

Development and Displacement

Who Pays the Price?

A compilation of articles, stories and data on the question of development and displacement in four states in India. Among the most adversely affected are the Adivasi.

Adivasi-Koordination
in Deutschland e.V. (ed.)

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Der Weg

Wenn wir einen Weg gemeinsam wählen
Wenn wir eine Entscheidung gemeinsam fällen
Dann können wir sogar einen Berg abtragen
Dann kann sogar ein steinernes Herz
Bezwungen und erreicht werden

Viele Strohhalme binden einen Elefanten
Und ein Heer von Ameisen kann eine Schlange töten
Was sollten wir nicht erreichen können, wenn wir zusammenhalten
Wogegen sollten wir uns nicht erheben können
Wenn uns gemeinsames Handeln verbindet
Nur wenn die fünf Finger der Hand zusammen sind
Kann sie festhalten und Kraft ausüben
Deswegen lasst uns alle Scheuklappen und
Kleinlichen Gedanken ablegen

Du und ich, Du, Du und Du, wir alle bilden den Sangamam
Wir sind die Gemeinschaft
Und unsere Stärke liegt in der Einigkeit.

nach S. Johnson
Zeitschrift Solidarische Welt 1983

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Foreword

Adivasi in India – Mainstream Development means Displacement

The Republic of India is one of the largest countries in the world, both in terms of size and in terms of its population, what in itself transports the idea of diversity as a genuine factor of Indian life. Within this context, India faces the challenge of becoming a so called modern nation with rule of law, secularism and democratic procedures of decision making, while reality is characterised by inequality, injustice and exclusion. Roughly, India follows a concept of development, which eventually disregards any alternative option to mainstream development emphasising industrialisation and information technologies at the expense of the underprivileged parts of India's society, and conducts this process to a large extent with brutality. It cannot be said that India's governments would have done enough to meet the challenge.

Indeed, diversity can be stated by some basic statistical data: India hosts approximately 170 million members of the Scheduled Castes (Dalits) and about 100 million members of the hundreds of Scheduled Tribes (Adivasi). 'Scheduled' is a legal definition in terms of registration and entails constitutional rights for the rights holders. In reality, however, Dalits and Adivasi continue to face discrimination and social segregation in many aspects of public and private life. Dalits are victims of social ostracism, Adivasi are consistently discriminated against and suffer from socio-economic marginalisation. Among the estimated 60 million persons displaced since 1947 in consequence of and in the name of national development, about two thirds belong to Adivasi communities; as e.g. Walter Fernandes has found in his various studies on displacement.

It may not be surprising that beneath the surface, India is a country still burdened with deeply rooted ethnic and religious conflicts, with an insufficient infrastructure and a majority of the population living in poverty. No doubt, efforts have been made to address such issues: Since the 1990s, the Indian central government has drawn up and implemented several policies and legal frameworks, which should have enhanced the social and political life of the poor people - in terms of decentralisation and democratisation of political power. Concerning the Adivasi, the 1996 Panchayats (Extension to Scheduled Areas) Act (PESA) introduced the concept of local policy-making and partial self-determination. Obviously, such provisions can be misused and instrumentalised for alien purposes. Nevertheless, in some of the examples presented in this compilation, the importance of PESA and the local assembly Gram Sabha is underscored as a fruitful means for Adivasi in order to insist in their interests more effectively.

Legal Framework

The Constitution of India is secular in character and recognises the tremendous diversity in the country. In relation to Adivasi, special provisions have been made e.g. in Articles 15(4), 15(5), 16(4), 16(4A), 46 and in the provisions of the Fifth Schedule. Also, the Supreme Court very recently (beginning of 2011) has flayed the Executive and the bureaucracy, stating that they are denying the marginalised, the weak, and the scheduled castes and tribes their legitimate constitutional guarantees. The court made this harsh observation in a case involving a tribal woman, whose land in the State of Orissa had been acquired by the government for a railway project 19 years ago.

Further rights related to Adivasi people and communities are the Chota Nagpur Tenancy Act 1908 and Santhal Pargana Tenancy Act 1949 which prohibit the sale and transfer of Adivasi land to non-Adivasi although in reality the land was illegally snatched away from them. In 1969, the Bihar Scheduled Areas Regulation Act was enforced for prevention and legalization of illegal transfer of Adivasi land. A special Area Regulation Court was established and the Deputy Commissioner was given special right regarding the sale and transfer of Adivasi land. Nevertheless, the cases of illegal

land alienation are increasing rapidly, particularly in States like Jharkhand and Orissa, two states which are considered, too in this compilation. It can be simply concluded, that the numerous laws made for protection of the Adivasi's rights have never been enacted honestly and with true spirit.

In addition to the national law architecture, India has also accepted and ratified a number of international human rights instruments. India is e.g. a party to the International Covenants on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights. However, India, has made a reservation to Article 1 of both these treaties, denying the application of the right to self-determination to ethnic groups. India has not ratified either the first optional protocol to the ICCPR, which would allow individuals to make a complaint to the international treaty body, called the Human Rights Committee. India has further ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention for the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

In relation to indigenous peoples (here: Adivasi), India has ratified the International Labour Organisation's Convention 107 (1957) on Indigenous and Tribal Population, but refused to ratify the revised ILO convention concerning Indigenous and Tribal Peoples in Independent Countries. What is the reason or motive behind this attitude? ILO 107 treats indigenous and tribal peoples as being backward and, thus, subject to mainstream development, while ILO 169 recognises the right of indigenous and tribal peoples to keep their own culture, values, local governments and, finally, their historically grown access to land and resources. Consequently, India denies to meet the challenges of the UN Declaration on the Rights of Indigenous Peoples of 2007.

In addition to the existing legal framework, which is only partly functioning, there are also obvious flaws. The Government of India was unable till today to repeal the draconian Land Acquisition Act of 1894 or to present a law for the rehabilitation of people affected by 'relocation' or displacement. For more than 60 years, people have been displaced in the name of development without any proper rehabilitation. A next flaw deals with the fact, that there are barely any governmental statistics regarding the population and the families, which have been or are going to be affected by a "development" project. This aspect has been revealed also by Bineet Mundu's study.

Moreover, the authorities are frequently silent on important questions with reference to the exact social, environmental, territorial and cultural impacts of a planned development project. Obviously, there is the Right to Information Act which in many cases has proven to be working. However, is this the appropriate understanding of prior, in time and comprehensive information on the impacts of a development project, and dealing with elementary aspects of people's survival? Is it, in reverse, surprising that these people feel betrayed in the name of 'development' and 'national' or 'public interest'? Is it only and exclusively a matter of public order, when Adivasi recur to mass struggle in order to protect their land?

Deeply disappointed are Adivasi in the State of Jharkhand, whose literally meaning is 'the land of forests' and which came into existence in 2000 with the expectations that Adivasi can practice their ownership rights over the natural resources, enjoy autonomy and rule themselves as earlier they used to. Until today, Jharkhand witnesses an unending struggle for mineral resources. Exploitation and injustice are prevalent, the political leaders of Adivasi continue signing Memoranda of Understanding (MoU) for establishing steel factories, power plants and mining industries, which require approximately 200,000 acres of land. This would mean the displacement of approximately one million people in the name of public interest.

Displacement

Displacement for Adivasi means total dislocation from their lands including the specific ecological knowledge, resources, systems of agriculture, from their herding, hunting and gathering grounds, from their cultural and religious environment, which forms an indispensable element of their survival and identity. In addition, and Bineet Mundu's text in this compilation also contains some facts on this, Adivasi people have witnessed encroachment of their lands by outsiders such as government, forest authorities, companies and non-Adivasi individuals. This encroachment of lands has had a devastating effect on the socio-political life of the Adivasi people. In some regions, it has also brought a change in the demography, making Adivasi a minority on their own land. Continuously they are exploited, discriminated, dominated and despised.

In addition to the expropriation as such, since its very beginning the excess in land acquisition has been rather the norm than the exception; i.e. land, which finally was not needed for the respective project and has never been given back to its original owners. For example, Burla town in the Sambalpur District of Orissa has been built on excess land acquired for the Hirakud dam (see the respective study by Bineet Mundu below). Two thirds of the land acquired for the HAL (Hindustan Aeronautics Limited) -MiG Factory at Sunabeda, Koraput District in Orissa in 1966 are lying unused, while 16,000 displaced Adivasi have not been resettled. The studies of Adivasi-Koordination on the steel-plant in Rourkela also documented that there is excess land of 12,000 acres. Civil society members have initiated a courtcase with the objective that this excess land is returned to its original owners. The Special Economic Zones Act 2005 stipulated in its first version that 25 per cent of the area should be used for productive purposes. Under pressure from the people it was raised to 50 per cent. The rest can be used for tourist resorts, hotels, townships and other purposes. For some companies, real estate speculation became an additional good business. Tata company was allotted 997 acres at Singur (West Bengal), when they needed less than half of it.

When displacement happens, people cannot decide on their own rehabilitation. The administration will prepare a plan in consultation with them, and they will be given land "if it is available". There is no assurance of jobs or any other economic support. Most benefits given to the displaced are in the form of subsidies, not permanent assets like land. The social impact assessment before taking a decision on land acquisition is limited to common property like schools, ponds and roads. Impacts such as impoverishment, social disruption, psychological trauma and cultural degradation are not focussed upon. Rehabilitation in those terms is treated as welfare, not as a right.

People's Resistance

Adivasi people oppose displacement by attacking the company's officials and not allowing them to enter their villages. Consequently, the government is unable to execute the MoUs at the grassroots. In 2008, there has been turmoil against displacement in the State of Jharkhand. Villagers attacked the Kohinoor steel plant near Jamshedpur, seized 70 trucks and stopped the work. They alleged that after acquiring their agricultural land, the company neither compensated them nor gave them jobs as promised and that the company has also caused huge environmental damages in agriculture, water sources and public health. Therefore they would not allow the company to destroy their livelihoods. Other villagers attacked surveyors of Bhushan Steel, when they were conducting a land survey near Sarmanda River at Potka of East Singhbhum District. Similarly, villagers attacked Jupiter Cement Factory, beat the workers and stopped the factory by alleging the breaking of land related laws. The Indian officials of the steel giant Arcelor Mittal were not allowed to enter into the villages in Torpa-Kamdara region near Ranchi / Jharkhand several times. The people of Tontopasi in Saraikela-Kharsawan district of Jharkhand are not allowing Tata Steel to acquire land for its Greenfield Project. The Adivasi of Dumka District in Jharkhand have imposed a public curfew in Kathikund and Sikaripada Blocks with the slogan "We shall give up our lives but not land." against the proposed power plant of CESC Limited. Subsequently police firing took place. The people's resistances have

forced Tata Steel, Arcelor Mittal Company, Jindal Steel, Esser Steel and CESC Limited to leave the proposed areas.

The Adivasi' struggle against displacement has spread across many states. This is another insight coming from Bineet Mundu's study. Thousands of Adivasi and local people participate, shout slogans and echo their voices, block roads and organise rallies. The message which they convey to the government and the investors or industrialists is as follows: We will not give up our land for development projects. Dayamani Barla, the convener of Adivasi Moolvasi Astitva Raksha Manch in Ranchi, the organisation fighting against the Arcelor Mittal at Torpa-Kamdara, says " The lands, which we cultivate, belong to our ancestors, therefore, we will not leave it."

Why are Adivasi so reluctant to give their land for development projects? One aspect of the answer leads to the history of pains and sufferings of the displaced people like in Rourkela, where only a small part was rehabilitated, the rest betrayed in compensation and jobs. Another aspect relates to the numerous laws made for protection of Adivasi's rights, while these laws were never enacted in a true spirit. A third aspect deals with the experience, that even when compensation happens, the money is quickly consumed while Adivasi will have lost the ownership rights to their natural resources forever. Displacement is not just shifting people from one place to another, but it is destruction of their livelihood resources, culture and identity.

Adivasi have lost faith in the state machinery, constitutional authorities and judiciary. Therefore they have firmly decided not to allow to construct the foundation of corporate development model over their graves. They urgently need our support and their needs to be echoed. The following study on selected cases of displacement may contribute to such purpose and be incentive to follow-ups.

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Development and Displacement – Who Pays the Price?

Introduction

As a school student, I was to reflect on a Hindi school text book with a collection of essays and requested to write my own essays on the themes given in the exams. One of the essays spoke of rural area villages being far from development. I could not agree with what the essay presented as understanding of development.

In this essay a student from some town goes to a tribal village with a letter of introduction from his principal to explore the rural life there. Moving around from one village to another which had earthen houses and thatched roofs, a complete village set-up, he laments seeing people living in the rural condition. Tired, unable to find the person who he had come to meet in these cluster of villages finally he does find the person who would help him to find a place to stay and who would help him the next day to explore the village life as a part of his school project. But the person refuses to entertain him, even with the letter of reference from the principal. The student moves out from there in dismay and ultimately finds a school building made of bricks and cement, with a concrete roof, where he spends the night on its veranda. The student writes in his diary that he ultimately finds *some sign of development* in the village.

This text book was taught in class four or five then. It is like the urban folks telling the rural folks that if you are living in the earthen houses and thatched roofed houses, you are far from development. Only the modern amenities produced and bought are the signs of development. This puts in our minds as children how we should see development.

What does one really understand by development - more particularly, when we talk about tribal people? I prefer to use "Adivasi" rather than "tribal", that is what they have been identified earlier. Now they have accepted and owned it. Adivasi - the word from Sanskrit: It means the first people, the first settlers or the early inhabitants. The non-Adivasi, the main stream, on the other hand, have always down looked at the Adivasi, traditional and also primitive they are called to be. Towards these so called traditional and primitive tribes, those who profess the so called mainstream, say, development, are convinced to bring them salvation. While on the contrary, the slogans of such people protesting the dam are saying 'bijli batti kabua, dibri bati abuaa,' 'jaan dangay jamin nahi dangay' ("We don't need your electricity, we are happy with earthen lamps, and, we will give our lives but not our lands"). Adivasi, if they oppose development projects, are called to be the anti-development lot. What is than the meaning of development? In what way have the Adivasi experienced development? We come to the point shared by so many: It is displacement, alienation from their homeland against their will, either forcefully or in the way of situations they are pushed into.

There are different kinds of displacements, caused due to either natural or man-made disasters. Nevertheless, development has induced displacement and conflict. The main focus here is on the displacement caused in the process of implementation of development projects. It is a major issue today particularly for those who are being moved out from their homes and the basis of their livelihoods. This is caused by mega-development projects.

This study is a compilation of cases in central Indian states, namely Orissa, Chhattisgarh, Jharkhand and West Bengal. This study contains three parts. The first one deals with the conservation aspect of development. The second one deals with industrial developments and the third section with dam construction, followed by some concluding remarks. The attempt is to see different categories of development projects, and the kind of investment being done on it, as well as its social impact on the communities whose resource base is taken away from them – their lands and forests. There are some

new and some old projects identified and taken here to illustrate the understanding of the project implementers, of what and how they treat the displaced communities. Not all the investments are internationally funded. Some are funded by the Indian government, as the Tiger Projects, whereas others like LANCO is a privately owned company with foreign shares.

This study should illustrate development and displacement, by acquisition of the land and the subsequent alienation of communities, the alteration in their traditional resource management and livelihood. Sometimes the communities in return are given rehabilitation and resettlement packages. But then, just the next question arises: How much do these packages really rehabilitate, how far the resettlement corresponds to the needs? It is a serious question, it is a question of – cultural – survival. Beyond those fundamental questions, there are in addition a good number of illegalities: violations of law or of the constitution in the process of approval and much so in the implementation of these development projects.

Let us exemplify the entire issue with some general remarks on displacement by forest and national parks and the fate of Adivasi in the name of conservation. There are two cases: The country once has been known as the ‘land of the tiger’. Today, this term is re-phrased as the ‘lost land of the tiger’. In previous decades, the number of endangered wildlife species increased, and this phenomena has been tackled with under the viewpoint of conservation. For that purpose, entire communities were removed, traditionally living from the forests, and their territories have been demarcated as national parks, wildlife sanctuaries and protected areas.

It is said that people are responsible for the increasing number of endangered wildlife. Are they? Perhaps, if we look at the pre-colonial (the Mughal) history and the paintings in the museums from that time, where you see the people hunting tigers (or other wild animals) as sporting events. Then it was said that certain areas have to be left as reserve by rule whereas there were thousands of such sites already protected by the tribal communities and their everyday lifestyle for centuries.¹ However, irrespective of those facts, the communities living in and around the protected areas are still seen as threat to the wildlife and which have to be moved out from there.

There are estimations saying that there are some 657 protected areas which include 99 national parks, 513 wildlife sanctuaries, 41 conservation reserves and four community reserves according to the Ministry of Forest and Environment report of 2008. Altogether it covers nearly 5% of India’s land area. Among these protected areas, since the launching of the Tiger Project in 1973, there were 1,827 tigers as per census of 1972 in 28 Tiger Reserves which has come down to 1,411 by the year 2000. Yes, it is a matter of concern.

