unconcern in the System about the impending catastrophe and total disregard for the policy frame and even its constitutional obligation. It will, therefore, be necessary to review the broad

outlines of the policy so as to appreciate the nature of the current crisis and discontent. It will also be helpful in working out short term and long term measures for meeting the deepening crisis and the great challenge of 'Development with Equity'. A brief outline of the legal and policy frame is presented below which can be elaborated later according to the need that may emerge from time to time in the local context.

Legal and Policy Frame

1. The Fifth Schedule

The Fifth Schedule of the Constitution is addressed to the administration of the Scheduled Areas with focus on 'peace and good governance'. The sweep of 'administration' in the provisions of the Fifth Schedule is comprehensive. The discretion vested in the executive is virtually boundless. Legal luminaries have described the Fifth Schedule as a 'Constitution within the Constitution'. The essence of various provisions in the Fifth Schedule is that command over resources of the community shall be honoured and protected.

This is in consonance with the stipulations in the I.L.O Conventions (107 and 169) concerning the tribal and indigenous people. The latter, inter alia, calls upon the Governments "to respect the relationship of the tribal people with the land or the territories which they occupy or otherwise use" and not to remove them therefrom except "with their free and informed consent." The U.N. Declaration on Human Rights, ratified by India, reinforces this premise. It envisages that the States shall have "the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom".

The Hon'ble Supreme Court has also affirmed this premise in the Samata Case by stating that "The Constitution intends that the land always should remain with the tribals..." "The words "peace and good government" used in the Fifth Schedule re-

quire widest possible interpretation, recognised and applied by this Court..." "...If the Cabinet form of government would transfer the land of the Government to non-tribals peace would get disturbed, good governance in Scheduled Area would slip into the hands of the non-tribals who would drive out the tribals from Scheduled Area and create monopoly to the well developed and sophisticated non-tribals; and slowly and imperceptible, but surely, the land in the Scheduled Area would pass into the hands of the non-tribals. The letter of law would be an empty content and by play of words deflect the course of justice to the tribals and denude them of the socioeconomic empowerment and dignity of their person."

The Role of Executive

The great task of taming the transition of the tribal people has been entrusted in good faith and best intentions to the executive with requisite authority unbelievable in a democracy. The Governor is the sole legislator of the Scheduled Areas. He enjoys unlimited powers especially under Para 5 of the Fifth Schedule. The Para starts with the non-obstinate clause 'Notwithstanding anything in this Constitution.' The intention is that mere law cannot be allowed to stand in the way of providing effective protection to the tribal people and progressive measures that may be unconventional for their well-being and advancement. It is the legal frame, which must yield and be suitably adapted rather than forcing the people to change under the duress of law and face man-made catastrophe.

It may be remembered that the Governor, in terms of the oath he takes under Article 159, has the solemn duty to 'preserve, protect and defend the Constitution'. In contrast the Ministers, in terms of the oath they take under Article 164, are expected to 'bear true faith and allegiance to the Constitution.' The founding fathers had envisaged that the tribal affairs shall be deemed to be a national concern above the ephemeral considerations of party politics. It would be truism to state that the Governor is expected to act in his discretion. It is a pity that notwithstanding these salutary provisions, no Governor has used his discretion and the Fifth Schedule has remained largely unoperationalised.

2. Tribal Policy:

(a) General

The first policy concerning tribal people after the framing of the Constitution came in the form of Panch Sheel of Jawaharlal Nehru. It was addressed directly to the people as also to the estab-

lishment in simple terms. The quintessence of the policy was that "the people should develop along the line of their own genius" and "tribal rights in land and forests should be respected". Nevertheless these principles were not translated in actionable strategies, programmes and guidelines.

The first detailed exercise imbibing the spirit of the Constitutional frame discussed above was undertaken after about a quarter century in the early 1970s. This policy is formally still in vogue. It is popularly known as Tribal Sub-Plan (TSP) Strategy. It envisages two co-equal pillars - (i) the Fifth Schedule aimed at elimination of exploitation and building up the inner strength of the community itself, and (ii) the TSP for economic development. Accordingly it was envisaged that the Scheduled Areas and all other tribal majority areas shall comprise the Tribal Sub-Plan Area. Para 6 of the Fifth Schedule was amended to authorize the President to enlarge the Scheduled Areas. The government made a categorical commitment to the Parliament, in the statement of Objects and Reasons of the Amendment Act, that all tribal-majority areas that are not covered by the Fifth Schedule, shall be brought there under. This promise remains to be honoured in full even after 30 long years.

(b) Heavy Industries and Mines:

One of the major issues that came up for consideration in the TSP strategy concerned the establishment of heavy industries and mining enterprises in the tribal areas. The most distressing aspect of these activities is the fact that the people whose lands are formally acquired comprise only a small proportion of people actually affected. This aspect had been totally ignored while establishing industrial and mining enterprises in the tribal areas. For example, just six tribal families were supposed to have been displaced in the course of establishing Bailadila Iron Ore Project in Bastar [Chhattisgarh State], the biggest in Asia. The status of thousands of those displaced for Rourkela Steel Plant (RSP) continues to be a matter of dispute even to this day as half a century has rolled by.

A policy frame was outlined in the TSP guidelines issued by the Ministry of Home Affairs in 1974. It envisages that 'the future policy has to be so evolved that local community becomes co-sharer in the benefits of the mining and industrial activity in the region.' It further envisages that 'the likely zone of influence of the concerned industry should be identified.' A comprehensive

perspective plan for development of that region should be prepared so as to ensure a place of honour for all people in that zone on terms of equality in the new economy of that area. The plan for achieving this objective has to be a part of the concerned project and its total cost has to be borne by the same.

(c) National Mineral Policy, 1993

The National Mineral Policy, 1993 does take note of the adverse effect of mining activity, albeit couched in moderate terms. It envisages that 'Mineral bearing areas are also often inhabited by tribal people and exploitation of mineral resources has not always contributed adequately to their economic development.' (Para 7.10) Similarly a special deal for tribals is also envisaged in respect of small deposits (Para 7.13). However there is nothing tangible on the ground.

(d) PESA and after

All developmental efforts in the tribal areas, in the absence of a clear focus on people's development, have been largely rendered dysfunctional. It has inevitably led to growing confrontation between the tribal people and the State. The last policy bid to retrieve this unfortunate situation was made in early 1990s. The focus in this case was the unattended agenda of self-governance, the quintessence of the Fifth Schedule, for achieving the Constitutional goals. A committee was appointed by Government of India in 1995 (Chairman: Shri Daleep Singh Bhuria) to recommend suitable exceptions and modifications in the Provisions of Part IX (Panchayats) and Part IX A (Municipalities) of the Constitution that may be made while extending them to the Scheduled Areas. As stated earlier, the Fifth Schedule envisages a comprehensive frame for the 'administration' of the Scheduled Areas. Accordingly the Committee made far reaching recommendations. The first report concerning rural areas has been implemented by enactment of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA). PESA is a part of the Constitution for the Scheduled Areas. [...]

The second Report of Bhuria Committee concerns areas not covered by Panchayats, which include municipalities as also mining and industrial complexes. The Committee was of the view that the command over resources of the community is non-negotiable. It made a vital recommendation that 'community ownership over industries' alone can provide the firm foundation of an equitable deal for the tribal people in consonance with the spirit of the Constitution. The irony is that the

provisions of Part IX A, with suitable adaptations, have not been extended to the Scheduled Areas for now 12 long years. The result is that all urban bodies of all descriptions including those of industrial and mining complexes in the Scheduled Areas are unconstitutional. They are functioning without any authority of law.

(e) Rehabilitation

The Government of Orissa had issued Guidelines for rehabilitation of displaced persons/families in connection with the establishment of Duburi Steel Plant Complex in the district of Jajpur in 1997. Some changes have also been made subsequently but the basic frame remains unchanged. In any case they have missed the spirit of the propositions noted above.

