

The Forest Rights Act and The Issues of Displacement in Odisha



A Report by Vasundhara



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Chapter I

Forests, Forest Dwellers and the State in Odisha

Introduction

Forests in Odisha have been intimately connected with the socio-economic, environmental, ecological and cultural development of the state. Apart from maintaining ecological stability and revenue earning activities, forests have been the ancestral habitat and a source of livelihood for the forest dwellers in general and tribals in particular. Forests of the state are unevenly distributed with higher forest coverage found in the districts of Kalahandi, Sundargarh, Mayurbhanj, Sambalpur, Malkangiri, Ganjam and Keonjhar. These are also the districts where there is a higher concentration of tribal communities. The government has identified the Scheduled Areas (SAs) in the state by taking into consideration the concentration of tribal communities in different parts of the state. The six districts of Mayurbhanj, Sundargarh, Koraput, Rayagada, Nabarangpur and Malkangiri have been declared as scheduled areas as a whole. In addition, Nilagiri block of Balasore district, Thuamul Rampur and Lanjigarh blocks of Kalahandi district, Keonjhar, Telkoi, Champua and Barbil tehsils of Keonjhar district, Kuchinda tehsil of Sambalpur district, R.Udayagiri tehsil of Gajapati district, Sorada tehsil of Ganjam district, and Kandhamal and Baliguda tehsils of the undivided Phulbani district are Schedule V Areas (SAs) of the state. Thus, the Scheduled Areas (SAs) of Odisha accounts for 44.70% of the total area of the State. Odisha is

ranked third amongst all the states in terms of population of tribal communities. There are 62 tribal communities including 13 Particularly Vulnerable Tribal Groups (PVTGs) in the state. 67.72% of the Scheduled Tribe (ST) and 19.78% of the state's population reside in the Schedule Areas (SAs) (ESO2002-03).

Policy of the Colonial and the Postcolonial State towards the Forest Dwellers in Odisha

The present state of Odisha earlier comprised of 24 princely states, apart from the areas directly ruled by the British. Land revenue was the primary source of revenue for the princely states. Ramdhyani Report, 1940, also states that tribals were practicing shifting cultivation. Shifting cultivation was permitted on a regular basis in Juang Pirha in Keonjhar and in the tracts of Bamra, Bastar, Pallahara, Bonai, Ranpur and Kalahandi (Ramdhyani, 1940: Volume I; page 39).

However, these traditional cultivation practices of tribals were not recognised by the colonial government. Before the advent of the British in India there was only customary regulation of people's rights over forests and the forest produce. But after British intervention in the name of forest conservation, these customary rights were restricted. In 1864, the Forest Department was created to manage forests. The first Forest Act of 1865 provided power to the government to declare any land covered with trees or jungle as government forest by notification. The colonial state thought this as necessary to increase its control over the forests. The Forest Act of

1878 for the first time divided forests into (a) reserve forest, (b) protected forest, (c) village forests, and (d) pasture land. The growing demand for raw materials for British industries gave rise to the need for increasing control over forest resources. The Forest Act of 1927 codified all earlier forest laws and regulations into an Act. All the provisions of the colonial forest Acts were based on the basic premise that the right of entry into the forest should be restricted.

By the stroke of a pen, the colonial state dispossessed tribals and other forest dwellers from their livelihood and habitat. However, tribals and other forest dwellers did not take to this injustice kindly. They revolted against such expropriation. There was the Paik rebellion during 1817-24 led by Buxi Jagabandhu Bidyadhar supported by the Kondhs of Ghumusar, the revolt by Surendra Sai of Sambalpur supported by the Gonds and the Binjhals, the revolt in Patna Ex-state in 1869, the Bonai uprising in 1889 by the Gonds, and the Gangpur uprising in 1938. Thus, there were agitations, revolts and peasant resistance movements throughout the 19th century and in the first part of the 20th century against forced usurpation of control over forestlands and forest resources, and the consequent marginalisation of tribals and other forest dwellers. These struggles were both anti-feudal and anti-colonial in nature, and were fought for safeguarding the rights and dignity of tribals and other forest dwellers (Nath 2013).

Even now, the state is the owner of around seventy five percent of land in the tribal dominated districts in Odisha.

The average landholding of tribal households in these districts is 1.06 acres. Around twenty percent of the tribal households in these districts are landless. Two thirds of these households are small and marginal farmers. After independence, even these marginal land holdings are being lost by tribal households through informal mortgaging and sale of land, both legal and illegal. The OLR Act, 1960, forbids the transfer of tribal land to non-tribals in non-scheduled areas. The OSATIP, 1956, forbids the same for the scheduled areas. Both these Acts permit the sale of tribal land to non-tribals only through the permission of competent authorities. Despite this, a large number of tribals lost their land till 1995 as permissions were given by the authorities. Large number of permissions was given up to the year 1995. In 2002, the GoO amended the OSATIP, 1956 and banned all transfer of tribal owned land to non-tribals in the scheduled areas. In a large swath of the tribal tracts of the state, the survey and settlement process has not formalised ownership of agricultural land being used by the tribes. Clan and lineage based rights over the land and the communal ownership of land, especially in the jhum cultivating tribes such as the Juangs, Kutia Kondhs etc. was ignored by the survey and settlement process. Such lands were invariably classified as government land. Approximately 640,702 acres have never been surveyed and settled in the state; most of this land lies in the hilly tribal areas (Kumar 2006).

In the 1970s, the revenue land settlements that were carried out did not cover hilly lands steeper than 10 degrees. These

lands included un-surveyed villages and agricultural lands therein. Without survey, these lands were declared as state owned forests or ‘wastelands’. This steep hilly terrain is predominantly inhabited by the state’s tribal people. Around 44 percent of Odisha’s so-called forest land is used traditionally by adivasis for shifting cultivation (Sarin 2005).

In addition to these tenurial complexities that have hindered the process of recognition of land rights of the adivasis by the state, there has been an active process of dispossession of tribal land through so-called development projects that have disrupted tribal livelihoods and uprooted communities. Some details of this process are provided in the subsequent section.

Project-induced Displacement in Odisha

One of the major causes of land alienation in Odisha is due to the provision for the infrastructure, public utilities, hydroelectricity complexes, irrigation canals, exploration of minerals, laying down of railways and highways, wildlife sanctuaries and National Parks *etc.* Government acquires land by applying the principle of ‘Eminent Domain’ which means that the rights of the state is superior to that of the right of the individual at any time for public purpose. However the term “Public Purpose” has not been defined properly. Development projects have displaced a large number of households from which only a few have been effectively rehabilitated. In many cases far more land was acquired than needed for a particular project, some of which remains unutilised decades later and which the government is now planning to auction to increase its revenues.

From the scanty official statistics, scholars have estimated that the total number of families displaced and the amount of land alienated during the period 1950-1990 from major and medium dams, mining projects, thermal power plants, and industries in Odisha to be 81,176 households (from 1446 villages), and 622,463.94 hectares of land (Pandey 1998). However, this figure is based on irrigation projects, public sector industries, and thermal power stations. If one considers the private industrial houses in paper, cement, refractories, mines, sponge iron factories, wildlife sanctuaries, tiger reserves, parks, railways, highways, and defence industries, then the actual figure of displacement may be more than one lakh families. Most importantly many of the displaced families are tribals living on forest land without title due to non-recognition of their rights, and who have therefore been deprived of compensation and rehabilitation. Thus, the indigenous people in Odisha have often been marginalised and turned destitute. In the context of Chhotanagpur (now Jharkhand), Areeparampil (1989) calls this as internal colonisation and Sen (1995) calls it as development racism.

Displacement caused by development interventions has often had debilitating impacts on the lives and livelihoods of displaced families in Odisha. The so-called development projects have destabilised the material base of the tribals, have dethroned them from their habitats and have marginalised them. Due to the rise of landlessness, joblessness, homelessness, marginalisation, loss of common property resources and cultural dislocation, their survival

is at stake. Corroborative evidence can be found from a number of studies on displaced persons in India in general and in Odisha in particular (Fernandes and Raj 1992; Pandey 1998; Cernia 2000; Baboo 1992; Tripathy and Nanda 1987; Mohanty 1984; Panda and Panigrahi 1987; Nath 1998; Samal 1980).

The displaced families have had to face homelessness due to the loss of physical houses, family homes and cultural spaces. They also often lose their agricultural lands. Loss of common property resources (CPRs) hits the poor the hardest. In Odisha, 30.2 percent of the one million hectares acquired between 1951 and 1995 comprised forests and about 28 percent comprised other CPRs (Fernandes and Asif 1997:84). The project oustees also suffer due to the loss of livelihood diversity, the loss of cultural diversity and indigenous traditional knowledge. They also suffer disempowerment and the disruption of social institutions. They often become unemployed, and become marginalised due to downward mobility of their social, psychological and economic status and capacities. They also face increased food insecurity, malnourishment, morbidity and mortality. Displacement has had a disproportionately severe impact on women. Barring land and house, other forms of deprivations are not accounted for in the official resettlement and rehabilitation processes that accompanies displacement.

An overview of displacement till 2000 in Odisha can be accessed from the following findings (Ota 2009).

Category of projects	No. of displaced families	% of total displacement
Mines	15000	11.24%
Industries	18000	13.48%
Dam Projects	90000	67.42%
Other linear and infrastructure projects	10000	07.49%
Wild life Sanctuaries	500	0.37%
Total	133500	100%

The inability of project authorities to respond to the condition of the displaced can be gauged from the phenomenon of multiple displacements. In the Hirakud Multipurpose Dam Project, some of the oustees were allowed to settle at Brajarajnagar without giving any patta or ownership right on the house site and land which they occupy. When Coal India Limited (through its subsidiary Mahanadi Coalfields Limited) acquired land for mining, it did not compensate people on the ground due to the lack of valid documents or legal patta of the land. Multiple displacements make the oustees go through tremendous psychological trauma and identity crisis.

Regarding the issue of multiple displacements, the case of undivided Koraput district in South-West Odisha may be used here as an illustration. The people of the tribal dominated undivided Koraput district have seen and experienced many displacements in their lifetime. In fact there are areas and communities which have suffered multiple displacements. The major displacement inducing projects in this region have been Machhkund Dam, Dandakaranya Refugee Settlement Scheme, Balimela Project, Upper Indrâvati Hydroelectric Project, NALCO Alumina Refinery, HAL Plant, and the

Upper Kolab Project. Governmental data regarding displacement due to these projects in the district hardly offers a clear picture. There are no accurate records of those displaced in the Dandakaranya Project. In fact the Dandakaranya Project is considered as a refugee settlement project and that too one of the best in the country; while the displacement of the tribals by it, is hardly ever spoken of. The Government of Odisha along with Madhya Pradesh, in a very generous move, offered to settle the refugees of East Pakistan whom many other states had refused. For this purpose around 2.16 lakh acres of land was acquired which was largely inhabited by tribals. The tribals were forced by the government to sacrifice their lands for the refugees and yet they were not given compensation of any kind. Leaving aside the Dandakaranya Project, the number of the displaced in the district is around 15000 families. The land taken over includes 400,000 acres of forests on which the tribals had been depending for their sustenance though they did not have a legal right to these (Government of Odisha 1991).

Conclusion

The situation of displacement in Odisha is reflective of the larger process of displacement across the country. Due to the larger than average concentration of Scheduled communities in the state, this makes resettlement and rehabilitation of the displaced communities and the implementation of enabling legislations such as the FRA a large challenge for the government.

Chapter II

Provisions in the Forest Rights Act for Displaced People

Introduction

Considering the deprivation and loss of traditional rights on forest and common property resources caused by displacement, the Forest Rights Act has included provisions to ensure rights for the scheduled tribes and other traditional forest dwellers, who were illegally evicted or displaced or forced to relocate from the forestland for development interventions without proper rehabilitation. As expressed in the preamble, the issue of displacement of forest communities has received prime focus of the Act along with the insecurity of tenure and access rights. The relevant portion of the preamble is produced here:

“And whereas it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers *including those who were forced to relocate their dwelling due to State development intervention.*” (Emphasis added)

The joint parliamentary committee constituted to examine the Forest Rights Bill made a number of recommendations, including the ones mentioned below, which provide the background for including provisions for rights of displaced communities in the Act.

Under point 36: “The Committee felt that displacement is one of the most severe threats to the livelihood and dignity

of forest dwelling communities. Displacement and eviction have been taking place across the country violating rights of the people and mostly without the provisions of rehabilitation...The Committee feel that the people so displaced should have the right to *in situ* rehabilitation and alternative land.”

Under point 50: “The Government should also have the duty to protect the rights of the forest dwellers and prevent their exploitation, and compensate etc. adequately in the case of displacement. The Committee have also decided that in areas where the Sixth Schedule of the Constitution is applicable, its provisions regarding land acquisition shall prevail over this Act.”

Under point 62, four detailed points are cited on rehabilitation packages in cases of displacement and relocation. In summary, they are : (1) “The first policy option should be an option that would save forest dwelling Scheduled Tribes and other traditional forest dwellers from displacement and alienation from their lands and livelihood. The next preference should be a technology and project minimum displacement, which should be accepted even if the costs are greater and the benefits are less than the greater displacement option;” (2) All forest dwelling Scheduled Tribes and other traditional forest dwellers must be rehabilitated strictly in compliance with ILO 107 Convention, and in strict compliance with policy of “prior informed consent;” (3) In the case of proposals for large development projects, there should be due process and a “holistic appraisal” which appropriately justifies the project’s

“public purpose”. There should also be a prior legal agreement for each affected right holder’s family, which clearly states that they are entitled to “a job, free shares equivalent to fifteen percent of the land, the facility or the other entitlement that is acquired.” Most importantly “the possibility of achieving the same objective through alternatives that do not curtail, or minimise the curtailment of rights recognised under this Act should also be explored;” (4) The basic principle that should apply to all aspects of a holistic compensation package is “the replacement value at the operative market rates along with solatium of at least thirty-five percent.”

Provisions under the Forest Rights Act for Displaced Communities

Section 3 (1) (g) – rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;

This applies to those cases where any local authority or State government has issued Pattas or leases or grants but not issued titles to the land in favour of the holder due to various reasons including the Forest (Conservation) Act, 1980. In Odisha, prior to enactment of Forest (Conservation) Act, 1980, a large number of families displaced by developmental interventions like dams, irrigation and multi-purpose projects were rehabilitated on different categories of forestland like *chhot jungle*, *bad jungle*, *khesra jungle* etc. During that time Pattas or leases or grants were issued to the displaced persons by the local authority or the State Government without issuing them regular land titles.

For example, the displaced families of Hirakud Dam were issued 'DC' pattas and 'K' form pattas were issued to the persons displaced by the Rengali Dam project. These leases or grants have not yet been converted into permanent titles. All such leases, grants or pattas issued to the communities/ persons following displacement can be converted into permanent titles under the Forest Rights Act in the case of STs. Further, such settlements/colonies on forestland can be converted into revenue villages as per Section 3(1) (h) of the Forest Rights Act

There are many such cases where the leases have been issued to other traditional forest dwellers. In such cases, given that most of the displacement has taken place after independence, the eligibility criteria suggested under FRA for OTFDs (Other Traditional Forest Dwellers) ought to be suitably interpreted to argue that the 75 years condition doesn't apply in such cases as the right needs to be read independently.

Section 3 (1)(m)- right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forestland of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December 2005.

This applies to cases of eviction or displacement or forced relocation prior to 13th December 2005 due to State development interventions which include all kinds of development projects as well as relocation from protected areas.

Section 4 (8): The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.¹

The following provisions for rehabilitation of those needing relocation from Critical Wildlife Habitats within protected areas where it has been found that coexistence is not possible under the FRA also apply:

Section 4 (2)(d) of the Forest Rights Act: A resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfills the requirements of such affected individuals and communities given in the relevant laws and the policy of the central government.

The provisions specified for those relocated from PAs should be used as a norm for rehabilitation of those whose rights are recognised due to their being displaced.

Section 4(5) states: Save as otherwise provided, no member of the forest dwelling Scheduled Tribe or other traditional

¹For an example of the possibility of the implementation of this provision of FRA, please refer to the case of Basantpur in Chapter IV of this report.

²As an example of violation of this provision of FRA, please refer to the case on Jenabil in Chapter IV of this report.

forest dweller shall be evicted or removed from the forestland under his occupation till the recognition and the verification procedure is complete.² This is a protective clause under the FRA to pre-empt any possibility of displacement or eviction of the STs and OTFDs while the process of recognition and vesting of rights is going on.

Conclusion

The Forest Rights Act of 2006 is a landmark legislation that aims to address the historical injustice meted out to tribal groups and other OTFDs of this country due to the non-recognition of their rights while declaring their ancestral lands as state forests. But the implementation of this Act across the country has been patchy. Odisha is one of the few states in the country where the implementation of FRA has been initiated by the state government with some degree of seriousness. Given the violation of rights of tribals and OTFDs in Odisha, especially because of displacements, sometimes because of multiple and serial displacements, the potential of FRA to address the historical grievances of these communities assumes salience. This is the context of the present study.

Chapter III

Objective, Methodology and The Rationale of the Study

Objectives

The key objectives of this study are to assess the status of implementation of the FRA for the displaced communities in Odisha, to identify key issues and gaps in implementation of the Act and to recommend measures to the implementing agencies.

Rationale of the study

The present study tries to assess the status of implementation of the provisions of the FRA for the displaced communities in Odisha. Prior to the Forest Rights Act, 2006 coming into force, any occupation of forestland was considered to be an illegal encroachment. The rights of the communities displaced from forestland had never been duly recognised. A large number of displaced people in Odisha, especially those belonging to tribal communities, were informally resettled on forestland. The FRA provides a unique opportunity for correcting the historical wrongs inflicted on such people in the state. The present study attempts to assess the status of implementation of FRA for the displaced communities in Odisha.

Methodology

In the study process primary information was collected in the form of case studies from communities displaced due to

development-related interventions in select districts. The aim was to capture the experiences of different types of communities displaced due to various reasons. The choice of the cases was also governed by the need to as widely base the cases as possible. Thus, in this report, we have cases from North Odisha, South Odisha, Central Odisha, and Western Odisha. Secondary information on overall status of implementation of FRA with regard to displaced communities was collected through the Right to Information Act. Apart from this, information was sought on the status of implementation of the FRA in the villages identified for the case studies.

This report incorporates discussions and findings from consultations and meetings organised with government authorities and civil society organisations on the issue. Inputs from the field studies and consultations were shared with the concerned district administrations, the state government, and the ministry of Panchayati Raj. The issues shared with the Ministry of Panchayati Raj were further shared with the Ministry of Tribal Affairs. Inputs from the study were also shared during the process of consultation on Draft Forest Rights Rules, 2012. Locally, villages identified during the study process were provided with necessary information and guidance for claiming rights under the FRA.

This study was conducted as an action research project, where the process of conducting the study was also a way of intervening in the field for ensuaming land and livelihoods rights for the displaced in various parts of Odisha. A large

part of the action component of the study in the field involved networking with government officials, from the level of the block and below, to the level of the state secretariat, and central government ministries.