The question that remains unanswered is why the communities who have lived here from time immemorial with the wildlife are seen to be responsible for the decline in the number of tigers or other wildlife in these areas. Even worse: These forest dwelling communities, particularly the Adivasi deprived of their traditional lives and livelihood have become encroachers in the eyes of law in their own territories.² This was confessed in the writ petition (Civil) No. 202 in the affidavit of the Ministry of Forest and Environment to the Supreme Court on 21 July 2004.

Law and reality differ on an additional aspect. All together there are 39 Tiger Reserves that have been notified under Critical Tiger Habitat (CTH) in 17 states. According to an analysis of the legal provisions, CR Bijoy, an independent researcher, states that rather the state authorities’ actions have to be considered to be illegal, since the state has not obtained consent from the communities who have traditionally been living here and from the Gram Sabhas which legally represent the communities. The researcher also states that “this illegality of the state compounded with the abysmal failure of the judiciary bordering on collusion led to the political turmoil that forced the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, now popularly known as the Forest Rights Act (FRA).”

¹ Antoine Lasgorceix, Ashish Kothari, *Displacement and Relocation of Protected Areas: A Synthesis and Analysis of Case Studies* Economic & Political Weekly, December 5, 2009 Vol xlv No 49

² C.R. Bijoy, *The Great Indian Tiger Show*, Economic & Political Weekly, January 22, 2011 Vol xlv No.4

The Forest Rights Act provides for recognising 13 different rights that are central to the lives and livelihoods of Adivasi and other traditional forest dwellers across the country. These rights include rights to land under occupation as well as customary land, ownership of minor forest produce, rights to water bodies, grazing areas, habitat of Primitive Tribal Groups (PTGs), conversion of all types of forest villages/ settlements to revenue villages, the right and power to protect, conserve and manage community forest resources, etc. All of these rights had been illegally and unjustly denied during the classification of lands as government forests (both before and after independence).

For unknown reasons, the government prolonged the notification of the Forest Rights Act for one year. At the same time, on the other hand, the newly created Tiger Conservation Authority of the MoFE (Ministry of Forest and Environment) under the 2006 amendment to the Wildlife (protection) Act 1972 rushed in with an order on 16 November 2007 to notify “Critical Tiger Habitat”. Bijoy observes, “the order stipulated a process of constituting a two member expert committee headed by a chief wild life warden in consultation with the respective field director of the tiger reserves to delineate CTHs within 10 days of the receipt of the order.” This process itself, as further observed, was a blatant violation of the Wildlife (protection) Act 1972 under which the CTH was to be delineated and notified. Secondly, only the buffer area was to be delineated as per its Section 38V, inserted by the Wildlife (Protection) Act. Without any consideration of the Rules of the Forest Rights Act, 30,466 sq km of tiger reserves were notified as CTH on 1st January 2008. Forest Rights Act’s section 4(2)(f)4 prohibits any entity from diverting the Critical Wildlife Habitat (CWH) for subsequent diversion for other uses. However, there is no such prohibition in the Tiger Conservation Authority under the Wildlife (protection) Act 1972.³

An area of 26,749 sq km was notified as CTH by the end of 2008, and a total of 14 tiger states out of 17 under section 38v of the Wildlife Protection Act. This has affected nearly 77,000 families living inside these tiger reserves out of which only 3,000 families have been reallocated till 2009 according to the *Tiger Link* of 2010. It is observed by the researcher that to cover up the “undeterred by allegations and violence, the MoEF scaled up release of funds for illegal eviction and reallocation.” According to the *Tiger Link* of 2009, during 2007-08 and 2008-09 an amount of Rs. 30 crore (300,000,000) and 41 crore were allocated respectively followed by further allocation of Rs 114 crore in 2009-10 from the central fund. This “centrally sponsored beneficiary orientated schemes - Integrated Development of Wildlife Habitats- for tribal villages of project tiger areas (...)”⁴ has resulted in “forced evictions and reallocations” which have either taken place or have been initiated in some 17 such reserves in 13 states.⁵ This includes Buxa Tiger Reserve in West Bengal and the Achanakmar Tiger Reserve in Chhattisgarh. The Buxa tiger reserve is situated in Jalpaiguri district of West Bengal and the Achanakmar Tiger reserve is situated in some 60 kms from Bilaspur city in Chhattisgarh., see the cases in this study.

The researcher also refers to different sources which say that some 43,636 hectares were diverted for non-forestry purposes between April 2008 and December 2009. Despite knowing that the Forest Rights Act requires for all proposals – before approved by the government – that the rights of forest dwellers are to be completely settled and the consent of the Gram Sabha obtained for any such diversions. If not, it is simply a violation of the Forest Rights Act. Who should be considered to act illegally?

³ C.R. Bijoy, *The Great Indian Tiger Show*, Economic & Political Weekly, January 22, 2011 Vol xlv No.4

⁴ (http://projecttiger.nic.in/whtsnew/format_relocation_plan_pt.pdf)

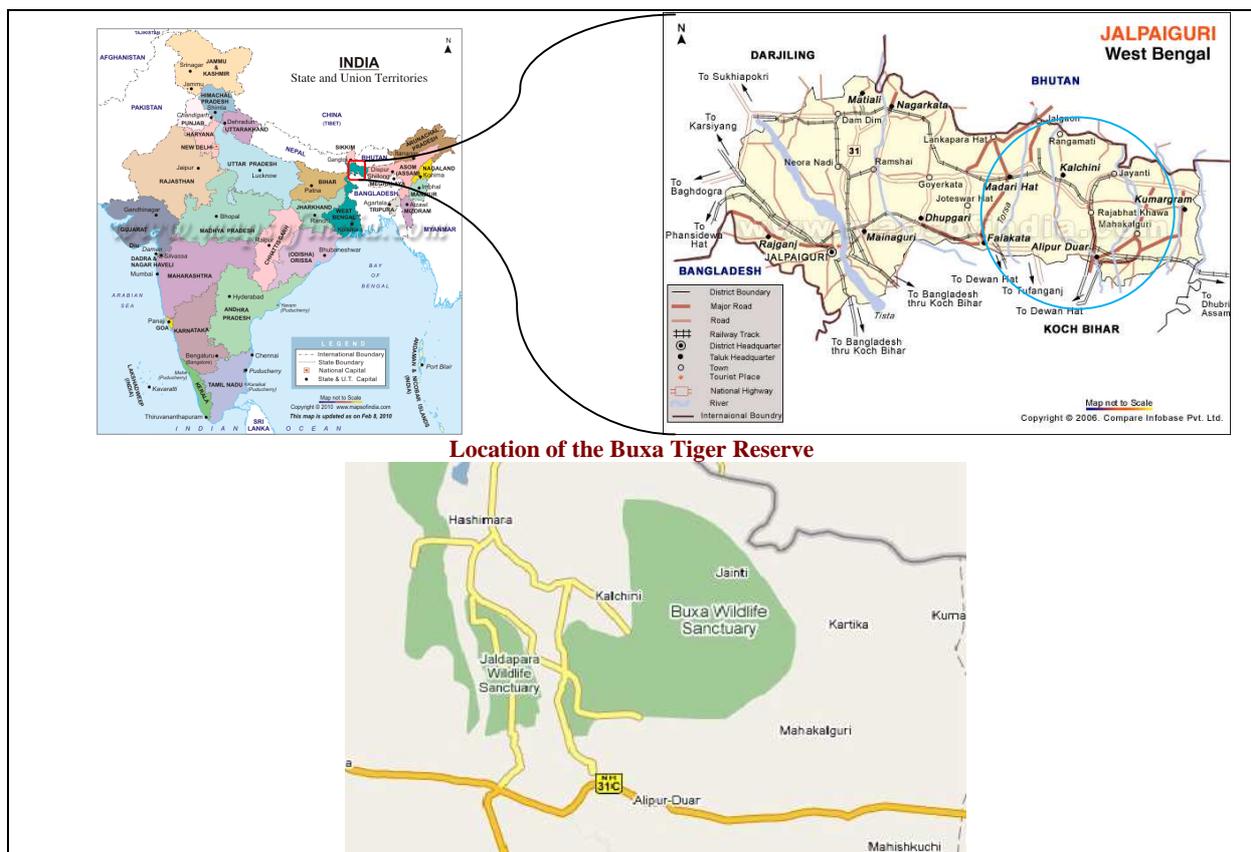
⁵ C.R. Bijoy, *The Great Indian Tiger Show*, Economic & Political Weekly, January 22, 2011 Vol xlv No.4

Buxa Tiger Reserve

Salient features of the project

1. Location of the project

The Buxa Tiger Reserve was constituted in 1983 and became the 15th Tiger Reserve of the country.⁶ It is located in Alipurduar subdivision of Jalpaiguri district of West Bengal bordering with Bhutan and the state of Assam.⁷ Its southern boundary roughly runs with NH 31 Bordered by Sinchula Range.



Location of the Buxa Tiger Reserve

Geographical location: It is in the midst of misty mountains in the northeast corner of West Bengal. The reserve contains a large variety of vegetation classified as moist mixed tropical forest. It covers an area of 761 sq km with 314.5 sq km designated as sanctuary (117 sq km proposed as national park). The remaining 391 sq km are categorised as forest reserve. According to 1991 census, 15608 people inhabited “forest villages” and protected areas (a later census figure is not available). The local population inside the Project Area is of Bengalis, Nepalese and members of Schedule Tribes (Rava, Bhutia, Bodo, Garu and Santal) and the Scheduled Caste of Rajbhanshis. At present there are 37 forest villages inside the reserve forest and eight within the national park. There are about 44 villages surrounding the project area. There are 25 tea estates with about one lakh labour population, of which half are Schedule Tribes.

⁶ Bidhan Kanti Das EPW January 24, 2009, p.72

⁷ Ibid.

Agriculture is the principal activity in the revenue of the villages adjoining the Project Area. Land is primarily under private ownership (raiyyat) and some so-called wasteland is held by the government. Approximately 30,000 tourists visit the park annually. The local community is not involved in tourism as it is controlled by the Forest Department. Interestingly, Buxa was one of the eight sites proposed and accepted to form part of the India Eco-Development Project (IEDP).⁸

The Buxa National Park and Tiger Reserve in West Bengal was declared Tiger Reserve (out of Reserve Forests) in 1982, notified as a sanctuary in 1986, and as a National Park with initial notification in 1992 and finally in 1997⁹.

2. Name of the company and contact

Field Director
Buxa Tiger Reserve
P.O. Alipurduar
Dist. Jalpaiguri - 736 122
West Bengal, INDIA
Tel: 03564-56333(O), 55979(R)
Fax 03564-55577

3. Investment

3.1. Investment and number of jobs planned to be created

There are two Tiger Projects in West Bengal: Sunderbans and Buxa Tiger Reserve. It is the central government's Ministry of Forest and Environment that funds these projects. During 2009-2010 the total fund released for West Bengal was 298.78500 lakhs of Rupees. For the state services in Buxa, there are allocated 38.5800 lakhs Rupees¹⁰.

Almost all the families became jobless and lost their lands where they had been cultivating and getting their yields. Few families did or could not cultivate land and, therefore, engaged in agricultural work on others' land or engaged in daily labour in Panchayat works. Also the sale of Areca nuts in homestead gardens played an important role for forest villagers in the pre-displacement site. As homestead land was washed away, villagers also lost another source of cash income. Due to unemployment in these regions, a large part of the male population migrated to northern and western parts of India for working in companies and factories as daily labourers or similar jobs.¹¹

3.2. Foreign investment

Buxa Tiger Reserve was one of the eight sites proposed and selected for the India Eco-Development Project (IEDP). The components of this project include: *improved protected area management (PAM), *Village Development Plan, *environmental education and awareness campaigns, *impact monitoring and research. The total cost of IEDP with the amount of US \$67 million was financed by a grant of US \$20.21 million from the Global Environmental Facility (GEF), a loan of \$28 million from

⁸ Report: Indigenous and tribal communities, bio-diversity conservation and the Global Environment Facility in India General overview and a case study of people's perspectives of the India Eco-Development Project P. Devullu, Mithun Raj, K. Bhanumathi, Satish Kumar, Anjoli Bandhopadhyay, On behalf of: Samata No. 8-2-590, Road No. 1, Banjara Hills, Hyderabad 500034, AP, India

⁹ Economic & Political Weekly DECEMBER 5, 2009 VOL XLIV No. 49 EPW

¹⁰ Bi-Monthly Outreach Journal of National Tiger Conservation Authority Government of India, Vol 1, Issue 3, Mar-Apr 2010 (p 2)

¹¹ Economic & Political Weekly January 24, 2009

<http://www.environmentportal.in/files/Flood%20Disasters%20and%20Forest.pdf>

the World Bank (IDA) and a counterpart funding of \$18.79 million from the Government of India, respective state forest departments and local “beneficiaries”.

It is noteworthy that under the budget rules of the IEDP, the largely impoverished local contributors were required to pay for 25% of the cost of forestry development activities. The project components are financed and proportioned as follows: 1. Improved PAM – US\$ 14 million (22% of base cost); 2. Village Eco-Development Plan – US\$ 34 million (55% of base cost), 3. environmental education and awareness campaigns – US\$ 5 million (8% of base cost), 4. overall project management – US\$ 5 million (9% of base cost); 5. preparation of future bio-diversity projects – US\$ 2 million (4% of base cost), 6. reimbursement of the project preparation facility – US\$ 2 million (3% of base cost).¹² This proportional rule is to apply in the different units of the project.

3.3. Status of investment

One Rabha community boycotted the IEDP as one of their community members was shot dead after being mistakenly identified to be an illicit firewood collector. The restrictions on gathering forest products and fuel wood have caused hardship and impoverishment in several IEDP sites, including Nagarhole (State of Karnataka) and Buxa. In Buxa, some tribal communities are reported to have been unjustly excluded from project benefits.

Project name/ID	Focal Area/ Operational Programme	GEF Grant (\$US)	Implementing agency	Co-finance	Date Active	Date Completed
India Eco-Development Project	Bio-Diversity Forest Ecosystems OP3	\$20.21 million Full size Project	World Bank-IDA	\$28 million World Bank-IDA loan	1996	Closed June 2003

The IEDP aimed to improve protected area management, reduce local population pressure and alleviate local poverty through socio-economic development. The project was originally to be implemented over five years, starting in October 1996 and ending in September 2001. However, due to a two-year delay in launching the project, it was agreed to extend the project by two years ending in June 2003. The World Bank later granted a further one-year extension for the project until June 2004. The project was implemented in three phases: **Phase I:** October 1998- September 2002; **Phase II:** October 2002- June 2003; **Phase III:** July 2003- June 2004.

4. Social impact of the project

4.1. Size of land acquired, number of persons, family and villages affected

The total area of the reserve is 760.87 sq. km of which 385.02 sq. km has been constituted as Buxa Sanctuary and National Park (core zone of the Buxa Tiger Reserve) and the area of 375.85 sq. km is treated as a buffer zone.¹³

As a brief history, the establishment of forest villages in order to secure a permanent labour force was initiated under the program of fire protection.¹⁴ With the time, the forest villages became essential (Karlsson 2000). Around 1894, forest authorities allowed tribal and local people to settle in the Buxa

¹² Report: Indigenous and tribal communities, biodiversity conservation and the Global Environment Facility in India General overview and a case study of people’s perspectives of the India Ecodevelopment Project *P. Devullu, Mithun Raj, K. Bhanumathi, Satish Kumar, Anjoli Bandhopadhyay, On behalf of: Samata* No. 8-2-590, Road No. 1, Banjara Hills, Hyderabad 500034, AP, India

¹³ Bidhan Kanti Das p.72 EPW January 24, 2009 p.72

¹⁴ Flood Disasters and Forest Villagers in Sub-Himalayan Bengal by Bidhan Kanti Das EPW January 24, 2009 <http://www.environmentportal.in/files/Flood%20Disasters%20and%20Forest.pdf>

forest in connection with *Taungya* cultivation.¹⁵ Around 1904, the establishment of forest villages became a regular policy and very large numbers of forest villagers were allowed to settle in the forest. In 1912 rules were made limiting the cultivation and restricting homestead land to 2.5 acres in the plains (wet area) and 1.5 acres in hills (dry area) per family (Anon 1970). However, though the forest villagers were given allotment of land and residential hut, but no ownership right to land. Every member of such a village had to sign an agreement form every year issued by the forest department for ensuring labour. Such agreement contained rules and regulations laid by the forest department and the workers were liable to contribute their labour. Under no circumstance could the villager dissociate from the contract, and this form of agreement continued till 1969.

There are two rehabilitation packages made for the rehabilitation and relocation of villagers living within the core forest area. One is the Rs. 10 lakhs package given to the displaced families. A second relates to their relocation which will be done under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006. About 18,000 people from the villages are affected and members of several tribes – Rawas, Mechs, Santhals, Oraos and Garos. This was announced by the Government of West Bengal in June 2010.