The Government of India has also adopted a National Policy on Resettlement and Rehabilitation (Project Affected Families), 2003. The Policy accepts the concept of "affected zone" of the industry but its attention is focused on 'displaced families' due to formal acquisition of land, that too in the conventional frame of resettlement and rehabilitation.

PART II

Kalinga Nagar In The Process of Transformation

1. The Area and its People

The habitations near Kalinga Nagar, Jajpur, Orissa are predominantly tribal. The area comprises a part of the former princely state of Sukinda. The tribal people in this area migrants from neighbouring territory of Saraikala-Karsuan, now in Jharkhand. [...] The assignment of land to the migrant tribal people was informal. A regular settlement was taken up and completed during 1922-28. According to Shri Chakradhar Haiburu, the Munda of the Village Ambagadia, one of the original "seven", his land still continues to be in the name of his grandfather Shri Ganga Munda, as recorded during the settlement.

2. The Shadow of Industrialization

The area came to be identified as 'Destination Industry' in 1980s. The Government appears to have decided to identify and acquire land in advance which could be developed and assigned to various industries, as the need arose from time to time. The demarcation of land for this purpose began in 1984. The people were not consulted in this process at any stage. When boring and soil-testing operations were taken up for identifying the proposed Industrial Region, the people were told that they were part of a routine government

survey. A corporate body known as Industrial Development Corporation of Orissa (IDCO) was created. All lands were acquired in its name. An area of 10,000 acres is said to have been acquired in 1991-92 and another 15000 in 1995. A new phase of acquisition has begun in 2005 whose area is reported to be much larger.

3. Chaotic Land-records

Except for the settlement records, everything on paper is chaotic. The following points were made by the people:

(i) No mutations: The lands stand in the name of their forefathers, which in the meantime, have been partitioned amongst the successors. Some of the lands have also changed hands by way of sale, albeit informal. The ground situation is rather confused.

(ii) Extensions and new occupations not recorded: As population increased, both by migration and natural growth, the number of holdings increased and new lands were also brought under cultivation. All these changes are unrecorded and deemed to be 'unauthorized'.

(iii) Deemed Reserved Forest: Extensive areas were declared as 'Deemed Reserved Forests' shortly after the merger of the princely states and the formation of Orissa in 1954, without going through the determination of rights of the people and even preparation of record of actual possession of land by them. Extensive lands under occupation of the people in the deemed reserved forest, are unrecorded.

(iv) Collusive records: While genuine holdings, mostly of the tribal people, are unrecorded, collusive records have been prepared in the past two decades especially after the area was identified as 'Destination Industry' by the Government of Orissa. It is alleged that influential people have got extensive lands recorded in their names on the basis of fake 'parchas' of the 'Ranee' (Paper Slips of the Queen) and blatant tampering of official land records themselves.

4. Land Acquisition

Some of the important points about land acquisition made out by people are as follows:

(i) Selective acquisition: The process of demarcation of land for acquisition was itself biased. As far as possible, lands belonging to influential and higher caste people have been spared while those of the poorer especially the tribal people were included even by drawing long winding lines, loops and such like.

(ii) New occupations and changes in ground reality ignored: The people's occupation of land and changes in holdings in natural course, which

remained unrecorded due to administrative inaction, were totally ignored in the acquisition proceedings. Accordingly extensive lands, reportedly to the extent of more than half, were not acquired but just taken over as government lands ignoring the presence of actual occupants and rights thereon. For example, the instructions by Government of India dated 18th September 1990 about resolution of disputes concerning 'forest land' arising from deficiencies relatable to the reservation process itself, have not been complied with to date by the Government of Orissa. The unjust deal to the forest dwellers meted out to them in 1954 with all catastrophic consequences have continued for more than half a century with out even a whisper amongst the ruling elite.

(iii) The compensation for land has been fixed at about Rs.37,000/- per acre.

5. Assignment of lands to various industries

The assignment of land to various industries can be said to have been proceeded in two phases:

First phase: 1993-2003:

The following industries were assigned land on a notably larger scale:

1. MESCO (Middle East Integrated Steel Company): This company was assigned 900 acres of land in 1993. There were problems from the very beginning which upset its schedule of construction etc. It has, however, started production in 2002.

2. Kalinga MESCO: This company was assigned 600 acres of land but it could not proceed. The land has been reassigned to others.

3. Neelanchala: It is a joint venture of MMTC and IPKAI (Industrial Promotion Infrastructure Corporation). It was established in 1985. Land was assigned to Neelanchala in 1995 comprising five villages. It has started production in the year 2000.

Second Phase: 2004 Onwards:

A new phase appears to have begun with big companies showing interest in the mineral exploitation in general and establishing steel plants in particular in Orissa. Three ventures, inter alia, are notable:

1. Jindal: November 2004: extent of land assigned not known.

2. Maharashtra Seamless Steel: 9.5.2005: 500 acres assigned

3. Tata: 7.10.2005: 2500 acres land has been assigned

6. The People's Assertion

The people were never taken in confidence, perhaps they were not considered as worthy of a dialogue, ever since the Government of Orissa decided to transform this backward forest tribal

tract into an industrial hub of Orissa. Their reaction to the early ventures, which came in the first phase, therefore, was spontaneous largely guided by survival instinct. The government stand has been totally legalistic from the high pedestal reminiscent of the colonial era. The lands have been acquired according to the archaic law taking no note of the changes above and the reality below. Those who had the titles were eligible for compensation. They could be considered for rehabilitation, that too as a grace and not as their right. Those who have no titles have to make way. They could at best expect some token doles. The resistance was dealt with without concern for the questions raised, let alone even an inkling of constitutional propriety and human concern ever since Day One. No one cared even to learn from the experience of other enterprises such as RSP.

The Third Phase?

The second phase of land assignment and establishment of industries, as discussed above, came with a big bang. The third phase is knocking at their door menacingly. The people are, however, realizing now, taking a lesson from their early experience and also others like Rourkela Steel Plant through word of mouth, that they have no future. The instinctive survival spirit is now in full bloom in the area amongst the affected and even others. It is an unalienable natural right of every human being. The people, in exercise of this right, are not prepared to leave their land, law or no law.

The great human tragedy of January 2, 2006 ("1/2") is a result of the state remaining totally unconcerned about the people's side, their fears and aspirations. What is worse: the State has refused to learn from the experience in Rourkela, Kashi-pur and such like. Rourkela is the most telling example which shatters the veracity of states promises and exposes their claim of an acceptable deal for the people. We will briefly review the same before discussing the current situation around Kalinga Nagar.

PART III

Leaves from Rourkela

Rourkela Steel Plant was one of the three steel plants established in early 50s marking the ushering in of a new era of industrial development imbued with the ideal of development with equity. The choice for its location fell on a backward forest region of erstwhile princely State Gangpur. It was on the main Mumbai-Howrah railway corridor. Some of the important points

of the story relevant for the present discussion, as told by some descendents of the affected after the 10th January blockade, are as in the following:

1. Land Record

- (i) Settlement: The last settlement in the princely state, known as Mukherjee Settlement, relates to the year 1936.
- (ii) Pattedar: The land had been recorded in the name of the eldest in the large joint families in accordance with the tribal traditions, such as Birsas and others.
- (iii) Occupants: Occupants of land after the settlement remained unrecorded.
- (iv) Occupants of forest lands: No records were prepared in respect of those people who were in possession of forestlands.

2. Promise for a New Deal

The people were generally given to understand that-

- (i) they will be given land for land in a suitable location fully developed;
- (ii) one member in each family will get employment;
- (iii) alternative habitations will be developed for them with all facilities.