List of the cases

Typologies of displacement	Study Area/region identified and proposed
Displacement due to Dams and Irrigation Projects	<p>Those displaced due to Hirakud Project (Lambipali, Runipali, villages of Bargarh and Basantpur village of Sambalpur District).</p> <p>Those displaced due to Rengali Project (villages of Udaipur, Ratanpur, Phulpatharkhol, and Kandsar Sahi in Deogarh District)</p> <p>Those displaced by the Upper Kolab Project (Nuakarenga village in Koraput District)</p> <p>Those displaced by the Derjang Irrigation Project (Badamul village in Angul District)</p>
Displacement due to Mining	<p>Patrapali in Jharsuguda District</p> <p>Talabira and Lapanga in Sambalpur District</p> <p>Purana Khinda in Sambalpur District</p>
Displacement from Reserve Forests due to Project Tiger	The case of those displaced from Similipal Tiger Reserve (and settled in the villages of Banabasa, Ambadiha, and Asankudar in Mayurbhanj District)
Displacement due to Thermal Power Plants	Those displaced by IndBarath project in the villages of Sahajbahal and Kurmimal in Jharsuguda District

Conclusion

The methodology of the present study tries to study the various cases to throw insights on the possible use of the FRA to address the issues of the displaced in the state of Odisha. The study has a strong action research component and was conducted in a collaborative and participatory manner.

Chapter IV

The Forest Rights Act, 2006 and the Displaced: Case Studies from Odisha

Introduction

The cases chosen belong to four broad types. The first type is of those communities displaced by the construction of dams and irrigation projects. In this set, four cases of dams have been chosen; Hirakud, Rengali, Upper Kolab, and Derjang. These four cases are from different geographical areas of the state and are of different sizes. They also provide a historical map of the evolution of the response of the Government of Odisha to the question of resettlement and rehabilitation of those displaced by dams. Dams and irrigation projects provide the largest number of cases, as perhaps these have displaced the largest number of people as well. The second set of case studies are of displacement due to mining projects. The third set of cases are about those displaced due to conservation projects; the three cases from this category discussed in this report are of those displaced from the Similipal Tiger Reserve in Mayurbhanj district. The fourth set of cases includes two cases from Jharsuguda district of displacement caused by the construction of thermal power plants. These four types of cases provide us with a range of data to re-examine the implementation of the Forest Rights Act 2006 from the vantage point of those displaced due the various interventions of the state. A listing of the cases follows.

A) Displacement due to Multipurpose Dam Projects and the Forest Rights Act, 2006

Dams have been a major cause of displacement in the state of Odisha. Starting from Hirakud dam on River Mahanadi, one of the first major dams of independent India (of the ‘dams are temples of modern India’ speech infamy), to the Upper Indravati Project, on River Indravati (completed in 1998) Odisha has been one of the major sites of dam building activities in India. Most of these dams have been constructed in areas earlier covered with forests and in regions dominated by tribals; the reservoirs have decimated forests, fragmented wildlife habitats, and displaced tribals. The Government of Odisha has tried to respond to the consequent agitations by the displaced for proper resettlement and rehabilitation by changing the government’s approaches to the issue, and by framing people-oriented policies and projects. But these policies and programmes have had a chequered history as is evident from the case studies detailed below. The case studies of these dams span almost six decades of dam-building in Odisha and the ways in which the state government has tried to calibrate its response to the issue of rehabilitation and resettlement. These cases also bring out the various issues relevant to the implementation of the Forest Rights Act.

Case Study I: The Hirakud Dam Displaced

The Hirakud dam is a multipurpose river valley project on the River Mahanadi, the longest river in Odisha. The Hirakud reservoir is located fifteen kilometres upstream of Sambalpur

city in Western Odisha. The live storage capacity at Full Reservoir Level is 3.90 Million Acre Feet. The foundation stone was laid in 1946 and the project was declared complete in 1957. This reservoir regulates 83, 400 square kilometres of the Mahanadi basin and provides irrigation to 155, 600 ha of kharif crops and 108,400 ha of rabi crops (Padhi 2015).

The Hirakud Dam submerged 325 villages covering 73200 hectares of land. The submerged cultivated land was estimated at 49200 hectares. It submerged 291 villages in Odisha and 34 villages in Madhya Pradesh (present day Chhattisgarh) and displaced about 26,501 families (approximately 100,000 persons)³. The estimated number of persons displaced varies from 1.1 lakhs to 1.6 lakhs (Viegas 1994; Mahapatra 1990). There is a wide variation between official and independent estimates. Percentage of tribal persons displaced due to Hirakud dam is 18.34 % of the total displaced. Information regarding the displaced persons belonging to Scheduled Caste / Other categories is not available⁴. Many families displaced due to the Hirakud Dam Project live scattered in the districts of Sambalpur, Bargarh, Sonepur and Jharsuguda.

³Government of Odisha Report of 2007 quoted in the article, *Big Dams and Protests in India: A Study of Hirakud Dam*, EPW, January 9, 2010 Vol.XLV no 2. Accessed at <http://kddf.files.wordpress.com/2010/01/hirakud1.pdf>

⁴Das, Fernandes and Rao (1988) as quoted in the report *Dams and Tribal people in India*. <http://oldwww.wii.gov.in/eianew/eia/dams%20and%20development/kbase/contrib/soc207.pdf>.

The status of compensation and rehabilitation shows the apathy of the government towards the displaced families. Those who had recorded land got meagre compensation. The rates of compensation for likely submerged lands proposed in the feasibility report ranged from Rs. 50 to Rs. 1,000 per acre, according to their classification in terms of productivity. But in reality they were paid at a more or less uniform rate ranging from Rs. 200 to Rs. 600 per acre, which was much less than the market value. Similarly, the amount of compensation for submerged houses was inadequate to construct a new home elsewhere⁵. Those families who did not have recorded rights, and were dependent on community resources were left out. According to a study, the number of such families would have been around 40,000- 50,000⁶. Compensation has not been received by a number of families till date.

In the process of rehabilitation, the government resettled 2,243 families in 18 different rehabilitation camps, which is only 8.46% of the total displaced. Similarly, it replaced 8,468.80 acres of cultivable land, which is only 14.52% of the total submerged cultivable land. Many Hirakud displaced families, in the absence of any rehabilitation plan, lived on government forest lands which did not belong to them legally, and hence

⁵ Nayar K Arun, Big Dams and Protests in India: A study of Hirakud Dam, EPW, January 9, 2010, VOL XLV NO 2

⁶ Pati, Bikash and Biswal Manas, *Hirakud Dam: Fifty Mournful Years*, RCDC, Bhubaneswar, Published in Dams, Rivers and People, JUNE-AUG 2009. Accessed at http://www.sandrp.in/drpf/DRP_June-Aug%202009.pdf

they have been harassed by forest officials⁷. There are also cases of at least 100 families displaced by Hirakud, who have been 'thrice displaced'-first by the dam, and later by projects set up by Eastern India Collieries and National Thermal Power Corporation.⁸Oustee status for people affected by the Hirakud Dam has remained as a major social stigma since their displacement⁹. These families are still counted as belonging to a minority group after being displaced from their ancestral land.

There were a number of protests against the dam and displacement since the initiation of the project. Opposition and protests started soon after the first notification was issued on 13 September 1946 for acquisition of land in 95 villages. Protests by intellectuals, leaders and displaced families continued¹⁰. The displaced even now carry on the protests when opportunities are created under the Forest Rights Act which provides for recognising the rights of the displaced communities.

⁷ State of India's Environment; *The Citizen's Fifth Report* (Page 160), Center for Science and Environment, New Delhi: 1999

⁸ Max Martin 1997, 'Out of Mind and Sight', in *Down to Earth*, October 31, Vol 6, No 11, p 57.

⁹Baboo, B. (1991). Big dams and the tribals: The case of the Hirakud dam oustees in Orissa. *Social Action*, 41 (3), 288-303

¹⁰Nayak, K Arun, *Big Dams and Protests in India: A study of Hirakud Dam*, EPW, January 9, 2010, VOL XLV No 2

⁵Debrigarh Wildlife Management plan

Lambipali

Lambipali village in Atabira block of Bargarh district is situated 50-55 km away from Sambalpur. It is one of the four villages on forest land located within the Debrigarh wildlife sanctuary¹¹. Debrigarh and Jhagadabehera villages are situated in the core area of the sanctuary. Mundakati and Lambipali villages are situated in the buffer areas. Some tribal families had migrated to Lambipali when their own village, Sahajabahal on the Hirakud embankment, was completely immersed. A few scheduled caste families were already living in Lambipali when the tribal migrants arrived there. At present, there are two non-tribal families (Jeevandhana Dhapa and Braja Dhapa) and 15 tribal families inhabiting the village.

There is hardly anybody in the village who has information about displacement and the related compensation. A few persons aged between 65-70 years have faint memories of the painful experience of displacement. However, they do not know about the amount of money, if any, their families had received as compensation for the loss of their land. The displaced families eke out a living by cultivating forest land or by collecting and selling forest produce. None of the families in this forest village own any land. There are about five categories of government land in Lambipali. They are i) reserved (rakhshita), ii) general (sarbasadharana), iii) forest, iv) fallow but cultivable, and v) fallow uncultivable. The process of turning fallow land to arable land is difficult; no family cultivated more than three to four acres of land. But in reality only a small portion of this quantity is fit for paddy

cultivation. Almost all the families have “anta” (upland) category of land. The irony of the situation lies in the fact that they have been displaced from a place having irrigation facility to a place where they have to depend on rains. As a result, they have to often bear the brunt of droughts.

The plight of the displaced

The displaced families who lost their land to a hydroelectricity project now live in darkness. None of the children of the village has studied even up to the seventh standard, as it is necessary for them to help their parents in work. The neighbouring Kharamunda villagers may have sympathy for these Lambipali families who have come and settled in the middle of the forest giving up their movable and immovable properties for the greater cause of the dam project. But government aid or cooperation by its departments is non-existent for them. The condition of the road, and the non-availability of health and education facilities close by, bear testimony to the wretched living conditions of the residents of Lambipali. Besides, they have to bear the tyranny and greed for graft of the forest staff while trying to eke out a living from meagre forest produce.

The Revenue Department had given 41.27 Acres of Revenue land to the 15 tribal and 2 non-tribal families in 1997 on a lease basis during the land settlement process. The description of the plots given on lease basis, their owners and the quantity of land are indicated below:

Sl. No.	Names	Quantity of Land(Acre)	Caste
1	Sauki Bhue	2.37	Tribal
2	Kirati Bhue	2.52	Tribal
3	Hajaru Dharua	2.68	Tribal
4	Dullabha Bhue	2.02	Tribal
5	Udhaba Rai	2.74	Tribal
6	Sheshadev Bhue	2.81	Tribal
7	Sana Bhue	2.25	Tribal
8	Chandramani Bhue	2.44	Tribal
9	Achyut Bhue	2.39	Tribal
10	Padmana Dharua	2.20	Tribal
11	Rajendra Dharua	2.74	Tribal
12	Sibalal Dharua	2.30	Tribal
13	Palava Dharua	2.22	Tribal
14	Sukamani Bhue	2.30	Tribal
15	Angada Bhue	2.44	Tribal
16	Jeevandhana Thapa	2.89	General
17	Braja Thapa	2.83	General
	TOTAL	41.27¹² (actual = 42.05)	

Apart from the leased lands, they had occupied forestland and other government land as well which they have claimed under the FRA. Fifteen tribal families out of the total 17 families of Lambipali have received the titles on forestland under the Forest Rights Act. But, two non-tribal families, Jeevandhana Dhapa and Braja Dhapa, who claim to be the original residents of the village and to have been living there

since four generations, have been excluded from this right in spite of occupying forestland. The local administration's response to the issue is that the tribal families of the village had petitioned the administration through the Grama Sabha in writing that rights should not be given to the non-tribal families. A copy of the application, obtained from the administration, mentions about a meeting of the Forest Rights Committee of Lambipali held on 09.11.2008 at the community centre. It mentions that the members discussed about the old records shown by the Revenue Inspector which shows that half of the families are not living in the village for the last 15-20 years. Therefore, villagers felt that those families who are not living in the village, cannot get rights under the FRA until they start residing in their houses. The villagers also felt that without the permission of the FRC, such non-resident families cannot be given land under the FRA.

According to the residents of Lambipali, they have received Records of Rights for 18 decimal to 5.02 acres of land. However, some families shared that the amount of land recognised is less than the actual possession that has been claimed, and that it has happened because of the faulty processes of verification and mapping as undertaken by the staff of the Department of Revenue, Government of Odisha. Another interesting fact is that the titles under the FRA are issued for lands which come under revenue land categories (as found out from the plot numbers) of 'Anta General', 'Mala General', 'Beron General' or 'Gharabari'.

However, this application leaves many questions unanswered: who are the families who are not living in the village for 15-20 years? Why have they left? Where are they settled now? Whether the families have claimed their rights in the village? The application is a typed one which raises more questions on whether the villagers have done this themselves or it is done by others. The villagers do not seem to have clear answers to these questions. But, it does not mention the names of Jeevandhana Dhapa and Braja Dhapa living in Lambipali. The Sub-division Level Committee (SDLC), responding to the facts, admit that as these two claims were rejected at the District Level Committee (DLC), they could not consider the rights of these two non-tribal families. After discussing the problem with the local administration, both the families were advised to resubmit the claim forms along with written statements of the Sarpanch of Kharamunda and other elderly persons. While IFR claims of the STs have been recognised; CFR claims are yet to be processed in Lambipalli.

Runipali

The village of Runipali is situated at a distance of five to six kilometres from Lambipali. This is a revenue village consisting of four hamlets (*Padas*): *Upapada*, *Talipada*, *Nuapada*, and *Chunabhatipada*. Out of the four, Upapada and Talipada exist since the time of establishment of the village, whereas, Nuapada comprises of 15 families belonging to both ST and non-ST communities displaced by the Hirakud dam. According to the villagers, ‘Munda’ and ‘Khadia’ communities have settled in Chunabhatipada. The other resident families

of this village are tribal, scheduled castes or belong to the general caste category.

When the Forest Rights Act came into force, a grama sabha was held at Runipali to identify the families occupying forestland. The FRC formed by the grama sabha mostly had members from the main village and only one member from the hamlet of displaced families. Otherwise, the displaced families and their hamlets were not represented in the FRC. According to the villagers, only Gautam Mallik's family, a displaced family from Nuapada hamlet, has been identified to get three acres of forestland under the Forest Rights Act, but as per SDLC information, no family from Runipali has received titles of forestland. It is not clear as to why even after the recommendation of the grama sabha, the claim of Gautam Mallik has not been decided upon.

There are various categories of land in the village such as 'Village Forest', 'Jaban Plot', 'Gochara' (pasture), 'Rakshita' (reserved), 'Anabadi' (fallow) *etc.* While some villagers own land, others have occupied government land for cultivation. But, all of them are ignorant about the category of the land that they are occupying. Due to this lack of clarity and confusion at the village level regarding the type of lands which can be claimed, claims have not been filed. Even the gram sabha of the village led by someone from the main village has discouraged claim-filing under the FRA by saying that the lands under occupation are not forestland. A few participants in the gramasabha have also taken the position that the land occupied by the people is the common property of the village,

and, therefore, they will not recommend any claims for individual ownership. It is important to note that 17 displaced families of the village and 13 families of Chunabhatipada occupy some non-forest government land as well.

When one put forth before the administration regarding the non-systematic implementation of the Forest Rights Act in Runipalli, the officials replied that when the claim-forms arrive, they will be disposed off on merit. But the administration is well aware of the fact that it is very difficult for a claim form to reach them after going through all the complex processes at the village level and they have made no effort to provide the villagers with maps showing the legal status of different categories of the land.

Bilaspur

The hamlet of Bilaspur is located in the village of Nuabaghra in Kulundi Panchayat in Sambalpur district. This hamlet has families who were displaced because of the Hirakud dam. When the displacement happened, gountias (the traditional village headmen) were still important for village life. The name of the village from which the displaced settled in Bilaspur migrated from, was called Girdha. After displacement due to Hirakud, the Gountia migrated to Bilaspur city located in central India. Quite a few villagers from his village of Girdha also migrated with him to the city. They stayed there for around 12 years; but later they came back to Odisha because they did not quite take to the living conditions in the city. They also heard that with the efforts of the communist leader

Mr. Prasanna Panda, some of the Hirakud displaced were getting land as a result of his efforts as an MLA.

They returned to Odisha and founded a new settlement that they called Bilaspur. The communist leader Mr. Panda was a relative of the Gountia; he was instrumental in settling the hamlet with 12 families initially in its present location. The descendants of the displaced say that they did not receive any compensation; further they have been continuously paying fines to the Forest Department for cultivating forest land.

Apart from the Hirakud displaced, some Oraon families from Sundargarh district, some Munda families from other parts of the Sambalpur district, some Badaik families from Jharkhand also live in the settlement. Immigration to the settlement stopped around 20 years back. There are some Mirdha families living in the hamlet as well.

This hamlet is a part of the Bangtal village; and the IFR and CFR claims under the FRA have been filed under the Bangtal FRC. Villagers from Bilaspur are members of the Bangtal FRC. The mapping of the IFR claims is over, and 44 claims totalling 77 acres have been claimed under the FRA; the claims are pending with the DLC. The joint verification for CFR claim has not taken place yet. The CFR claims are yet to be mapped. It's been more than eight months since the filing of the CFR claims. The amins(revenue department officials) have already visited the village once for the preliminary preparatory work. The FRC has already had discussions with the neighbouring villages/hamlets of

Kadalipal, Bangtal, and Badakachhal for fixing the boundaries of the CFR claims. The matter is pending with the SDLC now. There have been some delays due to the Forest Department as well. But the PA ITDA has taken initiative about this matter and some action on the CFR claim of Bilaspur is expected soon.

Basantpur

Land in the Panchayat of Basantpur (consisting of the villages of Basantpur, Sahajbahal, Gadamunda, Satijiore, Rengalpali, and Talpadar) was acquired by the Government of Odisha in the year 1946 for the Chiplima Subsidiary Reservoir of the Hirakud project. Out of a total of 7,500 acres acquired, only 500 acres was used for the original purpose. But the people were not evacuated after the land was acquired as the plan for constructing this subsidiary reservoir (as a change in the design of the project), needed much less land than originally planned. A power channel was constructed which used only 500 acres out of the 7,500 acres acquired for the purpose. Out of these 500 acres only 121.90 acres belonged to the village of Basantpur; the rest belonged to the other villages of the Panchayat. Compensation was awarded at the low rates of Rs. 100 per acre of agricultural land and Rs. 1000 per house.

Despite demands by the displaced people, Government of Odisha did not return the surplus land of 7,000 acres to the villagers of the acquired villages who were the original land owners. They were allowed to cultivate on small patches of land and 216 acres of land was provided on annual leases.

In 1962-63, the government planned a dairy farm on the surplus land. But this was opposed by the villagers and led to confrontations with government authorities. Finally 447.46 acres were allotted to this dairy farm in 1968. The authorities of the Central Cattle Breeding Farm fenced off the village and continued with this measure for more than three years. The annual leases mentioned earlier were also cancelled. This caused untold misery. Finally, this matter was taken up by Mr. Prasanna Panda. After an agitation under his able leadership for the land rights of the displaced, the total amount of land on which farming was allowed by the government (with the land technically on lease) increased to 950 acres. Around the year 1991, cases were registered against those cultivating the occupied lands with the demands for 'fines' ranging from Rs. 330 to Rs. 13, 000.