According to the field director of Buxa Tiger Reserve, discussions over relocation have been initiated. It was also reported that, of the 10 villages inside the reserve, eight have opted for the compensation package and another one has asked to be relocated in entirety. The villagers of Pana village had not agreed to the terms offered, but discussions are still on. There are no plans for rehabilitation for the 28 villages in the buffer zone of the reserve.¹⁶ The allocation of land rights for the tribals has not been completed by now, but it was reported that is near to complete.¹⁷

4.2. Displacement

In Buxa, one village (Bhutia Basti, 33 families) was displaced from the park in 1994, near Patkopara tea garden. Moreover, voluntary relocation of two villages (Bhutri and Bangdoba) is planned but still not finalised.¹⁸ Bhutia Basti was flooded in 1993 and 33 families have been displaced in 1994. The Forest Department reportedly governed the relocation of Bhutia Basti in a very authoritarian way. Bangdoba was flooded in 1998 and 1999, and hence, is waiting for its relocation. The Bhutri and Bangdonda have opted for reallocation. There are additional 89 villages in the tiger reserve (Ministry on Forest and Environment 2005). A recent report by the controller and auditor general has chastised the Buxa authorities for not utilising allocated money for relocation of the villages.¹⁹

At present, there are 37 forest villages inside the Reserve Forest and 8 with the National Park. There are about 44 villages surrounding the project area. Agriculture is the principal activity in the revenue of the villages.²⁰ According to the report of The Hindu, June 2010, the relocation will affect 18,000 villagers of are members of Adivasi communities as Rawa, Mech, Santhal, Oraon and Garo.

- At present there are 37 forest villages inside the Reserve Forest and 8 in the national parks. There are about 44 villages surrounding the project area.
- Agriculture is the principal activity in revenue villages.²¹

¹⁵ *Taungya* was originally the local term for shifting cultivation, but later used to generally describe an afforestation method. Essentially, the *Taungya* system consists of growing annual agricultural crops along with forestry species during the early years of establishment of the forestry plantation.

¹⁶ Rehabilitation Package for Buxa Tiger Reserve, By Ananya Dutta, <http://www.hindu.com/2010/06/16/stories/2010061659740300.htm>

¹⁷ *Ibid.*

¹⁸ Kothari p. 32

¹⁹ Economic & Political Weekly DECEMBER 5, 2009 VOL XLIV No. 49 EPW

²⁰ Indigenous and tribal communities, bio-diversity conservation and the Global Environment Facility in India General overview and a case study of people's perspectives of the India Eco-Development Project, P. Devullu, Mithun Raj, K. Bhanumathi, Satish Kumar, Anjoli Bandhopadhyay On behalf of: Samata Page 19

²¹ *Ibid.*

5. Resistance of the people

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act came into force on 1 January 2008 but the Act remained largely unimplemented across India. Adivasi people continued to be arrested for accessing minor forest products, evicted from their lands, gutted their huts and even killed by forest officials. On 8 February 2008 in Buxa, forest guards shot dead a 16-year-old tribal boy. The forest officials accused him of being a “timber smuggler” but the locals and family members said he and three others had gone to the forest to collect firewood for domestic use.²²

At the project area, there has been a number of cases of repression in relation to persons affected by the project. In the 1970s, the protest movement started when the villagers demanded to be paid normal wages for looking after the plantations. They also wanted more land for cultivation in order to secure the survival for the increased number of family. The agitation turned violent and in response, the government agreed to abolish the free service but did not agree with the demand for more land. The authorised workers were liable to provide their labour during plantation and for other forest works. The forest authorities usually provide three to four months’ work to the authorised workers. For the rest of the time, the workers primarily engage in cultivation by themselves. They are, in the real sense, the self cultivators though they are deprived of ownership right to land.

Recent incidents prove the elemental aspect of the conflict. In 2008 to 2009, at least three people had died because of firing by forest personals. In another incident, the forest staff fired on a group of women near Poro village and injured three of them. On February 13, 2009, forest guards fired and killed a 22 year old boy. In another incident in December 2009, Satyan Rawa (21) and Phiron Ouron (20) were shot dead by staff of Buxa Tiger reserve. It was told that they were looking for their missing buffalo that have gone into the reserve forests.²³ In 2001, the 14 year old Sanatan Rawa was brutally beaten to death by the range officer. In such incidents, at least, ten Adivasi have been killed by forest staffs in the past five years, eight belonging to the Rawa tribe and six of them stemming from north Poro village.²⁴

The Dupka of Buxa hills had been the area where Adivasi grew oranges for their subsistence. In 1992, the forest department cut all orange trees. In 1993, a devastating flood washed away the whole region. Nowadays, the Dupka people have become labourers due to the lost of their livelihood and the occupation in the Orange plantation.²⁵ Similarly, there are more examples of flood disasters and the impacts on the forest villagers in the Sub-Himalayan Bengal.

Currently, there is no information available on people’s resistance in Buxa in terms of organisation. The solidarity groups at the national level and some of the international organisations have conveyed their critics towards the pertinent forest department and the state government rejecting the killings and suppression of the project affected communities.

6. Sources of information

Economic and Political Weekly, January 24, 2009

Pinaki Mukharjee

Report: Indigenous and tribal communities, biodiversity conservation and the Global Environment Facility in India General overview and a case study of people’s perspectives of the India Ecodevelopment Project *P. Devullu, Mithun Raj, K. Bhanumathi, Satish Kumar,*

²² http://indigenoupeoplesissues.com/index.php?option=com_content&view=article&id=5891:the-state-of-indias-indigenous-and-tribal-peoples-2009&catid=63:centeral-asia-indigenous-peoples&Itemid=85

²³ Subrat Kr Sahu, Article - Page 3 -<http://infochangeindia.org/Environment/Community-forests-of-Orissa/What-difference-has-the-Forest-Rights-Act-made.html>

²⁴ *Ibid.*

²⁵ The Herald of India, 15 Sept 2010 Page 3

Anjali Bandhopadhyay, On behalf of: Samata No. 8-2-590, Road No. 1, Banjara Hills, Hyderabad 500034, AP, India

Economic and Political Weekly DECEMBER 5, 2009 VOL XLIV No. 49 EPW

Bi-Monthly Outreach Journal of National Tiger Conservation Authority Government of India, Vol 1, Issue 3, Mar-Apr 2010

Economic and Political Weekly January 24, 2009

<http://www.environmentportal.in/files/Flood%20Disasters%20and%20Forest.pdf>

Report: Indigenous and tribal communities, biodiversity conservation and the Global Environment Facility in India General overview and a case study of people's perspectives of the India Ecodevelopment Project *P. Devullu, Mithun Raj, K. Bhanumathi, Satish Kumar, Anjali Bandhopadhyay, On behalf of: Samata No. 8-2-590, Road No. 1, Banjara Hills, Hyderabad 500034, AP, India*

http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id=5891:the-state-of-indias-indigenous-and-tribal-peoples-2009&catid=63:central-asia-indigenous-peoples&Itemid=85

Flood Disasters and Forest Villagers in Sub-Himalayan Bengal by Bidhan Kanti Das EPW January 24, 2009

<http://www.environmentportal.in/files/Flood%20Disasters%20and%20Forest.pdf>

Rehabilitation Package for Buxa Tiger Reserve, By Ananya Dutta,

<http://www.hindu.com/2010/06/16/stories/2010061659740300.htm>

Subrat Kr Sahu, Article - Page 3 -<http://infochangeindia.org/Environment/Community-forests-of-Orissa/What-difference-has-the-Forest-Rights-Act-made.html>

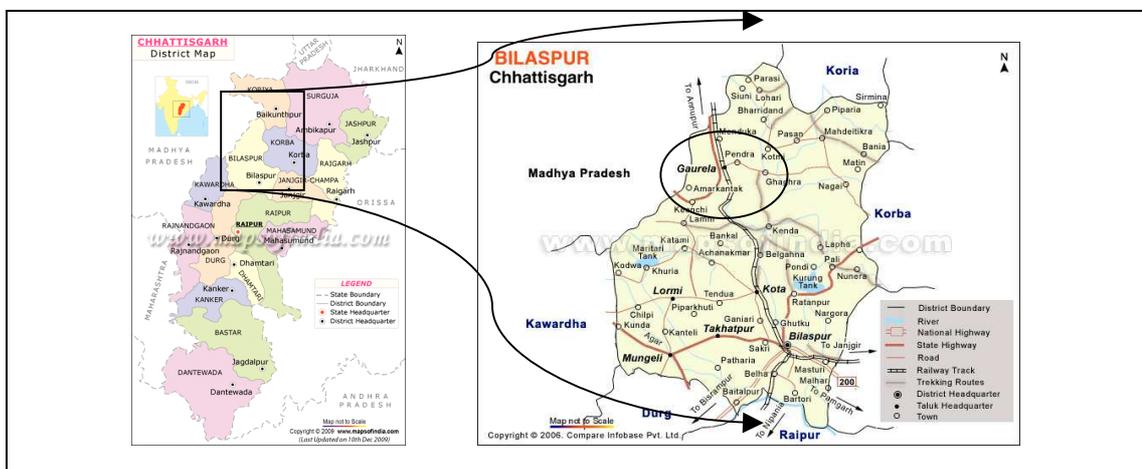
The Herald of India, 15 Sept 2010

Achanakmar Tiger Reserve

Salient features of the project

1. Location of the project

Near about 60 km from Bilaspur city in Chhattisgarh, Achanakmar Wildlife Sanctuary was established in 1975, by combining together the Lormi, Kota and Gaurela Reserve Forests declaring it as a Tiger Reserve. It is spread out over the forest area of 914 sq km which comes in the Reserve Forest category. Thereof, an area of 551.552 sq km is the sanctuary. The core area within it is 480 sq km located eastward from Maikal Range.



Maniyari river is the lifeline of the Sanctuary, it meanders intensively in its area. The forest is covered with Sal, Teak, Khamar and Bamboo trees including many different species of vegetation. Within these species more than 600 species of medicinal plants are found of which the Baiga Adivasi living here have a deep knowledge. This reserve has Tigers, Leopards, Bisons, Flying Squirrels, Malabar Squirrels, Chinkara, Wild dogs, Hyenas, Sambhar, Cheetal and over hundred fifty different species of birds. The Achankmar – Amarkantak Reserve is one among the sixteen Biosphere Reserve of the country²⁶.

The Bilaspur Amarkantak Highway runs from Bilaspur to Jabalpur via Achanakmar dividing the park into two halves²⁷. For some this is seen as a problem as well as the Baiga Adivasi settled here in twenty two villages now falling with the boundaries of the Reserve.

Bilaspur District of Chhattisgarh is a Fifth Scheduled Area, thus the special governance provisions apply here. As per the PESA provisions, the consent of the Gram Sabha is mandatory. It has to be examined on which point the project has violated PESA.

²⁶ <<http://www.internationalnewsandviews.com/tag/minister-of-state-for-environment-and-forests-independent-charge-shri-jairam-ramesh/>>

²⁷ <http://achanakmartigerreserve.blogspot.com/2009_01_01_archive.html>

2. Name of the company and contact

Office Contact Address:

(1) The Field Director, Achanakmar Tiger Reserve, Chhattisgarh – 494001

(2) Anil Kumar Sahu, Field Director, Achanakmar Tiger Reserve,
Pendari Zoo Campus, Mungeli Road, Sakri 495111, Bilaspur, Chhattisgarh,
Mobile numbers: 9425253237, Kanan 9165010261
fielddir_atr@rediffmail.com

3. Investment

3.1. Investment and number of jobs planned to be created

On 5 Aug 2009, *The Pioneer* reported on the discussion in the parliament on the previous day: The Forest and Environment Minister, Jairam Ramesh while answering the question on various matters, also talked about the budget allocation for his Ministry, saying that it was not insufficient. The Minister said that this was the best Budget for the Ministry in last 25 years including a separate Rs 500-crore assistance to the states as part of the stimulus package for regeneration of forests across the country. In addition there was a separate allocation of Rs 100 crore for the Indian Council of Forestry Research and Education and also a respectable amount to the Botanical and Zoological Survey of India. The magazine "Tigerlink" commented: *While quantitatively, the budget allocation for wildlife is more than in previous years, it includes relocation of villages from core critical tiger habitats. It may be noted that the relocation package is an enhanced one now and therefore forms a considerable percentage of the budget. For instance the allocation for Project Tiger in 2008-2009 was 157 crores and in the 2009-10 it is 240.13 crores. However of the later, 114 crores have been allocated for relocation-104 crores to Ranthambhore and 10 crores to Achanakmar in Chhattisgarh. In fact, if this amount is deleted from the total budget than the amount for protection and other activities may well be about the same as the previous years.*²⁸

Out of the 249 families to be displaced in the first phase none of the oustees have been given a job in the project. A newspaper article dated 12th October 2010 quoted the Chhattisgarh Forest Minister, Vikram Usendi said in a written reply regarding three of the project tiger reserves – Indrāvati, Udanti-Sitanadi and Achanakmar – that as many as 219 out of the total 420 posts were lying vacant²⁹.

None of the project displaced or project affected persons have been given jobs here. Jobs could have been available e.g. regarding the construction of their own resettlement area. Instead the tender of the construction work had been given to contractors from outside who brought their own laborers.

According to the Fact Finding Report by Kanta Marathe and team Baiga Adivasi who have mostly depended on agriculture and forest products for their livelihood are being moved from an agrarian setting to an urban kind of setting. They will have to depend on the Public Distribution System of the Block Development Office for rationed food grains etc.

3.2. Foreign involvement

There is no information if there is any foreign investment in this project. According to news in *The Hindu* of January 7, 2010 the Ministry of Forest and Environment has refused to accept funds from the World Bank for the Tiger Project³⁰.

²⁸ Tigerlink Magazine – Revived Vol – 5, December 2009:

http://www.sanctuaryasia.com/docs/Tiger_Link_Magazine_2009_Final.pdf

²⁹ <http://www.igovernment.in/site/50-posts-vacant-chhattisgarh-tiger-reserves-38908>

³⁰ <http://www.hindu.com/2010/01/07/stories/2010010754360400.htm>

3.3. Status of investment

Earlier the MOU for Achanakmar was bilateral between central and State government, but by now this MoU became trilateral between Centre – State and third party being the Tiger reserve management.³¹ The Achanakmar Tiger Project gets Rs 1,193,5000 from the central fund for the year 2009-10.

According to the press release of Ministry of Forest and Environment dated May 3, 2010 the Wildlife Institute of India (WII) at Dehra Dun will be setting up a centre in at Ganjam (Reshikulya) to monitor the population and breeding of particular of Olive Ridley Reshikulya.

Total Amount Released to the Chhattisgarh state for its three tiger projects during 2009-2010 was Rs. 1,383.50320 which includes the three Tiger Reserves in the state – Achanakmar, Indervati and Udanti-Sitanadi. Within it the total amount released during 2009-10 for Achanakmar Tiger Reserve Project comes to Rs. 1,193.5000, and for the total amount for the state Rs 44.80320 goes for the 2nd All India Tiger Estimation.³² (As on 31.03.2010; Amount in INR lakhs)

Besides the non implementation of the two constitutional provisions – Panchayati Extension to Scheduled Areas Act (PESA) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 (FRA 2006) – Rahul Banarjee says that the situation in the Achanakmar Wildlife Sanctuary is particularly disturbing. Under the provisions of Chapter IVA of the Wildlife Protection Act 1972, if a protected area is declared as a tiger reserve then it is necessary to take the consent of the tribals residing in it regarding the management of this reserve. Under no circumstances can they be displaced from the area without their voluntary consent. However, the forest department instead of consulting with the tribals under PESA has told them individually that they will have to vacate their villages and resettle elsewhere and for this they will be given Rs 10 lakhs. There is nothing in writing however. The tribals are all Baigas, who are a primitive tribe still very much unfamiliar with the processes of law.³³

4. Social impact of the project

4.1. Size of land acquired

Land Acquired: 914 sq. km. of reserved forest in which 551.5 sq km. is declared as Sanctuary. The Sanctuary comes under Reserve forest.³⁴

4.2. Displacement

According to the Anthropological Survey of India, which visited the Achanakmar Tiger Reserve in December 2008, 25 forest villages will have to be displaced. According to the fact finding report and also the local newspapers cited in the report, in the first phase 249 Baiga families of 6 villages will be displaced; namely - Kuba Jalda, Samer Dhasan, Bakel, Bahaurh, Bokra, Kachhar.³⁵

In a second phase, 19 villages will be displaced: Achanakmar, Chaprwa, Katami, Atria, Badi Ataria, Surhi, Jakarh Bandha, Dagaria, Rajak, Niwaskhar, Bamhai, Tilaidubra, Bindawel, Lamni, Ranjaki, Sarasdol, Kiwalkhar, Danokhar, Chirhata. The biggest village among them is Katami which consists of 10 households.