3. Land Acquisition

The notification for land acquisition was issued in 1954 in accordance with the provisions of the law. The legal process had to be in accordance with what was on paper, which was totally at variance with the ground reality in terms of real occupants of land, the size of holding, quality of land etc. The compensation was fixed between Rs 200 to Rs 700 depending on the quality of land in record. The discord began from Day One as the people realized that they have been virtually cheated. Many of them decided not to take compensation. But that could not prevent the process of take over of land. It was executed, at worst, on the basis of forged receipts in the name of claimants in a situation where hardly any one could read and write. At best, the money was deposited in their names.

The story of Tarkera, a village where four families doggedly refused to have any deal about land acquisition till the end, and their dwellings, which defiantly stood as last remnants were bulldozed, reminds one of fate of farmers in 'Grapes of Wrath'.

4. Resettlement and Rehabilitation

(a) Land for Land?

The story about resettlement and rehabilitation

is punctuated with countless demonstrations, dharnas, negotiations, promises, agreements and such like at virtually all levels in the course of half a century that has rolled by. The promise for land for land has not been honoured in its true spirit. The dispute started with the entitlement of affected persons. The administration went by the record. It contained the names of only the elders, or even the deceased as per tribal tradition. The ground reality was totally [different] with numerous families within the same household. The lucky ones were offered lands that more often than not were not fit for cultivation. Moreover they were offered [land] in distant places without even caring to verify whether the same was free from encumbrances, under occupation of some persons or may be common lands of the host communities. In some cases, the settlers were thrashed and driven back. In many cases pattas have not been given even for the house sites on which buildings have been constructed.

(b) Employment

So far as employment for oustee families is concerned the record is still worse. In a large household with the elder alone appearing in the record, one job does not rally mean any thing. A large number of clever people have cornered through a variety of subterfuges substantial shares even in the meager oustee quota. An agreement in 1993 was arrived at after protracted deliberations for 1098 jobs. 500 people have been provided jobs till date under this agreement, 100 persons are undergoing training. The people may have to wait until 2010 for the uncovered 498. The term '498/1098' has become a mark of ridicule about how our management can afford to 'move with the urgency of infinity', when it comes to the case of those rendered destitutes for the sake of its glory.

5. The Unused Land

A major issue agitating the people is the extensive land spread over 13 villages that has not been used by the RSP. Some of it is under occupation of the displaced families. The rumors are agog about the lands being disposed of at astronomical market price compared to the mere cawaries they got for the same. The town and its surrounding area has also witnessed massive in-migration, the tribal people not accounting for even 10 per cent in the total. The irony is that unauthorized occupants from outside when evicted are resettled on the prime RSP land, the real oustees are forced to move to distant inhospitable terrains.

6. Total Transformation:

Rourkela Township has grown from a cluster of

small tribal habitations. It retains only their ghost-names, whose memory itself is slowly fading out. The grand new vistas of new India are rising on their debris. All the new opportunities have gone to the articulate in the absence of any policy for planned development with focus on the people belonging to the 'affected zone'. They have no place in the new economy, for which they have not been prepared, except perhaps in its substratum in ignoble condition. The rulers have kept themselves busy in their favorite pass time of number games like 498/1098.

PART IV

**The Assaults on the People in Kalinganagar
— As Told by the People**

The present phase of assault by the capitalist-state combine in this part of Orissa is about two years old, which started with the arrival of some of the big players on the scene. A brief resume of the way situation has been perceived and handled in some cases, which the people remember is given below.

(i) Jindal:

The story begins in November 2004. All the 66 families of Bansipur were given notice to vacate without even an iota being firmed up in the name of so-called rehabilitation. The logic of Jindal was simple: 'We have purchased land from IDCO. Your land was acquired long back by the company, not us. You have received your compensation. You were, however, allowed to remain on land and use it, as a matter of grace. You have no claim so far as Jindal is concerned'. Accordingly Jindal could not care less about what was within the limits of the area that Jindal had purchased. And what followed was a veritable waging of war against the people, short of direct slaughter. In this case the people are said to have approached even the Honourable High Court in a PIL. The same is reported to have been rejected. The administration obviously stood by Jindal, the Lord of the Land.

After the purchase of land assigned by IDCO, Jindal appears to have started in the style of 'Wild Western Frontier' of American history. He began with blasting operation in his territory. For what ostensible purpose the blasting was done, one knows not! But the people are clear that it was done simply as a Grand Show of his might to drive away the villagers. There was a scare. A flying stone directly killed one person Matari Badara, aged 21. His father Kara and one more also died in the melee that ensued after the scare.

Many others were severely injured. But apparently no action was taken by the administration ostensibly because blasting was the right of the new Lord, the Industrialist-Ruler, since all that Jindal surveyed was His Territory.

The village Bansipur was proud of its luxuriant forest with majestic trees like those of a virgin forest. It had been nurtured and protected by the people through contribution of one handful of grain by each household in the village. The entire green tract was bulldozed. No guardian of the law of any description whatsoever, including environmentalists, took note of that sacrilege. 'The graveyards of our forefathers were also ravaged', told the young Brij Mohan Hembrum with tears in his eyes. 'Are the industrialists authorized to erase even the akharas of the youth, the sacred places of our worship: Burubonga on Naxawadi hillock, Nagabonga of Chatanpani, Jatrabonga of Mora Munda and even the entire hillock?', are some of the questions which relate to deep emotional aspects of the people's life that are of no concern to any one in the establishment and even the new Lord. It is so presumably because the very village Bansipur may have been erased from official records after acquisition of land therein. And no one in his senses could bother less about the ghosts, living and non living.

(ii) Maharashtra Seamless Steel:

The company was allotted 500 acres of land near village Duburi. But it decided to take possession of land in Chandia village. The company decided to start with bhumi puja on 9.5.2005. But the people were not informed. However, people gathered spontaneously with a call "No bhumi puja without fulfilling our demands". Their demands included (a) re-valuation of acquired land, (b) land for land and also for a Bari to each displaced, and (c) one job in each family.

The crowd swelled as the sun rose high in the sky. The gathering had women in equal strength. Accordingly puja could not be performed as scheduled. The people's assembly, however, thinned out in the afternoon. The ADM on duty took advantage of this opportunity to break the resistance. He ordered the people to disperse. When they refused to move out, the ADM was enraged. He caught hold of a girl with her hair and even kicked her. This infuriated the people. They pounced on the ADM who fell on the ground. The Inspector-In-Charge protected the ADM physically by covering him with his body. Both of them received severe injuries. The police started a lathi-charge and dispersed the people.

In this melee, the police jeep was also torched. Fearing retaliation from the police, the men folk of the village fled into the forest leaving women, children and old behind. The police swooped the village at the dead of the night. They arrested 25 women, 14 children and one person aged 70. Women included pregnant and lactating mothers. Children included infants and adolescent. Two small children were left back by their mothers in the confusion. The entire group of 40 was kept in jail for 22 days. Two children and two elderly people died because there was no one to look after them in the virtually deserted village.

The Special Rapporteur of the National Human Rights Commission (NHRC) visited the area in July on the basis of the report in press. Nothing is known to the people about the follow-up action. No dialogue at any level has been attempted so far. It is understood that the Rapporteur went into the technicalities of dealing with the crowd. The deliberations about rehabilitation were on common sense grounds, which missed the critical aspects of the tribal situation. He had nothing to say about the basic issues relatable to industrialization in the tribal areas or the raw deal to the people, which are intrinsic to human rights. He made repeated reference in his report about the way 'culprits' behaved. In the mean time the Chairman, National Commission for Scheduled Tribes also visited the area. He made many promises, but there has been no tangible impact.