Apart from the dairy farm, the government has been allotting land to institutions such as Orissa University for Agricultural Technology (OUAT). College of Agriculture and College of Horticulture of OUAT has been located in Basantpur. The second Sainik School of the state is also coming up here. The permanent campus of IIM Sambalpur is also to be located in Basantpur. G. M. Unitary University (G.M.U.U.) and the Odisha State Open University (O.S.O.U) have also been given 50 acres and 25 acres of land respectively adjacent to the IIM location in Basantpur to set up campuses.

Thus, the Government of Odisha have been treating the acquired land in Basantpur Panchayat as a conveniently located land bank close to the city of Sambalpur, and have no intention of honouring people's land rights. The surplus land is owned by the Department of Water Resources. The chairperson of the Committee on Government Assurances (1989-90), Odisha State Legislative Assembly had observed that the leased lands being cultivated by villagers of Basantpur should be settled in their favour. But this is yet to happen.

The FRA and the Hirakud Displaced

Information regarding families displaced by the Hirakud dam and who are settled in various places are not available with the local administration. As a result, there is no information on the families who can benefit from the provisions for displaced communities under the FRA. In all the villages, information about the FRA and rights for displaced families is not available with all the relevant stakeholders, including the villagers. Representation of displaced families in gram sabhas and FRCs is not adequate, and is often non-existent. The displaced families and the hamlets where they live are not represented in the gram sabhas and the FRCs. Decisions on the rights are mostly taken by the residents of the main village who are not interested in the rights of displaced families and their hamlets because of the social stigma associated with their oustee status. If these are un-surveyed villages on forest land, they can form their own FRC (see definition of village under sec 2(p) (iii)).

Sections of the administration are actively propagating the idea that except tribals, Other Traditional Forest Dwellers (OTFDs) do not come under the purview of the Act. Displaced OTFD families are discouraged by the administration to file claims by telling them that they would not fulfil the eligibility of 75 years. Here the question arises how the displaced communities can produce the evidence of 75 years of residence in the area where they have been displaced, given the history of most displacement having taken place after independence.

There is inadequate facilitation during the process of verification and mapping by the Revenue Inspectors/Amins in the villages. There is not enough support to provide information on the various categories of land resulting in lack of clarity and confusion in claim-making. Along with the lack of correct information about the Act, claims, especially by OTFDs, are being discouraged by providing wrong information.

The administration is unaware and indifferent towards the issues and rights of the displaced families. The absence of local people's organisations or NGOs to help implement the various stages of the Act makes this situation worse for the villagers. Due to lack of means and access, the families displaced due to the Hirakud project in occupation of forest land are not able to make claims under the FRA.

In Debrigarh, Mr. Lingaraj and Mr. Amitav both eminent social activists, and politicians Mr. Debesh Acharya and Mr. Pradeep Purohit have agitated strongly against the violation

of people's rights both before and after the consultation held by Vasundhara on 27.03.2015 on 'FRA and Displacement' in Bhubaneswar. As a result of these efforts restrictions on people's movements have been eased. In Jhagdabehera and Debrigarh – villages in the core area of the wildlife sanctuary - restrictions have been relaxed. In meetings with the researchers the Collector has promised that the processing of CFR claims in these villages will be expedited. Work has been initiated with local activists in and around Debrigarh for addressing the issues of displacement and FRA together in a concerted fashion.

Action taken and developments as a part of the research process regarding the Hirakud displaced

In Bargarh District, for the Hirakud displaced settled in the villages of Lambipali, Runipali, Tentelsira, Debrigarh and Jhagdabehera, the processes of recognition of IFR and CFR claims have not been undertaken in an efficient manner. Regarding this issue, three meetings have taken place with the Collector of the district and other relevant district level officials. The people from these villages have met the collector and have given petitions regarding restrictions on access to the villages and other human rights violations by forest department officials. Work has also been initiated with local activists in and around Debrigarh to address the issues of the displaced and of those people residing in Protected Areas (Debrigarh and Jhagdabehera) together in a concerted fashion. In Debrigarh, restrictions on people have been lifted to a large

extent, and the Collector has planned a field visit, and has settled the issues related to the Minimum Support Price Scheme.

In Rengali Block of Sambalpur district, administrative decision has been taken to convert four villages of displaced families, namely, Kurla (216.06 acres), Sapne (131.54 acres), Khuntikatarbaga (130.45 acres), and Jogipalli (213.37 acres) into revenue villages involving a total of 692.42 acres in these villages. The land for settling these villages will be provided for by converting DC pattas into permanent pattas and by allotting the land above the Reservoir Level (RL) of 632 feet that was not submerged by the Hirakud dam. Homestead land under the Vasundhara scheme of the Government of Odisha is also being provided to the people of these four settlements. In Lakhanpur block of Jharsuguda district, six settlements of the Rengali displaced (Kusmel, Patrapalli, Balanda, Padampur, Ghunghujapalli, and Ghursun) have been converted into revenue villages. If RL 632 is to be considered as a cut off mark, then another 15 non-surveyed villages in Jharsuguda can be considered for conversion into revenue villages. Technically these cases fall outside the ambit of the FRA.

In the case of Basantpur, action was initiated after the researchers were alerted to the issue by senior media person, Mr. Kumar Hasan. The first visit to the villages of Basantpur and Sahajbahal took place in March 2015, and a meeting was conducted with villagers from these two villages. The second visit took place in May 2015. This was a larger meeting

involving the participation of Basantpur, Sahajbahal and other villages of the Panchayat. Villagers from this Panchayat had also participated in the consultation on 'Displacement and the FRA' organised by Vasundhara in Bhubaneswar on 27.03.2015 where they shared their issues and concerns. As a part of this process of advocating for the land rights of the Chipilima displaced, the researchers also met the Collector of Sambalpur district twice. In a second, follow-up meeting organised in May 2015 at Sahajbahal village of Basantpur Panchayat, matters were discussed threadbare by people from the Panchayat and the researchers. Regarding the FRA, CFR rights of the villagers were discussed. It was decided that the Sarpanch will take the necessary steps for initiating relevant action for making community claims under the FRA. A meeting of the villagers called by him has already taken place where this issue was discussed widely, and various possible courses of action have been considered. The Vasundhara team promised all necessary help for mapping CFR claims, including providing personnel support. It was also decided that advocacy work would be taken up with political and legislative representatives of the area so that issues and problems of the Panchayat can be raised in wider political fora and in state legislative bodies. Mr. Pradeep Purohit, MLA Padampur, Mr. Bijoy Mohapatra from the Odisha wing of BJP, and Mr. Taraprasad Bahinipati, MLA, Jeypore have been contacted regarding this issue. They have kindly agreed to take up this issue in the relevant fora. The villagers also decided

to contact political leaders on their own regarding their land rights. The RDC, Sambalpur, has been contacted for obtaining relevant information. The process of collecting relevant data from the Department of Water Resources is on. As reported in the Odia-language media of the state, the IIM allocated for the state of Odisha, and to be set up in Sambalpur, is being allotted land in Basantpur. This throws up fresh challenges for people in the area. For helping the displaced get justice through the judicial system, an eminent human rights lawyer was initially contacted. The said lawyer has significant experience in fighting cases for ensuring land rights of the marginalised, and has agreed to render all possible help to the Basantpur displaced access the judicial system. As a follow up, a meeting with the lawyer has already taken place in person. The lawyer advised that in Basantpur, if the people are in possession of land, they can apply for mutation of land under occupation. Then the tehsildar has to go for an enquiry regarding the land; and then data can be obtained and can be used for asking for people's land rights. He also raised the possibility of the people having to return the compensation money with interest.

Case Study II: The Rengali Displaced in Deogarh District

Rengali Dam- A Background

The Rengali Dam, one of the largest multipurpose river valley projects of Odisha, is built on the River Brahmani. Brahmani rises near village Nagri in Ranchi district of Jharkhand, at an

elevation of around 600 metres. After flowing for about 258 kilometres inside Jharkhand, it enters Odisha. In Jharkhand it is called South Koel. After joining another tributary Sankh near Rourkela, Odisha, it is known as Brahmani and discharges into the Bay of Bengal, travelling a length of 799 kilometres. In Odisha, the total drainage area of this river is 22,620 square km. The highest flood discharge of the river at the delta head is 24,246 cumecs. As per the master plan of the Rengali project, it was proposed to transfer 2.99 lakh hectare metres of water from Mahanadi basin to Brahmani basin for irrigation. The catchment area at the dam site is 25,250 square kilometres. The project started in June 1973, but the foundation stone of the dam was laid on 23rd of December, 1973. Actual construction started in 1975, and the project was completed in 1991. The main objectives of this dam are: (i) flood control; (ii) power generation of 60 megawatt; and, (iii) Irrigation of six lakh acres of productive land between the Baitarani and Budhabalanga rivers (Government of Odisha, 1978). The Government pursued a policy of repression to evacuate the villagers. On one occasion in 1978, the police had mercilessly lathi-charged and fired upon an assembly of more than 30,000 satyagrahis who had assembled to protest against the displacement.

Land Acquisition and Rehabilitation for the Rengali Project

A total of 263 villages were either fully or partially submerged. A total of 99,717.77 acres of land was submerged. 11,289 families (involving 46,570 individuals) belonging to Scheduled Tribes, Scheduled Castes, OBC groups, and General Caste

groups were displaced due to the Rengali Project. The amount of compensation per acre for all kinds of lands varied from Rs. 500 to Rs. 4500 per acre. For homestead land, Rs. 4500 was given. Compensation for tanks and ponds were paid to their owners at the rate of Rs. 322.80 per square meter, and the evacuees were unhappy over it. Families who got non-irrigated agricultural land were allotted six and half acres of land (six acres of agricultural land and half an acre of homestead land); those families who were allotted irrigated agricultural land were allotted three and half acres (three acres of agricultural land and half an acre of homestead land). This was a part of the rehabilitation package, apart from the monetary compensation. But most of the land allotted was uncultivable, and the displaced families had to do backbreaking work to be able to bring the allotted land under cultivation. Their problems have been further aggravated because of administrative inaction over the issuing of land titles and due to administration indecision in declaring the new settlements as revenue villages.

Movement under Deogarh Pressure Group (DPG)

The large-scale displacement by Rengali Dam in the erstwhile undivided district of Dhenkanal in the 1980s has left a long trail of woes and suffering for the displaced families which are yet to be addressed and around which discontent and protest have manifested in various forms. Since 1997, The Deogarh Pressure Group, a platform of civil society organisations of the district, has been working for proper provision of compensation and the rehabilitation of those

displaced by the Rengali dam. Most of the displaced families of this project are now scattered across Deogarh district in Western Odisha. DPG conducted a fresh survey of the status of their compensation and rehabilitation and brought out a booklet on the issues titled 'Completed Project vis-à-vis unsolved problems' on 25th February, 2005. As per the DPG survey, a total of 263 villages were affected by the Rengali Dam, out of which 116 were fully submerged and 123 were partially submerged. Following the reorganisation of districts, Angul district now has 39 fully submerged and 33 partially submerged villages, whereas Deogarh district has 77 fully submerged and 114 partially submerged villages.

Out of a total of 3057 objection petitions submitted by landholders, the Government of Odisha forwarded only 1536 petitions to the concerned civil court for disposal, while 1421 remained stuck in the Zonal Office of the project. The court has settled only some cases, but the civil court's decision in a group of cases has already been challenged in the High Court. In the matter of Section 28-A (Re-determination of the amount of compensation based upon the court order), a total of 3036 cases were registered. But out of this huge number, only 317 cases were disposed of; but except for one case in which higher compensation was awarded, all were rejected. A huge backlog of 2719 cases is still pending for settlement. The payment of ex-gratia is also pending in most of the cases. Meanwhile, the counting of displaced families still continues. Now the total number of displaced families has reached 11,289, out of which 2100 are SCs, 1328 are STs, and 7861 belong to other

categories. As per official claims, 11,107 families were awarded compensation, out of whom 5064 families got land. 3830 families received monetary compensation in lieu of land. 2213 families received a mix of land and money. According to government officials, only 182 families are yet to receive their compensation.

The experiences of a few families displaced by the Rengali Project living in four different villages are detailed below. These experiences have to be seen in the light of the fact that at its time, the compensation package for the Rengali displaced was a marked improvement over the earlier projects such as Hirakud, since the Rengali displaced were promised land as compensation. But the rehabilitation and resettlement process was far from being smooth as the following experiences attest.

Udayapur

The village of Udayapur is located around 25 kilometers away from the district headquarters of Deogarh. One has to take a right turn on the highway when one is travelling from Deogarh to Sambalpur. After taking the turn one has to cross a big hill where the road takes quite a few scary hairpin turns. But the hill and the surrounding areas are heavily forested and the road offers beautiful vistas. The road is not more than five years old. Even with this newly constructed road, the village of Udayapur remains difficult to access and one has to ford two streams to reach the village. When the community would have been forcibly relocated in the late 1970s and early 1980s, then one shudders to think what the

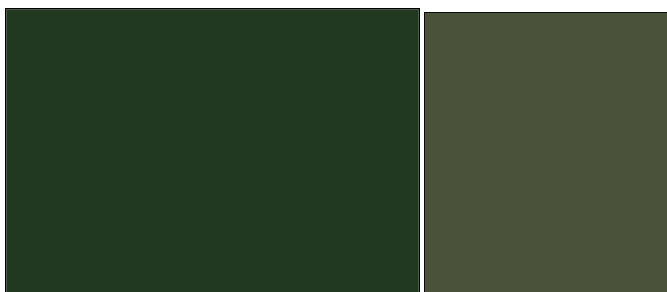
people would have gone through being literally dumped in the middle of a remote forest. Some old women narrated memories of their menfolk sleeping under the trees when they were first dumped in the forest in the middle of the night.

Udayapur is now a hamlet of the revenue village Ludhar of Dimirikuda Gram Panchayat in Tileibani Block of Deogarh district. The total number of households is 26 having a population of 151. These families originally belong to Balroi village of Barkote out of which 20 households are Jhara (community of fisherfolk) and six are from the Goud community. According to the Jhara jaati, they intermarry with the jati called dhibara which is listed as an SC community whereas the Jharas are listed as an OBC caste. This seemed as a big grievance in the community as they can not avail of benefits of many governmental programmes because of this problem.

The villagers' primary source of livelihoods is agriculture. But they cultivate 'gudadhan', a variety of rice that matures early and can do without water for irrigation. Therefore, their yields are not very high. Apart from rice, they do not cultivate any other crops in a major way. Some of them might be cultivating vegetables for consumption at home on homestead land. On an average, the families cultivate around 3.5 acres of land allotted to them; rest of the land has been lying fallow. This is because of the lack of capital and irrigation facilities. The status of their rights over the land allotted to them and lack of permanent pattas seems to contribute to their not being able to use their land in the most effective manner.

Apart from agriculture the traditional occupation of fishing is important for a few households. Forests remain a source of livelihoods and cash income for most families. Some women shared with us that in a good year they earn around three thousand rupees from selling Mahua seeds and flowers.

Earlier they had been depending upon the Brahmani River for their livelihood. These people were issued with a provisional lease land deed called the “K-Form” Patta of 6 Acres 50 Decimals in Ludhar DPF (6 Acres for agriculture and 50 Decimals for homestead) per household with an assurance that these will be converted to permanent pattas soon. This has meant that they cannot sell their land, nor can they mortgage the land for receiving loans. The administration suggests that the same lands could not be regularised because of the Forest Conservation Act of 1980, leaving the displaced people helpless once again. But the MoEF 1990 order about regularisation of pre-1980 encroachments clearly states that wherever people occupying forest land could be regularised as per earlier policy, this should be done. It is a travesty of natural justice that the state government has not pursued this option all these years.



Ludhar, the neighbouring village with which Udayapur has been attached for administrative purposes, has not given representation to Udayapur in their FRC, nor have they entertained Udayapur's claims under the Forest Rights Act. The district administration could have taken steps for the constitution of FRC separately for Udayapur. But no step has been taken on this front. The people of Ludhar looks down upon them because of their being 'outsiders', and more importantly for being rehabilitated in a forest on which Ludhar had been dependent for long. There is a sense of being discriminated against by the main village of Ludhar. The villagers in Ludhar have secure/permanent titles to their land, and cultivate higher yielding varieties of rice. Most of the MNREGA work goes to other hamlets of Ludhar with not much work coming to Udayapur under the Act.

As far as people's memory goes, they shifted to their present location in 1979 and got their pattas for homesteads soon after. They got the titles to their respective agricultural lands a little later. Thirty seven families were relocated to Udayapur. But within a few years, a few families migrated out of the resettlement colony.

According to the people, their chief problem is the nature of the patta they were issued for the land they got as compensation for the loss of their land holdings, property and livelihoods for the construction of Rengali dam. The villagers are yet to receive permanent pattas for their land; nor has their hamlet been settled as a revenue village.

People have been fighting for getting their K-Form pattas converted into permanent pattas. Every year they have been meeting the relevant officials in the revenue department for facilitating this process. Recently they met the sitting MLA from their constituency with their demands. A group of villagers had also gone to the RRO office in Talcher which is located at a distance of around 170 kilometers from the village. They learnt that the relevant documents for the settlement of their land have been sent to the RI office in Deogarh. When they came to the Deogarh RI office, they were promised trace maps of their settlement khata to be shared within a week; people had to use threats of violence to extricate even this promise from the officials.

Even after thirty years, little has changed for the people of Udayapur. Asked about the loss and gain by the Rengali Dam, these people ordinarily throw a blank face. First, they lost their motherland; second, they lost their age old profession. Because of poverty, the people of Udayapur have not yet been able to develop the pieces of lease-land that have been allotted to them. They have been deliberately kept outside the purview of all the ongoing schemes of land development and have continuously been discriminated against for being displaced and for not having pukka legal titles over their land, for around two decades. Many of the villagers also have lost copies of the proofs of their displaced status. The families, like the other Rengali displaced, were given the option of Rs. 14040 or 6.5 acres of land (6 acres of agricultural land and 0.5 acres of homestead land). The families in Udayapur chose

land and they think they made the right choice. They feel the families who chose money soon spent their money on consumables such as bicycles, and were rendered destitute. In their own terms – the villagers feel – the *maatibaalaas* (the ones with land) have had it better than the *tankaabaalaas* (the ones with cash).

The then Tehsildar issued the “K” patta with a promise that such lands shall be regularised subsequently by the Forest Department. The patta also dictates that the lessee shall have no right over trees other than fruit-bearing trees. Given the plight of the displaced people and their livelihood concern, presumably the government might have thought that apart from the 50 decimal homestead land, the rest of the six acres would subsequently be used for cultivation. Portions of the leased out land have forests standing on them. The lease document denies them right over any tree other than fruit bearing trees. This defeats the very purpose of such an initiative. Even if this were to be the case, the same issue can well be viewed from another perspective. Again as per Section 3 (I) h of the FRA, Udayapur can be converted into a revenue village. But again, no steps have been taken in this regard.