³¹ Dainik Bhaskar, Bilaspur, 8, August 20?? – Bhaderpakhs Krishanpaksh 3-2066(Fact Finding Report)

³² STRIPE Bi-Monthly Outreach Journal Of National Tiger Conservation Authority, Govt. Of India, Vol 1. Issue 3. March-April 2010

³³ <http://groups.yahoo.com/group/chhattisgarh-net/message/14220>

³⁴ Fact Finding Report (Kanta Marathe and others)

³⁵ Fact finding report *Ibid.*

But when first phase of rehabilitation was going on, villagers were not asked for any suggestions by the forest department. Moreover, the new settlement colony was not arranged according to the life style of Baiga Adivasi. It is just like urban working class quarters ³⁶.

The rehabilitation package for each displaced / affected family / household is allocated as Rs.10 lakhs. None of the oustees (according to the fact finding report) have received this amount in total. According to the local newspaper report, Rs 1 lakh goes for making 1acre of land, Rs 2 Lakh for construction of the house, Rs 4 lakh for the construction of the community centre, Rs 2 lakh for the Davsthal (Deity house / temple), Rs 1 lakh for the play ground, Rs 3 Lakh 50 thousand for the school building, Rs 1,050 for Anganbari (Kindergarden) and for ten tubewell Rs 2-2 lakhs will be spent and a cash amount of Rs 50 thousand will be paid to these families.

A signboard has been photographed which reads, that according to the National Rehabilitation Policy 2007 there are two options given for those who opt to be displaced – First option is the oustee families can receive Rs 10 lakhs and leave their village house. Whereas the second option is that they accept the facilities or rehabilitation, which are 1. Land purchase and development Rs 3.5 lakhs; 2. *Adhikaro ka Vayosthapan* - (Obtaining of Rights) Rs 3 lakhs; 3. Construction of the house Rs 2 lakhs; 4. *Protsahan Rashi* – (encouragement amount) Rs 50 thousand; 5. Other basic facilities, irrigation, excess road, electrification, drinking water supply and community building etc.

The fact finding report said all have been reallocated closeby, none have received the ten lakh amount. Out of the 50 thousand, 45 thousand was deposited in the Punjab National Bank and the 5 thousand was handed over to the head of the family. Many of the families have already withdrawn and finished the money.

The fact finding report points out many of the flaws in the rehabilitation; i.e. on the death of a tribal oustee by the negligence of rehabilitating agency. Mangloo Baiga son of Bhukau Baiga aged 45 yrs died on 7th February 2010 by hunger, weakness, malnutrition and finally by pneumonia at Kathmuda village, district Bilaspur in Achanakmar sanctuary area in the state of Chhattisgarh.³⁷

5. Resistance of the people

On the national level there is the National Forum of Forest Peoples and Forest Workers. It has formed a Central Joint Forest Rights Committee to address the concerns of the said group of people. Another active group is the Campaign for Survival and Dignity

Keeping the forest and its inhabitants utterly insecure has been the key to making assaults on them in true colonial fashion. But the greatest impediment is the continued resistance by forest dwellers. The Ministry of Forest and Environment (MoFE) in its affidavit to the Supreme Court on 21 July 2004 in Writ Petition (Civil) No 202 of 1995 confessed:

"The rural people, especially tribals who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, these tribals have become encroachers in the eyes of law... that the historical injustice done to the tribal forest dwellers through non-recognition of their traditional rights must be finally rectified...the State/UT Governments have failed to give any response... [and] have shown no progress in this regard."³⁸

"*Haman la dus lakh rupiya aur panch acre jamin pakka ghar school au aspatal wale gaon base ke dehi nahee jabo to hathi dauda ke hamar jhhopadi tod dehi*". (We will be given Rs 10 lakhs, 5 acre land, concrete house, school and hospital and if we do not leave, then our houses will get trampled by

³⁶ *Ibid.*

³⁷ <http://groups.yahoo.com/group/chhattisgarh-net/message/14609>

³⁸ C.R. Bijoy, *The Great Indian Tiger Show*, Economic & Political Weekly, January 22, 2011 Vol xlv No.4

elephants). Tigers and tribals are living in the forest for centuries. Tigers are killed for money by poachers not by tribals. They are obstacle for JANGAL ME MANGAL, the neo rich and corrupt officials in convivance with poachers.

The wildlife authorities are taking advantages of the lack of awareness of Forest Act 2006³⁹. The wildlife authorities are taking advantage of the lack of awareness of the law among the villagers and abusing their authority by threatening to flatten their homes with the help of elephants unless they agree to move.⁴⁰

6. Sources of information

Fact Finding report on the Status of Villages Displaced in Achanakmar Tiger Reserve by Kanta Marathe and Sufadsingh Saounta.

<http://www.internationalnewsandviews.com/tag/minister-of-state-for-environment-and-forests-independent-charge-shri-jairam-ramesh/>

http://achanakmartigerreserve.blogspot.com/2009_01_01_archive.html

Tigerlink Magazine – Revived Vol – 5, December 2009:

http://www.sanctuaryasia.com/docs/Tiger_Link_Magazine_2009_Final.pdf

<http://www.igovernment.in/site/50-posts-vacant-chhattisgarh-tiger-reserves-38908>

<http://www.hindu.com/2010/01/07/stories/2010010754360400.htm>

Dainik Bhaskar, Bilaspur, 8, August 20?? – Bhaderpakhs Krishanpaksh 3-2066(Fact Finding Report)

STRIPE Bi-Monthly Outreach Journal Of National Tiger Conservation Authority, Govt. Of India, Vol 1. Issue 3. March-April 2010

<http://groups.yahoo.com/group/chhattisgarh-net/message/14220>

Fact Finding Report (Kanta Marathe and others)

<http://groups.yahoo.com/group/chhattisgarh-net/message/14609>

C.R. Bijoy, *The Great Indian Tiger Show*, Economic & Political Weekly, January 22, 2011 Vol xliv No.4

Digest Number 2113 Fri, 29 January, 2010, [chhattisgarh-net]

³⁹ [chhattisgarh-net] Digest Number 2113 Fri, 29 January, 2010

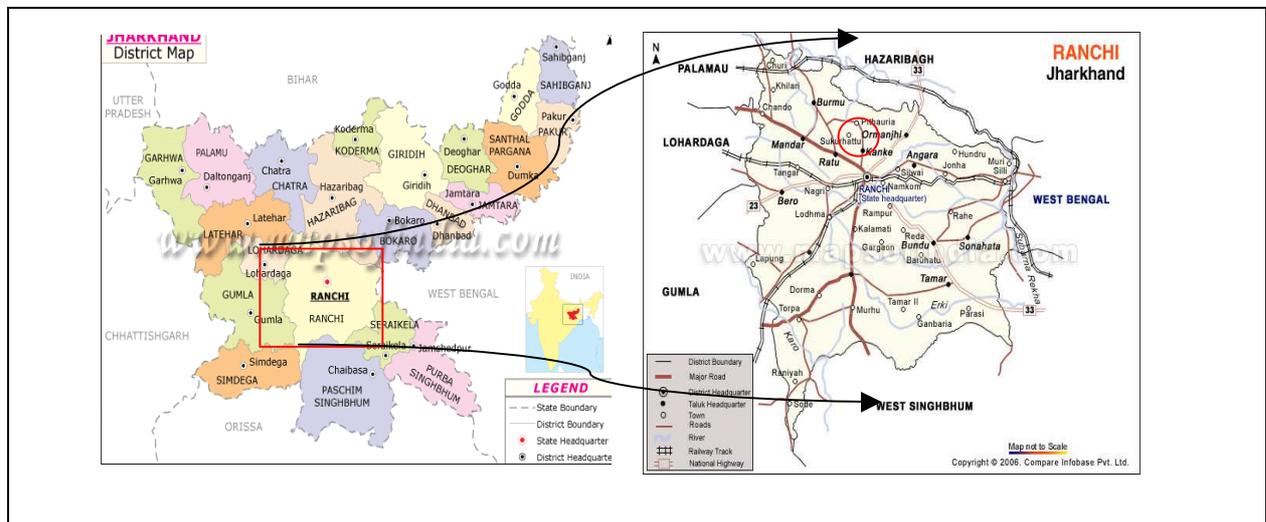
⁴⁰ *Ibid.*

HEC - Heavy Engineering Corporation Ltd. Jharkhand

Salient features of the project

1. Location of the project

HEC Hatia is located in the centre of Ranchi city as well as centre of the Ranchi District of Jharkhand. Ranchi also being the capital city of the state, and the HEC having premises with building infrastructures, part of these building also serve as the State Capital Secretariat.



HEC in Ranchi comes under the fifth Schedule provision of the Indian constitution. The Jharkhand Panchayati Raj (JPRA) under PESA is the legal protection where the Gram Sabha should be key body of the people to represent their grievances.

2. Name of the company and contact

HEAVY ENGINEERING CORPORATION Ltd.

Heavy Engineering Corporation (HEC)
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Plant Plaza Road, Dhurwa,
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Email : corpmktg@hecltd.com

3. Investment

3.1. Investment and number of jobs planned to be created

This investment has been for infrastructure development of India as a base Industry for other Industries. Heavy Engineering Corporation (HEC) is one of the ambitious industrial projects for infrastructure development of the country that Pandit Jawaharlal Nehru termed '*The Temple of Modern India*'.

Enhancement of steel production capability was given priority and it was envisaged that HEC would manufacture steel plant equipment and machinery that would increase the steel producing capability. The company was incorporated on 31, December 1958 and on 15, November 1963, Pandit Jawaharlal Nehru, the first Prime Minister of India, dedicated HEC to the nation.

HEC has special focus on the following sectors

- Steel Plant Equipment • Mining Equipment • Machine Tools • Power • Railways
- Defence • Space Application • Nuclear Energy

1. Foundry Forge Plant (FFP) Manufacturer of heavy castings and forgings for various equipment related to Steel Plant, Power, Defence, Nuclear energy etc. The plant has floor area of 13,16,930 sq.m (fenced area of 5,70,000 sq.m) and 76,000 t of equipment installed. (ISO 9001:2008)

2. Heavy Machine Building Plant (HMBP) Designs and manufactures equipment and their components for Steel Plant, Mining, Power, Cement, Aluminium, Space Research, Nuclear Power etc. The plant has floor area of 2,00,000 sq.m (fenced area of 5,70,000 sq.m). (ISO 9001:2000)

3. Heavy Machine Tools Plant (HMTP) Designs and manufactures medium & heavy duty CNC and conventional Machine Tools. (ISO 9001:2008)

4. Projects Division Concept to commissioning of Turnkey Projects such as Bulk Material handling, Steel Plants, Cement Plants and others.⁴¹

Navy- Commodore S.C. Bose recalls

"The development of the main shafting was attempted at the Heavy Engineering Corporation (HEC) Ranchi. But HEC was experiencing serious administrative problems. As such the project did not finally succeed. They met the specifications in 50% of the items. They could have had 100% success had they carefully followed our instructions of cropping the ends of the forgings before rolling the shafts. In order to achieve good quality forgings for turbine rotors for the Navy and for Power Houses, HEC initiated action for procurement and installation of a Vacuum Degassing Plant and a 6000 ton press. Unfortunately on installation these valuable plants were lying idle due to lack of initiative, and rotor forgings were being imported by BHEL and other turbine manufacturers."⁴²

Shutdown fiat for polluting HEC foundry plant

Ranchi, July 28, 2010: "In a landmark decision, the Jharkhand State Pollution Control Board today ordered Heavy Engineering Corporation (HEC), Ranchi, to shut down its **foundry forge plant** "with immediate effect" as it was found to be discharging untreated effluents into river Subernarekha."⁴³

⁴¹ HEC brochure

⁴² http://indiannavy.nic.in/t2t2e/Trans2Triumph/chapters/5_md1%20&%20leander%20project.htm as on 28 Sept 2010

⁴³ http://www.indiaenvironmentportal.org.in/taxonomy/term/4715?page=8&quicktabs_2=0 as on 28 Sept 2010 taken from Telegraph (Ranchi) of 29/07/2010

An agreement was reached between the central government, HEC and the state of Bihar (which Jharkhand was part of at the time) to give industrial training and at least one job per family to displaced families. However, these jobs have been temporary, paying the minimum state-declared wage of 100 rupees per day. As the workers have retired, they have not been replaced by HEC. In the colonies, schools and drinking water facilities have not been completed. Moreover, neither the government nor HEC have provided facilities to meet the cultural and social needs of the tribal peoples.⁴⁴

Dayamani Barlav states: HEC displaced around 32,000 Adivasi, out of which 22,000 were told they would be employed. Only about 2000 were given jobs, which were the lowest paid ones of manual labor. From the 36 villages which were uprooted, only about 700 people remain today, earning their lives as manual labour or rickshaw pullers. The social, communal, cultural, and economic spirit of the Adivasi from these displaced villages has drawn its last breath.⁴⁵

3.2. Foreign investment

HEC assimilated technology from various sources like erstwhile USSR, Czechoslovakia, UK, Germany, USA and Japan. (HEC brochure)

1. Hitachi Company of Japan giving technical help – forging role
2. Rancier and Rapier UK for drug line
3. GHH (Gutehoffnungshütte) Germany – Vertical Transport system
4. Demag Shakers
5. SMS Siemag Germany – continuous casting
6. Skoda Czech Republic – Horizontal Boring Machine
7. Hercules Germany – Role Grinding Machine.
8. National Forge Company – USA Diesel Loco Wheel

3.3. Status of investment

Debt: HEC is in debt of 160 Crore to State Govt.⁴⁶

4. Social impact of the project

4.1. Size of land acquired and number of persons, family and villages affected

According to report in 1956 HEC have been acquired 9,500 acres of 16 villages. Land from 16 villages was appropriated for this project:⁴⁷ Private land 7,112.83 acres, Common land 1,732.04 acres, Forest Land 200 acres, total land acquired = 9,555.20 acres⁴⁸

Land and resource use: According to the Section 48 of the Land Acquisition Act, lands acquired by the government that haven't been used for 6 years are supposed to be returned to their original owners. HEC has not been using thousands of acres, and is selling off this land to the wealthy for business purposes. They have recently sold 38 acres of land to the International Cricket Association

⁴⁴ David Pugh, <http://revolutionaryfrontlines.wordpress.com/2010/08/26/fact-finding-report-on-the-anti-displacement-movement-in-india/> as on 28 Sept 2010

⁴⁵ Asha Kiran quarterly Newsletter VOLUME 14 - ISSUE 1 APRIL 2008

⁴⁶ Hindustan 14 Feb 2010, P 4

⁴⁷ <http://save-ativasis.blogspot.com/2010/09/is-hec-really-solving-problems-of.html> as on 28 Sept 2010

⁴⁸ Ekka and Asif Dec 2000 (table no. 3.9. page 57)

and 158 acres to the Central Industrial Security Force. There have been protests against both of these land sales.⁴⁹

State is acquiring HEC's 2,342 acres of land out of its total (9200 acre) land acquired from the Adivasi fifty years ago. So far 2000 acres have been acquired by the State Govt. The rest is illegally occupied, as reported that the displaced from HEC are occupying these lands.⁵⁰

Illegal occupation in quarters of HEC: Illegally occupied 129 quarters of HEC will be evacuated from 29 March 2010 – Home Minister, Hemlal Murmu announced in Legislative Assembly responding to the question raised by MLA Janardan Paswan (RJD)...⁵¹

Other Constructions in HEC – Stadium: Jharkhand State Cricket Association (International Stadium) has taken 31.7 acres of land from HEC. The HEC will get rent from JSCA of Rs 1 lakh per year. The present day estimate the land costs Rs 17.12 crore (which is @ 50 lakh per acre). Estimate of making the stadium is Rs 100 crore. HEC⁵²

Medical College is planned to be opened in HEC land⁵³

4.2. Displacement

HEC Displaced persons, ST (Scheduled Tribes) - 11,370 persons, SC (Scheduled Castes) – 800 persons, Others 3,280 persons = 15,450 persons.⁵⁴ Three plants (of HEC) and the Hatia dam completely displaced 13 villages and 2,650 families from 8,850 acres. In this case, new housing was built for 1,640 families in six colonies.⁵⁵

The current price for this land is Rs. 5 million (\$125,000) per acre; the Hatia residents who were displaced in the 1960s received only Rs. 3,200 (\$80) per acre. There are still 500 families living on this land, and HEC and the state government are trying to remove them. The displaced residents are fighting in the courts for fair compensation for past land sales and to remain on the land they still occupy.⁵⁶

At the Heavy Engineering Corporation (HEC) factory site, the displaced villagers have been resettled in the neighboring villages. New names have been given to old villages, like *Naya* (new) Sarai, *Naya* Latma, *Naya* Satranji, *Naya* Hulhundu etc. At places where resettlement sites are not available, people are left in remote areas to die. And those said to be rehabilitated are leading miserable lives in small shanties provided to them. This is not a fringe of imagination but a stark reality of the resettlement of those displaced due to so-called development projects.⁵⁷

5. Resistance of the people

*HEC Visthapan Birodhi Manch*⁵⁸

*Hatia Vithapit Prabhawit Bhumi Wapasi Sangharsh Samiti*⁵⁹

⁴⁹ David Pugh, <http://revolutionaryfrontlines.wordpress.com/2010/08/26/fact-finding-report-on-the-anti-displacement-movement-in-india/> as on 28 Sept 2010

⁵⁰ Hindustan 28/06/ 2010

⁵¹ Prabhat Khabar 28/3/ 2010

⁵² Hindustan Dainik – 24 Jan 2010

⁵³ Prabhat Khabar 4/ 2/ 2010

⁵⁴ Ekka and Asif, 2000 (Table 5.2 page 92)

⁵⁵ David Pugh, <http://revolutionaryfrontlines.wordpress.com/2010/08/26/fact-finding-report-on-the-anti-displacement-movement-in-india/> as on 28 Sept 2010

⁵⁶ *Ibid.*

⁵⁷ www.aktivasi-koordinasi.de/.../dayamani_barla_A%20Sweet%20Poison.doc

⁵⁸ The Problem of Land Alienation By S.P. Sinha / The Bihar Tribal Welfare Research Institute, RANCHI 1968

⁵⁹ Prabhat Khabar 7 / 2/ 2010 and Prabhat Khabar 24/ 2/ 2010

Jharkhand Pradesh Vithapit Manch – President Lal Kashi Nath Sahdeo. The displaced will not leave their lands⁶⁰

Visthapit Morcha – to protect the saran sthal being destroyed by CRPF⁶¹

HEC Awasia Colony Jhugi Jhopri Dukandar Kalyan Samit – they have illegally occupied the HEC land and put up a protest against eviction by the company.⁶²

Thaka Majdoor Sangathan / Union (Contract Labourers Organisation) numbering 2800 called on strike for three days – 10, 11, 12 January 2010 leader Laldev Singh – General Secretary.⁶³

*HEC Sangharsh Morcha*⁶⁴

6. Sources of information

The Problem of Land Alienation By S.P. Sinha 1989

The Bihar Tribal Welfare Research Institute, RANCHI 1968.