(iii) Tata Company:

The trouble in this case had started in January 2005. It largely concerned the legal claims on what are termed as 'anabadi' government land. 'Unless regular pattas are issued we will not allow any work to proceed,' was the people's assertion. The ADM (Steel) pleaded that he had no staff. The people retorted that 'you have staff for steel companies, not for the people'. A date was fixed (17.1.2005) for dialogue in one of the villages. People gathered, but the ADM failed to appear. In the meantime Shri Kunwar Singh, Chairman National Commission for Scheduled Tribes came to visit the area in the Seamless case referred to above. A memorandum was submitted by the people, but the results are not known. The people also tried to approach the Special Rapporteur of NHRC about whose visit they had come to know from papers, but to no avail.

A number of events came in quick succession before '1/2' massacre. They can be summarized as follows:

(i) October 7, 2005: The real break came on this

date when Tata attempted to start building of a boundary wall. The initial request of the farmers was simple: 'Allow us to harvest our paddy crops'. Instead of a dialogue by the Company and the administration, the people were faced with a brutal lathi charge. About 15 to 20 people were injured.

(ii) October 7, 2005: A roadblock was organized on this day that went off peacefully.

(iii) October 25, 2005: A left-supported convention was organized. Ravindra Jarika, one of their leaders was arrested. The people tried to lodge an FIR in Kharavela Nagar P.S. in Bhubaneswar, which was not entertained.

(iv) October 26, 2005: Some more activists were arrested. The police station was gheraoed for six hours. The Collector and SP were present but there but there was no dialogue.

(v) November 21, 2005: The Dividing Line

The construction of the boundary wall is reported to have been finally stopped on this day. Both Collector and SP were also present. It is said that the administration there after was preparing for the final assault.

(vi) November 30, 2005: A big convention was organized on Indira Gandhi Ground, which passed off peacefully.

(vii) December 26, 2005: This day is celebrated as 'Prathishta Divas' by the BJD. During the celebration, it was openly stated by party activists that whosoever would dare to come in the way of development of Orissa, shall be crushed mercilessly.

(viii) December 28, 2005: The people of village Siaria had been given earlier a notice to clear out by this date. Heavy police deployment was brought in. But no force was used. There were, however, rumors agog that a grand rehearsal had been enacted on this day for the clearing operation that will begin on or after the 1st of January definitely.

2nd January 2006: The Day of Reckoning

Bulldozers arrived at Champakoila village early in the morning along with heavy police deployment. The information spread like wild fire. The reaction of the people was spontaneous as they were expecting something to happen for quite some time. It is said that the police had spread out some explosive devices tied to ropes in the big field between Kalinga Nagar and Champakoila. The land is undulating with a nala, mostly dry, in between. As the people started moving towards the bulldozers defying the presence of police in between, there were countless explosions with deafening sound. The details about how the further events took place are not clear. Tear gas

shells, rubber bullets and then actual bullets followed in quick succession. The firing was indiscriminate. A boy standing at a long distance outside his hut was injured and died. One bullet entered the thatch of a house and peeled the beam. Most of the injured had been hit at the back, the bullet piercing through their stomach. Both the hands of six bodies taken by the police had been chopped off, for reason unknown. Other brutalities are also reported. One policeman was killed and four injured. The details about the related events are not known.

The dead bodies of 12 Shahids were cremated in the village Ambagadia. According to the local tradition those who die in harness are not buried. The village has been renamed as Birbhumi. All affected villages are facing the crisis unitedly as one person under the banner of Bisthapan Birodhi Jan Manch (BBJM). An all India convention was proposed to be held at Birbhumi on January 30, 2006.

PART V

The Response Nationwide

The nationwide response has been spontaneous and fabulous which need not be described in detail here. A number of political leaders, other dignitaries, representatives of civil liberty and a variety of other organisations, people's movements and such like have visited the area. They have extended their support to the people in the hour of the crisis. The focus in most cases, however, has been on the victims of the tragedy, killed and maimed and providing relief to their families. The barbaric murders have been condemned in unequivocal terms. Even Sonia Gandhi described it as a "great tragedy" and said "Justice would be done to the family members of the victims." Needless to say cash compensation has been the easiest gesture of the rulers. It started with Rs one lakh by the Government of Orissa, was raised to five lakhs for the dead and 50,000 for the injured by the Governor, with an additional five lakhs by the Government of India and 50,000 by the Congress. The offers of the relief by the State have been turned down so far by BBJM. The relief given by the Congress (Rs one lakh for the dead and 25,000 for the injured) and Lok Sewak Mandal (Rs 25,000 for each dead), however, has been accepted.

The people at large have shown their solidarity in the common cause through bands, dharnas and other known forms of protest and support. The tribal leaders especially from Jharkhand have

promised to stand by the people in this crisis. There are also some stray suggestions for negotiated settlement 'regarding the amount of compensation and type of rehabilitation to the satisfaction of the oustees.'

Whither Guarded Caution?

The State Government has been extremely cautious in dealing with the situation. The Collector and the Superintendent of Police have been replaced. A judicial inquiry has been ordered. The Chief Minister has preferred not to visit the area. Even Smt. Sonia Gandhi and the Union Home Minister visited the villages without state security. The Chief Minister has come round to the view that there is a need for all party consensus about the future course of development especially in relation to industries in the tribal areas. This incident has made the old wounds green of oustees of RSP. The protest on January 10 in Rourkela was in pursuance of a call given in December. It became massive because of the reaction against '1/2' and the administration was obliged to be tolerant. The Chief Minister has been forced to seek the Center's intervention 'in solving the long standing issues concerning tribal land' and other disputes with the RSP, a Public Sector Enterprise of the Union Government, that have been agitating the people from the very beginning in 1954.

The Chief Minister of Jharkhand who has started realizing the intensity of resistance which may get engendered as the final reckoning comes, has also given a call for all party consensus on industries in the tribal areas. The State Government is reported to be prepared to offer shares in the enterprises to the concerned farmers. It is also important to note that the Maoists, whose area of influence in the tribal tract is now extensive, have declared that they are against large industries and they will not allow them to be established in the concerned States.

The Pledge

The BBJM have, however, taken a clear stand that the people are not prepared to part with their land, come what may. They have come to realize from their own experience and also in other parts of Orissa and elsewhere that it is now a matter of life and death for them. Hence the issue of land is not negotiable. The resolve was formalised on 21st January 2006 in Shapath Samaroh at Birbhumi attended by delegates from many States.

PART VI

A General Review

It is clear from the narration in the preceding sections that there is virtually no policy regarding establishment of industries in the tribal areas. The situation in the field accordingly is totally confused. It is important to note that not a single person while responding to the '1/2' incident has even alluded to the special situation prevailing in the tribal areas. There is no reference about the relevance of Constitutional provisions and even the policies that are supposed to be in vogue. There is no realisation of the fact that they were specifically designed to deal with the unique situation prevailing in these extensive resource rich tracts inhabited by the simple tribal people. The worst blasphemous transgression has been in respect of those groups that are still in the primitive stage even according to the Government's own reckoning such as Juangs, Bhuian, Koitur shifting cultivator.

The most regrettable part is that even the local administration, who should be well conversant with the local situation appear to have been handling the situation in a routine law and order style with no concern for the violation of their rights and even the Constitution. Their primary concern has been the interest of the State and the parties sponsored by the State in the name of so called development. As I had noted earlier in another context 'ostensibly the state must have deemed these violations as the duty of its officers, not of insignificant consequences to the welfare of the State.' So here we are in a position succinctly described by Prof Upendra Baxi that "an administrative culture which concerns itself primarily with the 'welfare of the state' (not the people) must indeed make violation of subject-people's right an official obligation, if not a virtue. And for the subject law assumes, more or less the character of destiny."

The following are some of the major conclusions about the current situation in Orissa, especially the tribal tracts caught in the whirl of industrialisation totally unprepared:

(i) Lack of Dialogue

There is no evidence whatsoever of any informed dialogue with the people after a major decision was taken to transform a backward tribal tract into a major industrial area of the state.

