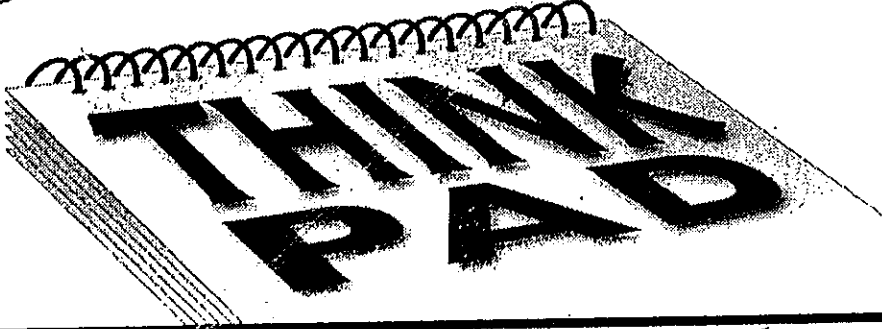


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# 'Development' not for tribes



**L**and is life for the tribal. Take his land and you have taken away his life. This old saying has proven to be true in the districts of Sundargarh, Keonjhar, Kalahandi, Jharsuguda,

Raygada and Mayurbhanj in the mineral-rich state of Orissa. The tribals, whose dependence on *jal, jungle, zamin* (water, forest, land) for livelihood is well known, are on the verge of virtual extinction not only socio-culturally and psychologically, but also physically, economically and politically. They have in their favour all the constitutional provisions and subsequent legislations, including the Panchayats Extension to the Scheduled Areas (PESA) Act 1996.

Moreover, some of the recent policies and draft bills, such as the National Tribal Policy, the Scheduled Tribes (Recognition of Forest) Bill, Resettlement and Rehabilitation Policy, the Right to Work, Right to Information, Employment Guarantee Act and other provisions for tribals in the Common Minimum Programme of the present government, all promise to empower the tribals. The biggest irony, however, is that threat to life and livelihood has never been as acute in the past as it is today. Thanks to the insensitivity of the government and the industry-politician nexus facilitating the hegemony of the multinational companies over natural resources with profiteering as their common minimum agenda tragically to the cost of the tribals.

The danger of tribals' extinction has had a traumatic past with the establishment of the Rourkela Steel Plant (RSP). The Steel Authority of India (SAIL) had acquired about 35,000 acres for RSP and another 12,000 acres for the Mandira dam. According to an Orissa Gazette notification, 33 villages over 25,03,524 acres had been acquired by the Orissa government in 1954 to set up the steel plant at Rourkela, and 31 villages spread over 11,92,398 acres for the construction of the Mandira dam in 1956-57. In both the projects, 36,95,912 acres had been acquired for the RSP and Mandira dam resulting in the uprooting of 4,251 families. SAIL and the Orissa government have failed to rehabilitate and resettle the evacuees of the last 50 years. The tribals feel totally deceived and disillusioned, both by the state and centre. Till date they have been pressing their demands by taking recourse to hunger strike, rallies, demonstrations, memoranda and lobbying, but the authorities are indifferent.

The situation today has reached an alarming point with mines and factories multiplying overnight. The "scheduled district" of Sundargarh, one of the most affected regions, has a population of 18,30,673 of which tribals constitute 9,18,903 (50.19 per cent). The tribals' livelihood is based on agriculture and forest produce, and they have still

# It is a night without end for Orissa's tribal population. JOSEPH MARIANUS KUJUR traces their suffering since colonial times and points to the new crush caused by World Bank guided 'development' projects

maintained their traditional system of cultivation. The recent years, however, have seen an upsurge of unprecedented construction of dams, factories and mining operations in the region causing dislocation of the tribal communities at all levels.