Ratanpur

Ratanpur is a resettlement colony. It was created from an A-class reserve forest. It is a village under Gundiapalli Gram Panchayat of Riamal Block of Deogarh District comprising of Paika caste people rehabilitated and brought from their erstwhile ancestral village called Naikul. Thirty families were

resettled here originally. Now this has increased to 67 families, and the total number of voters stands around 130-140. The total population is around 300. Tanla (an SC group), Suda, Paika, Gudia and Brahmin castes live in the village. Ratanpur revenue village is located near Gujahuli reserve forest. Each of the thirty original lessee families was supposed to be allotted six acres of non-irrigated agricultural land, and fifty decimals of homestead land. However adequate land for this was not available in the resettlement colony/new revenue village.

Most families were allotted three to four acres of land in Ratanpur revenue village. Rest of the land was allotted in nearby villages such as Rengelbeda, Pendrakhol, and Khamandana. In these three villages, people have been issued K- Form pattas. In Ratanpur village, permanent pattas have been issued. In these three villages, because the land is technically under the Gohira irrigation scheme, half the approved amount of land (on the assumption that it would be irrigated) has been allotted. But the supposed irrigated land does not receive any water as it is located in the tail end of the canal. But almost all families have access to three acres of land with permanent titles in Ratanpur itself. The village settlement and land allotment was completed in 1984.

One hundred thirty five acres of land allotted to the original lessees is located in Ratanpur village; the pattas issued in this case, as already mentioned, are K-Form Pattas. Of the land that has been allotted in three other villages, only land in Pendrakhol is being cultivated by the villagers themselves.

The land in the other two villages is either lying vacant or is being cultivated by villagers from other villages with informal arrangements and no benefits accruing to villagers from Ratanpur. The villagers have been agitating since long for converting the K-pattas into permanent pattas. They have been meeting the district administration regularly for voicing their demands. In 2008, 2007, 2006 they visited government offices in Deogarh for the same purpose. The zonal office for this village for the purpose of R&R is located in Deogarh. All the thirty original lessee households have filed cases in Deogarh for voicing their grievances as well. But in none of these cases, judgment has been delivered.

The village is forest dependent. There was some system of forest protection where both men and women took turns guarding the forest. But the system broke down a few years back with increasing pressure and conflicts with neighbouring villagers and the threats of forest mafia. Additionally a couple of crushers were established in the jungles that have also contributed to the degradation of forest resources.

Phulpatharkhol

Phulpatharkhol is an un-surveyed village located in the Gogua reserve forest as per the Department of Forest's notification. In the year 1986, 53 households displaced by the Rengali project were resettled here. Now the number of households has gone up to 72 and the village has a population of around 350. The total number of original settler families in the village is 53. They are from Sambalpur district and the name of their

original village is Naikul. The village is attached to Gahilo village (Jharagogua GP) in Tileibani block of Deogarh district for administrative purposes. Phulpatharkhol is not a revenue village yet. The villagers do not have permanent pattas for the land that has been allotted to them. The displaced community belongs primarily to the Paika caste, and they are from Naikul like their Ratanpur counterparts.

The villagers from Phulpatharkhol were displaced and relocated during 1980-1981. Like the other displaced families in the Rengali Project, each family has been allotted six acres of agricultural land and half an acre of homestead land. All this land has been issued as 'K' pattas. They received the patta for their lands only after relocation at the present site. The total number of ST families is six. They belong to the Oraon community. The SCs belong to the Rajaka (dhobi) community. The other jatis residing in the village are Paik, Khandayat, Od Chasa, Gauda, and Maharana/Badhei. Of late, in addition three families, one from the Gauda caste, and the other two from the tribal Munda community have started living in the village.

There are some farmers in the village who are not cultivating their lands at all. Some families farm only half an acre of land. There has been some division of land as well because of new households being formed after division of family property. Despite having land in their own names, thus, some families are marginal farmers. Paddy is the major crop. Some amount of potatoes, garlic, mustard, and sunflower are cultivated as winter (rabi) crops. Farming is not very productive as irrigation

facilities are not available. Because of the nature of the patta that they have of their lands, loan facilities are not available and there is little or no infusion of capital into farming activities in the village. Destruction of the crops by elephants is a major issue.

There are four tube-wells for the whole village. Not many people have got work under the MNREGA. The only project that has been allotted under this Act is for a Kataa (small tank). There is some emigration from the village. Last year four youth had migrated to Tamilnadu for work. All of them came back in some time. One of them had contracted a severe case of jaundice and passed away. Because of this, this year emigration seems to have been arrested.

Most of the villagers do not have much detailed information or knowledge about the Forest Rights Act. But some people volunteered information that an FRC committee was formed in the village in November 2014. Discussions took place regarding this to which Vasundhara was a party. The FRC was formed and the RI, the Tehsildar, the WO and the Forester had come for relevant enquiry about claims under FRA.

The villagers have been agitating since long for getting permanent pattas. They were able to get a copy of the revenue khata of the village from the relevant zonal office in Pallahada. But they had to give it back; they were not able to make a copy of the map. They regret this mistake now. The total amount of land allotted to villagers from Phulpatherkhola village is around 600 acres. Around 560 acres of this land is

located in the Prabhasuni reserve forest. The villagers feel that the problem lies only with the rest of the 40 acres of land located in the Chilatikhol (panbaraj) Reserve Forest regarding which a decision is yet to be taken by the administration about allotment to the village.

After the relocation, the condition of the women has worsened. Earlier they used to earn a greater amount through agricultural work. Now they are dependent on forests to a much a larger degree for their livelihoods and income. The villagers feel that the land khatas for their village are still with the department of water resources (DoWR) and they have not been transferred yet to the revenue department. According to them, this is the key reason for permanent pattas not being allotted to them till now. After a prolonged engagement with the district authorities, the SDLC has taken initiative on the constitution of FRC in this village and the claim facilitation process underway.

Kandsar Sahi

This is primarily a village dominated by the 'jhara' community. The revenue village to which the village is attached is called Badadangaghat; the name of the Panchayat is Gundiapalli and the Tehsil is Riamal. The name of the source village/hamlet is kandsar; hence the village is called Kandsar Sahi now. Originally there were sixty displaced lessee families in the hamlet. Now their number has increased to around 120. The primary source of livelihoods is monsoon-dependent paddy cultivation of early maturing gudadhan, and

wage labour. Apart from three families, most other households are jharas. Although they claim that they are SCs and intermarry amongst the dhibaras who are also listed as OBCs, they do not have SC status. Other jatis in the village include ghantra, satria, dhoba and gauda. One family belonging to the Sabara (ST) community also resides in the village.

When they first came to the present site, they found that there were no drinking water sources as promised by the government. Two shallow wells were dug by the authorities and when within a low depth water was not found, they put water from some other source to pass it off as a functioning well. Apart from the 0.5 acres of homestead land allotted, only three acres of land has been allotted to each original lessee family. This is because the land allotted to the families in Kandsar Sahi technically lies in the command area of the Gohira dam. Under the R&R package offered to the Rengali displaced, each original lessee was to be allotted six acres of non-irrigated agricultural land. In case of irrigated land being allotted, each acre of irrigated agricultural land was to substitute for two acres of non-irrigated agricultural land.

But the hamlet of Kandsar Sahi lies in the tail end of the command area and does not receive much water. According to the villagers, most of the land irrigated is of the homestead variety. The canal lies much below the level of the agricultural land and hence it is next to impossible for the agricultural land allotted to the villagers to be irrigated. As claimed by the villagers, none of the families of the village are able to irrigate more than 0.5 acres of land with the water supplied from the

Gohira dam. Around twenty families receive no irrigation water at all, not even on half an acre of land.

Most of the pattas seemed to be issued after 1986. The issue dates vary and range from 1982, 1984 to 1996. All the original lessee families have filed court cases more than ten years back. But the people have no idea about the status of the cases. The cases have been filed against the allotment of land that is non-irrigable for all practical purposes instead of irrigated land as promised under the R&R package. The case of Angad Penthei, S/o Chakra Penthei may be mentioned here, where a patta has been issued on the proper khatiyani, but without a seal. Later, on asking the relevant officials in the zonal office at Deogarh, it was revealed that this was a temporary patta and is equivalent to K-pattas. We also came across cases (Tunga Penthei) where new duplicate pattas have been issued, but without the relevant maps demarcating the plots. Some people have lost their pattas, some others have had their pattas eaten away by termites.

People have received cash compensation of varying amounts; but they are still unhappy regarding the quantum of the compensation and see the process as unfair. The biggest grievance is against the unavailability of water for irrigation, especially when they were allotted only three acres of land that classified as irrigated land. This is people's biggest grievance. They want irrigation water to be supplied to them, failing which they want their land to be declared as non-irrigated and to be given an additional three acres of land

(bringing the agricultural land allotted to six acres), as the Rengali displaced who received non-irrigated land got six acres per family as part of the R&R package. .

The second big problem is that the land allotted them lies at a level much higher than the level of the canal that is supposed to supply water to their land from the Gohira dam. When land was allotted, it was promised to them that leveled, cultivable land will be provided. But those in charge of preparing the fields did not do a proper job of uprooting the trees properly and leveling the land. Only 15-16 families received land that was somewhat leveled, although still not cultivable. Hence, even if sufficient amounts of water were to be supplied now to the fields through the canal, it cannot be used for irrigation.

The third big problem that the villagers face is the lack of access to forest resources. Because they have been attached to another revenue village Ratanpur, they are dependent on its forests and the jungles of Ratanpur for forest produce. This often brings them in conflict with the host village and Ratanpur.

As a displaced village, they also feel discriminated against by the host village of Badadangasahi and the district administration. They feel that government officials never come to the village, and all the benefits of the governmental programme go to the main village. The village does not even have an anganwadi centre. For the whole village there are only two tube wells. The VSS in the main village did not include villagers from Kandsarsahi.

Recently two crushers have come up on nearby forests on which the villagers are dependent. These crushers have been using stones and other material from nearby plots illegally; cattle and goats from the village have also suffered because of activities of these crushers.

The villagers have not been getting any DRDA work of late. They have been issued job cards. But MNREGA is not functional in the village and the people do not get any work under the scheme.

The villagers in this hamlet seemed vocal regarding the non-fulfilled promises made by the government, the allotment of only three acres of land and the non-availability of irrigation water. The women in this village were also very vocal about the lack of governmental facilities in the village and tried to articulate their concerns in a coherent manner. There are only three matriculates in the village. None of the villagers have finished junior college. The lack of financial resources is the chief reason behind this.

The villagers do not have any knowledge regarding the provisions of the Forest Rights Act. They seemed very grateful to neighbouring villages and their host village for sharing forest resources with them; but there were also problems of co-management. Most villagers who participated in discussions wanted the hamlet to stake claims for community rights under FRA, and conversion of the hamlet into a revenue village.

Deogarh Zilla Bhumihin Sangrami Parishad (DZBSP)

As must be evident from the experiences of the four communities detailed above, the progressive policy of providing land in lieu of land has not significantly benefitted people. The administration has not been proactive to settle issues surrounding tenure and rights over land, and the progressive provisions of the FRA have not been used by it.

DZBSP is a local organisation that has been following and monitoring the FRA implementation process in the district of Deogarh. It has apprised the issue in the last two SDLC meetings. It has taken up the issue of the displaced community time and again and organised rallies and dharnas. Even in the SDLC meetings the issue of the Rengali displaced have been brought under the notice of all concerned. Now the SDLC have given an assurance that a *suo moto* step would be taken with the help of DZBSP to constitute FRC as the first immediate intervention in all such villages in Deogarh. The Parishad took up this issue and met the Secretary, SC and ST Development Department, Government of Odisha, and has organised a press meet in Bhubaneswar.

The FRA and the Rengali Displaced

Providing land in lieu of land for the Rengali displaced was a progressive step taken by the Government of Odisha. But it would have been far more effective if the government had distributed reclaimed and fertile land in a single location. A considerable number of the Rengali displaced are dissatisfied with the quality of the land provided. Even though in principle

land for land is a better compensation strategy than 'cash compensation', it is a failure in the case of those displaced by the Rengali Dam. The increasing dependency over forests by all the communities has led to continuous conflicts of the Rengali displaced with the earlier settlers.

In the case of Udayapur, very few of the villagers have even heard of the FRA. Some people remember the formation of VSS six to seven years back in the village of Ludhar of which Udayapur is technically a part. Around 250 acres of the forest were managed by this VSS. The community of Ludhar received benefits from this process in the form of tents and music system etc. But the hamlet of Udayapur did not receive any benefits from this process.

An FRC has been formed in the village of Ludhar of which Udayapur is a hamlet. Some tribal families from this village have also had their FRA claims recognised. But the FRA process has completely bypassed Udayapur. The village does not have a single tribal family. A fifteen member FRC has also been formed at the level of the hamlet in Udayapur on 30.09.2013 in the presence of relevant government officials; individual claims from this hamlet are yet to be filed.

In the case of Ratanpur, people tried to create a functioning VSS a few years back; but it was not possible. Rambhadevi A-Class reserve is located near the village. Jungle mafia from Riamal (the block headquarters) has been logging trees from the revenue forest of the village illegally for the last few years. The primary NTFP for the villagers is Mahula. The village

forest is small considering the number of families depending upon it. Apart from the village of Ratanpur, hamlets from Dangaghat village (including the hamlet of Kandsarsahi) depend upon this forest. Therefore the forest seems to be in a relatively degraded condition and there are many conflicts regarding access and usage. Most villagers seemed unaware of the provisions of the FRA. When they were informed that they could get access to the reserve forest under community rights provision of the FRA they seemed excited with the prospect and want to work towards it.

In all these cases it has been observed that, since those displaced by the Rengali project have not been able to regularise their landholdings obtained for resettlement as legal owners of the land in their favour, the original inhabitants of the host villages still perceive them as encroachers appropriating their resources. This has been one factor responsible (at least for Udayapur and Phulpatharkhol) against the proper and democratic functioning of the FRCs. Since both these villages are attached to other revenue villages for administrative reasons, FRCs have not given representation to these displaced people.

The district administration have not adequately addressed the needs of the Rengali displaced living in these villages. The administration have taken it for granted that these people have been allotted six and half acres of land, and feel that nothing else needs to be done for them. There are different options available with SDLC to address such an issue with urgency. First, as per the provisions of the FRA, the initial steps of conversion of those

un-surveyed villages on forest land into revenue villages (like mapping of resources, both individual and CFR) should be completed in accordance with the Ministry of Tribal Affairs' guidelines for conversion of such villages into revenue villages. Second, if possible, the administration can explore the possibilities of regularising the "K" Patta, which seems like a herculean task at this moment. Till now no steps have been taken by the SDLC in this regard.

Action taken and developments as a part of the research process regarding the Rengali displaced

While undertaking research, the team had contacted Mr. R.S. Gopalan (IAS), the then Director, Department of Agriculture and Food Production. He very kindly clarified that K-Form pattas (that have been issued to some of the Rengali displaced) ensure only usufruct rights and not ownership rights; only the Zone Officer can convert K-pattas into permanent pattas. With follow up action we corroborated Mr. Gopalan's insights with the additional fact that permanent land rights were promised to the Rengali displaced by the Government of Odisha, and in principle, these cannot be denied.

Mr. Gopalan helped the researchers develop contacts with the collector of Deogarh, Mrs. Poonam Guha. By her kind attention regarding the issue it has moved closer towards resolution, as the Zone Officer works under the guidance of the Collector. Since the Rengali displaced were promised 'land for land' through a stated policy of the Government of Odisha, before the regulations under the Forest Conservation

Act of 1980 came into being, their case is a special one. Given the plight of the displaced, this case needs to be resolved with care, sensitivity and urgency.

In a field trip conducted in April 2015 in Deogarh district, a visit was made to the Zone Office that is supposed to facilitate Resettlement and Rehabilitation (R&R) of the Rengali displaced located at the district headquarters of Deogarh. Later, follow-up coordination took place with the Zone Officer in charge. Meetings also took place during this field visit with the ADM and the sub-collector in charge of R&R, in a group consisting of the Vasundhara team and villagers from Phulpatharkhol, Udayapur, Dangaghat, and Ratanpur. The sub-collector suggested to the people that they should submit photocopies of their K-Form pattas at the Zone office, apply for recording and regularisation of their rights on the land allotted to them, and get receipts for the applications. The process for regularisation of the land pattas of the Rengali displaced has already started.

Following a meeting between the researchers and the Collector of Deogarh, she called for a stocktaking and review meeting of the district administration on the issue within a week. This meeting was attended by relevant officials including the ADM, the Zone Officer, the Sub-Collector, the Additional Collector, the Tehsildar, and the Collector of the district. In this meeting, the Zone Officer requested 15 days' time for initiating appropriate action for the regularisation of the pattas of the Rengali displaced. He sent two members of his team to initiate relevant processes in Angul.

For 150 rights holder displaced families from Pallahra, field verification has already taken place. Field verification will take place in Deogarh district in Barkot, Riamal and Deogarh tehsils, in this order. For 513 families/right holders with K-Form pattas, the process of field verification is on.

For the six villages (244 families) settled on Demarcated Protected Forests (DPFs), the process is scheduled to start only after the field verification process for the 513 families mentioned earlier is over. The Riamal Tehsildar has been very cooperative; but, due to the non-cooperation of the record keeper at the Tehsildar's office, matters had not proceeded apace. But with the good offices of the Tehsildar, the record keeper has come around, and things promise to proceed at a satisfactory pace from now onwards if proper coordination at the Tehsildar's office is maintained.

The researchers also facilitated a meeting of the Rengali displaced with the Secretary, Department of Water Resources, GoO. Empowered through this process, these villagers later met the Collector of Deogarh district, on their own, as a follow up action. The villagers met up with the Collector with a six-point demand that included treating land that is practically non-irrigated as such in the record of rights and to be provided with additional land to compensate for the loss of the same, conversion of villages settled in DPFs into revenue villages, conversion of K-Form pattas into permanent pattas, and the removal of stone quarries from village forests etc.

After repeated advocacy efforts by the team, the Deogarh district administration has initiated the process of assessing

the ground situation in the six settlements of the Rengali displaced in the DPFs in the district. Meetings have already taken place in Mahasindhu DPF between relevant government officials and people; they are being planned in other five DPFs as well. The Collector Deogarh, after discussions with us, when we appraised her of the real situation on the ground, has instructed all Tehsil offices, to physically help the work of the officials of the Zone Office to settle villages in DPFs as revenue villages, and to convert K-Form pattas into permanent pattas.

The DFO of Deogarh was also contacted regarding this issue. According to him, land with encroachments on it has been allotted by the Revenue Department in Khamar in Angul district to the Forest Department in lieu of the forest land to be converted into revenue land in the six settlements of the Rengali displaced located in DPFs. But due to encroachments, the Forest Department has not been able to take further action. But according to the Zone Officer, work had progressed at their end, and he suggested collecting relevant information from the Office of the Board of Revenues at Cuttack. But when the Board of Revenues Office was contacted, the relevant officials of the Board shared a copy of the response to a question raised by the Deogarh MLA in the Odisha State Assembly. This needs to be followed up again with a revisit to the Board of Revenue Office at Cuttack.

During the research process, displaced people from Rengali met the Secretary, Water Resources Department, the Collector of Deogarh, the Deogarh Sub-Collector, and the

Deogarh ADM. They have also given the collector a five-point letter foregrounding the issues of non-irrigation of supposed irrigated land, payment of ex-gratia compensation, the issue of illegal stone crushers on forest land, conversion of DPF settlements into revenue villages, and the conversion of K-Form pattas into permanent pattas.