(ii) People's Plea Ignored

(a) The action of administration has been consistently unresponsive. For example, no corrective

measures were taken for dealing with anomalies in land records which came to the fore in the very beginning even before the land acquisition was completed.

(b) The fact that the people were paid only Rs. 37,000/- per acre as compensation while the very same land was given to companies at much higher price of Rs. 1.25 lakhs and now at 3.5 lakhs has caused great resentment, yet there is no initiation of the state on this ground;

(c) That rehabilitation is totally inadequate and inhuman has evoked no response. It is stated that each household that had agreed to move out in other cases was given 10 decimals of land with a clear red-letter print line that the same was not authorized, a tarpaulin cover and Rs. 5,000/-. This amount got eroded in many cases to a mere two thousand before reaching its final destination. The condition of tribal settlers in rehabilitation colonies stands out in contrast as dismal and inhuman compared to other better off groups.

(iii) State's Distorted Perception:

The state government is ostensibly claiming that it has been proceeding in accordance with the so-called laws of the land. Hence the people's resistance is deemed to be violation of the law and handled accordingly. All efforts by all concerned are therefore centered on breaking the resistance of the people rather than going to the root of the cause. All propositions, which have been put forward and even accepted as a reasonable solution, lay buried in the official files. Even the people's laws and their spirit is ignored, the most blatant violation has been in respect of PESA.

(iv) The Rehabilitation Packages

The so-called rehabilitation packages are totally inadequate because—

(a) They ignore or do not dare to face the problem in its totality;

(b) Provisions are made that are known to be incapable of being fulfilled just to fool the people as in the case of employment;

(c) Implementation is in the frame of 'alms giving' and 'take or leave it' on the premise that 'beggars can be no choosers'. Accordingly even when a ghastly incident like '1/2' takes place, attention is focused on ex-gratia grants to victims and peripherals of rehabilitation package; and

(v) The real causes of confrontation

The real causes of confrontation between the state and the people, which arises from the basic contradictions and ignoring the path of development with equity, are ignored and they are sought to be traced to miscreants, political rivalry and such

likes as a diversionary tactics.

(vi) Whither Constitutional Bodies?

It is a pity that even though the focus in this case is on tribal people, there has been no initiative on behalf of the Union Government, especially the Ministry of Tribal Affairs. It may be noted here that the Union Government not only has a special responsibility under the Constitution but also special overriding powers under Article 339 and also Para 3 of the Fifth Schedule to give suitable directions to the State.

The legalist approach prevails even in the functioning of the Constitutional bodies including those concerned with protection of tribals and human rights. Both NHRC and the National Commission of Scheduled Tribes have investigated some of the unfortunate events in the industrial zone of Kalinga Nagar a few months back. Even the Chairman of the National Commission for Scheduled Tribes who had visited the area two months back virtually made no impact on the local situation. On the contrary, it deteriorated culminating in the ghastly incidents of '1/2'. His visit after the '1/2' incident was virtually a repeat performance. He was of the opinion that if the government offered a satisfactory rehabilitation package, the confrontation could have been avoided. This is a simplistic approach, which totally ignores the Constitutional and the tribal policy frame outlined in the beginning. Such a formal involvement of Constitutional bodies is used by the governments and even other vested interests to give an aura of legitimacy to their actions that blatantly violate not only the spirit but even the letter of the laws concerning tribal interests. It is distressing that in a situation laden with deep human concerns, faults in handling of the so-called law and order situation are highlighted mechanically. The result is that the basic premises of state action that are faulty and comprise gross violations of the natural rights of the tribal people and even their Constitutional rights, both explicit and potential, remain unquestioned.

The narration of the Rourkela episode spread over half a century, and that of Kalinganagar in the last decade, have striking similarities on all points beginning with:

- the story of inadequate record,
- inattention to implications of local custom,
- focus only of directly affected - that too formally recorded,
- the fiction of employment cleverly qualified by terms like 'as far as possible' and escape clauses, and

- total unconcern about the dynamics of socio-economic avalanche in the wake of massive influx which the simple tribal people have to face totally unprepared and that results in displacement, disorganization, destitution and demise.

In fact the handling of the tribal situation both by the Center and the State is contrary to the intent and content of the Constitutional provisions and relevant policy guidelines. They envisage particularistic approach with case by case and area by area dispensation. The tribal situation is so varied and variegated that it does not admit generalised solutions. All policy decision have to be guided by the clear and unequivocal stipulation that the tribal interest shall not be compromised on any count whatsoever.

PART VII

Immediate Tasks and Future Perspective The Deepening Crisis in Orissa

With Rourkela at one end and Kalinga Nagar at the other in the time span, sharing the same experience with no change, the situation in other parts of Orissa caught in the whirl of change without due preparation can be easily extrapolated. Kashipur by itself has become a legend with the local administration refusing to permit even women researchers from the prestigious Tata Institute of Social Sciences to interview women in that area that has been turned into a concentration camp. Orissa has also earned notoriety in ignoring the community rights of the shifting cultivators in the southern half. The new Baron Esquires from Imperial Zones are boasting of their plantation estates not in terms of humble hectares but in the Mega Measure of Miles Square. Displaced people from Hirakud and Rengali have their own woes to tell. And the mining mafia tops them all. They have entered the Roll of Honour of those who are serving the State and the nation for driving away the dispensable 'overburden' of primitive tribes like Juangs and Bhuias in their sacred Pirhs in search of the black diamond in the style of the gold-rush in the fabled Frontier of the West. In sum, the situation in Orissa is worsening with every passing day irretrievably as the number of exotic players with unverified, if not pernicious credentials, is multiplying. With the rising consciousness amongst the people at the other end, who are no longer prepared to accept the State as their mai-bap, and whose sense of honour has been badly mauled by the countless acts of omission and commission of the rulers, the State is virtually sitting on a volcano. The most regrettable and striking feature of the

tribal scene in Orissa is that a substantial part of the tribal population in the tribal pocket in Jajpur district has been denied the Constitutional protection of the Fifth Schedule notwithstanding the commitment referred to earlier. If the situation in Rourkela with all favourable formal propositions like Scheduled Area, Public Sector Enterprise and above all the enthusiastic commitment to socialistic goals after half a century is dismal and turning to be explosive: What fate awaits the people of new industrial zones in the context of all adverse factors, viz., denial of Constitutional protection, private enterprises committed to the theology of profit and the state's commitment to free market in the new ethos of liberalisation and globalisation, cannot be even imagined. Destitution and demise will be their fate. The State will be squarely responsible for that calculated crime against the tribal people.

Nay, A National Crisis

While Orissa has already reached a critical stage and a breaking point, the other resource rich tribal tracts, especially Jharkhand and Chhattisgarh, are moving fast in the same direction. Even other areas in the neighbourhood and at long distance like Uttarakhand and the North East may not remain far behind. [...] The only ray of hope is the reaction from the people's end after the initial misadventures to the effect that enough is enough. The Orissa experience may have valuable lessons for the entire tribal tract of the country and even else where. [...]

The Real Dissonance

The developmental scene especially in the tribal areas is totally confused. The principles of free-market economy have been forced on the nation by the ruling elite ignoring the Constitutional mandate and even the people's will under the ploy of liberalisation and globalisation. This has been accomplished in the general areas without much resistance because the Constitutional mandate for a socialistic frame is largely in the form of directive principles that are not enforceable. The people at large on their part have been used to the mai-bap regime under the colonial laws which are accepted as 'natural.' Moreover the community at the village level is highly fragmented and iniquitous. A significant section therein is amenable to co-option. The result is that the people have not been able to organise themselves so far to meet the challenge of global imperialist capitalist combine.