The Ib River Dam project, planned a long time back in Jharsuguda district, is likely to displace 50 villages with between

have lost their fertility. People have seen the polluted air and water being emitted from the plant of Roxon Strips in Kumarkela village of Gurundia Block. There is another sponge iron factory at Pandusila village under Sukurmuli Block in the neighbouring district of Mayurbhanj. The smoke, coal and iron dust spewed by the factories are causing extensive damage to



**A vanishing world: Mindless industrialisation threatens Orissa's indigenous people**

80,000 and 1,00,000 tribals from Subdega and Ballsankra blocks where 85 to 90 per cent of the population is made up of tribals. The catchment area is fertile and well populated with dense forest cover. The state government has failed in giving proper compensation, rehabilitation and employment.

The Rukura dam is another project in Bonal subdivision where four tribal villages, namely Musaposh, Bondha Bhuin, Koturidhuwa and Kantabahal, will be displaced. Government officials are issuing threats to secure evacuation.

In recent years, more than 60 sponge iron factories have mushroomed all over Sundargarh in about 12 blocks affecting between 400 and 600 villages. There is no regard for the environment in the community of industrialists and they do little to control pollution. They have been dumping their waste all over leading to serious consequences. Agricultural lands

of the plant, animal and human lives. The water bodies around Pandusila area are also contaminated with toxic discharge of the factory. Over 12,000 villagers, mostly tribals, are suffering from various skin diseases, tuberculosis and other allergies. It is strongly believed that all polluting units

are emitting a strong enough to corrode tin sheets and burn paddy and green vegetables which have become a major threat to life. Thousands

of affected people live in the villages of Ramabahal, Jampali, Jhagarapur, Bargain, Vedvyas, Balanda, Kuarmunda, Kalunga, Rajgangpur, Birkera, Koira, Tensa, Birmitrapur, Bijabahal, etc. in Sundargarh.

In a recent study by Jatindra Dash (2004), 42 steel plants were poised to come up in Orissa requiring 1,600 million tonnes of iron ore in the next 25 years. Multinational giants like BHP-Billiton, Vedanta Resources, Rio Tinto Mining, Alcan, Aditya Birla Group, Tata Group and Saudi Arabian

companies had started queuing up to exploit the state's resources. The state had already leased 1,000 million tones of bauxite ore to different companies. There is a devastating impact of all these mining operations on the local inhabitants. According to the same study, the state was already emitting about one per cent of the world's greenhouse gases. This is likely to rise to three per cent this year and five per cent by 2008 if the government continues to invite the MNCs. Bauxite mining and refining in the Niyamgiri hills of Kalahandi are going to contaminate two major rivers, Nagavalli and Vasundhara. The open iron ore mine in the hills of Keonjhar is sure to pollute the Baitarani River. About 1.4 million people were displaced in Orissa between 1951 and 1995 due to dams, canals, mines and industries.

Indiscreet industrialisation of the region has alienated the tribals from the forests and their lands, upsetting their pattern of livelihood. Though the Forest Department and the timber mafia are primarily responsible for the destruction of forests, they are now blaming the poor tribals for the same. The tribals are harassed even for firewood which is their daily need. They have been evicted from their forest land and their houses have been destroyed and burnt. False cases have been registered and they have even been sent to jail. Some of the tribal villages are existing for hundreds of years but *pattas* are yet to reach them. Since their villages are not registered as revenue villages, tribe and residential certificates are not issued to them. They are not included in the voters' list. No government schemes are given to those villages. Forest officials extort money, cocks, goats, alcohols from them as reported by Tintus Samaria, one of the elders of Budakata village, Sundargarh. The tribals are being deprived of natural resources, and the existence of tribals living in the forest is in complete darkness.

The tribals were up in arms in January this year against the plans of the Chief Minister of Orissa to inaugurate the Utkal Alumina International Limited (UAIL) plant in Kashipur, in Raygada, which would displace around 20,000 people from 82 villages. It would also destroy the fertile agricultural land, forests and sources of livelihood for generations to come. The Paraja and Kondh tribals of Kashipur in Raygada have been fighting a pitched battle against the UAIL and the state. However, the state has been using repressive measures to suppress people's movements for survival.