Case Study III: The Upper Kolab Project Displaced

The Upper Kolab Project is a multi-purpose river valley project on River Kolab, a tributary of River Godavari, near Jeypore town in Koraput district. The Kolab dam is a straight masonry gravity dam, with a storage capacity of 1215 M cum, and a power generation capacity of 320 MW. The Project was supposed to irrigate 48, 000 hectares of land. The Upper Kolab Project was commissioned in the year 1976, and was completed in 1998, five years behind schedule. In the initial stage it was estimated that 2173 families from 40 villages would be affected but actually 2897 families from 49 villages got affected. The following table gives the phase wise evacuation details of Upper Kolab Project.

	Year	Reservoir level in meters	Villages affected	No. of families affected
1	1984 monsoon	835	5	699
2	January, 1985	850	21	1410
3	June-July, 1986	856	5	78
4	1987	858	18	710
	Total		49	2897

Source: N.N Panigrahi (Government of Odisha)

The displaced persons/affected families were defined in terms of a family that would lose its homestead land due to complete submergence in the reservoir. However the families who lost their agricultural lands only (but not their homestead lands) were not entitled to rehabilitation benefits. This definition resulted in a number of social problems¹³.

The details of the land affected due to submergence:

1. Agriculture land - 21,927.08 acres
2. Homestead land - 267.93 acres
3. Other KISSAM lands - 533.04 acres
(Gochar, Samsan etc.)
4. Revenue land - 6567.90 acres
5. Forest land - 7189.95 acres

Source: N.N Panigrahi (Government of Odisha)

The displacement and rehabilitation data is depicted below.

Caste	No. of families displaced	No. of families rehabilitated	No. of Families Preferring Cash Grant
ST	1431	195	1236
SC	435	30	405
OC	1201	194	1007
Total	3067	419	2648

The Upper Kolab Displaced: The Case of Nuakarenga

Karenga was one of the bigger villages to be displaced due to the Upper Kolab Project. The village from which they were displaced was also known as Badkarenga which was located

¹³ N N Panigrahi and inputs from villagers of Paidaput.

at a distance of five to six kilometers from the site of the present settlement. In the original village the displaced families had occupied forestland apart from revenue land which they possessed. The families possessed about 20 acres of both revenue and forest land each. The village also had common lands and forests which they accessed for minor forest produce, grazing, firewood *etc.* During the rehabilitation and resettlement process only revenue land were considered for compensation, which too was not adequate. But forestland and common lands accessed and used for individual and common uses were not considered eligible for compensation.

In the settlement process the government settled the families in rehabilitation camps near Kotapad. But the displaced families did not stay in the camps. Of the 500 odd families from the submerged village, some resettled on their own in the neighbouring villages after staying for a brief time in the camps. This was due to lack of necessary facilities, common resources and environment in the rehabilitation camps. About 150 families settled themselves near the Batamangala temple which turned out to be a very temporary shelter. It was seen that within three years the reservoir level rose dangerously close to their new village; so these families scattered into the neighboring villages.

The village Nuakarenga houses 50 of these 150 odd families. The others went to villages such as Chakalliguda, Bhootnagar, Kendubeda, Majhiguda, Maliguda. The repeated displacements and that too because of a single project added to the troubles of the people. They had hardly managed to settle in a new

place and prepare fields for agriculture when they were forced to relocate for a second time. The government offered to settle the people in camps near Kotapad. But many people refused to stay there as they felt the living conditions were not suitable. The compensation offered in those days near the Kotapad Resettlement Colony was either half an acre of homestead land and three acres of irrigated land, or six acres of non-irrigated agricultural land, or 14040 rupees as monetary compensation. The Bada Karenga gram panchayat consists of 16 villages of which 14 villages have displaced families. More than half of these villages are completely dependent on forests.

Nuakarenga is a hamlet of Karenga village which is the revenue village. The people did not have any agricultural land of their own before enactment of the FRA. In fact, people did not have any homestead land either. The government had built a few houses as a colony for these people sometime after they settled here. However today there is hardly any sign of those houses. People live in their traditionally built houses. Even though the compensation given was 14040 rupees, this money was given to them as cheques. The little money which the people got as compensation has not been able to help them in any way.

The condition of the people of Nuakarenga has gone from bad to worse over the years. Forty eight of the 50 households in Nuakarenga are tribals from the Paraja community. Initially when the people settled in this village they faced many socio-economic problems. The neighbouring villages of Bagra and Dhaudapadar were opposed to this new settlement

because people of Nuakarenga depended on their forest for their basic needs. There were conflicts over the use of the grazing lands. This resulted in a number of clashes between these villages which linger even today. In the beginning, these newly settled people worked as share croppers in the fields of villagers belonging to Bagra and Dhaudapadar.

There are two hillocks on either side of Nuakarenga: Mankaradonger and Bandhkupli. People used these lands for shifting cultivation and also for obtaining firewood and other forest produces. Forest land and forests are critical to people's life and livelihoods. Therefore, people also protect these forests in a very simple but effective manner. Each village demarcates a patch of land it is dependent on and plans to protect. This patch is left for the use of that particular village by other villages. The whole system is based on mutual respect and understanding. However, the villagers have not got their community rights under FRA on these forests as yet. Most of the families also earn their living by working as wage laborers in the nearby stone quarries or schemes under the MNREGA. Every morning trucks ply to pick up the men and women to take them to the work site. This is really unfortunate given the fact that before these developments these people cultivated up to seven varieties of rice. Mandia, Suan and some varieties of pulses are the only crops cultivated today.

The FRA and the Upper Kolab Project Displaced in Nuakarenga

The implementation of the Forest Right Act began in Koraput district some time in 2009. In Koraput district, most of the forests from Jeypore to Potangi are in *pahadkisam* land. When

Mr. Rajesh Patil was the collector of the district, *pahadkissam* land was entertained under the FRA, and the individual claims of Nuakarenga and Puki were recognised in *pahad* lands. However before the rights of other villages could be recognised, Mr. Patil was transferred in 2010, and this decision was revoked. The DLC considered this a ‘mistake’ and stopped repeating this ‘mistake’ in other villages.

It should be noted that most of the tribals are in possession of *pahad kissam* land in these parts. The Karenga village has seven hamlets. They are Nuapuki, Bhootnagar, Nuakarenga, Salmanguda, Majhiguda, Maliguda and Palusa. The formation of the FRC was done with one or two representatives of each hamlet. The meeting was arranged by the government bodies. However, people are not completely aware of the provisions of the FRA even today. It also came to our notice that the quorum was not attached much importance. The whole process was undertaken in a very bureaucratic manner. The nuances of the FRA were not at all discussed in any of the awareness building meetings or even during the formation of the FRC. This lack of understanding and awareness on the part of the villagers has created many problems for them subsequently.

In Nuakarenga, 39 individual claims have been recognised; and each family has been provided with two acres of land. Ten families also have received grants for Indira Awas houses under the convergence provisions of the FRA. All the claimants are tribals; in Koraput district the unwritten rule

has been to recognise the claims of the tribals before other claims. The recognition has been done in an odd way: most claimants have been uniformly allotted two acres of land though they have traditionally cultivated more land. The officers had an interesting explanation to offer. They said that had the recognition been done in terms of actual land cultivated, it would have led to many conflicts within the village. The tribals, they said, have this 'culture' of demanding uniformity in all the facilities availed by them. So it seems that keeping the possible law and order situation in mind, land has been uniformly distributed in violation of the law! Meetings for filing CFR claims have been conducted, and claims on 52 hectares of land have already been filled up.

Even after the titles were given to the people, it is the government which decided which crop is to be cultivated in the distributed land. It was decided by the government that the Soil Conservation Department will plant cashew in those lands. The opinion of the landowner was never asked. No government official bothered to check on the land after the plantation was done. During a visit to Nuakarenga two years after the plantation, not a single cashew tree could be spotted. The villagers said that all the plants were eaten up by cows of the neighbouring villages. Villagers have left the land barren ever since; they have left the 'cashew fields' to their own fate and they have ventured higher up in the hills for cultivation. They also continue to cultivate the other pieces of land under their occupation.

When the researchers visited the village, hardly a soul was to be seen. It had rained the previous night. So the villagers had gone to the forest to prepare the fields. The few women who were there in the village said they have been cultivating their traditional crops in other fields because of the cashew plantations. It is difficult to see how people have benefitted by the FRA in this village.

The issues of the FRA in general and those pertaining to Nuakarenga in particular were discussed with the collector and the sub-collector. One of the major problems in Koraput district is that most of the forest is in *pahad kisam* land which is currently not being considered under the FRA. The officials said that the only way to address this problem is to convert the *pahad kisam* land to *Patita kisam* (wasteland type), and to allot it under Odisha Prevention of Land Encroachment Rules, 1985, and The Orissa Government Land Settlement Act, 1962 - Odisha. The administration has started working in this regard. However, progress has been very slow due to the lack of manpower in the government offices. During discussions regarding the relevant provisions of the FRA for the displaced people with the collector, he had some interesting points to share. He said he does not 'like' the word 'displaced'; the proper word should be 'relocated'. He believes that the 'relocated' people should not benefit under the FRA because they have already been given compensation. According to him, the FRA should only cater to the needs of the 'ignored' people. According to him, people should consider themselves lucky that the government is not going into the intricacies of

the Act, else none of the Kolab displaced would have got titles to their land.

On the one hand, the district administration has its own interpretations of the FRA. On the other hand, the displaced people of Nuakarenga village are clueless regarding the provisions of the Act. They have not claimed community rights because they have no idea of the benefits of a community forest title. The officials have not spoken to them in this matter ever. After the implementation of the FRA for *pahadkisam* was stopped, the other families are being issued tree *pattas* for *pahad kisam* land where the *patta* owner has rights only over the tree and not the land. Coffee and cashew plantations have been undertaken in those lands. However, the people have not been made aware of the marketing options they have for coffee after harvesting. It has been seen that in most places where cashew plantations are undertaken, middlemen get involved, and this ultimately leads to the exploitation of the locals. The tribal people get very little share of the profits. If proper marketing options are not provided for coffee then this problem might be seen here too. The government has a long way to go if these schemes are to be successful.

Action taken as a part of the research process regarding the Upper Kolab Displaced

In a meeting with the Sub-Collector, Koraput District, the researcher(s) raised concerns about issues related to the FRA in Nuakeranga. He immediately reacted saying that the issue

of displacement is a much larger issue. To this the Vasundhara team replied that the FRA is very clear about displacement; only those displaced due to governmental developmental projects qualify. As the chairperson, SLDC, he was requested to look into the concerns of the displaced villages, and to recognise their rights under the FRA, as the condition of the Upper Kolab Project displaced is pitiable. The Sub-Collector also shared that he felt that work related to the FRA is an additional burden on the district administration. He said because of the convergence money, people are filing IFR and CFR claims in an 'unending' fashion. According to him the district administration wants to expedite and finish it as soon as possible. But it must be mentioned here that this is not an 'additional burden' but a right guaranteed by the Parliament of India. The Sub-Collector also mentioned about a coordination meeting on the issue that took place on 01.07.2015 with participation from all the relevant officials from the district. The Collector, Koraput, has been very active regarding the FRA. There is a special drive for the FRA now, and according to the district administration, results should show up soon.

Out of 1917 villages in Koraput, FRCs have been formed in 1528 villages. Fifty eight CFR titles have been recognised. Eighteen CFR claims are pending with the SDLC. A total of 25270 IFR claims have been recognised. For CFR, only B-forms have been received from 466 villages while C-forms have been received from only 158 villages; the processing of CFR claims in both the cases is pending.

In a notification published in local newspapers, as notified by PA ITDA on 10.06.2015, a call has been made for concerned parties to submit IFR and CFR claims between 01.07.2015 – 15.07.2015. In a meeting with the Project Authority, ITDA, the concerned official shared that this notice admittedly does not give adequate time to the concerned people to file their claims. But it has been issued so as to facilitate speedy claim submission and recognition. According to him, the number of IFR and CFR claims being filed has increased after this notice. This notice is illegal as per the provisions and guidelines of the FRA. This is not due administrative procedure either, since no guideline has been sent from the state secretariat regarding this issue.

Case Study IV: Derjang (Badmul village in Angul District)

Derjang Irrigation Project is a reservoir scheme, and is the first Medium Irrigation Project of the state of Odisha in the post-independence era. The construction of the project was started in 1960, and was completed during 1977-78. The catchment area of the reservoir is 399 Sq.Km. The project is situated in Angul district built across the twin Rivers of Mathili and Lingara. These two rivers join together downstream of present dam site and ultimately fall into the Brahmani River as a tributary on its right hand side.

In the year 1968, three villages, namely Derjang, Podakhaman and Madhiamunda were declared as to be completely submerged by the project, and notices were served for the relocation of these villages. People from Podakhaman and

Madhiamunda were rehabilitated in revenue land in nearby places. Because of unavailability of suitable land, decision was taken to rehabilitate the displaced from Derjang in the Durgapur Range of the Similipathar Reserve Forest. Since the Forest Conservation Act had not yet been enacted, the administration took steps to providing land by clearing dense forests. The then Deputy Chief Minister, Mr. Pabitra Mohan Pradhan, took up the issue in the assembly and subsequently this was approved.

As a result, 153 families belonging to non-scheduled communities from the now submerged Derjang village had been settled in this place. Initially people were reluctant to settle there because of the distance and the difficult terrain. Eventually the people resettled and named the place as Badmul. For around ten years they faced many difficulties on numerous counts like drinking water and communication. There is no pukka road to the village. The village school has classes only till eighth standard. It needs a high school. Some people also die because of snakebites almost every year. There was even an instance of the death of more than fifteen people in a single year in 1978. Owing to all this, 100 families out of the total population of the village migrated elsewhere.

Presently, Badmul has 85 households with a population of more than 400. Most of the people from the village work as daily wage labourers and some of them are practicing agriculturists as well. Badmul is located at a distance of around thirty three kilometers from Angul. As per official sources, people have been allotted 247.05 hectares and 125.2830

hectare of land for agricultural and homestead purposes respectively. In order to regularise the land in favour of the people, a number of letters have been issued to the Revenue Department from time to time, but in vain.

Way back in 1997, the villagers submitted a memorandum citing all these issues to the Chief Minister, the Chief Justice of Odisha, the Revenue Minister, the DFO Angul, and the Tehsildar. Since then no development has taken place, and in the year 2008 they were intimidated by the district administration through the Tehsildar that since the said land is forestland, it cannot be regularised as per the Forest Conservation Act of 1980. Looking into all these developments, it is clear that had the District Administration or the Revenue Department acted more proactively during the late 1960s, people would not have suffered in this manner.

Representatives from the displaced community of Badmul have met the Secretary, Department of Revenue, the Collector of Angul district, and Mr. Tathagat Satpathy (Lok Sabha MP) for advocating their rights so that long standing issues can be settled.

In a letter written on 20.08.2007, Secretary, MoEF, wrote to the Collector, Angul regarding the issue stating that stage-I clearance had been given for 230.9874 hectares of forest land for the regularisation of the forest village with respect to pre-1980 occupation of forest land. The Secretary instructed the Collector to take steps to identify non-forest land of an equal area for submission of stage-II clearance. He also stated in the said letter that the revenue department has already released funds

for compensatory afforestation. Later, the state administration apparently found that stage-I clearance was not a fact. But as far as our knowledge goes, no response has been sent by the relevant offices of the state administration or the district administration of Angul to MoEF on this issue¹⁴. This is not due procedure. Recently, DFO, Athmallik has initiated the process for Stage-I clearance with MoEF in coordination with ADM, Angul. Revenue department land has been identified in Athmallik tehsil for compensatory afforestation.

FRA in Badamul

Badamul provides us with an interesting case where one can see a certain incongruence between the spirit and the letter of the Forest Rights Act. The inhabitants of Badamul are very marginalised OTFDs. They don't have a history of continuous settlement at the present site of the habitation as they have been displaced by the Derjang Project earlier. Here, if one follows the letter of the Forest Rights Act, then it will end up violating the spirit of the law by denying the Badamul residents their legitimate rights. The best solution to the rights of the Badamul residents seems to lie in surveying the settlement as soon as possible and converting it into a revenue village. As the government itself has settled them there, they are entitled to proper conversion of their land and the recognition of rights.

The Forest Rights claims were submitted at SDLC in 2010-11 by the Badamul displaced; but the SDLC returned the

¹⁴Please refer to Annexure VI

claims saying that they are ineligible. In 2007 Mr. Hrusikesh Panda, the then Secretary of the Department of Environment and Forests, GoO wrote to the Collector Angul saying that first phase clearance has been received for converting the settlement into a revenue village.

But there is some confusion about this issue now as the PCCF had a different version. When a petition was sent to Mr. Panda in 2014 when he was Secretary, Ministry of Tribal Affairs, GoO; he followed up the matter with the Collector, Angul. Discussions with the office of the Athmallik DFO revealed that the DFO, Athamallik has initiated the process for Stage-I clearance with MoEF in coordination with ADM, Angul.

Action taken as a part of the research process regarding the Derjang Displaced

The CFR claim filed by the Derjang displaced settled in Badamul were not recognised by the SDLC. An RTI application was filed regarding the Badamul case. After receiving the relevant information, meetings took place with the Collector, and other relevant district officials.

After our advocacy efforts, people have also met and petitioned government officials including the Revenue Secretary, Government of Odisha. Following this, the Revenue Secretary sent a fact finding team to Badamul and a report was prepared on this issue.

B) Oustees from Mining Areas and the Forest Rights Act

For at least the last hundred years, from the time of the discovery of iron ore deposits in Gorumahisani in Mayurbhanj by eminent geologist P.N. Bose in 1903, mining in Odisha has played a critical role in the development of the mining industry and heavy metal based industrialisation in the country. With the work of writers such as the late Jagdish Pradhan, mining has entered the popular literary imagination in the Odia language as well. But from the very beginning of the mining industry in Odisha, its processes have been environmentally destructive and socially disruptive; displacement of indigenous tribals has been a major feature of the mining processes in the state. The following case studies provide details of people's experiences of living with mines, and how the mining industry uproots people's livelihoods and community-oriented patterns of living.

Case Study V: Patrapali

Many villages of Western Odisha were drowned by the Hirakud Reservoir. Patrapali is one such village; with people losing almost all of their agricultural land. They tried to stay close to the Reservoir Level (RL) 620. But as the waters came closer, people shifted to higher lands. The displaced people dispersed into four hamlets, which are Mundapara, Bhaluchuha Mundapara, Mahulamunda and Patrapali. The present day Patrapali is the 'new Patrapali' which is located at the edges of RL 632 and whose population constitutes mostly of displaced people. This land was initially inhabited by

Luhura community who are blacksmiths by profession. The displaced families had lost at least 70% of their land, and in some cases, all their land. People were forced to make sudden changes in their livelihood strategies; many of them turned to fishing. The rest of the people continued with agriculture; either in land which was not submerged or in forest land. The village comprises of 284 families and two-thirds of the population comprises of tribals. Communities belonging to the Ganda, Bhuiyan, Binjhal and Kolha tribes live in this village.