Ekka and Asif, 2000

Asha Kiran quarterly Newsletter VOLUME 14 - ISSUE 1 APRIL 2008

HEC Brochure

Newspapers

Prabhat Khabar - 28/3/ 2010

Hindustan Dainik – 24 Jan 2010

Pioneer Sunday, January 17, 2010

Prabhat Khabar 4/ 2/ 2010

Prabhat Khabar 7 / 2/ 2010

Prabhat Khabar 24/ 2/ 2010

Hindustan 28/06 /2010

Hindustan Hindi 18 / 4/ 2010

Hindustan 09 Jan 2010

Hindustan 28/06/ 2010

Websites

http://indiannavy.nic.in/t2t2e/Trans2Trimph/chapters/5_md1%20&%20leander%20project.htm as on 28 Sept 2010

http://www.indiaenvironmentportal.org.in/taxonomy/term/4715?page=8&quicktabs_2=0 as on 28 Sept 2010

David Pugh, <http://revolutionaryfrontlines.wordpress.com/2010/08/26/fact-finding-report-on-the-anti-displacement-movement-in-india/> as on 28 Sept 2010

www.adivasi-koordination.de/.../dayamani_barla_A%20Sweet%20Poison.doc

⁶⁰ Hindustan 28/06 /2010

⁶¹ Pioneer Sunday, January 17, 2010

⁶² Hindustan Hindi 18 / 4/ 2010

⁶³ Hindustan 09 Jan 2010

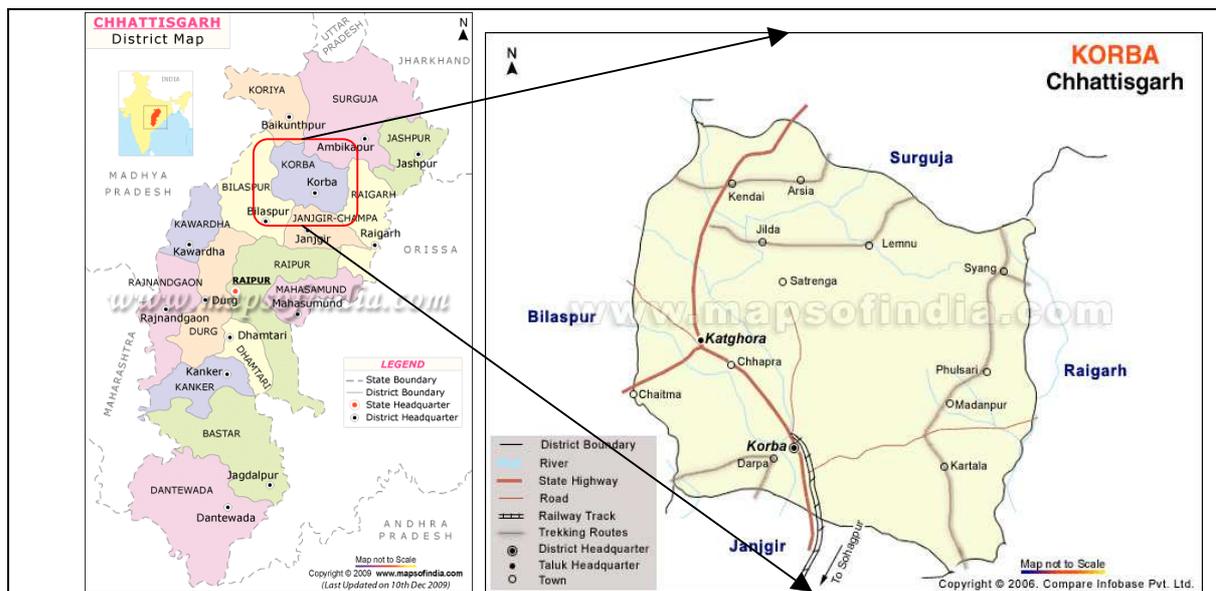
⁶⁴ Prabhat Khabar 28 / 06/ 2010

LANCO Power Project

Salient features of the project

1. Location of the project

The Lanco project is situated in the Korba district of Chhattisgarh. **LANCO Amarkantak Power Ltd (LPL)** has set up two 300 MW Coal based power projects located near Pathadi - Saragbundia villages on the Champa - Korba State Highway in Chhattisgarh, India.



According to the Rapid Social Impact Assessment (RSIA), the choice of location was based predominantly on technical and environmental considerations: 'no specific social aspects and indicators, barring a few general considerations such as land use pattern and avoidance of physical resettlement, were considered during [the] period of the assessment of the sites'.⁶⁵

Korba District also comes under the Fifth Schedule districts where the company is located. The company has not taken the Gram Sabha's consent for the approval of the project, thus, violating the provisions of PESA.

2. Name of the company and contact

Lanco Amarkantak Private Power Ltd.

CORPORATE OFFICE
LANCO Power Ltd
Plot No. 397, Phase-III,
Udyog Vihar, Gurgaon – 122016
Haryana - India.
Tel : +91-124 - 4741000/01/02/03
Fax : +91-124 – 4741024
Email: lapl@lancogroup.com

PROJECT OFFICE
LANCO Thermal Power Station
Village-Pathadi,P.O-Tilkeja
Dist.- Korba
Chhattisgarh-495 674, India
Tel : 07759 279238,279123
Fax : 07759 279370
email : lapl@lancogroup.com

⁶⁵ Liam Taylor and Devjit Nandi, Study: *Sustainable development or business as usual? A critical evaluation of the IFC-funded Lanco Amarkantak Thermal Power Station Project in Chhattisgarh (India)* September 2008 (p 12).

3. Investment

3.1. Investment and number of jobs planned to be created

The total cost of the project is estimated at around \$578 million⁶⁶. The IFC board approved an \$8 million equity investment in the project on 1 June 2007.⁶⁷ A Summary of Proposed Investment (SPI) and Environmental and Social Review Summary (ESRS) were publicly disclosed on 16 March 2007, and on 1 June the IFC board approved an \$8 million equity investment in the project. The investment took place on 29 November 2007.⁶⁸ Despite serious concerns about the development of the project – many of which are documented in the social assessment documents – the International Finance Corporation decided on 1 June 2007 to approve an \$8 million equity investment in the project.⁶⁹

Lanco has pledged to provide permanent employment to one family member from each household that has lost land, ensuring that the monthly income is equal or more than the statutory ‘Minimum Wage’. Jobs were provided to only 104 people from the 302 affected families; two-thirds were still left jobless. According to the RSIA, temporary employment has been found for 785 persons from the affected villages, of which 545 belong to affected households.⁷⁰

3.2. Foreign investment

International Finance Corporation (IFC) is currently considering a further \$100 million investment in Lanco, in the form of \$80 million debt and \$20 million equity. A Summary of Proposed Investment (SPI) and Environmental and Social Review Summary (ESRS) were publicly disclosed on 16 March 2007, and on 1 June the IFC board approved an \$8 million equity investment in the project. The investment was effected on 29 November 2007.⁷¹

Despite this the IFC approved an \$8 million equity Lanco investment in June 2007 and in May 2008 approved a further \$100 million investment for a long-term IFC-Lanco partnership that will impact on communities across India.⁷²

3.3. Status of investment

During the Xth Plan, total investment in the power sector was US\$ 60 billion out of which the private sector contribution was US\$ 13 billion. The projected investment during the XI Plan period is US\$ 133 billion out of which the private sector contribution is expected to be around US\$37 billion or 21 %. In physical terms a target of 78,700 MW has been fixed during this plan period which has now been finally revised to 68,504 MW. expected capacity additions 2009-10, as a private sector, for LANCO Amarkantak is 300 MW, therefore the investment.⁷³

⁶⁶ Liam Taylor and Devjit Nandi, Study: *Sustainable development or business as usual? A critical evaluation of the IFC-funded Lanco Amarkantak Thermal Power Station Project in Chhattisgarh (India)* September 2008

⁶⁷ *Ibid.* Page i

⁶⁸ *Ibid.* Page 6.

⁶⁹ *Ibid.* Page 27.

⁷⁰ Liam Taylor and Devjit Nandi, Study: *Sustainable development or business as usual? A critical evaluation of the IFC-funded Lanco Amarkantak Thermal Power Station Project in Chhattisgarh (India)* September 2008 Page 15-16

⁷¹ *Ibid.* Page 6

⁷² FPP Press Release, 22 Dec 2008

⁷³ Position paper on Power Sector in India December 2009, Department of Economic Affairs, Ministry of Finance, Government of India

4. Social impact of the project

4.1. Size of land acquired, number of persons, family and villages affected

Size of Land Acquired: In the first phase, the project acquired 506 acres of land, including 469 acres of private land from 302 affected persons. The second phase will require a further two hundred acres of land, and a recently announced expansion of the plant will take an additional 300–400 acres.⁷⁴

In the first phase of land acquisition, 506 acres of land was acquired from the four surrounding villages. This process is now complete and the second phase of land acquisition is currently being undertaken to bring the total land required for the two units to 730 acres.⁷⁵

Recently, Lanco has decided to expand the project. Plans are being developed to construct a third unit of 600 MW, doubling the total capacity of the plant to 1,200 MW. Lanco officials estimate that this will require acquisition of a further 300–400 acres of land, and the surveying process is currently underway. In March 2008, Lanco officials stated that work on the social assessment for the project expansion was anticipated to begin by late April; they were working to an accelerated schedule under which land acquisition was expected to commence in June or July. But an e-mail from the IFC in June 2008 indicates that at that point the social assessment had still not started, and indeed was not scheduled to commence until mid-July.⁷⁶

The final 196-page report (*Comprehensive Social Impact Assessment (CSIA)*) was not disclosed until November 2007. It includes a Public Consultation and Disclosure Plan (PCDP), Rehabilitation Action Plan (RAP), and a Community Development Plan (CDP). However, the scope of the assessment is limited to the first 506 acres of land acquisition; it does not include the additional land of about 200 acres required for the second unit (currently under processing by the government), nor does it even mention the 300–400 acres that will be acquired for the third unit.⁷⁷

In the first phase of the project, a total of 469 acres of private land was acquired from 302 families. In proportional terms, Saragbundia was the village most significantly affected, losing 73% of its land; overall, about a third of land from the four villages was acquired. In absolute terms, Khoddle was the most significantly affected, with 110 families losing 188 acres of land. Pahanda was the least affected of the four villages. Detailed statistics are not available for subsequent phases of land acquisition, but a local activist reports that 140 acres of government land and 260 acres of private land are to be acquired.⁷⁸

4.2. Displacement

Villages displaced: 1. Khoddle, 2. Pahanda, 3. Patadi, 4. Saragbundia. The total population of these four project-affected villages is 5,565 persons, living in 1,175 different households. In **Khoddle**, 94% of the population are ‘Scheduled Castes’; in the other villages, scheduled castes make up about a third of the total. There are also significant adivasi (tribal) populations, amounting to 42% in **Pahanda**, 43% in **Patadi**, and 29% in **Saragbundia**.⁷⁹

In absolute terms, Khoddle was the most significantly affected, with 110 families losing 188 acres of land. Pahanda was the least affected of the four villages. In the first phase of the project, a total of 469 acres of private land was acquired from 302 families.

⁷⁴ Liam Taylor and Devjit Nandi, Study: *Sustainable development or business as usual? A critical evaluation of the IFC-funded Lanco Amarkantak Thermal Power Station Project in Chhattisgarh (India)* September 2008 (Page 27)

⁷⁵ *Ibid.* (Page 6)

⁷⁶ *Ibid.* (Page 6)

⁷⁷ *Ibid.* (Page 7)

⁷⁸ *Ibid.* (Page 9)

⁷⁹ *Ibid.* (Page 9)

There are also reports that a number of families living without title on government land in Saragbundia will be removed from their homes for the next phase of the project, without due compensation for lost assets.

However, people who have lost land to the Lanco project report that the employment process has so far been limited, and that jobs have only been provided after considerable pressure from below. For two years after land acquisition, none of the affected families was given permanent jobs in the project.

After more than a month they had received no response from Lanco officials, and on 28 September there was a public protest against the Lanco plant. It was only at this stage that persons from land losing families were provided with jobs in the plant.

Even then, however, the company dragged its feet. Jobs were provided to only 104 people from the 302 affected families; two-thirds were still left jobless. Further protests and strikes were organized, including a 4–5 day protest in November/December 2007.

Lanco officials state that the offer of employment will be extended to families affected by future phases of land acquisition. They point out that recruitment in the initial stages has been slow because ‘a lot of time, effort and patience’ has been required to obtain necessary documentation from affected persons, some of whom do not even know their date of birth – one official likened this procedure to a ‘Herculean task’.

Even when jobs are provided, there will be a lingering dissatisfaction with the rationale that has been used to offer employment. In accordance with state law, Lanco has committed itself only to one job per affected titleholder. But in some cases, proper division of the title within joint families has not been done, and several people may share land under a single title.

Some people suggest that the number of jobs provided should correspond to the size of the affected household. Others raise issues about the process of nomination, by which one member from each household is chosen for employment; one man says that even after giving an affidavit to nominate his son-in-law, the government did not recognize his eligibility on the grounds that he is not dependent on the titleholder. The process of recruitment can thus be divisive both within and between families.

According to the CSIA, the proportion of families dependent on labour (including agricultural labour) as their primary source of income has risen from 34% to 47%, while the number who make a living from agriculture on their own land has fallen from 54% to 39%. Families living on government land in Saragbundia have been resettled by the project. Local activists say that these people have received no compensation for lost assets.

Apart from a few families living without title on government land, there is no physical displacement in the Lanco project; the company also insists that economic displacement has been minimized. Land acquisition has been undertaken by the government; the first five hundred acres were acquired prior to the IFC investment. Although Lanco has promised jobs to affected families, villagers report that these jobs have been slow to materialise and have only been provided after protests; many report that they are worse off than they were prior to land acquisition, and although a Rehabilitation Action Plan has been developed, it remains to be seen whether this will restore livelihoods to previous levels.