Orissa seems to be a victim of the process of development as propagated by the World Bank, IMF and a powerful section of the Indian elite. Agriculture, the only source of livelihood for tribals apart from minor forest produce, should be supported by the Government if it wants them to survive. It is a challenge to the state and centre to break the bureaucratic jinx and empower the Gram Sabha to develop their villages according to their own needs.

(The author heads the Tribal and Dalit Studies Department of the Indian Social Institute, New Delhi)

**Though the Forest Department and the timber mafia are primarily responsible for the destruction of forests, they are now blaming the poor tribals for the same. The tribals are harassed even for firewood which is their daily need**

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# A Bill for the survival of tribals?



**T**he state of Jharkhand encountered an unprecedented confrontation with the tribals just two months after its formation in November 15, 2000. What compelled

them to take to the streets was the unprovoked police firing on a peaceful gathering in Tapkara region, Ranchi, on February 2, 2001 — thereby killing eight people, of which seven were tribals.

The 5,000-strong crowd had gathered to protest the removal of the wooden barricade put up by the villagers at a check-post near Derang village, prohibiting unauthorised entry of strangers in the densely-forested catchment area of the dam that was under construction on the Koel-Karo river. To counter the government's pursuance of the project, the traditional village council of the dominant Munda tribe in Tapkara had clamped people's curfew, popularly known as 'Janta curfew', since 1977. This was the last resort of the tribals to save the forest — their sole means of livelihood. Ever since the Tapkara firing five years ago, more than 40 MoUs with industrialists have been signed with the projected investment of 3,69,130,26 crore,

seeking 39,713 acres of land, which if implemented will again displace lakhs of tribals from their area.

The above narrative is not a stray incident. Many tribal houses in Andhra Pradesh were reportedly burnt down by the forest department on the pretext of suppressing the Maoists. In Orissa, too, evictions were reported to be in progress and any assertion of tribal rights was considered subversive, resulting in harassment of the tribals. The forest department in Gujarat had exploited disunity among the tribals, and even getting them behind the bars on false charges.

Manjooran, an activist of the Adivasi Mahasabha, which is a network of 43 organisations for the tribal's cause in Gujarat, reported: "As the monsoon is nearing, the forest department has increased its activity to dig ditches and plant saplings in the land cultivated by the tribals. In Vanaji village near Rajpipla, people's resistance to the forest department digging ditches resulted in a scuffle. The forest officials beat up women and those who resisted this were implicated in a police case of rioting. Besides, the complaints filed by the people against the forest officials were not entertained. In the village called Chatwada a tribal was allegedly murdered by the forest department and his body thrown under a bridge. The doctors performing the post-mortem were bribed to show the murder as a case of accident."

In Rajasthan, Maharashtra, Chhattisgarh, Madhya Pradesh and Tamilnadu, the eviction drive of the forest department

Tribals have always been subjected to "historical injustice" in both colonial and post-colonial era. The proposed Scheduled Tribes Bill, despite its drawbacks, is a bold move to undo all the wrongs done to them in the past, writes J MARIANUS KUJUR

continued unscrupulously. This was happening despite the fact that the Ministry of Environment and Forest (MoEF), through its circular of December 21, 2004, had asked all the Chief Secretaries to see that no tribal was evicted before a proper survey was done to establish whether the tribals in question had actually been living there from the time of their forefathers.

Herein lies the significance of the controversial Scheduled Tribes (Recognition of Forest Rights) Bill, 2005. The Bill recognises the forest rights and occupation

has so far managed to block the Bill in what they claim is a desperate effort to save the environment and tigers. Their prime fear, however, is the slipping out of forest lands, which they have been using, till now, for commercial purposes. The environmentalists and the forest officials, who are shedding crocodile tears, seem more concerned about tigers at the cost of inhabitants, ignoring the fact that it was their forefathers who had taken recourse to hunting as their favourite leisure.

However, the tribals themselves are

Tribes (Recognition of Rights) Bill, 2005, without any delay — despite its limitations.