Patrapali is surrounded by water on one side and by forests on the other three. People have traditionally depended on the forests, and Patrapali village is also built on forest land. The forest land of Patrapali village, according to government data, comprises of 116.26 acres of Patrapali Gramya Jungle, 125 acres of Patra Jungle and 460.11 acres of Patthar Chattan (considered as forest land), totaling 701.37 acres. The local names of the forest are Aamjharan, Badsarua, Sansarua, Kendujor and Ekangudi. There are many streams which fulfil the needs of agriculture, wildlife and livestock. The forest is rich in NTFPs such as sal leaves and seeds and jhuna (lac), Mahua, tol (the seeds of Mahua tree), Char, Kendu leaves and fruits, mushrooms, and many kinds of roots. People also get murrum, laterite stones and wood for construction purposes. The surrounding forest is home to wild boars, sambars, rabbits, bears, deer, jackals, hyenas and many kinds of reptiles and birds.

There are huge reserves of coal underneath Patrapali. The area adjoining the village is covered with dense forests. The coal deposits in the area have attracted public sector and private industries and mining companies. There are many industries like Bhushan Steel and Power, Aditya Alumina, Ib Thermal Power Ltd., SPS, SMC, Hindalco and Mahanadi Coal Fields, which have all mushroomed within radii of four to 15 kilometers of Patrapali. These industries have had many detrimental effects on the land, the air and the water of the area. The local fishermen said that after the establishment of these industries, there has been a drastic fall in their catch. They said that these days they can hardly get 30 % of the catch they used to get in the past.

There are huge hillocks of coal dust on either side of the roads leading to Patrapali, and the dust covers the roofs of most of the houses in the village. This dust causes heavy air pollution in the area, and the water drained after the first rains is always pitch-black in colour. The little respite that people get from the harmful effects of the many industries in the surrounding area is only due to the forest which has always acted as a filter. People have a strong dependence and a deep sense of attachment with the forest. After the displacement due to the Hirakud Reservoir, the forest has been the primary source of livelihood for them, and has provided the people with enough resources so that they could build the village school from earnings from the forest. The villagers themselves have appointed five teachers and have maintained and run the school for more than twenty years with the earnings from

the forest. It is only very recently that the school has been taken over by the state government.

Proposed land allocation and people's opposition

It is, therefore, natural for people to strongly oppose any move by the government which threatens their forest and lands. The Ministry of Environment and Forest has given site clearance for the initial investigation and survey of Talabira Coal Block II and III. The proposed site will acquire a total lease area of 1926.00 ha of which 729.15 ha is forestland.¹⁵ Coal block III alone will require a total lease area of 1010.50 hectares of which 673.62 ha is forest land. Patrapali stands to lose its entire forest area of 701.37 acres in this project. The villagers have strongly objected to this proposal since its inception. The Panchayat was given a notice by the Pollution Control Board (PCB) on 30.10.2010 which notified them that there will be a public hearing on 8.12.2010. People organised a Pallisabha on 1.12.2010, and notified the Chief Justice of the Odisha High Court, the District Collector, and the PCB that they are not willing to participate in the public hearing. Despite this letter, the PCB tried to organise a public hearing in their Panchayat which was stopped by the people.

Later the PCB organised a public hearing in Malda, which is also one of the affected villages. Malda was chosen as it was perceived as a relatively easier village to manage by the authorities, and the public hearing was conducted there. The people of Patrapali expressed their opposition to the public hearing in the form of a written petition. Again on 6.9.2011

via letter number 2889, the Tehsildar of Jharsuguda informed the Panchayat that the villagers must discuss the transfer of non-government land to MCL in a Palisabha. People opposed this, and informed the collector of their decision through a letter. On 27.11.2011, they received a letter from the BDO for organising a Palisabha for the diversion of forestland towards this project. This palisabha was stopped by the people as they did not receive any response from the collector against their repeated letters of opposition.

According to the Coal Bearing Areas Act (CBA) of 1957, the gram panchayat must receive notifications of any proposals of land acquisition in the coal bearing areas. However the Patrapali Panchayat has received no such notification. Therefore, the villagers want this land acquisition proposal to be declared null and void. The Mahanadi Coal Fields Company will have an additional annual capacity of 20 MT to 23 MT after Talabira II and III become operational. According to the Executive Summary of Environmental Impact Assessment and Environmental Management plan for Talabira Opencast Project (Talabira I and II) (Page No3(D)), the core area of the mining lies in the villages of Patrapali, Talabira, Rampur, Khinda, Khait, Malda, Bhursund and Dummermunda. It will affect 2046 families with a total population of 10230. Khinda and Talabira are part of Khinda Panchayat in Sambalpur district while the rest of the villages

¹⁵(Executive Summary of Environmental Impact Assessment and Environmental Management plan for Talabira Opencast Project (Talabira I and II), Page 4)

are part of Jharsuguda district. The villages which are included in Patrapali Panchayat are Patrapali, Dummermunda and Bhursund. The other villages are part of the Malda Panchayat. It must be noted here that the relevant provisions of the FRA override the provisions of the CBA.

It has been said by the PCB that the Ib Valley is one of the most polluted regions in Asia, and it has been recommended by them that there should not be any more industrialisation in this region. The industries in these parts are dependent on the Hirakud reservoir or their water needs. This is making demands on the scarce water resources of the Hirakud reservoir, and might cause water scarcity for agriculture and domestic purposes in the future (Padhi 2015). Any further industrialisation in the region will increase water pollution to way above acceptable limits and cause further scarcity of water.

The FRA in Patrapali

It is against the Orissa Land Reforms Act to acquire the land of the STs without their consent. Around 80% of the population in Patrapali belongs to the SCs and the STs. These people have already been displaced once during the Hirakud project. They have rebuilt their lives in the last fifty years or so. It is inhumane to ask them to relocate again and start their lives from scratch. After the implementation of the FRA, there is a hope for the displaced people to get their right on forest land. The SLMC is responsible under the Amended FRA Rules of 2012 to identify and monitor the displaced persons

eligible for recognition of their rights under section 3(1) (m) and section 4(8) of the FRA.

The SLMC has not acted in this respect anywhere in Odisha including in Patrapali. People have been protecting the village forest since 1981 by appointing guards and paying them from the funds collected from within the village. They have created a Jungle Surakhya Committee which functions with the money collected from the villagers themselves. The forest has been a part of their lives since long and they are strongly opposed to relocation of any kind.

The villagers of Patrapali have had a long history of forest dependence and are ideal candidates to make the best use of forest rights being recognised under the FRA. They have proactively formed the Forest Rights Committee in 2008. However as this committee did not have proper representation of women and tribals, they formed a new 15-member committee of which 11 members belong to STs and six are women as per the ammended rules of the FRA in 2012. The villagers have given applications for 89 individual claims and one community claim for the Patrapali village forest. The applications were filed on 29.12.2011. The revenue department had come to the village for verification. However, the villagers are yet to receive titles to the land. A training programme on the FRA has been undertaken by the department in collaboration with Vasundhara and some local organisations, and was attended by government officials as well.

The government is well aware of the fact that the claim forms have been filed with due diligence. Yet, these have not been processed. The same situation has been observed in many other villages of Jharsuguda district like Kurmimal and Sahajbahal. But villagers say that a few of the government officials have gone to the extent of saying off the record that the FRA will not be implemented in mining areas. The government file shows that of the 701.37 acres of forest cover in Patrapali, 460.11 acres belongs to Patthar Chattan kism. This land was classified as forest kism under the Sabik settlement. But it has been converted to Patthar Chattan kism under the Hall settlement (Please refer to attachments listed under Annexure VII for details).

However it can be seen with plain eyes that dense forest stands over the entire area. People have signed a petition regarding the matter which has been forwarded to the Secretary to the Ministry of Tribal Affairs (MoTA), Government of India, and to SLMC (State Level Monitoring Committee), Government of Odisha. They have also taken it upon themselves to find the truth and are now taking GPS readings of their entire village as well as of the forests, in the hope that satellite maps will paint a more honest picture.

People have been patient for long; but it has been more than three years, and, yet, none of them have been given the titles over the forestland. This lackadaisical approach of the government has discouraged them. Many of them have lost interest in the process. This kind of situation has turned out to be favourable for the companies many times in the past.

Those who attended the meeting organised by us, shared their apprehensions. They are well aware of the harmful effects of mining and industrialisation, and know that it will bring only disadvantages for them.

However, the government's response towards the recognition of rights under the FRA has cast many doubts in their mind. The women of the village have traditionally collected Kendu leaves and sold them at the Government phadis. However, after the closure of the phadis, villagers are not aware if their right to sell Kendu leaves has been recognised under the FRA or not. The reason behind the administrative decision to close these phadis is not clear. The villagers are now rolling beedis out of the leaves and selling them in the open market. Tribal women have strong dependence on the forest. The government must acknowledge this and recognise the villagers' rights over the forest and forest lands.

An act like the FRA is historic in nature. It is one of the few laws which recognises the rights of people whose lives and livelihoods depend on the forest. The FRA has strengthened the Pallisabha to a great extent. Villagers from Patrapali have tried to use this power, and have opposed the coal block allocation through repeated resolutions of their Pallishabha. It is the duty of the state to respect the decision of a village most of whose citizens have been carrying the legacy of displacement. In a heavily industrialised belt like Jharsuguda, whatever forest cover remains must be preserved. It is the responsibility of the government to implement the FRA properly at the earliest in this region.

Case Study VI: Talabira

Talabira Revenue village consists of five hamlets, namely Budhia Palli, Munda Pada, Padhan Palli, Khatun Pada and Padar. Mundapada hamlet has a majority ST population belonging to the Bhuyan and Munda communities. Talabira village has 450 households, 1400 voters, and a total population of around 3000. The village of Talabira is surrounded by Bheden and IB Rivers and the Hirakud Reservoir from three sides, and has a large chunk of forests in its boundary.

Mr. Bhaktaram Bhoi, aged about 60 and president of Talabira Gramya Jungle Committee, says that the forest is in custody of people since the British Regime and it dates back to the era of Giridhari Sai, the son of Bira Surendra Sai who was the then Zamindar of the area. After construction of the Hirakud reservoir, the local community started protecting this forest in an organised fashion, and now has assigned the job to a guard by paying three kilos of rice per family to the guard. As claimed by the president, the extent of the forest is around 972 acres. It is a good forest with various tree species flourishing, and is dominated by sal.

The committee meets regularly once in a month. But women do not have any formal role in forest protection and in managing the affairs of the committee. Women are important users of the forest, and their contributions to the household economy through the harvest of fuelwood, NTFP etc. have been critical to the functioning of their households. Hence,

it is necessary for women to play the relevant role in the management of FRCs.

Industrialisation and mining activities started in the locality in 2002 with Talabira OCP of Hindalco followed by Bhusan Steel, and now, the Aditya Birla Aluminum Park, an SEZ project with a smelter and a captive power plant planned in an area of more than 3000 acres. The process of ash dumping started in the protected forest of the village way back in April 2007, and continued till January 2009 in four different locations in the forest growth area. Earlier, the dumping started in an old abandoned slate mine. This was earlier used as a water body for wild and domestic animals grazing in the forest, and as a picnic site for the local people. The extent of the dumping area was around five acres with a height of 20 meters. Similarly in three other sites in the forest, the ash used to be dumped, and around 40 ash-loaded trucks dumped in the area for around twenty months continuously¹⁶. This has stopped now because mining has stopped.

As complained by locals, few young men from Talabira facilitated the process of dumping of ash in the forest for which they had taken huge amounts of money. It was alleged that around 50 local youths facilitated dumping of the ash for Bhusan Steel in these forestlands, and many of them now oppose the same dumping. Apart from the dumping of the ash, two roads (one km long and 20 feet wide) have been constructed within the forest by clearing the trees. So the loss of forest has been huge and has affected the practices of Community Forest Management in the village adversely, said

Mr. Bhaktaram Bhoi, president of the Village Forest Committee. Although most of the land is covered with trees, but plot No 441 and 2205 are of Revenue Jungle Kisam land.

The proposed coal mining project of MCL in the community protected forest area will destroy the local ecology. Annual production capacity (normative) of the project is 20.0 Million Tons per Year and peak is 23.0 mty. The life of the mine is 34 years including a two-year construction period. Land requirement for Talabira OCP II and III is a total of 1926 hectare including 729.15 hectare of forest land.

Filed-level assessments revealed that standing trees in an area of 46 acres in plot no 453 were being marked for felling. Since this kisam of the land is not forest and is of Patitkisam, so by holding joint verification of Revenue and Forest Department, the standing trees will be felled and the compensation amount of standing trees would have to be paid to the forest department and the cost of the land would be paid to the revenue department, said an MCL official who is looking into the process of land acquisition. On enquiring about the implementation of the Forest Rights Act, the local people said “we are not at all aware of such a law. No Forest Rights Committee had been constituted. As MCL is a state enterprise, and therefore, a state entity, it can acquire land for mining

¹⁶Following are the plot details inside forest where the ash were dumped: Plot no 441(khata no – 211) - 13acre 30decimel- (Kisam-Badajungle); Plot no-2205-(khata no-211)-50 Acre (Kisam-Patra Jungle); Plot no 453(khata-214) - 46.92 acre (Kisam- Patit); Plot no 2195(Khata-214) - 123 Acre (Kisam-Patit).

purposes under The Coal Bearing Areas Act 1957. Articles 8 (objections to acquisition), Article 13 (Compensation for prospecting licenses ceasing to have effect, rights under mining leases being acquired etc.), Article 14 (Method of compensation) and article 17 (Payment of Compensation) only address individuals who hold former lease rights to the land being acquired. The FRA overrules all pre-existing laws and under section 4(5) the villagers of Talabira cannot be evicted till the forest rights recognition and verification process is complete. In addition, according to the SLAO (Special Land Acquisition Officer), Mr. Ashok Singh, resettlement land has already been allocated for these communities. The Rehabilitation Periphery Development Advisory Committee (RPDAC) was recently constituted and is due to approve a resettlement plan for Talabira, which was drawn up without the community's involvement.

FRA and the case of Talabira

The implementation process of the FRA in Talabira are conspicuous by their absence. However, there are two options for Talabira residents that need to be immediately looked into:

- If they have been living on this land for more than 30 years and have documentary evidence, then they can demand formalisation of their land ownership by the revenue department. If they have formal land ownership, they can object to this land acquisition process and will have to be compensated according to

article 8, 13, 14 and 17 of the Coal Bearing Areas Act, 1957.

- Mundapada hamlet has 120 ST households living in it and falls under the category of forestland. The residents of this community can invoke the Forest Rights Act, both for individual and community forest resource rights. This process could arguably stop MCL's land acquisition.

Case Study VII: Purunakhinda

Sambalpur is home to the world's largest earthen dam, Hirakud. The district has one of the largest forest covers in Odisha. It is also host to some of the biggest mining projects by companies such as Mahanadi Coalfields Limited (MCL), Aditya Alumina, Nalco and Jindal Steel. The combination of large forest areas, a big dam and numerous mining projects have led to a history of displacements, environmental degradation, loss of livelihoods and land, and patchy economic growth.

Puranakhinde has a special history as it is located on land that was granted as Maphi (rent free) land to the great freedom fighter Veer Surendra Sai. However, now it is enveloped by the stench of coal, soot and pollution. It is difficult to breathe in this village and the surrounding forest area is heavily degraded, marked by numerous dying trees. Composed of 100 households, 80 tribal and the rest OBC and SC, Puranakhinde has faced a difficult history. Families in this village were first displaced in 1957, when the Hirakud dam

was being built. They lost all their land and were forced to migrate. The Purnakinda settlement is not on Jungle Kisam land. As they did not receive resettlement packages at that time, they consider themselves to be landless. In the nearby village of Nuakhinde, the residents were also displaced in 1957; community members have filed IFR claims, but these are yet to be processed. In 2004, the Rengali block administration gave notice that Nuakhinde residents would receive formal pattas. However, this notice was not followed up with action. Lack of political will and a resistant district administration led to no results, with Puranakhinde residents landless even now.

In 2008, MCL acquired land in this area and started mining. According to community members, land acquisition took place without proper notification or village-level consultation. The compensation, training and employment opportunities that were offered by MCL, were granted only partially or not at all. Displacement and mining has had a disastrous effect on the livelihoods of Puranakhinde residents. Before displacement due to the dam, community members used to be farmers, some worked as wage labourers, whereas others were involved in tendupatta collection or beedi making. After mining started in this area, livelihood options for Puranakhinde community members were further reduced, as fishing areas became too polluted and forestland became degraded. Some residents now extract coal and sell it.

The FRA in Puranakhinde

Even though the FRA could be implemented in this area, as there are tribal community members and much of the land falls under the category of forest land, there has been no attempt made by the district administration to raise awareness about the FRA or even constitute an FRC. Mining companies have been allegedly lodging cases against those community members who have tried to use the FRA or other legal tools for gaining property rights. Unified views in the community also do not exist. Some have become agents for outsiders, exploiting their own community. Others support the growth of the mining industry. The rate at which mining companies have already acquired land in this area and are attempting to acquire more land, gives little hope for successful implementation of the FRA.

Land still remains a critical livelihoods issue for the villagers. After a discussion with the Collector of Sambalpur about the landless status of Puranakhinde residents, it was suggested that unused land of the department of water resource in the dam area should be granted to them. When the dam was first built, land was allotted to the water resource department up to RL 632. However it is only being used up to RL 628. This leaves enough leftover land, which could be used for other purposes. It is also important to note that the current district administration is heavily focusing on individual rights, rather than community rights. No CFR titles in the true sense (based

on delineation of customary boundaries by Gram Sabhas) have been issued in Sambalpur district till now.

Action taken and developments as a part of the research process regarding Talabira, Khinda and Patrapalli

The research team met the Sambalpur Collector regarding the matter; he had promised that necessary action would be taken for the recognition of IFR claims for Mundapada (Khinda) a tribal hamlet. But they have been given only four decimils of homestead land per family and their IFR claims have not been recognised properly yet. We discussed the issue of claims under the FRA for these villages with the collector; we were told that for him IFR claims are a priority but not CFR claims. .

The residents of Patrapalli had petitioned Secretary, MoTA, regarding their claims made under the FRA. Even after this, CFR claims are yet to be recognised. They have also petitioned the Collector and have sat on dharnas in front of the district Collectorate. A well-attended public meeting organised by social activists took place in Talabira in 2014, and representatives from more than a dozen villages participated in this meeting. The people from Patrapalli also met the Secretary, MoTA in person in a consultation organised by Vasundhara in 2014, and handed over a petition with their grievances regarding the implementation of FRA in their village. Through the initiative of local people of Patrapalli, Khinda and Talabira, a case is to be filed with the National Green Tribunal (NGT) for Talabira I, II, and III coal blocks.

C) Oustees from Protected Areas and the Forest Rights Act

Odisha has 18 wildlife sanctuaries, three national parks, two tiger reserves (Similipal and Satakosia) and one biosphere reserve (Similipal biosphere reserve). Increasingly the millennia old co-habitation that characterised the relationship between human beings and wildlife in Odisha is coming to be unravelled. Rapid (and often unregulated) development, pressures of an ever-growing population, and growth of an international market for wildlife 'products' have all been playing a part in this process of unravelling. One way the government has responded to the challenge of human pressure on wildlife habitats is by relocating all, predominantly tribal, communities living in the core areas of protected areas. This is despite the fact that both the FRA and the amended Wildlife Protection Act permit such relocation only from areas where it has been established that co-existence will lead to irreparable damage and only after meeting other conditions specified in both the laws.