5. Resistance of the people

People who have lost land to the Lanco project report that the employment process has so far been limited, and that jobs have only been provided after considerable pressure from below. For two years after land acquisition, none of the affected families was given permanent jobs in the project. Local activists say that the provision of jobs was a legal requirement at the time that the compensation

award was made, but that Lanco tried to avoid the issue under a November 2005 redrafting of state law which removed the job requirement (the requirement has since been reinstated by a 2007 amendment). Frustrated by the lack of progress, affected persons formulated a 20-point demand in August 2007, with employment as a central issue. On 23 August, they handed the demand in to Lanco, threatening to organise protests if the company did not issue a response within 15 days. After more than a month they had received no response from Lanco officials, and on 28 September there was a public protest against the Lanco plant. It was only at this stage that persons from land losing families were provided with jobs in the plant. Lanco officials attest that, as a result of the strike, the process of nomination for employment was streamlined and mistakes were rectified.⁸⁰

Even then, however, the company dragged its feet. Jobs were provided to only 104 people from the 302 affected families; two-thirds were still left jobless. Further protests and strikes were organized, including a 4–5 day protest in November/December 2007. A trade union was formed as an outgrowth of these protests, representing both displaced persons and outsiders who are working inside the plant; it has been given the name ‘Lanco Kangmar Sangh’, or ‘Lanco Workers’ Union’. The union’s president says that, after the initial strikes, Lanco promised to meet with union officials every month; six months later, no such meetings have taken place.⁸¹

Lanco has commissioned a professional statistician to conduct an analysis of income from agriculture and wages; a report will be published in September 2008. But despite Lanco’s promises, people say that it has so far proved difficult to get jobs with the company; furthermore, as one person pointed out, their freedom to protest against the project is indirectly constrained because they need jobs from Lanco in order to earn a livelihood.⁸²

According to affected communities, consultation and community engagement have been inadequate throughout the duration of the project – even in the period since the IFC’s investment. Affected persons in all four villages state that Lanco officials do not consult with the people and that monthly consultations are a fiction created to receive IFC funding. Some allege bribery by Lanco to divide communities and suppress protests. They also say that the District Collector does not listen to their concerns and that government officials ‘are working as agents of the company’. In Dharrabhanta, Adivasi say that government officials have threatened to imprison them if they protest.⁸³

A full-time Social Development Officer acts as a point of contact for the local community and any grievances raised will be addressed promptly. However, many people say that they are not aware of the grievance mechanism, nor do they feel that it is easy to raise complaints. Some say that they are not allowed inside the Lanco premises to protest, and that low-level staff have blocked their access to senior officials. Many are too afraid to complain to the company or the government.⁸⁴

6. Sources of information

Liam Taylor and Devjit Nandi, Study : *Sustainable development or business as usual? A critical evaluation of the IFC-funded Lanco Amarkantak Thermal Power Station Project in Chhattisgarh (India)* September 2008

Chhattisgarh Net Digest

Forest Peoples Program Press Release, 22 Dec 2008

Position paper on Power Sector in India December 2009, Department of Economic Affairs, Ministry of Finance, Government of India

⁸⁰ *Ibid.* (p 15)

⁸¹ *Ibid.* (Page 15-16)

⁸² *Ibid.* (page 18)

⁸³ *Ibid.* (Page 22)

⁸⁴ *Ibid.* (Page 22)

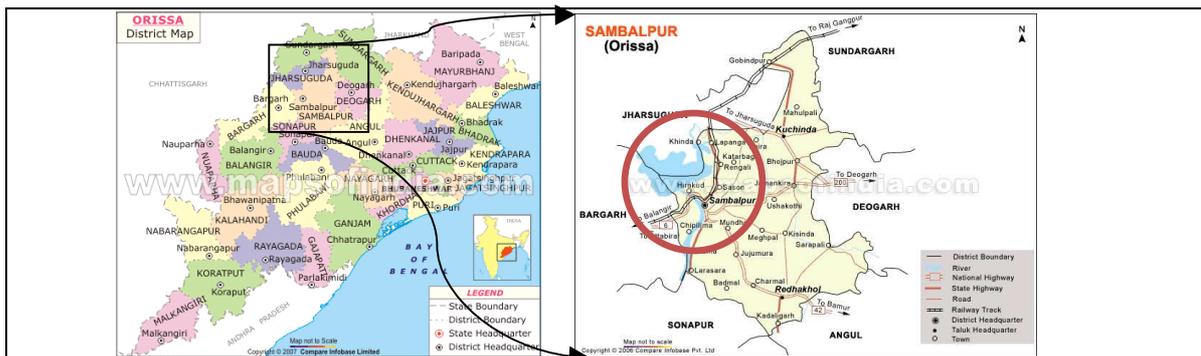
HIRAKUD DAM

Salient features of the project

The Hirakud Dam had been built on the Mahanadi river in 1946. The complete cost of the project in 1957 had come to Rs 100.02 crores.⁸⁵ The maximum height of the masonry dam is 200 feet while the earthen part of the dam is 195 feet. The primarily gross storage capacity is of 6.6 million acre feet. The live storage capacity is 4.72 million acre feet.

In 1937, the renounced Indian engineer, M. Vishwariya, suggested the construction of the reservoir as a flood control measure in Mahanadi river. In 1945, the Central Water and Power Commission renewed the suggestion to construct a multipurpose storage dam. The Central Waterways, Irrigation and Navigation Commission took up the work. The foundation was laid by the first Prime Minister in April 12, 1946. The first batch of concrete was laid by Pandit Jawaharalal Neheru on 12th April 1948 and also formally inaugurated by him on 13th January 1957. The power generation along with the supply for irrigation started progressively from 1956 and the full potential was achieved by 1966.⁸⁶

1. Location of the project



The Hirakud dam is made on the Mahanadi River in Sambalpur District (Orissa) as well as in the Raigarh District (Chhattisgarh). The dam is 5 km long, making it one of the largest dam in the world. The dam is concrete up to 1.2 km and earthen 3.8 km long. It covers an area of 743 sp. km in Sambalpur and Raigarh district. The expected irrigation area is 8 lakh acres. Actual irrigated acres are

⁸⁵ <<http://sambalpur.nic.in/hirakud%20dam.htm>> (as on 15 August, 2010)

⁸⁶ Thukral, Enakshi Ganguly, Ed. "Big Dams: Displaced People", Philip Viegas, Hirakud Dam Oustees: Thirty Years After, Sagar Publication, New Delhi

383,907 acres.⁸⁷ A multipurpose function is planned, i.e. a hydro electric project reservoir and an irrigation project. Only part of Sambalpur district Kuchinda tahsil is under Fifth Schedule Area.

2. Name of the company and contact

(1) Orissa Hydro Power Corporation Ltd.
1st Floor of Orissa State Police Housing & Welfare Corporation Building,
Vani Vihar Chowk, Janpath,
Bhubaneswar-751022
Orissa

(2) Senior General Manager (Elect),
Hirakud Hydro Electric Project,
At/Po-Burla,
Dist-Sambalpur – 768017
Orissa⁸⁸

3. Investment

3.1. Investment and number of jobs planned to be created

The complete cost of the project in 1957 had been Rs 100.02 crores. This included dam and the reservoir, spillway and power generation.⁸⁹ Recently, with regard to the additional expense on the project, officials said, during the past three years, from 2007-08 to 2009-10, a sum of Rs 121.34 crore had been additionally spent by Orissa's own resources and funding from the Rural Infrastructure Development Fund which are established for the modernization of the Hirakud system.⁹⁰

No particular information pertaining to the jobs are given to oustees and no information either to the persons affected by the project. The number of people displaced by the dam project varies from 1,00,000 to 1,80,000 persons. The compensation for the project affected families, for the land as well as for the houses, corresponded to a ridiculous low rate of Rs.20/- or Rs.10/- per acre. Rs.400/- was paid as compensation for each house, no job for oustees.

3.2. Foreign Investment

The Government of Orissa is initiating the process of preparing the Orissa Water Sector Improvement Project (OWSIP) through the Department of Water Resources (DoWR), in support of the implementation of the Pani Panchayat Act. 2002. The Government of Orissa understands this measure as help in bringing reforms into the sector. This happened after the government recognised the urgent need in a different water management of the sector; as e.g. the conflict arising with the farmers and their interests against the use of the Hirakud Dam water by industry. Another conflict relates to the fiscal crisis in the state due to lowering the water tax from canal irrigation. Lastly, the poor quality of the irrigation service delivery made conflicts increasing, undercutting the performance of irrigated agriculture.

The proposed OWSIP covers the entire Mahanadi command in the state of Orissa. Under the project, it is proposed to: (i) undertake institutional modernisation and capacity building of key water management agencies (proposed costs of Rs 120.00Cr.); (ii) improving sustainable productivity of

⁸⁷ The Hirakund Dam Outsees 30 years after.... Philip Viegas p31 Thukral, Enakshi Ganguly, Ed. "Big Dams: Displaced People", Philip Viegas, Hirakud Dam Ousteers: Thirty Years After, Sagar Publication, New Delhi

⁸⁸ <http://www.ohpcltd.com/siteupdate/rti/RTIAct.pdf>

⁸⁹ <<http://sambalpur.nic.in/hirakud%20dam.htm>> (As on 15 August, 2010)

⁹⁰ The Telegraph, April 12, 2011

existing irrigation assets and flood management (proposed costs of Rs 1160.03Cr.); (iii) preparation of future water investments (proposed costs of Rs 120.00Cr.).⁹¹

In 2008, the World Bank has agreed to fund the new project in Hirakud through the DoWR of the Orissa government under OWSIP.⁹² The programmes were reportedly being taken up to develop a part of the Hirakud command area under the World Bank-supported Water Resources Consolidation Project (WRCP) and Accelerated Irrigation Benefit Programme (AIBP).⁹³

3.3. Status of investment

The Hirakud Dam Project is a multipurpose project which includes irrigation, power generation and flood control. The reservoir formed by the dam covers 743 sq km and part of the Sambalpur and Raigarh district. The project provides 1,55,635 has. of Kharif and 1,08,385 has. of Rabi with irrigation in Sambalpur, Bargarh, Bolangir, and Subarnpur.⁹⁴

The dam has two hydroelectric plants with a total capacity of 270 MW. The actual generation, however, is restricted to 120 MW which is only 44.4 per cent of the installed capacity. Gradually, the storage capacity of the dam is decreasing due to siltation. Mining and industrialisation in the vicinity of the reservoir as well as the release of effluents to the river system further complicate the issue.⁹⁵

One of the prime objectives of the dam has been to control floods, being the regular features in the delta region. The worse flood has been witnessed in September 1980. A huge amount of water, estimated 12 lakh cusecs (cubic foot per second), had to be released on an emergency basis within a few hours. Over a million people and the districts of Cuttack, Puri and Sambalpur were affected. Over 200 people perished in this flood. This disaster raised serious doubts about the capacity of the dam to control floods. Recent reports reveal cracks in the dam, causing grave concern to the entire population of this part of the state.

4. Social impact of the project

4.1. Size of land acquired, number of persons, family and villages affected

Under the Land Acquisition Act (1894), land was acquired for the Hirakud dam and the reservoir. All the land below RL 632 was acquired. According to a report of the government of Orissa, out of the total of 1,67,376.83 acres of submerged land, 1,15,127.97 acres had been good agriculture land. Another source is saying that the total land lost was at 1,82,592 acres, of which 1,23,000 acres was cultivable (Pattanaik, *et al* undated:13)⁹⁶

The land acquired was compensated in cash. Lands were classified into 22 different types on the basis of its productivity. These different types of land were further subdivided into three to four categories based on quality. Grade 'A' of a land was valued at the rate of Rs 500 and grade 'D' at the rate of Rs 200 per acre, and the value of the middle grade lands were between these two indicators.

The compensation paid raised questions about the basis of land assessment. In Luaboga village, one person received Rs 25,000 for 32 acres, while the owner of a 26 acre plot got only Rs 7,000. Another

⁹¹ Orissa Water Sector Improvement Project, (World Bank Funding)

<http://www.dowrorissa.gov.in/EAP/OWSIP/AboutOWSIP.pdf>

⁹² <http://www.dowrorissa.gov.in/EAP/OWSIP/AboutOWSIP.pdf>

⁹³ The Telegraph, April 12, 2011

⁹⁴ <<http://sambalpur.nic.in/hirakud%20dam.htm>>

⁹⁵ Baboo, Balgovind., 2009 *Politics of Water: The Case of the Hirakud dam in Orissa, India* International journal of Sociology and Anthropology Vol, 1 (8) pp 139-144

⁹⁶ Government of Orissa 1968:13, Thukral, Enakshi Ganguly, Ed. "Big Dams: Displaced People" , Philip Viegas, Hirakud Dam Oustees: Thirty Years After, Sagar Publication, New Delhi (p 30-31)

owner of a 16 acre plot in the same village received Rs 1,800. Two owners of 13 acres each and of the same grade received a different compensation: one was given Rs 4,000 and the other Rs 2,000. No explanation was offered by the authorities concerned.⁹⁷ No one was able to say how the land was evaluated and accordingly paid. The government made no effort to make the villagers understand the assessment of their land. At no point did the people feel that the government had taken them into consideration. Without appropriate information and no awareness building, the villagers could not take the opportunity and left it to the 'benevolence' of the officials what might be best. Unfortunately, the officials did not deserve this trust.⁹⁸

4.2. Displacement

In the construction of a dam, it is not only the structure of the dam alone, but the whole submergence area displaces the people. The Hirakud reservoir submerged a vast area of 743 sq km, 249 villages in Sambalpur district alone, and 36 villages in the adjoining district of Raigarh (earlier in Madhya Pradesh, now in Chhattisgarh).⁹⁹ This figure varies between 160 and 249 according to different sources. According to the 1968 report of the Orissa government, 22,144 families were affected, in total about 1.1 lakhs of persons; varying up to 1.6 lakhs. The lack of accurate data on a crucial issue is an indication of the poor care by both the centre and state the government on the rehabilitation of the oustees. There is no precise data available either regarding the tribal and non-tribal compensation of the displaced persons. As the area is inhabited predominantly by Gonds, it may be assumed that a large proportion of the population of those displaced were Adivasi of this community.¹⁰⁰

5. Resistance of the people

With protests from the people for several decades, some steps were taken by the government without resolving the basic need of the affected people. After more than 30 years of the completion of dam, the protests of the people achieved to constitute an Assurance Committee in 1989 for the disbursement of pending claims. This Committee, chaired by Minister Sri Ramachandra Ulaka, submitted its report in September 1989, admitting that the "(...) compensation for the land as well as for the houses was paid at a very ridiculously low rate of Rs.20/- or Rs.10/- per acre. Rs.400/- was paid as compensation for each house. Higher compensation was not allowed to the residents even after the verdict of the High Court and the Supreme Court." The report continues, "(...) the Committee opined that on one hand the Government failed to provide them due compensation for their lands and houses as well as to extend adequate rehabilitation facilities to mitigate their sufferings, and on the other hand was trying to evict them from the annual lease land, which was definitely a wrong step."¹⁰¹

The same source further informs that, the new government led by Janata Dal in 1990 constituted a High Power Committee under the chairmanship of the Development Commissioner to look into the issues around pending compensation for Hirakud oustees. On the recommendation of this Committee, the original rate of compensation was increased by 33 times and an amount of 2,29,32,140 Rupees was sanctioned in favour of the payment of pending compensation, called *ex-gratia*. The government had then declared 8,744 families as eligible for receiving such *ex-gratia*. However, a list of eligible families presented by the government in 1992 showed only 3,540 families as beneficiaries. The fate of 5,204 families was sealed off. In 2000, the government took a decision declaring that every displaced family would be allotted 10 dismal of land (100 dismal of land equivalents to 1 acre). In 2004, the government declared that other families would also be entitled to 10 dismal each. However, up to May 2011, none of the declarations was implemented.

⁹⁷ Philip Viegas op.cit.: p 37-38

⁹⁸ Philip Viegas op.cit: p 38

⁹⁹ Government of Orissa, 1969:13

¹⁰⁰ The Hirakund Dam Outsees 30 years after; Philip Viegas.

¹⁰¹ <http://chittabehera.com/Rehabilitation/Orissa%20Displaced%20Study/Orissa%20Old%20Projects%20Ch-6.pdf> The text in this website had shown its source as: Assurance Committee on Displaced Families of Hirakud Dam, quoted in Samaj dated 9 Dec. 2007

Hirakud dam oustees and displaced people had intensively and a long time struggled for the compensation for what they had suffered since the construction of the dam. Among the early ones were the protests of Sambalpur and Padampur in the late 1960s under the banner of the Communist Party. The report of the government of Orissa referred to the public protests: “The people had great doubts regarding the benefits in compensation to the present loss of their ancestral home lands and best cultivatable lands. However, the agitation was curbed by elaborate propaganda regarding the agitation and the benefits of the dam and government took responsibility to provide all the people of the submerge area land for cultivation and house to live inside the district (1968:11)”.

Also protests at small scale were organised but stemmed by seer force. At the time of evacuation, for instance, the police *lathi*-charged the people and pushed them like cattle into trucks. An eyewitness testified an incident where three people died falling from a truck in Kenapalli village. Other eye-witness maintained that villages like Khajuridih were even set on fire though it was not certain who was responsible.¹⁰² The report concluded by saying that, “the primary reason for the failure of the government’s rehabilitation effort seems to lie in the fact that it failed to perceive the issue of displacement in its totality and looked at it merely from an economic point of view (...)”¹⁰³ At the end: “ (...) in fact, the prevailing sentiments among the oustees even 30 years later is well expressed by the villager of Lachpalli: ‘The government has got whatever it wanted of us, but we have not received anything for it.’”¹⁰⁴

In 2007, the government of Orissa wished to celebrate the golden jubilee year of Hirakud Dam with great pomp and ceremony. But the people of western Orissa who have been protesting against the government’s policy of diverting irrigation water from the dam to industrial purposes, simply kept themselves away from the official process of preparation for golden jubilee.