The situation in the tribal areas is totally different. The system of self-governance continued during

the British regime because the tribal people continuously fought against them and did not allow to British to consolidate their hold. These areas were generally treated as 'excluded' or partially excluded areas. Even though the tribal people have been subjected to the colonial laws after Independence, they never reconciled to that imposition. The traditional system of self governance has remained strong and effective notwithstanding serious inroads. The initial mistake that had given rise to the confrontation between the tribal people and the State has been acknowledged, though rather late in the day. Some amends have been made in the form of PESA. It has transformed the paradigm of governance at the village level with community in the form of Gram Sabha coming to the center of the stage in matters of governance at that level. The Forest Bill acknowledges the historical injustice. Nevertheless it is rather sad that the ruling elite has not reconciled with this qualitative change and there is avoidable confusion.

The Constitution, especially the Fifth Schedule, envisages a special deal for the tribal people as discussed in detail earlier. Besides the issue of self governance, the command over resources unequivocally vests in the community. Therefore, free-market regime cannot be extended to these areas as a matter of course. It is a matter of deep regret that the Fifth and the Sixth Schedule Areas, which hitherto had been excluded from the WTO regime, have been brought under the same. Nevertheless the International Conventions and the verdict of the courts are unequivocally in favour of the tribal people. Moreover the people themselves are becoming conscious about the difference in the two paradigms. They are asserting that the command over resources is non-negotiable notwithstanding the understanding that the rulers may enter with entrepreneurs.

The Basic Features of the New Policy

In the context of special situation of the tribal people certain basic principles will have to be clearly spelt out for development in the tribal areas especially about industry and mining that are accepted as the leading sector in the national economy. As we have noted earlier we have the benefit of earlier policies and high level deliberations such as Bhuria Committee. It may be noted that the Bhuria Committee was a high level body comprising Secretaries of concerned departments, Members of Parliament and well known experts in the field. Therefore their views can be reasonably accepted to reflect both the official view and the people's side. The same can be taken to repre-

sent a balanced view that can be the starting point for a dialogue for future action. The main features of the policy can be summarised as follows:

- (i) Command over the habitat is non-negotiable;
- (ii) Subject to the condition in (i) above, any scheme of utilising the resources must be subject to prior consent of the community on the basis of informed dialogue;
- (iii) The concept of zone of influence of the industrial and mining complexes should be accepted for comprehensive planning. All the people in the zone must be assured of a place of honour in the new economy on terms of equality;
- (iv) The principle of community ownership of industry as envisaged by Bhuria Committee should be accepted by all concerned.

Crucial is Ownership

The issue of ownership is crucial. The community as owner of the enterprise will be in a position to ensure that

- (a) the resources are not over exploited as a part of global loot by the imperialists;
- (b) the activities are environment friendly and sustainable;
- (c) the use of technology is not governed by profit motive but aimed at providing employment in the region for meaningful participation by all concerned; and
- (d) the bulk of the profit, to the extent of three-fourths, is retained in the area so the industrial activity becomes the foundation for overall development of the area with focus on quality of life in general in a realm of equity.

Some Special Measures

Having presented the broad outline, it will be necessary to look at the tribal situation in Orissa in some detail and outline a possible action plan. It is distressing to note that the Kalinga Nagar Industrial Zone is not a Scheduled Area. There are extensive tribal majority areas in Orissa that are not scheduled which account for more than one-third tribal population of the State. These people are doubly sinned because they are more vulnerable compared to those living in predominant tribal areas. Yet they are denied even the notional Constitutional protection. Some of the special measures can be summarised as in the following:

1. Deemed Scheduled Areas:

All tribal-majority pockets and even villages should be added to the Scheduled Areas of the State as per the commitment of the Union Govern-

ment. Until such time as the formalities in this regard are completed, the Governor must declare, through a notification under Para 5 of the Fifth Schedule read with sub-clause (4) of Article 15 of the Constitution, all these areas as 'Deemed Scheduled Areas' (DSA). This notification should also be given retrospective effect (DSARE) from the date of last notification in 1977 under the provisions of the same Para. If extensive forests can be administered as 'Deemed Reserved Forests' for decades, steam-rolling the rights of the tribal people living in those areas for generations, there is no reason why the tribal areas cannot be accorded 'DSARE' status for protecting the tribal people and meeting the unprecedented challenge to their very identity at the most crucial phase in their history.

2. Commitment to Honour the Spirit of the Constitution

The state of uncertainty on the vital issue about command over resources must end. As stated earlier 'community ownership over industries' alone can provide the firm foundation of an equitable deal for the tribal people in consonance with the spirit of the Constitution. This proposition included the right of the people to say 'NO' to any proposal for taking up mining operations or establishing an industry in their habitat. The onus of convincing the people that the proposal will be in the interest of all concerned, which shall ensure a place of honour to them in the new economy, will be on the State which stands divested of its coercive power by virtue of PESA read with Fifth Schedule of the Constitution.

3. Revisit Land Acquisition:

A logical corollary of the above propositions will be to revisit the entire process of land acquisition - and a fresh beginning should the people agree - in keeping with the spirit of the provisions of Section 4(i) of PESA. In fact, suitable regulations may be made honouring the spirit of Section 4(d), which places the Gram Sabha at the centre of the stage. All legal provisions which violate the above mentioned premise including Section 3(6)(b) of Orissa Zila Parishad Act, 1991 must be amended.

4. Unearned Benefit of Escalating Price of Land

The laws of land in Orissa envisage that the benefit of 'unearned escalation' in the price of land due to its diversion from agriculture to industrial activity should accrue to the farmer. Suitable measures may be taken to operationalise this principle.

5. Social Cost of Mining Industry

It is clear that the above propositions will lead to a paradigm transformation of development in the resource-rich Scheduled Areas. In particular, it will be necessary to amend the National Mineral Policy as also Mining Rules to bring them in consonance with the new spirit. In particular, it must be specifically provided that the social cost of mining activity shall be fully neutralized. A suitable regulation or notification by the Governor under Para 4 of V Schedule maybe made.

6. Dialogue with the People

A dialogue with the people in Kalinga Nagar Industrial Zone as also other mining and industrial areas should be started forthwith in terms of the spirit of new dispensation implicit in 1-5 above. In particular, the Government must declare that no takeover of lands, including those already acquired, shall be proceeded with unless the people get convinced about a place of honour on terms of equality in the new economy as envisaged in the 1974 guidelines.

7. Revisit Land Records

One of the major problems is the shaky basis of land records. This has effectively denied the tribal people the legitimate claims in terms of existing laws. The clever people have also used the opportunity to fabricate their claims. A high powered committee may be constituted forthwith which may proceed to bring on record, in consultation with the concerned Palli Sabhas, the names of those in occupation of land acquired or handed over to the industries otherwise and reject contrived claims.

8. Build up Confidence Relationship through Deeds of Undoing Injustice:

The dispensation implicit in the above should inform all enterprises in the private, public and state sector already established in the Scheduled Areas including 'Deemed Scheduled Areas with Retrospective Effect' (DSARE). The concerned industries must be obliged to accept the responsibility. An ad hoc committee may be constituted for the entire zone of influence of every industrial and mining complex, maybe for a group of such enterprises located in the same vicinity. The Committee may comprise representatives of the State, the enterprise(s) and the people. The Committee should be responsible for preparing a plan of action and also its implementation in pursuance of the basic premises of the above discourse.

This author had served as Commissioner for Scheduled Castes and Scheduled Tribes during 1986-92

PART IV: INTERNATIONAL LAW FOR THE PROTECTION OF INDIGENOUS PEOPLES AND HUMAN RIGHTS

Introduction

The constitutional provisions and other provisions of Indian national legislation and jurisdiction for protection of the "Scheduled Tribes" have already been discussed in detail by Celestine Xaxa in Part II and B.D.Sharma in Part III. They are:

- the Constitution of India, especially the Fundamental Rights;
- the Fifth Schedule on the Constitution on the administration of the Scheduled and Tribal Areas
- the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996, known as PESA Act
- the Supreme Court Judgment of *Samata Vs. State of Andhra Pradesh & other*, 1997

What remains, is the international law pertaining to indigenous peoples in particular and to human rights in general.