In Odisha, nowhere is this process more evident than in the Northern district of Mayurbhanj; the district is the home of the largest protected area in the state of Odisha, Similipal, which is also a tiger reserve. But the forests of Similipal also have had human habitations deep in the woods since time immemorial, and people have battled all odds to call the forests their own. The forests have provided them with sustenance over all these years. A large number of the communities living in Similipal belong to what the government calls 'Particularly Vulnerable Tribal Groups'

(PVTGs). These groups include tribes such as the Mankidia and non-nomadic tribes such as the Khadia. Considered to be a PVTG, the Mankidia are a nomadic tribe. They have been traditionally living in areas that are now part of the Similipal Tiger Reserve. They are nomadic in nature, as they usually do not stay at a permanent site, but change their location according to season and availability of non-timber forest products (NTFPs). Low levels of literacy and other poor wellbeing criteria are observed among them.

The changing times have, however, not favoured harmonious relationships between the forest, the people and the wildlife. Discussions surrounding the issues of man-animal conflict, pressure on forest resources, lack of health care and education have become intense in the recent years. Given this background, the district has had a complicated history in implementing the FRA. Mayurbhanj is a good example of a district, where the process of implementing the FRA was initially inadequate, but where it is now being implemented, or in some cases being re-implemented, systematically according to the 2012 amended FRA rules.

Many PVTGs in Mayurbhanj were relocated by the state government from the Similipal Tiger Reserve (STR) in permanent colonies run by the Integrated Tribal Development Agency (ITDA), purportedly to improve their overall livelihood, to apparently discourage their custom of killing monkeys, as well as to decrease their use of Siali which is an important source of food for the elephants. Most of these relocations occurred in the late 1980s and the early 1990s,

often with unforeseen and negative consequences for the affected communities.

The Kolhas of Jenabil were shifted in 2010 and the latest relocation has been that of the Khadias of Upper Barakhemunda and Bahaghara to Asankudar in December 2013, all these after the FRA had come into force. Similar relocations have taken place in these years involving mostly the Khadias. It has been more than twenty years since the first relocation, and proper resettlement and rehabilitation of the relocated people is yet to take place in a satisfactory manner.

The government seems to have learnt very little from the Banbasa experience when it undertook the relocation of 61 Kolha families of Jenabil in 2010. The forest dwelling PVTG was relocated in an area with no forests within a radius of 15 kilometers and the only available shelter being a tin-roofed shed. Again, there were no livelihood options provided in the new location. In violation of the FRA, the rights of the people were also not recognised before the relocation. However during recent relocations, people were given the choice between two options: the first being cash compensation of rupees ten lakhs per household; and the second option being agricultural land with other basic infrastructure. Around 40 families have opted for the monetary compensation while the rest opted for agricultural land. Both the options have exposed the vulnerable tribals to exploitation by touts, fixers, and crooks of the vicinity. Some of the settlers have been eventually forced to buy highly overpriced agricultural land to sustain their livelihoods.

Case Study VIII: Displacement from Similipal in Mayurbhanj

As the above discussion reveals, the government seems to be trying to learn from its experiences of relocation, resettlement and rehabilitation of PVTGs and other tribals from the core areas of the Similipal Sanctuary. But its good intentions are not getting translated into action on the ground because of various reasons. A brief discussion of three relevant instances of relocations follows, to provide relevant details of the issues involved in such processes.

Banabasa

Around 1994, the Khadias of Jenabil and Kabathai, both villages in the core area of STR, were moved to Banbasa located near the host village of Kapanda in Jashipur. The people were relocated to Banbasa with absolutely no amenities in place there. They were given meagre compensation of Rs. 6000 and the site of relocation had no accessible and usable forests in the vicinity. Apart from this, each family was provided with homestead land of four dicimiles and a small house with one room and a verandah. The permanent title to these homestead plots were issued by the tehsil office at Karanjia, although now the village falls under the jurisdiction of the Jashipur Tehsil office.

At the time of the relocation, the Khadias from Kabatghai and Jamuna were in the process of converting some forest land into agricultural plots for the purposes of subsistence

farming near the villages of Kasra and Barigaon (located around 25 kilometers away from Banbasa) because the people wanted to be close to the forest. Forty-five Khadia families were relocated with the promise of access to better schools, education, livelihoods, a house, and farm land. They were also promised cessation of harassment by forest department officials. But their relocation process was traumatic; many villagers alleged that their original homes inside the core area of the Similipal Sanctuary were destroyed by government officials.

The new settlement at Banbasa offered very limited livelihood opportunities for the forest dependent Khadias which forced them to seek a return to the forests of Similipal. Thirty of the relocated families shifted yet again to other villages such as Khejuri, Ramdiha and Barigaon inside the STR. The fifteen families, which remained at Banabasa have now increased to forty-five. Agricultural land, which was promised to them by the government was never provided, despite numerous attempts by the residents to get it.

Most people in the village have job cards under MNREGA; the MNREGA works sometimes provide livelihood options for the people. Despite the MNREGA, various development programmes, and occasional road construction work for the government, livelihood options have dwindled as the forest is far away. The villagers do not get the minimum wage; the going wage is 100 rupees with lunch for eight hours of work. The PDS, as reported by community members, seems to be working properly. They do not have any access to land;

hence even though various government departments have supplied saplings of many varieties of fruit bearing trees to them, the villagers have no land to plant them on.

The Khadias of Banbasa move to the forests located some distance away for a few days every now and then to collect forest produce such as honey, sal leaves, jhuna and different types of roots such as marika to sustain themselves. In 2015, honey fetches them 150 rupees per kilo. Now collection of kendu leaves has become a major source of livelihoods for them. It is unfortunate that a community with a development authority instituted specifically for its welfare and empowerment (the Khadia Mankdia Development Authority) are leading such appalling lives.

Before their relocation, and creation of the Similipal Wildlife Sanctuary and Tiger Reserve, they had few problems with NTFP collection, and had a working relationship with forest guards on the ground. Community members clarified that at that time, TDCC (Tribal Development Cooperative Cooperation) and OFDC (Odisha Forest Development Corporation) collected NTFPs from within their villages. The Khadias had a symbiotic relationship with the forests which changed drastically after the declaration of the sanctuary because of the imposition of restrictions. However, post-relocation, their relationship with forest guards and foresters is tense as they try to restrict them from entering the forest area. In fact, one of the residents lamented that their overall livelihood status would be better if such restrictions were lifted

or if “ID cards” to the forest were issued to them, allowing them free access to the areas they used to inhabit. Before relocation, they were able to harvest better quality wood for domestic usage; now access to such timber is very difficult.

The FRA in Banabasa

The people at Banabasa received a CFR title (serial number 10/2009) in the year 2009 for 1550.36 hectares of land on the Similipal Reserve Forest issued in the names of Naba Dehury and 40 other villagers from Kapanda (the revenue village of which Banabasa is a part). Community members do not know about the FRA. A resident of Kendumundi exclaimed: “Tato-Kaliani, this is till where we have the CFR area, given by the government. But Tato area is not in the forest, what on earth will we bring/collect from there? What we used to access before, we are accessing it now. When the CFR title was given to us, the forest department told us that this part of the forest has been given to you and is yours and you can go and collect in it what you want. But since Tato has very little forest cover and people are living there, what will we collect there? There is some forest in the Kaliani area, but it does not fulfill our livelihood needs, so we continue to access the forest area we used to access before.”

In addition, 12 families have been given solar powered electricity panels and 10 families have been given baby roosters to raise when the total number of families in the settlement is 45. Such half-hearted attempts will not stop them from going back to the jungle, they say. Despite the situation in Banabasa,

Mayurbhanj seems to be turning a new leaf, based on a strong FRA implementation strategy spearheaded by the new District Collector. In the past, the WEO (Welfare Extension Officer) was responsible for organising and coordinating the FRA claims and verification process. However, this would often result in members of the forest and revenue departments not being present for the verification. The claims and verification process is now being led by the Tehsildar's office at the block level, resulting in increased collaboration across departments and in a longer, more in-depth process. This is as a result of the personal initiative of the collector; this is strictly not according to the rules of the FRA.

Ambadiha

In 2010, the wildlife authorities displaced 70 tribal families of the Kolha community (the official record says 61 families) from Jenabil, a village located in the core area of the Similipal Tiger Reserve in Mayurbhanj to Ambadiha.

Ambadiha is a village in Udala block of Mayurbhanj district where families were relocated from Similipal tiger reserve. Ambadiha is a locale of biting heat, dust, and, for miles together, there is no sighting of the colour green. When initially relocated, there was just a long shiny tin shed divided into about a dozen tiny compartments that from a distance looked like a modern day cattle-shed. It is hard to imagine how anyone would manage to live through the piercing tropical summer heat in this tin oven. Even harder to imagine is that folk who have lived in an evergreen rainforest for generations would survive in this heat chamber.

But indigenous folk have survival skills, and, the tin shed has been extended with a green shade, a roof made of leaves under which the displaced villagers sat and chatted. The questions as to why and how they were removed from Jenabil evoked several angry and mixed reactions. Nobody said they had happily moved out. Rather people said forest officers and the police would regularly visit villages in Similipal and book innocent tribals on false cases for sheltering alleged Maoists. The Similipal forest is supposedly a safe haven for the armed guerrillas belonging to the banned CPI-Maoist party who last year had attacked forest guards and tourists in the forest. The villagers were threatened that the menfolk would be arrested if they did not agree to move out of the core area.

The dejection and fear among the displaced families was apparently not a new one. Life in the Similipal Sanctuary area was full of strict restrictions by the wildlife department. There were restrictions on collecting and selling forest produce and on free movement in the jungle. There were no healthcare and education facilities. Every moment their basic human rights were being violated, and they were denied a life of dignity. Despite these repressive conditions, they had abided to all these unlawful restrictions all these years because for them the forest was their home.

Fear and coercion of the forest department and the police was balanced with the promise of a better tomorrow. People were shown a pretty picture of Ambadiha where they were promised all the facilities and comforts which they did not

have in their villages like power and water supply, health and education facilities *etc.* The rehabilitation package verbally promised by the Project Tiger authorities to each displaced family was farm land, land to build houses and monetary compensation in total amounting to Rs. 10 lakhs. The district Collector promised to provide cooked food for two months. Water facility from the river through a lift point was promised. Every displaced family was promised an allowance of Rs. 2000/- for a period of time.

But rude awakenings came in early. The displaced were distressed not to see a single tree or a stray bush in the vicinity. They said that back in Jenabil, around this time of the year, the jungle and natural streams gave them an extremely cool and comfortable environment unlike Ambadiha. The Project Tiger authorities stopped providing cooked food after eight days of doing so. Also, there was just one water tanker provided everyday which was just enough for their drinking water needs. Many had fallen ill, especially the elderly and the children. The tin sheds were unbearable. But the villagers were unable to start constructing their houses as the Project Tiger authorities were not allowing them to get their old wood from Jenabil.

The displaced villagers are essentially farmers with secondary reliance on forest produce. On both counts it seems unlikely that they will be able to make a living in Ambadiha. Land has been demarcated for them to cultivate. But it is yet to be formally handed over to the displaced. Even if it were done immediately it will be of little use, as there is no irrigation facility available for the land earmarked for them. The closest

forest from the resettled colony is 15 kilometres away which is being protected by another village. It is not possible for these displaced people to have access to this jungle even for collecting fuelwood. The only option that remains is daily wage labour in MNREGA schemes. If that does not work out, then the last option is to end up as migrant labour.

The FRA in Ambadiha

The displacement of the Jenabil tribals is a blatant violation of the Forest Rights Act, 2006, and of the Wildlife (Protection) Amendment Act, 2006. Both Acts permit modification of rights recognised under the FRA only from Critical Wildlife or Tiger Habitats and only after a number of conditions have been satisfied, including completion of the rights recognition process. Another condition is that the state authorities have established that coexistence is not possible as it could lead to irreversible damage to the existence of wildlife species and their habitats. Both these conditions were violated in Jenabil's case. Further, in case relocation is considered essential, section 4 (2)((d) of the Forest Rights Act 2006 requires that:

A resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the central government;

Section 4 (2)(e) requires that *The free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and the package has been obtained in writing* and, under

Section 4(2)(f) *No resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package*

The Wildlife (Protection) Amendment Act 2006 has almost identical conditions for relocation from the core areas of tiger reserves. Section 38 (V) 5 (vi) of Wildlife (Protection) Amendment Act 2006 also provides that

The facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

At a more general level, the Section 38 (V) 4 of the Act provides that:

Subject to the provisions contained in this Act, the State government shall while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

During interactions with various government departments, they claimed having evidence of Jenabil's gram sabha giving its consent for relocation while the villagers denied having done so. On the contrary, they claimed having been coerced into relocation under threats of being imprisoned as 'maoists' if they refused to move.

The sub-collector said that land has been demarcated for the displaced, but allocation will take some more time. Houses were not built prior to relocation, rather a temporary shed-

like arrangement was provided. This arrangement was in gross violation of the provisions of both the Acts.

At a more general level, Section 4(5) of the Forest Rights Act 2006 provides that:

Save as otherwise provided, no member of the forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from the forestland under his occupation till the recognition and the verification procedure is complete.

There are a large number of cases where forest officials have turned down FRA claims saying they are not applicable in wildlife sanctuaries and national parks/tiger reserves. In Similipal the forest department went a step ahead and barred NGOs and other organisations from assisting the tribals of Jenabil to file their FRA claims. The Village Level Worker (VLW) once managed to give the claim forms to the villagers but later there was no proper follow up. Hence, there was no verification and recognition of rights prior to the displacement of the tribals which is a clear violation of the FRA.

The villagers still possess some 30 varieties of indigenous seeds, pulses, millets, crops, vegetables, and roots. It was evident that it would be very difficult to practice the same kind of farming that they used to do earlier. At the time of the year when they were relocated, they could have prepared for a second crop on their land. So, they were not only left jobless, but had also lost the season's harvest. It was clear that the Project Tiger authorities had not provided the basic amenities required before relocating the tribal families of Jenabil to Ambadiha.

The displaced from Jenabil have as new neighbours those who were once their old neighbours belonging to tribal families (twenty three families from the Bathuri community from Jenabil, and eight families from the Kharia community from Kabataghai) displaced in 1998 from the same Similipal core area and settled here. They are not at all surprised to hear the tall claims and hollow promises that the government did not fulfill before displacing the families from Jenabil. They had faced the same problems, the same disappointments and disenchantment twelve years back.

The forest department and the block administration in Udala say that it is the responsibility of the Director, Project Tiger, to look into all the problems and promises of the displaced. Since the resettled colony lies in their administration, they were trying to provide whatever facilities they could. In a meeting with the then Forest Secretary U.N. Behera, the Vasundhara team shared the findings from the visit to Ambadiha, and highlighted the violations of the two laws including the FRA by the Project Tiger authorities during the relocation process. It also acquainted the secretary with the difficulties faced by the displaced relocated in Ambadiha. He promised that the FRA and WPAA (Wildlife Protection Amendment Act) 2002 will be followed properly from then on.

Asankudar

The government, given its history of imperfect relocation policies and practices, has had a very difficult task during the relocation of Khadias of Upper Barakhemunda and Bahaghara

from Similipal Tiger Reserve in Mayurbhanj. The host village of Asankudar has been chosen for the relocation of 34 Khadia families. Asankudar is a village located at a distance of around 13 kilometers from the block headquarters of Thakurmunda. The government had selected two locations in Thakurmunda block for relocation: one near the host village of Hatiguda and the other near Asankudar. The guiding criteria for selection were availability of homestead land, proximity to schools and healthcare facilities and other basic amenities. People chose Asankudar as it was relatively closer to the forest.

The villagers said they were forced out of their houses in Bahaghara and Upper Barakhemunda through the use of threats and deceit. The women had just got the year's produce of palua and had not processed it yet. After a lot of convincing, the government agreed to give them 15 days' time. In the first month after relocation, people were provided with food by the administration after which they fended for themselves by taking help from the host village.

But people have faith in the administration and maintain that since the government has assured them of land they will get it. However during our discussions with the government officials it was clear that they have not found any suitable patch of land which can be provided to the relocated villagers. The families have been given 10 decimile each of homestead land and compensation of Rs. 10 lakhs each. Of the money allocated for compensation, people are meant to utilise close to Rs. 1.5 lakhs as relocation expenses. The remaining 8.5 lakhs have been put in fixed deposits in the Thakurmunda

branch of Bank of India in the names of the beneficiaries. The monthly interest on this amount is around 6000 rupees, which is used by the people for their day-to-day expenses. Before relocation, their livelihood depended completely on forest produce like honey, lac, palua etc.; they have had no dependence on agriculture.

The Khadias were relocated to Asankudar in December 2013. They were promised that pukka houses with basic facilities would be ready before the shift. Instead when they arrived, there was nothing except a few tarpaulin sheets to be used for temporary shelter. The people had to make do in these arrangements for over seven to eight months. The government paid no heed to their umpteen pleas for houses. The people also met the then collector regarding this matter. It was only after the monsoon waters and people's patience overflowed that the one-room houses were constructed. The government built these houses under the 'Mo Kudia' scheme for the people almost eight months after the relocation. Each family has been given homestead land of 10 decimels on which the houses now stand.

The Asankudar village does not have any surplus agricultural land that could be given to the new settlers for farming. In the previous year, some of the families have worked on the agricultural land of the host village as share croppers. The displaced Khadias were provided with basic training and seeds by the government; they have had to learn the basics of farming from a scratch as they had no knowledge of agriculture. Despite the odds, the harvest has been good enough to encourage them

to take up agriculture as a livelihood option. They have pinned their hopes on the government's promise of providing them with agricultural land in the vicinity. Irrigation is dependent on the canal that passes beside the village; however, in the summer, the water in the canal is not sufficient even for bathing and cleaning purposes. There is a proposal to revive the village tanks. The excavation and desilting of the tanks are underway, and this could go a long way in solving the water woes of the village. The Khadias are not known for doing laborious activities; the relocation has however forced them into agriculture and MNREGA works which are physically strenuous. It remains to be seen how viable these livelihood means are for them in the long run. In discussions with the researchers, the BDO of Thakurmunda touched upon these issues and added that his administration is doing the best they can.

The Khadias are a fun loving community. They find happiness in the little things of life. After talking with us for a little over an hour, Suna Phula, one of the outgoing Khadias invited us to the Punai Parab! The people have fond memories of Sarojraj Choudhury. Sarojraj Choudhury was the first director of Project Tiger in Similipal Tiger Reserve. The houses they lived in at Upper Barakhemunda and Bahaghara were built during his time in the office. They remember him for taking care to protect their village from elephants by building trenches. The people had lived in the lap of nature for so long. They said of the many problems they face in the new village is that of heat; "We used to live by the same stream the elephants drank water from. Our houses in the village never

felt so hot even in the peak of summer.” Despite their troubles, they are trying to see the positives of the relocation in the form of better education for their children. When asked what benefits education can bring, they replied, “The government has told education leads to jobs” and “Our children would be able to read the signage on the road!” Education can truly bring about many positive changes in the lives of these people and make them less vulnerable to exploitation.