The government of Orissa formed in June 2007 a High Level Technical Committee under the chairmanship of Sri R. Jayseelan, former Chairman of the Central Water Commission, to study the feasibility of industrial usage of Hirakud water. In the course of a workshop organised by the Committee with the farmers’ associations, the speakers not only protested against the industrial use of dam water but also vehemently criticised the apathy of the government towards displaced people. Sri Karunakar Supkar, former Engineer-in-Chief of Orissa Electricity, emphatically observed: “Suggestions of Assurance Committee (1990) on rehabilitation should be implemented. A Golden Jubilee of the project should be celebrated only after the settlement of pending rehabilitation issues”.

In 2007, the farmers mobilised their constituency from ten neighbouring districts; according to reports about 30,000. They protested against the government’s sanction to allocate 478 cusecs of water from the reservoir for the use of various industries. According to government figures, some 20,000 acres of agriculture land required irrigation. The Convener of the Western Orissa Farmers’ Coordination Committee said on this conflict that “the water scarcity for irrigation was likely to become more acute as the thermal power project in Jharsuguda district of Reliance Energy, which proposed to put up 12,000 MW-capacity and required 600 cusecs water from Mahanadi.” Reportedly, the industries which would be affected if water supply from Hirakud would be denied, include Bhusan Steel, Vedanta Aluminium Ltd., Mahanadi Coalfield, Posco, a cement manufacturing unit, a paper unit and many small units. The agitation was dispersed leaving nearly 30 injured. After the public pressure, the Chief Minister, Naveen Patnaik decided to increase the capacity of the Hirakud reservoir for an additional holding of water and the renovation of all the canals of Hirakud irrigation system to ensure that water reaches the tail-end.¹⁰⁵

¹⁰² The Hirakund Dam Outsees 30 years after. Philip Viegas. (Year of publication not available) (p 46)

¹⁰³ *Ibid.* (p 51)

¹⁰⁴ *Ibid.* (p 53)

¹⁰⁵ EXPRESS NEWS SERVICE 8 November 2007, The Hindu, 7 Nov. 2007 and www.news.oneindia.in dated 12 Nov.07

The Budi Anchal Sangram Samiti, comprising displaced people by the Hirakud dam, has stated in the Times of India on March 28, 2011 that, “even after five decades, the 9,913 families displaced from Hirakud submerged area are still fighting to get compensation. The government has only prepared a computerised list of 3,400 families to disburse compensation at a rate of Rs 10,000 per acre of their submerged land”. The president of the Samiti, Basudeba Bhoi, informed that his village Antarduli was one of the first 15 villages submerged by the Hirakud reservoir. His family had 25 acres land. But they had received a compensation of just Rs 1,400 at Rs 200 per acre then.

It is also reported that the people are facing a second displacement. The displaced families have demanded a conversion on 21 unsurveyed villages of Lakhanpur tehsil in Jharsuguda district into revenue villages as well as 13 villages in Rengali tehsil of Sambalpur district at the earliest. According to the report, these villages located at a height of 630 to 632 ft from the reservoir level, were originally acquired for the Hirakud reservoir but were never submerged. Over 11,000 families started staying in these villages in the 1960s and their number has grown to over 25,000 now. The samiti had demanded that in case of a second displacement, the compensation has to be doubled. The samiti will put up a blockade in the legislative assembly to press upon their demand. Recently, in February 2011, the Sangram Samiti had sent a memorandum to the revenue minister demanding completion of the resettlement work of the Hirakud Dam oustees by providing resettlement land documents and speed up the disbursement of compensation. In November 2010, the Orissa government had invited for proposals for the declaration of 21 unsurveyed villages as revenue villages.¹⁰⁶ It is expected that some relief will be provided to the displaced affected people in Hirakud.

6. Sources of information

<http://sambalpur.nic.in/hirakud%20dam.htm> (as on 15 August, 2010)

Thukral, Enakshi Ganguly, Ed. “Big Dams: Displaced People”

Philip Viegas, Hirakud Dam Ousteas: Thirty Years After, Sagar Publication, New Delhi; year of publication not available

<http://www.ohpltd.com/siteupdate/rTI/RTIAct.pdf>

<http://sambalpur.nic.in/hirakud%20dam.htm>

The Telegraph, April 12, 2011

Orissa Water Sector Improvement Project, (under World Bank Funding)

<http://www.dowrorissa.gov.in/EAP/OWSIP/AboutOWSIP.pdf>

<http://www.dowrorissa.gov.in/EAP/OWSIP/AboutOWSIP.pdf>

<http://chittabehera.com/Rehabilitation/Orissa%20Displaced%20Study/Orissa%20Old%20Projects%20Ch-6.pdf> Assurance Committee on Displaced Families of Hirakud Dam, quoted in Samaj dated 9 Dec. 2007

EXPRESS NEWS SERVICE 8 November 2007, The Hindu, 7 Nov. 2007 and www.news.oneindia.in dated 12 Nov.07

Times of India, March 28, 2011

¹⁰⁶ Times of India, March 28, 2011

Teesta Low Dam Project Stage III

Salient features of the project

1. Location of the project

The location of the Teesta Low Dam Project Stage III of the National Hydroelectric Power Corporation (NHPC) is in the Darjiling districts of West Bengal. It is about 50 Km from New Jalpaiguri (see map below). The main features of the project are: 140 m long barrage, 4 nos. circular, steel lined penstocks of 50 m each and of 7 m dia. A surface Power House of size 125 m x 22 m x 56 m to accommodate 4 units of 33 MW each. The project will generate 594.07 MW plus an associated transmission system for a distance of 50 Km (approximately). The Government of West Bengal is the sole beneficiary of the project.

In the present, major civil works have been awarded to M/S Patel Eng. Hydro-mechanical works have been awarded to the consortium of M/s Texnaco Ltd. and M/s Alstom. Excavation in respect of the Power House and the barrage has been completed, the cellular wall concrete, other excavation, barrage and the Power House concreting have been nearly completed while adverse geological conditions have impeded progress at the Power House and Intake areas.¹⁰⁷

2. Name of the company and contact

Teesta Low dam project (TLDP –III) West Bengal: NHPC Ltd. (National Hydro Electric Power Corporation). The project is ownership by the Central Government of India; the **Teesta Urja Ltd.**

Address for Correspondence

a) concerned Project Head

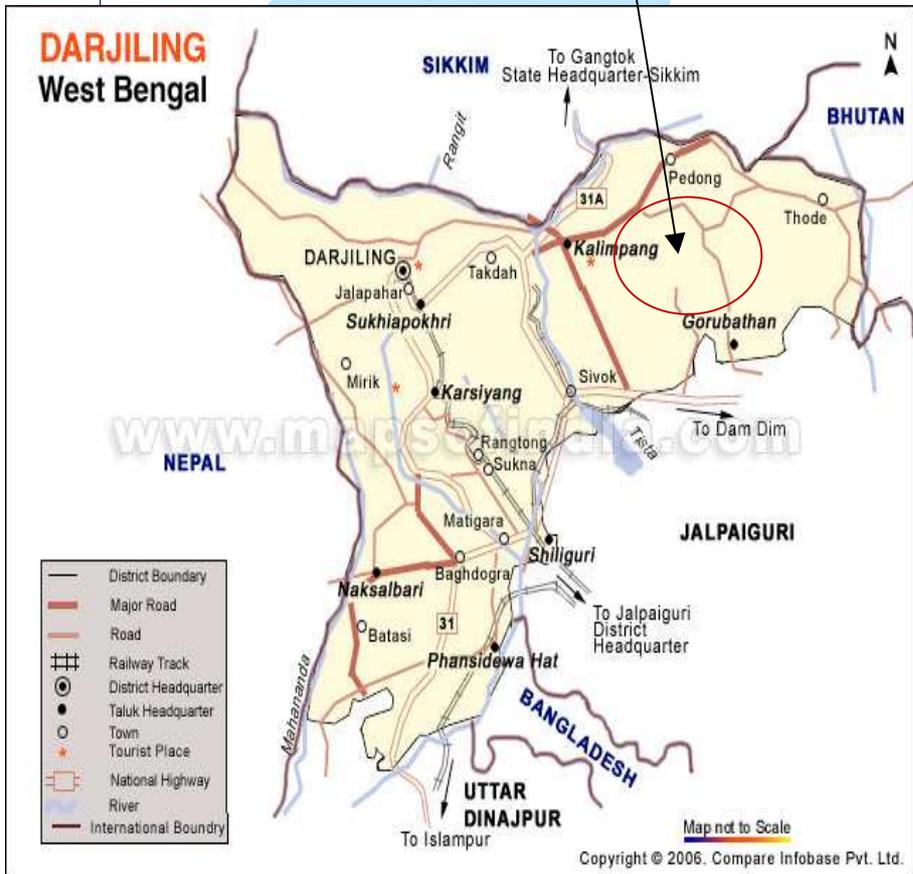
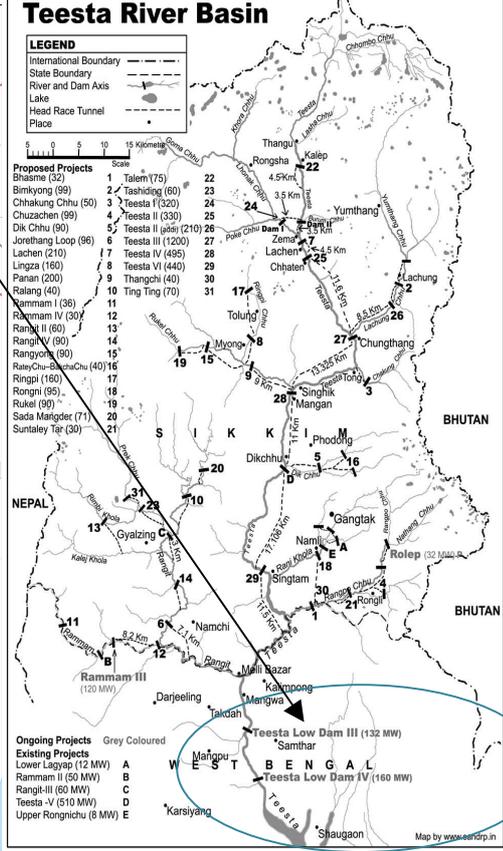
General Manager,
NHPC Ltd., Teesta Low Dam Project Stage-III,
Rambi Bazar, P.O. – Reang, District – Darjeeling
State - West Bengal, Pin No- 734321
Telephone No.- 03552-261006
Fax No.- 03552-261007

b) concerned HOD

Executive Director, Corporate Planning Division,
NHPC Ltd., Sector-33, Faridabad-121003.
Phone: 0129-2258331, Fax: 0129-2258331¹⁰⁸

¹⁰⁷ <http://industrymonitor.in/energy/2009/06/teesta-low-dam-hydro-electric-project-stage-iii-4x33-mw-2/>

¹⁰⁸ Source: Dept of Power and Energy Government of Sikkim in Sikkim's Teesta River by Avilash Raul. Note: Teesta stage III and IV are located in Darjeeling (West Bengal)



3. Investment

3.1. Investment and number of jobs planned

The investment is done by the Government of India, Ministry of Power. In the outcome budget report of the ministry it is said “During the year 2008-09, NHPC outlay of Rs. 4385.19 crore is mostly for their on-going schemes (Subansiri Lower, Uri-II Parbati-II, Parbati-III, Sewa-II, Chamera-III, Nimoo Bazgo, Chutak, Kishenganga and Teesta Lower Dam-III & IV) and new proposed projects of Kotlibhel IA, IB & II.”¹⁰⁹ The Central Government’s Master Vision of Northeastern Region (India’s Future Power House) has planned 168 dams in the region.¹¹⁰ Under the projects, two of them are the Projects Teesta III and Teesta IV in the north of West Bengal State. Their barrages are 32.5 and 45 mts high respectively. Teesta Low Dam Project III (TLDP-III) will have the capacity of 132 MW, the Investment/ Estimated Cost for TLDP-III is Rs 782.22 crores / USD-195.56 mil.

Financial details of the Teesta Low Dam Project Stage III.

a) Project cost as originally planned and subsequent revised estimates and the years of price reference	Total Project cost: Rs. 769.39 Crores (Dec. 2002 P.L.) (as approved by CCEA)
b) Actual expenditure incurred on the project	Rs. 1140.82 Crores (till April 2010)
c) Allocations made for environmental management plans and actual expenditure incurred on the environmental management plans	Sl. No. / EMP / Allocated Fund Rs. (in Lakhs/hundred thousand) / Expenditure incurred so far Rs. (in Lakhs) i / Resettlement & Rehabilitation / 77.27 / 29.57 ii / Green Belt Development / 35.51 / 23.40 iii / Compensatory Afforestation plan / 614.70 / 565.16 iv / Catchment Area Treatment Plan / 479.43 / 478.29 v / Reservoir Rim Treatment / 125.00 / 193.21 vi / Fuel Provision / 11.68 The Civil Works Contractor M/s Patel Engineering is complying with the contract provision of providing subsidized fuel and running mess facility for workers. vii / Restoration Plan for Dumping Sites / 83.33 / --- viii / Landscaping and Beautification / 8.14 / 2.96 ix / Wildlife Management Plan / 40.00 / 37.00 x / Restoration of Borrow Areas, Quarry and construction sites / 7.96 / 3.58 xi / Health Management / 40.00 / 0.60 xii / Solid Waste Management / 46.08 / --- xiii / Water Quality Management Plan / 2.00 / 6.62 (appropriated from fund under Sl. No.- 17, Misc. expenditure) xiv / Air Quality Management Plan / 2.00 / --- xv / Disaster Management Plan / 61.21 / --- xvi / Socio-economic Upliftment of the Area / 248.40 / 219.10 xvii / Monitoring of Environment and Miscellaneous Expenditures / 75.00 / 17.59 Total: 1957.71 / 1577.08
In addition to above amount, Rs. 17.54 crores has been deposited to Forest Deptt. as Net Present Value (NPV) for project land requirement.	

Table ¹¹¹

In relation to jobs planned, no description could be found of the jobs for the affected families. Only compensation for their losses has been addressed by NHPC when asked by MOEF. In relation to rehabilitation and resettlement, houses of nine families are getting affected due to the project. They

¹⁰⁹ GOI outcome budget of Ministry of Power 2008-2009

¹¹⁰ Teesta’s Tears By Dionne Bunsha <http://www.hinduonnet.com/fline/fl2512/stories/20080620251209500.htm>

¹¹¹ NHPC report of TLDP – III Six monthly progress report on Environmental Aspects *Progress for the period ending May 2010* given to MoEF

are considered as fully affected families. No private land is getting affected. However, local people used encroached river bed area for agriculture. The project authority decided to compensate them for loss of land. The Rehabilitation and Resettlement (R&R) plan was made accordingly for people losing houses and people losing agriculture land. There were 19 persons engaged in agricultural activity during the survey for the Environment Impact Assessment while the number increased to 27 during survey by district authority later.

The District Magistrate of Darjeeling has constituted an R&R committee. The committee held several meetings and discussions with the project affected persons, local people and NGOs and finalised the amount to be paid as compensation. The people demanded cash compensation for their property and wished to relocate themselves on their own. The proposed compensation for fully affected families was Rs. 7,06,419/-. They shall be provided with facilities under the socioeconomic upliftment scheme of the R&R plan.

The proposed compensation for affected families losing agricultural land was Rs. 4,88,170/- which was revised to Rs. 11,83,943/- on 04-08- 2008. The disbursement of the compensation could not be made due to unresolved questions. In a later meeting the affected families agreed to receive the compensation only after the protection work along the project reservoir area below their houses would have been finished. The project authority clearly informed that the protection work in the reservoir area is already in the plan (Reservoir 6 Rim Treatment Plan). It was also decided that if damage occurred in houses and protection wall due to reservoir then the NHPC will repair.