ILO Conventions and Rights of Indigenous Peoples

In 1958, India ratified International Labour Organisation (ILO) Convention No. 107 of 1957, "Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries". This Convention, however, was later revised and replaced by ILO Convention No. 169 of 1989, "Concerning Indigenous and Tribal Peoples in Independent Countries". The old Convention 107 is no longer open for ratification.

One of the main differences between the two Conventions is in their approach towards the indigenous peoples. Convention 107 has a somewhat paternalistic touch and wants to integrate and assimilate the indigenous peoples into the national mainstreams of the countries concerned. This, probably, was the spirit of those days, but it also provoked the resistance and protest of indigenous groups around the world. In response to this, the text was revised later and adopted with new title and number. The new Convention 169 is so far the most progressive international legislation in

this regard, which refers to the responsibilities of the state towards the indigenous communities. In recent years a few states in Europe (Denmark, Netherlands and Norway) have also decided to ratify ILO Convention No. 169 as an expression of their solidarity with the indigenous peoples and their struggles in other parts of the world, and as a guideline for their own development aid programmes. But this revised Convention has not been ratified by India as yet. In fact, the Government of India denies that the Adivasis or Scheduled Tribes as mentioned in the Constitution are indigenous peoples.

This point was repeated again by the Indian delegate during the session of the newly established U.N. Human Rights Council in June 2006. In this session - after more than 10 years of debate between representatives of states and of indigenous peoples - another important international document was adopted and recommended to the U.N. General Assembly for adoption: the "Declaration on the Rights of Indigenous Peoples". This Declaration contains explicit statements, e.g. on rights over resources and appropriate compensations. It is also the first document that in its language takes the indigenous peoples as the subjects of their fate, saying: "Indigenous peoples have the right to..." Both, India and Germany are members of the U.N. Human Rights Council, and both voted in favour of the adoption of this Declaration. We include this document as the last in this section and of this publication.

The International Bill of Human Rights

- The Universal Declaration of Human Rights (1948),
- the International Covenant on Civil and Political Rights (1966),
- the International Covenant on Economic, Social and Cultural Rights (1966),
- the Optional Protocol to the International Covenant on Civil and Political Rights (1966), and
- the Second Optional Protocol to the Interna-

tional Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)

constitute the International Bill of Human Rights. By common understanding the two Covenants elaborate and substantiate the Universal Declaration of Human Rights.

The Constitution of India has enshrined most of the fundamental rights laid down in the Universal Declaration of Human Rights. India ratified or acceded the two Covenants in 1979 (cf. also the Declaration appended to the text of the International Covenant on Economic, Social and Cultural Rights which is printed below). Germany had ratified the two Covenants in 1973.

Of these documents, the International Covenant on Economic, Social and Cultural Rights is of great relevance for the indigenous communities. The tri-fold human rights focus of this text matches exactly with the Adivasis' or indigenous peoples' struggle for their economic, social and cultural survival. Human rights, in this context, is a state responsibility: to respect and to fulfill, to protect and to promote. The U.N. system of human rights also provides for a monitoring body, namely, the Committee on Economic, Social and

Cultural Rights. The states are obliged to submit regular reports to the Committee on how the rights are being implemented.

Extra-territorial Obligations

In addition to the above, the international human rights debate of recent years has thrown up a new concept of so-called extra-territorial obligations of states. This means that the protection and fulfilment of human rights in a given state is not left to that state alone. But that the partners in international relations and cooperations also have a responsibility towards the human rights in that other state.

This is clearly the case where international organisations with state representatives in their governing bodies (like the World Bank) operate or intervene in any state. This extra-territorial responsibility or obligation should be even more compelling in the case of bi-lateral relations - be it in loan agreements between two states or in private sector business relations.

This discussion has started predominantly around the economic, social and cultural human rights. The guiding principles for this can be found in the respective Covenant.

ILO Convention No. 107, 1957
Convention concerning the Protection and Integration
of Indigenous and Other Tribal and Semi-Tribal Populations
in Independent Countries

Date of adoption: 26.06.1957

Date of coming into force: 02.06.1959.

(This Convention was revised in 1989 by ILO Convention No. 169)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Fortieth Session on 5 June 1957, and
Having decided upon the adoption of certain proposals with regard to the
protection and integration of indigenous and other tribal and semi-tribal
populations in independent countries, which is the sixth item on the agenda
of the session, and

Having determined that these proposals shall take the form of an international
Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings
have the right to pursue both their material well-being and their spiritual
development in conditions of freedom and dignity, of economic security and
equal opportunity, and

Considering that there exist in various independent countries indigenous and
other tribal and semi-tribal populations which are not yet integrated into the
national community and whose social, economic or cultural situation hinders
them from benefiting fully from the rights and advantages enjoyed by other
elements of the population, and

Considering it desirable both for humanitarian reasons and in the interest of
the countries concerned to promote continued action to improve the living
and working conditions of these populations by simultaneous action in respect
of all the factors which have hitherto prevented them from sharing fully in
the progress of the national community of which they form part, and

Considering that the adoption of general international standards on the subject
will facilitate action to assure the protection of the populations concerned,
their progressive integration into their respective national communities, and
the improvement of their living and working conditions, and

Noting that these standards have been framed with the co-operation of the
United Nations, the Food and Agriculture Organisation of the United Nations,
the United Nations Educational, Scientific and Cultural Organisation and the
World Health Organisation, at appropriate levels and in their respective fields,
and that it is proposed to seek their continuing co-operation in promoting
and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred
and fifty-seven the following Convention, which may be cited as the
Indigenous and Tribal Populations Convention, 1957:

PART I. GENERAL POLICY

Article 1

1. This Convention applies to—

- (a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

2. For the purposes of this Convention, the term semi-tribal includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

3. The indigenous and other tribal or semi-tribal populations mentioned in paragraphs 1 and 2 of this Article are referred to hereinafter as „the populations concerned“.

Article 2

1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

2. Such action shall include measures for—

- (a) enabling the said populations to benefit on an equal footing from the rights and opportunities which national laws or regulations grant to the other elements of the population;
- (b) promoting the social, economic and cultural development of these populations and raising their standard of living;
- (c) creating possibilities of national integration to the exclusion of measures tending towards the artificial assimilation of these populations.

3. The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative.

4. Recourse to force or coercion as a means of promoting the integration of these populations into the national community shall be excluded.

Article 3

1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

2. Care shall be taken to ensure that such special measures of protection—

- (a) are not used as a means of creating or prolonging a state of segregation; and
- (b) will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

Article 4

In applying the provisions of this Convention relating to the integration of the populations concerned—

- (a) due account shall be taken of the cultural and religious values and of the forms of social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;
- (b) the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognised;
- (c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.

Article 5

In applying the provisions of this Convention relating to the protection and integration of the populations concerned, governments shall—

- (a) seek the collaboration of these populations and of their representatives;
- (b) provide these populations with opportunities for the full development of their initiative;
- (c) stimulate by all possible means the development among these populations of civil liberties and the establishment of or participation in elective institutions.

Article 6

The improvement of the conditions of life and work and level of education of the populations concerned shall be given high priority in plans for the overall economic development of areas inhabited by these populations. Special projects for economic development of the areas in question shall also be so designed as to promote such improvement.

Article 7

1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.
2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.
3. The application of the preceding paragraphs of this Article shall not prevent members of these populations from exercising, according to their individual capacity, the rights granted to all citizens and from assuming the corresponding duties.