Some of the lacunae of the Bill can be highlighted here. The cut-off date — October 25, 1980 — is problematic. The traditional rights of 'hunting' are excluded. That means, even if a tribal kills a lizard in the forest, he can be punished with a fine of Rs 1,000 and the seizure of his *patta*. The formulation of the Bill reflects a mindset that the tribals are responsible for destruction of flora and fauna. Also, there is no recognition to the traditional village system — the best way to protect forests. The tribals from the Northeast are disillusioned because the Bill does not reflect their problems, as the region is mostly administered under special constitutional provisions such as Article 371 and the Sixth Schedule.

Despite its limitations, this is the first time the State has recognised the rights of the tribals. It should also be pointed out that where the tribals are evacuated to protect the tigers, poaching has been rampant. In fact it is only by protecting the rights of the tribals that wildlife can be protected. If the Bill comes through, the losers will be the forest mafia, the mining mafia and their godfathers.

The proposed Bill is different from the past laws governing the tribals' rights to forestland. The old forest laws enacted by the colonial government did not give any right to the tribals on forests. Besides acquiring territories, the Permanent Settlement Act, 1793, and the Land Acquisition Act, 1894, were promulgated primarily for revenue. These Acts treated tribals as 'encroachers'. In the post-colonial period — in 1984, to be precise — the Act was amended not to give more rights to the tribals, but to relax the existing laws to take the land away from the owners.

On the international front, Australia took the lead in addressing the problem of the land and forest rights of the aborigines in the 1990s. In a daring acknowledgement, Paul Keating, the former Prime Minister of Australia, while launching the International Year of the Indigenous Peoples in 1993, talked about "the white man's gruesome treatment of the country's original inhabitants". Earlier, a landmark judgement of Australia's High court in the early 1990s overturned the 200-year-old (since white settlement in 1788) concept that Australia was, for legal purpose, inhabited before the British arrived. Under the principle of Terra Nullius, the aborigines had no existing land rights. Another good news in the 1990s came from South Africa, when then President Do Klerk apologised for apartheid.

The proposed Bill, too, envisions to eliminate such apartheid and marginalisation. The Bill is difficult to be passed in its current form. The challenge, however, is to pass the Bill in the next session without diluting it. It is only then that one can talk of a new world for the tribals.

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Protesting tribal women: It's time they got what they deserved for long, the right to live with dignity

of the "Forest Dwelling Scheduled Tribes" in forest land. It also accepts the "historical injustice" done to them in the colonial and post-colonial period by not recognising tribal rights on their ancestral lands. The government vests Forest Rights to Scheduled Tribes. Such forest rights include rights to *patta* (land document) to forest lands occupied before 1980, *nistar* (usufruct) or ownership rights to forest resources, grazing rights including seasonal ones of nomadic communities, habitation rights (for those classified as primitive tribal groups), conversion of forest villages into revenue villages and no eviction of tribals for currently occupied land until the process of determining rights is completed.

The Bill, however, has created several enemies — the MoEF being the foremost. The Bill has been projected by its adversaries as devastating for flora and fauna. A group of MPs from the erstwhile princely families, influenced by the MoEF,

divided over the issue. While some tribal groups, including those of the Northeast, have expressed their reservations about the proposed Bill, the majority of them are euphoric. At this juncture, it is important to note, as JJ Roy Burman points out, that India has a forest cover of about 13 per cent of the landmass. The majority of the tribals who inhabit the forests and eke out their living from the forest resources. About 67 per cent of the best forest cover in India is located in the 144 tribal dominated areas. Evidence is available with the tribal activists that nearly 1,500 tribal villages are protecting wildlife in their areas. There are thousands of unrecorded instances of conservation of the forests by the tribals. So, the forests have not been destroyed by the tribals. If the MoEF seeks to clear 12.5 lakh hectares of forest land, as Natunidhi Kaur claims, over 10-million strong tribal population will be evicted from the natural habitat. Hence, they are demanding the passing of the Scheduled