The land compensation to affected families losing agricultural land was distributed in 2008 and 2009 in presence of the district authority. Compensation for three affected families has not been disbursed due to rifts among the people residing at the same line. As per R&R plan, five shops were constructed in the NHPC colony while the affected people refused to run these shops. They also did not agree to shift to NHPC colony where land was acquired to rehabilitate them. Scholarship is being provided to 49 students from PAFs @ Rs. 100/- minimum to 200/- maximum per month. A total of Rs. 29.57 lakh has been spent under R&R plan.¹¹²

3.2. Investors involvement

The entire cost will be borne by the National Hydroelectric Power Corporation (NHPC) Ltd. About 30 per cent of the cost will go as equity and the remaining amount will be borrowed from financial institutions. On April 16, 2004, the Life Insurance Corporation of India (LIC) sanctioned a line of credit facility of Rs. 6500 crores to NHPC in addition to Rs. 2500 crores sanctioned during the Financial Year 2002-03 pegging up the total investment exposure to Rs.9000 crores. An MoU to this effect was signed between LIC and NHPC Ltd. This is the highest ever tie up for NHPC from a single lender through debt. The interest on credit facility is linked with 13 years government security yield, which is the most competitive rate available in the market and currently works out to around 6.5% p.a. The overall tenure of the loan is 20 years with a moratorium of 8 years and the repayment in 24 equal half yearly installments in the next 12 years. NHPC has, in addition, recently raised USD 50 million for a tenure of 10 year without any security to meet the fund requirements of its ongoing project. The government of India in the 2002-2003 financial year, made a budget provision of Rs. 1341.81 crore for NHPC to support its plan outlay of Rs. 2467.70 crore for ongoing and new projects including TLDP III.¹¹³

¹¹² NHPC report of TLDP – III Six monthly progress report on Environmental Aspects *Progress for the period ending May 2010* given to MoFE

¹¹³ For Whom the Teesta Flows? A Fact Finding Report on the Teesta Low Dam Project III, Published by Delhi Forum, April 2005

3.3. Status of investment

The hydro power company Teesta Urja Ltd said (22, Sept 2006) it would shortly start construction on the 1,200 MW Teesta-III hydroelectric plant, the biggest hydel project to come up in north Sikkim. The Rs 6,000 crore project has received techno-economic and environment clearances and is likely to get forest clearance.¹¹⁴ The NHPC is presently engaged in the construction of the following project in the Teesta Low Dam Project III:

- Barrage wall work is almost completed
- the project should have been completed by 2010¹¹⁵.

4. Social impact of the project

4.1. Size of land acquired, number of persons, family and villages affected

The total Land requirement is 328.19 ha in (a) dam and submergence area which will take 172.9 ha. of forest land and non-forest land (details not available); (b) other 129.59 ha will be forest land, and government forest land is about 25.70.¹¹⁶ The Status of approval for diversion of forest land for non-forestry use have been diverted for the construction of the project vide Memo No. 8-34 / 2003. The total of forest land is 302.49 ha; 183.49 ha for permanent use and 119 ha for temporary use for collection of construction materials and for disposal of muck. The status of clear felling in forest land – felling on 10.59 ha of forest land – has been completed.¹¹⁷

NHPC has completely ignored the Environmental Impact Assessment (EIA) criterion. It did not conduct proper studies. Decisions regarding the dam construction were made long before the environmental clearance was given by the Ministry of Environment and Forests. For instance, the stage III and IV reservoirs will submerge 156.41 ha and 359.89 ha of forest respectively, which is home to many local floral and faunal species. However, NHPC merely hints this fact and calls it unavoidable. NHPC has grossly violated the EIA norms and the studies it has undertaken has been merely to fulfill the formality. In many instances, local people have been threatened and cajoled for speaking against NHPC or the dam project. In part, the public hearings have been undertaken in areas far away from the actual dam sites and notices have not been given on time. In some instances, the executive summaries have not been provided in local language (Nepali).¹¹⁸

Massive afforestation has been undertaken at the projects of NHPC. In eight commissioned projects of NHPC viz. Tanakpur, Chamera-I, Chamera-II, Uri, Rangit, Dhauliganga, Dul Hasti, Teesta-V and six under construction projects viz. Parbati-II, Parbati-III, TLDP-III, TLDP-IV, Chamera-III, and Sewa-II, afforestation has been undertaken over an area of 4333 ha. of degraded or non forest land, in lieu of diversion of 2734.44 ha of forest land required. In these 14 projects, NHPC has planted more than 93 lakh trees under the Compensatory Afforestation against 101,781 affected trees.¹¹⁹

¹¹⁴ The Economic Times (Teesta Urja to start work on 1,200MW project) 22 Sep, 2006,

¹¹⁵ NHPC report of TLDP – III Six monthly progress report on Environmental Aspects *Progress for the period ending May 2010* given to MoFE; no other information is available to date

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ http://www.google.co.in/imgres?imgurl=http://www.darjeelingtimes.com/news/files/teestaproj_400.jpg&imgrefurl=http://www.darjeelingtimes.com/news/Voice-of-Darjeeling/The-Dam-and-The-Damned.html&usq=__jfAW80dRb2GU_9PrLr_GJ2CtAUI=&h=339&w=400&sz=73&hl=en&start=1&zoom=1&um=1&itbs=1&tbnid=ZB2fRUBByYOjawM:&tbnh=105&tbnw=124&prev=/images%3Fq%3DTeesta%2BLow%2BDam%2BH.E.%2BProject%2BStage-III,%2BWB%2BLand%2BAcquired%26um%3D1%26hl%3Den%26sa%3DG%26tbs%3Disch:1&ei=ly5VTZmMGYHdcfXh3ZQN

¹¹⁹ http://www.nhpcindia.com/English/Scripts/Hydro_Technology.aspx

4.2. Displacement

Six houses (9 families, with a total of 31 persons) have been identified by NHPC as directly affected by the TLDP Stage III; and 19 others are partially affected while NGO's have different data.¹²⁰ Six of these families are from four houses in Geil Khola, the remaining three families belong to two households in 29th Mile. Another 19 persons, 18 from 29th Mile and 1 from Geil Khola, whose land holdings fall within the submergence area, are earmarked for compensation. Both these settlements are on the right bank of the Teesta. The Scheduled Tribe families are earmarked for a special benefit plan.¹²¹

The construction, operation and output of dams have diverse social, cultural, economic and environmental impacts, which are complex. The NHPC has a very dismal record in terms of dealing with local people. Quite a number of people across India have been displaced meanwhile by NHPC without proper rehabilitation or re-settlement plans. These people are considered Internally Displaced Refugees (IDRs). The projected Teesta will produce too a large scale displacement of local people, and the NHPC lacks any concrete plan to resettle them. For instance, the Kalijhora (TLDP - IV) which houses over 115 families, will submerge due to the stage IV reservoir. Yet NHPC is silent about any rehabilitation program.¹²²

The company report gives the following details about the Project Affected Families: six houses constituting nine families, two of them belong to the Scheduled Caste / Scheduled Tribe (SC/ST) category and seven belong to a general category. 27 people are among those who will lose agricultural land. 11 out of them are from the SC/ST category and 16 from the general category. At the time of initial survey, lands of the SC/ST category, 1.68 ha as forest land, fall in the submergence area, and have been being utilized by the villagers for cultivation purposes. Later, the total area increased to 2.175 ha and the total persons increased from 19 to 27. The R&R committee decided to compensate them for the loss of land which includes the general category groups.¹²³

5. Resistance of the people

At an Environmental Public Hearing for the stage III project on January 3, 2003, local people articulated a number of issues about this project. When an independent study team visited the affected areas, they had found that, 1. it is a highly seismic active zone, frequented by landslides. These areas are normally not suitable for dams. 2. TLDP would submerge portions of a national road (NH 31A) connecting Gangtok. 3. Landslides erode the river bank regularly which can be cause of floods in villages. Instead of the submergence of NH 31A, NHPC Ltd. proposed to have an alternative road through Mahananda Wildlife Sanctuary and reserve forest, shelter for more than 150 elephants and an elephant corridor of North Bengal¹²⁴

Several NGOs have raised serious concerns over the environmental and socio economic aspects of this project and have written many letters to the Ministry of Forest and Environment (MoFE) and the

¹²⁰ The Hindu 2004 / 06/ 09

¹²¹ http://docs.google.com/viewer?a=v&q=cache:KWXYUyDifSEJ:www.kaburlu.com/images/misc/For_Whom_the_Teesta_Flows.doc+&hl=en&pid=bl&srcid=ADGEESgtmt8yDTMRTlkQW2jpCW1my_2UMgxU5i-_dPsXZAZ3eh1CknCSbBiJHP5tkiITIfQiY8XZgwYLG6m1aIVgY4MPASvUhbZgN-9DHW4E_gj5tlIcs4OYFTqmXI9B3v7IXqARD00&sig=AHIEtbT4-XU3s3RxGkHUm3M9d1d2LLKHOA

¹²² http://www.google.co.in/imgres?imgurl=http://www.darjeelingtimes.com/news/files/teestaproj_400.jpg&imgrefurl=http://www.darjeelingtimes.com/news/Voice-of-Darjeeling/The-Dam-and-The-Damned.html&usq=__jfAW80dRb2GU_9PrLr_GJ2CtAUI=&h=339&w=400&sz=73&hl=en&start=1&zoom=1&um=1&itbs=1&tbnid=ZB2fRUBByYOjawM:&tbnh=105&tbnw=124&prev=/images%3Fq%3DTeesta%2BLow%2BDam%2BH.E.%2BPrject%2BStage-III,%2BWB%2BLand%2BAcquired%26um%3D1%26hl%3Den%26sa%3DG%26tbs%3Disch:1&ei=ly5VTZmMGYHdcfXh3ZQN

¹²³ NHPC report of TLDP – III Six monthly progress report on Environmental Aspects *Progress for the period ending May 2010* given to MoEF

¹²⁴ Some Indian Environmental Issues – TAI Case Studies, An ESG Collation Bangalore – October 2004

World Bank Pollution Control Board about environmental impacts by the project. NGOs have been demanding that the environment impact assessment report and clearance report of the MoFE should be reviewed by the Parliamentary Standing Committee to look into the process of granting environmental clearance of the project. The Environmental Justice Initiative, the Academy of Mountain Environments, Delhi Forum have raised the need for Cumulative Impact studies on ten Dams on Teesta River.

The Local Groups, including North East Society for Preservation of Nature and Wild Life (NESPON), Garjeeling NGO Network and local villagers as the inhabitants of Geil Khola and 29th Mile have also criticized the NHPC for not adopting environmental laws provided by the Government. Threatened by displacement they complain: “There is an immediate need for a Teesta river basin study, including a survey of its carrying capacity. The rehabilitation scheme should be re-drafted by an independent agency.”¹²⁵ Environmentalists alleged that the government simply ignored the fact that the proposed project is located in a seismic zone and the government had not asked the Darjeeling Gorkha Hill Council (DGHC) where this project is proposed.¹²⁶

6. Sources of information

Teesta’s Tears By Dionne Bunsha

<http://www.hinduonnet.com/fline/fl2512/stories/20080620251209500.htm>

The Hindu 2004 / 06/ 09

Some Indian Environmental Issues – TAI Case Studies, An ESG Collation Bangalore – October 2004

<http://industrymonitor.in/energy/2009/06/teesta-low-dam-hydro-electric-project-stage-iii-4x33-mw-2/>

Dept of Power and Energy Govt of Sikkim in Sikkim’s Teesta River by Avilash Raul

Teesta’s Tears By Dionne Bunsha

<http://www.hinduonnet.com/fline/fl2512/stories/20080620251209500.htm>

NHPC report on the Teesta Low Dam Project – III

For Whom the Teesta Flows? A Fact Finding Report on the Teesta Low Dam Project III, Published by Delhi Forum, April 2005

[http://www.google.co.in/imgres?imgurl=http://www.darjeelingtimes.com/news/files/teestaproj_400.jpg&imgrefurl=http://www.darjeelingtimes.com/news/Voice-of-Darjeeling/The-Dam-and-The-](http://www.google.co.in/imgres?imgurl=http://www.darjeelingtimes.com/news/files/teestaproj_400.jpg&imgrefurl=http://www.darjeelingtimes.com/news/Voice-of-Darjeeling/The-Dam-and-The-Damned.html&usq=__jfAW80dRb2GU_9PrLr_GJ2CtAUI=&h=339&w=400&sz=73&hl=en&start=1&zoom=1&um=1&itbs=1&tbnid=ZB2fRUByYOjawM:&tbnh=105&tbnw=124&prev=/images%3Fq%3DTeesta%2BLow%2BDam%2BH.E.%2BProject%2BStage-III,%2BWB%2BLand%2Bacquired%26um%3D1%26hl%3Den%26sa%3DG%26tbs%3Disc h:1&ei=ly5VTZmMGYHdcfXh3ZQN)

http://www.nhpcindia.com/English/Scripts/Hydro_Technology.aspx

http://www.nhpcindia.com/English/Scripts/Hydro_Technology.aspx

The Hindu 2004 / 06/ 09

[http://www.google.co.in/imgres?imgurl=http://www.darjeelingtimes.com/news/files/teestaproj_400.jpg&imgrefurl=http://www.darjeelingtimes.com/news/Voice-of-Darjeeling/The-Dam-and-The-](http://www.google.co.in/imgres?imgurl=http://www.darjeelingtimes.com/news/files/teestaproj_400.jpg&imgrefurl=http://www.darjeelingtimes.com/news/Voice-of-Darjeeling/The-Dam-and-The-Damned.html&usq=__jfAW80dRb2GU_9PrLr_GJ2CtAUI=&h=339&w=400&sz=73&hl=en&start=1&zoom=1&um=1&itbs=1&tbnid=ZB2fRUByYOjawM:&tbnh=105&tbnw=124&prev=/images%3Fq%3DTeesta%2BLow%2BDam%2BH.E.%2BProject%2BStage-III,%2BWB%2BLand%2Bacquired%26um%3D1%26hl%3Den%26sa%3DG%26tbs%3Disc h:1&ei=ly5VTZmMGYHdcfXh3ZQN)

http://www.nhpcindia.com/English/Scripts/Hydro_Technology.aspx

http://docs.google.com/viewer?a=v&q=cache:KWXYUyDifSEJ:www.kaburlu.com/images/misc/For_Whom_the_Teesta_Flows.doc+&hl=en&pid=bl&srcid=ADGEESgtmt8yDTMRTIkQ

¹²⁵ Fact Finding Report team – The Hindu 2004 / 6/9

¹²⁶ The Hindu, 2004 / 06/09

W2jpCW1my_2UMgxU5i-
_dPsXZAZ3eh1CknCSbBiJHP5tkiITIfQiY8XZgwYLgG6m1aIVgY4MPASvUhbZgN-
9DHW4E_gj5tlIcs4OYFTqmXI9B3v7IXqARd00&sig=AHIEtbT4-
XU3s3RxGkHUm3M9d1d2LLKOHA

The Economic Times (Teesta Urja to start work on 1,200MW project) 22 Sep, 2006,
**Some Indian Environmental Issues – TAI Case Studies, An ESG Collation Bangalore –
October 2004** [http://industrymonitor.in/energy/2009/06/teesta-low-dam-hydro-electric-
project-stage-iv-4x40-mw-2/](http://industrymonitor.in/energy/2009/06/teesta-low-dam-hydro-electric-project-stage-iv-4x40-mw-2/)

The Hindu, 2004 / 06/09

GOVT. OF INDIA OUTCOME BUDGET of MINISTRY OF POWER 2008 – 2009

http://www.powermin.nic.in/reports/pdf/OUTCOME_BUDGET_2008-09.pdf

MINISTRY OF POWER Report No. PA 27 of 2009-10

http://www.cag.gov.in/html/reports/commercial/2009_27PA/chap_8.pdf

NHPC report of TLDP – III Six monthly progress report on Environmental Aspects
Progress for the period ending May 2010 given to MoEF

List of Hydro projects under execution – July 2009

<http://industrymonitor.in/energy/2009/07/list-of-hydro-projects-under-execution-july-2009/>

Conclusion

The case illustrations presented here present very basic facts for giving an idea of the implementation of development projects. Also it shows the concerns of project affected people in this development, and it allows at least some approximation to the gravity of the issue of displacement in particular in central India. In addition, even when favourable laws are existing, as the Forest Rights Act, the implementation of these rights has not been aptly followed. And if there is a kind of compensation at all, it is provided outside the project areas like those in the urban areas. Consequence: no access to resources, no employment in the project.

Very recently, in May 2011, the Critical Wildlife Habitat has been withdrawn. The Ministry on Environment and Forest has decided to withdraw the controversial rules to identify areas within national parks and sanctuaries which would be free of human presence or designated as critical wildlife habitats. The Ministry concluded that the controversial guidelines issued in February were in violation of the Forest Rights Act, which recognises the traditional rights of tribals and other dwellers over forests. There is now the chance that the move could force a change in approach of the forest bureaucracy to the forest rights legislation.

On the legal and legislative framework, there are special provisions for the Scheduled Tribes, while, again, there is little or no political will for its implementation. The Land Acquisition Act and Rehabilitation and Resettlement policy is shaped more in the interest of the big enterprises. Adivasi still have to raise their voices for their rights but they are faced with the consequence that they may be suppressed. The various cases of displacement reveal that a coordinated effort is urgently needed to open more avenues to voice the concerns by the communities themselves. In this direction this compilation could serve as a pilot study for a larger initiative for an action oriented research.