Article 8

To the extent consistent with the interests of the national community and with the national legal system—

- (a) the methods of social control practised by the populations concerned shall be used as far as possible for dealing with crimes or offences committed by members of these populations;
- (b) where use of such methods of social control is not feasible, the customs of these populations in regard to penal matters shall be borne in mind by the authorities and courts dealing with such cases.

Article 9

Except in cases prescribed by law for all citizens the exaction from the members of the populations concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law.

Article 10

1. Persons belonging to the populations concerned shall be specially safeguarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights.
2. In imposing penalties laid down by general law on members of these populations account shall be taken of the degree of cultural development of the populations concerned.
3. Preference shall be given to methods of rehabilitation rather than confinement in prison.

PART II. LAND

Article 11

The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.

Article 12

1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.
2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.
3. Persons thus removed shall be fully compensated for any resulting loss or injury.

Article 13

1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.
2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members.

Article 14

National agrarian programmes shall secure to the populations concerned treatment equivalent to that accorded to other sections of the national community with regard to—

- (a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these populations already possess.

PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

Article 15

1. Each Member shall, within the framework of national laws and regulations, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to the populations concerned so long as they are not in a position to enjoy the protection granted by law to workers in general.

2. Each Member shall do everything possible to prevent all discrimination between workers belonging to the populations concerned and other workers, in particular as regards—

- (a) admission to employment, including skilled employment;
- (b) equal remuneration for work of equal value;
- (c) medical and social assistance, the prevention of employment injuries, workmen's compensation, industrial hygiene and housing;
- (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES

Article 16

Persons belonging to the populations concerned shall enjoy the same opportunities as other citizens in respect of vocational training facilities.

Article 17

1. Whenever programmes of vocational training of general application do not meet the special needs of persons belonging to the populations concerned governments shall provide special training facilities for such persons.

2. These special training facilities shall be based on a careful study of the economic environment, stage of cultural development and practical needs of the various occupational groups among the said populations; they shall, in particular enable the persons concerned to receive the training necessary for occupations for which these populations have traditionally shown aptitude.

3. These special training facilities shall be provided only so long as the stage of cultural development of the populations concerned requires them; with the advance of the process of integration they shall be replaced by the facilities provided for other citizens.

Article 18

1. Handicrafts and rural industries shall be encouraged as factors in the economic development of the populations concerned in a manner which will enable these populations to raise their standard of living and adjust themselves to modern methods of production and marketing.

2. Handicrafts and rural industries shall be developed in a manner which preserves the cultural heritage of these populations and improves their artistic values and particular modes of cultural expression.

PART V. SOCIAL SECURITY AND HEALTH

Article 19

Existing social security schemes shall be extended progressively, where practicable, to cover—

- (a) wage earners belonging to the populations concerned;

(b) other persons belonging to these populations.

Article 20

1. Governments shall assume the responsibility for providing adequate health services for the populations concerned.
2. The organisation of such services shall be based on systematic studies of the social, economic and cultural conditions of the populations concerned.
3. The development of such services shall be co-ordinated with general measures of social, economic and cultural development.

PART VI. EDUCATION AND MEANS OF COMMUNICATION

Article 21

Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.

Article 22

1. Education programmes for the populations concerned shall be adapted, as regards methods and techniques, to the stage these populations have reached in the process of social, economic and cultural integration into the national community.
2. The formulation of such programmes shall normally be preceded by ethnological surveys.

Article 23

1. Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong.
2. Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country.
3. Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.

Article 24

The imparting of general knowledge and skills that will help children to become integrated into the national community shall be an aim of primary education for the populations concerned.

Article 25

Educational measures shall be taken among other sections of the national community and particularly among those that are in most direct contact with the populations concerned with the object of eliminating prejudices that they may harbour in respect of these populations.

Article 26

1. Governments shall adopt measures, appropriate to the social and cultural characteristics of the populations concerned, to make known to them their rights and duties, especially in regard to labour and social welfare.
2. If necessary this shall be done by means of written translations and through the use of media of mass communication in the languages of these populations.

PART VII. ADMINISTRATION

Article 27

1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies to administer the programmes involved.
2. These programmes shall include—
 - (a) planning, co-ordination and execution of appropriate measures for the social, economic and cultural development of the populations concerned;
 - (b) proposing of legislative and other measures to the competent authorities;
 - (c) supervision of the application of these measures.

PART VIII. GENERAL PROVISIONS

Article 28

The nature and the scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 29

The application of the provisions of this Convention shall not affect benefits conferred on the populations concerned in pursuance of other Conventions and Recommendations.

Article 30

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 31

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 32

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 33

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 34

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 35

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 36

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 32 above, if and when the new revising Convention shall have come into force;
- b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 37

The English and French versions of the text of this Convention are equally authoritative.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Adopted and opened for signature, ratification and accession
by General Assembly resolution 2200 A (XXI) of 16 December 1966
Entry into force: 3 January 1976

PREAMBLE

The States Parties to the present Covenant,
Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
Recognizing that these rights derive from the inherent dignity of the human person,
Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,
Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,
Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,
Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

- (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

- (a) the right of everyone to form trade unions and join trade unions of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restriction may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interest of national security or public order or for the protection of the rights and freedoms of others;
- (b) The rights of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

- 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
- 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be paid leave or leave with adequate social security benefits.
- 3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reason of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also

set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
- (a) To take part in cultural life;
 - (b) To enjoy the benefits of scientific progress and its applications;
 - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
- 2.(a) All reports shall be submitted to the Secretary-General of the UN, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.
- (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also

members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any States Parties to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementations adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for the study and general recommendations or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the UN, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three month after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three month after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. the Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they

favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Declarations [by the Indian Government]:

I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the right of self-determination' appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation—which is the essence of national integrity.

II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16(4) of the Constitution of India."

UN Declaration on the Rights of Indigenous Peoples

Adopted by U.N. Human Rights Council Resolution on 29.06.2006
[Document No. A/HRC/1/L.3. The arrangement of the articles follows the Draft Declaration of 1994, which was under consideration since 1995 in a working group established by the then Commission on Human Rights]

PP1 Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

PP2 Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of human-kind,

PP3 Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

PP4 Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

PP5 Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

PP6 Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

PP6 Further recognizing the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

PP7 Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

PP8 Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

PP9 Recognizing also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

PP10 Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

PP11 Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

PP12 Recognizing also that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

PP13 Considering that the rights affirmed in treaties, agreements and constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

PP13 Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

PP14 Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

PP15 Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with international law,

PP15 bis Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

PP16 Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and co-operation with the peoples concerned,

PP17 Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

PP18 Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

PP18 bis Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

PP19 Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect,

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 3 bis (former Article 31)

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 4

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 5

Every indigenous individual has the right to a nationality.

Article 6

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 7

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 8 (deleted)

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11 (deleted)

Article 12

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 13

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 14

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 15

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 16

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 17

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.

Article 18

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, *inter alia*, employment or salary.

Article 19

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 20

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 21

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 22

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22 bis

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 26 bis

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 27

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 28

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 28 bis

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 29

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 30

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 31 (deleted - new Article 3 bis)

Article 32

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not

impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 33

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 34

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 35

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 36

1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.

Article 37

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 38

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 39

Indigenous peoples have the right to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 40

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring parti-

cipation of indigenous peoples on issues affecting them shall be established.

Article 41

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 42

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 43

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 44

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 45

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

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.

Secretariat:

Dr. Theodor Rathgeber

Jugendheimstr. 10

D-34132 Kassel, Germany

Phone ++49-561-47597800

Fax ++49-561-47597801

email adivasi.koordination@gmx.de

www.Adivasi-Koordination.de

Research & Documentation:

sarini, c/o Johannes Laping

Christophstr. 31

D-69214 Eppelheim, Germany

Phone ++49-6221-766557

Fax ++49-6221-766559

email sarini-jl@gmx.de