The relocated families are almost completely non-literate. The schools were located far from Bahaghara and Upper Barakhemunda and the children of these communities had never been to school. After relocation to Asankudar the children who were of school going age were identified and in the first year 12 children were enrolled in the neighbouring schools at Hatiguda and Angarapadar; the latter is a residential school. In the current academic year eight more children have been enrolled in these two schools. An Anganwadi centre has been opened for the younger children. Some of the children of the host village also attend this Anganwadi. The building for the Anganwadi centre is under construction.

The people depend on only one narrow stream of canal water that dries up in the summer months. The government has dug two bore-wells that are the primary source of drinking water. The half-excavated tank is not of any use. The government has only provided solar-enabled street lights to the relocated community. The host village has an electricity connection. But the Khadias are not connected to the grid. The government must connect the Khadias to the electricity grid as well.

The FRA in Asankudar

The FRA has been implemented to some extent in the region. Of the 154 villages of the Thakurmunda block, CFR is in process for 148 villages. Out of the remaining six villages, four are uninhabited while there are disputes regarding the CFR claims of the remaining two. The individual claims of 128 persons have been recognised. The number of IFRs is relatively low because the relevant land is currently classified as revenue land and not as forest land. Therefore, the relevant government officials are of the view that the rights over these lands should be recognised not under the FRA but through the OGLSA. In the discussions with the officials, the researchers mentioned that the circular by the Revenue Secretary, Government of Odisha, has clarified that recognition of forest rights on this land can also be done under the FRA.

The government has recognised individual rights for the homestead lands of the Khadias relocated at Asankudar under the FRA. The resettlement of Khadias at Asankudar is projected by the government as a model relocation. The minimal facilities provided to the people are definitely an improvement from the past. However the government must learn to treat the tribal groups in a just manner.

Asankudar village is located on the periphery of the forest; male members of the villages often go into the forest to collect some minor forest produce. However they do not venture far into the forest and generally return by night; therefore

the collection of produce is not of much quantity. The government has initiated a Minimum Support Price scheme for 10 Minor Forest Produce including honey, sal leaves etc. which guarantees a base price below which they should not be sold. However the people have no awareness of this scheme and are underselling the little produce they collect like honey. In fact the host village is also not aware of Minimum Support Price guidelines for Non Timber Forest Produce and is selling Sal Leaf plates at almost half the minimum support price.

Action taken and developments as a part of the research process in Similipal Sanctuary, Mayurbhanj

A visit to Banabasa took place in April 2015 as a part of this study. The Kharias of Banbasa constitute a case of pre-2006 displaced (having been relocated in 1994) Particularly Vulnerable Tribal Group. After being relocated from the core area of Similipal Tiger Reserve, this community of Kharias has been facing multiple problems surrounding land rights, livelihoods, health and education. Following this field visit, we prepared a note, and shared it with the Collector of Mayurbhanj.

After our interactions with the Collector, a Special Officer has been deputed by him to look into the issues in Banabasa. Discussion has taken place with the Land Acquisition Officer; he has promised us information about the compensation package given to the Kharias of Banabasa. After our discussions with him, the Special Officer, Lodha Development Authority has promised allotment of agricultural land for the

displaced of Banabasa. He has also conducted a field visit with the Special Officer, Mankadia-Khadia Development Authority, to assess the situation on the ground.

The Mankadias of Kendumundi in Karanjia block and from Durdura in Jashipur block (both in Mayurbhanj) constitute a similar case with the difference that they are a nomadic community. After their relocation, they have also faced severe disruptions in their livelihoods pattern, and have started becoming a part of the nation-wide stream of distress migration.

After our advocacy work with the Collector of Mayurbhanj, he has taken the matter very seriously, and is keen to ensure the rights of those displaced from the Similipal Tiger Reserve. He has promised field visits to assess the condition of these people, and plans to take all possible actions to improve their condition. In Asankudar, the local administration has initiated action on the MSP issue, after our advocacy efforts.

We also met Ms. Sarojini Hembram, M.P. Rajyasabha from Odisha, for providing feedback to her in her capacity as a member of the Parliament's 'Standing Committee on Social Justice and Empowerment'. The meeting took place broadly regarding the issue of displacement both as related to FRA and as a general issue. Information under the questionnaire sent by the Standing Committee to MoTA was provided to the MP. The issue of tribal communities that have not been put under the schedule such as tea tribes of Assam and some tribes in Odisha was discussed. Integrated development of tribals, development that is sensitive to tribal culture, and the

necessity of the government machinery being sensitive to the specificities of tribal culture were also discussed. FRA and the issue of 75 years' residence for OTFDs for being eligible for making claims was also discussed with the MP. The possible uses of the FRA for obtaining the rights of the displaced was discussed. The MP committed to make specific interventions in certain districts through the district administration. The cases of the displaced PVTGs in Similipal in Banabasa (displaced in 1994), Jenabil, and Asankudar together with the proposed displacement from Jamuna to Nabra in Udala block was also discussed. In the present context the community that is supposed to be displaced has CFR titles over nearly 400 acres of land. It is unlikely that they will be able to get CFR titles over forest land in Nabra. It is also not very clear how the government proposes to restore their livelihood in Nabra after their proposed resettlement.

The MP was keen to involve tribals in the protection of Similipal. It was shared with the MP that rubber plantations have not worked in Mayurbhanj. She agreed that promoting traditional crops (such as pâlua) and enhancing forest based livelihoods (e.g. through plantations of local trees such as Kusum to cultivate lac) will work better in sustaining livelihoods of tribals. She proposed visits to the settlements of the displaced from Similipal, especially to Asankudar. She also feels that providing agricultural land to the PVTGs, especially in Asankudar should be a priority for the district administration, and has promised to work towards the same.

D) Displacement due to Thermal Power Plants and the Forest Rights Act, 2006

The human tragedy of displacement in Odisha has also been tied to the political economy of industrialisation, primarily through heavy industries based on minerals. In fact, for the longest period of time, elections in the state used to be fought on the promises of a 'second steel plant', the first one being the Rourkela Steel Plant. After the first phase of industrialisation following the first three decades after independence that was primarily driven by the public sector, the last three decades have seen the private sector making significant inroads into the heavy industries space in Odisha. The district of Jharsuguda in Western Odisha has been a centre of this private sector led industrialisation in the state. A lot of land has been acquired in the district for setting up various industries. According to government sources, there are 11 medium and large-scale industries and over 25 mineral leases in the district¹⁷. The mantra 'industry leads to development' of the government is constantly encouraging companies to explore this region.

Case Study IX: The Ind-Bharath Power Plant in Sahajbahal and Kurmimal

Ind-Barath Energy (Uktal) Ltd. is one of the many companies that have been set up recently in the district of Jharsuguda. This company has proposed to set up a 2X350 MW coal-

¹⁷<http://jharsuguda.nic.in/home.htm>

based thermal power plant at Sahajbahal village of Lakhanpur block in Jharsuguda district. The ashpond of the proposed power plant is proposed to be located in the nearby village of Kurmimal.

Sahajbahal is a village of around 85 families of which the majority belong to the scheduled castes and the scheduled tribes. Of the 85 families, around 50 have shifted closer to the forest. The main village could not accommodate the growing population, so these families cleared a patch of their village forest and moved there. They have continued living here for the last 60 to 70 years. However, they are considered very much a part of the main village. Forest has been a vital source of livelihood, along with agriculture.

Kurmimal is a relatively new village located near Sahajbahal. It has a population of around 82 families most of whom have been living here only since the last two or three generations. The villagers resettled here after their original villages, Rampela and Dihupara, were acquired for the Hirakud Project.

System of Forest Protection in Sahajbahal

Sahajbahal has a unique yet unfortunate story of community forestry to tell of itself. Villagers have kept tab of the grain paid to the guards over all these years. These record books help us ascertain their long association with the forest. The present records show that the forest of Lapanga in Sambalpur district has been protected since 1936, which is around eighty years. Sahajbahal beats Lapanga by a huge margin. The gramya jungle

(village forest), named Dumdumi, covers an area of 86 acres; this patch of forest has been protected and managed so effectively that it survives even today. The forest was managed and protected by the villagers in their own way. Initially they paid the guard in terms of grain which was collected from each household. Each family contributed two khani (around 40 kgs) of grain per year, and the guard was paid five khani (100 kgs) per month. Later they themselves took turns in guarding the forest. This tradition has survived for nearly a hundred years.

Another unique feature of this forest is that all these years it has remained untouched from the Forest Department's interference. It must be noted here that a patch of land near their forest was cleared and villagers moved there sixty years back. They used the sal wood for constructing houses built then. This shows that the people depended on the forest and had the right to use it when and as needed. The thermal plant that has been set up by IndBarath threatens the existence of this very forest.

Land Acquisition, Resettlement and Rehabilitation in Sahajbahal

In Sahajbahal alone, the company has bought 450 acres of land. The majority of the land that IndBarath has acquired belonged to the gountia who readily agreed to sell it. After he sold his land the villagers had little option. The others in the village owned very little land in comparison which forced them into selling it. Sahajbahal is merely ten kilometers away from the Ib Thermal Power Plant. People have seen the horrors of industrialisation, loss of livelihood, pollution and displacement

from close quarters. So one expected them to protest against any company that wanted their land, and they expressed their plight with a very simple metaphor. “The axe, they said, is nothing when we just look at the iron edge and wooden handle separately. The wood that goes into the axe comes from the forest, and it is the same wood when attached to a sharpened iron ultimately ends up cutting the forest which gave it life. Similarly the zamindar came from the same people, however when he got the support of the company (the sharpened iron) he ended up destroying the very people (forest) who had supported him.”

The company, as of now, says the land it has acquired does not include forestland. But in a shocking revelation, some government officials claim that the company has acquired over 200 acres of forestland illegally. When asked about what they thought their future would be after the company starts functioning, villagers said that they could still stay in the village as promised by IndBarath, but in a tone which was far from convincing. If one paid more attention, one could hear the unsaid fear and the desperate hope for their belief to be true. However, in other parts of the village people were more vocal. They said, ‘company amar jagahke puratha kari ghinineiche, amku ta jibarke hein padba inu’ - meaning ‘the company has bought our land all around, we have no choice but to leave this place’.

Initially 240 hectares of land was proposed to be acquired, which was later increased to 290 hectares. The company has bought the required land in Sahajbahal, in Kurmimal and in a few other adjoining villages. The company’s land requirements are as follows:

Sl. No.	Particulars	Area(Ha)
A.	Main Power Plant	
1.	Plant	36.0
2	Coal handling system including Railway Marshalling yard	60.0
3	Water system	22.0
4	Road	8.0
5	Misc. storage yard	24.0
6	Ash handling system	2.5
	Sub-total	152.5
B.	Green belt for Power plant and ash pond area	57.5
C.	Ash pond	20
D.	Township	10
	Total	240

Source: Environment Impact Assessment and Environment Management Plan of IBEUL, January 2009

The particulars of the land use pattern in the acquired area, as claimed by the company, are given in the following table:

Sl. No.	Particulars	Area (ha.)	
		Government	Private
1	Agriculture		
	Irrigated	-	0.0
	Unirrigated	-	192.53
2	Homestead	-	0.8
3	Fallow	30	-
4	Others	16.67	-
Sub-Total	46.67	193.33	
Total			240

Source: Environment Impact Assessment and Environment Management Plan of IBEUL, January 2009

Land acquisition has been done very tactfully in this village. Majority of those displaced are tribals whose land cannot be bought by a non-tribal as per the law. But the company has successfully acquired many acres of tribal land. How has this been done? Is the district administration aware of it? These are few of the questions which have no answers as of now. Majority of the villagers need to give their consent before the company is allowed to acquire land. Keeping this in sight, the company has been paying cash to all the villagers so that at no point of time they act against its interests. The company has been paying each villager money (3000 rupees per month to each male senior citizen and 5000 rupees to the young who are eligible to work) as ‘compensation’ till it offers them jobs. So, one way to look at this would be that the company is paying the villagers for doing nothing, thus literally buying them each day. IndBarath has also assured them that they will not be displaced, but on the other hand construction of the resettlement houses is going on in full swing. The villagers of a displaced hamlet have already refused to stay in those houses and just one look at them reveals why. Those tiny concrete structures can never appeal to the villagers who have lived all their lives amidst greenery.

Irregularities in Purchase Rate and Environmental Concerns in Sahajbahal

People had demanded that the company buy their land as per the prevailing rates in Jharsuguda. The company on its part had agreed that it will ‘pay well’ for the land it planned to acquire. However, it paid 160,000 rupees per acre which is

very little compared to the prevailing rates in the district. At some places the rate is as high as 70 lakhs per acre. Even though the company has paid Rs. 1.6 lakhs per acre, the sale has been registered at Rs. 80,000. When questioned in this regard, the company had vaguely explained that it is for the people's own good as in the future if any family member claims rights over this land, then they could show them that the land was sold at Rs. 80,000. But the real reason behind this is quite simple: the company has to pay less registration fees when officially it is bought at 80,000 rupees.

The land that the company has acquired for the construction of its ash pond is right next to the Hirakud Reservoir and very close to human settlement. One fails to understand how it received environmental clearance for the same. Most of the land that has been taken away by the company is fertile agricultural land, even though un-irrigated. Even though the government records list this land as 'un-irrigated', the presence of the vast Hirakud Reservoir does not necessitate irrigation in these parts.

Forests and the Livelihood Diversity in Sahajbahal

Forests have always been a source of livelihood in this village. The Char and Mahua trees have ensured that each individual earns 1500 to 2000 rupees each year from them. The annual oil requirements get fulfilled from Tol (Mahua seed) oil. The other forest produce include sal leaves and kendu leaves. The women, including elderly women, have been greatly empowered as they have been contributing financially to their families.

When a company like IndBarath takes away such a forest, it also takes away the independence and confidence of many women. Beedi making is also one of the occupations which provides income to many. Benachera (a type of scented root) also generates a lot of employment. Villagers dig up these roots, clean them and sell them at two rupees per bundle. In a day they earn close to two hundred rupees from this; some of them also make semi-finished products. These roots are used in coolers and for window curtains. However the quantity of Benachera available has drastically reduced since the advent of the Ib Thermal Project. One of the villagers noted that even in his father's time the forest generated income. He said in those days one kg of char seed could be battered with enough salt which could last an entire year. Thus, the forest has always been a provider to the people.

The FRA in Sahajbahal

The district administration has not implemented the Forest Rights Act in this village even though there is so much of forest cover on which communities have depended since generations. Villagers had absolutely no idea of their rights under the FRA. Some said they have heard of something called FRA in one of their Panchayat meeting but nothing in that regard has been done by any officials. People have been staying in forestland for more than 75 years, so both the tribals and other traditional forest dwellers can claim their rights.

There are around 18 tribal families who have been cultivating the forestland occupying 50-60 acre of land in total. Almost all of them have encroachment cases filed against them which

is a primary evidence to claim title for the land under the FRA. Also the land where they are presently staying is forest kism land. So, titles for this land can also be claimed. CFR claim can also be made for their forest. How a private company has managed to procure land in a village where the process of recognition of forest rights is yet to be initiated under the FRA is a pertinent question. The SDLC officials had a different version to share. The officer claimed that the FRA implementation process in Lakhanpur block has been 'completed'. Regarding the case of Sahajbahal, he said that, 'it might be among those few villages we have missed'.

Kurmimal: a story of neglect

Of the 1800 families displaced from Rampela and 600 from Dihupara due to Hirakud, only 70 chose Kurmimal. The rest of the families were scattered in other places like the Rampela Camp, Chauladhipa, Rengali Station and Ganesh Nagar. The Rampela gountia, Satrugan Panda required manpower to cultivate his huge agricultural lands located in what is now Kurmimal. So, he made a tempting offer: he said that the people after getting displaced by the Hirakud Project need not get into any hassles; instead they could stay, and cultivate his land in Kurmimal.

This gesture of the gountia elevated him to a god-like status amongst the displaced. The villagers readily agreed to cultivate his land as sharecroppers. However it was a big mistake. The initiatives and efforts of Mr. Prasanna Panda, a widely loved communist leader (whose involvement in people's movements across Odisha is still fondly remembered), saw some of the

landless SC-ST families getting five acres of land each. He made it his lifelong mission to fight for the rights of the displaced. But none of the families of Kurmimal came forward with their demand. They kept waiting for the land to come to them, and it has been a long wait.

It is today, when the Kurmimal villagers are on the verge of getting displaced for the second time, they have begun to realise the mistake made back then. The land of the gountia which had been their source of livelihood is now the property of IndBarath. The present day family of the gountia gave in to the millions that were on offer with little thought for the plight of the hundreds who depended on those lands. So, today, the people of Kurmimal are not only landless but also jobless. This land will be used for the construction of the ash pond of the thermal plant of IndBarath to be set up in Sahajbahal.

With this purchase Kurmimal will soon become an island, isolated and cut off from the outside world. Presently the village is surrounded by the reservoir waters on three sides - that is on the north, on the south and on the east. On the west lies the only road that links it to the other villages. The agricultural fields on either side of the road belonged to the Rampela gountia. This is the land that the gountia's family has sold to the company. The total area is close to 150 acres of which 118 acres have been bought by IndBarath. Such is the location of the site that the villagers will be compelled to move out when the ash pond is built.

This strategy of the company serves many purposes with a single stroke. Villagers will be forced to move out on their

own, so the company would not have to bear the responsibility of relocation and resettlement. It gives the company more land for any future expansion which it will definitely need. The presently acquired land for the ash pond is very small for a 750-MW plant. The ash pond can be constructed without any environmental issues to take care of. Regulations do not permit constructing ash ponds within 500 meters of human settlement. The company has already started clearing the land. It looks like the construction of the ash pond is going to start very soon.

Kurmimal has been neglected since its inception, and it does not have proper provisions for water or electricity supply. There is no hospital or school in the vicinity. Even after 60 years of getting displaced, the villagers have not received compensation of any kind. Almost everybody is landless even though the officials claim otherwise. They said the villagers have been offered land under the Vasundhara scheme. But none of the locals knows where this land is located.

The other livelihood source has been fishing. Proximity to the Hirakud reservoir makes fishery a natural choice. But today this livelihood is also under threat. High levels of pollution have drastically reduced the quantity of fish in the reservoir. It goes without saying that the thermal plant of IndBarath will further reduce these numbers. The land acquired is just next to RL 632 which is a part of the reservoir according to the records of the Department of Water Resources. According to environmental laws, an ash pond cannot be constructed within a distance of 500 meters from a

water body and within a 500-meter radius of a human settlement. In case of IndBarath, both these provisions of the laws are being openly flouted.

The FRA and the land allotment process in Kurmimal

The government has many provisions to provide land to the landless tribals. But none of these provisions have been implemented in Kurmimal. The district administration's response on this matter is that 'the people have been allotted land under the Vasundhara scheme'. Vasundhara is a scheme of the Government of Odisha to provide house sites to homeless families.

However, only one villager Snehalata Bhoi, showed us her patta. But even she had no idea where this land is situated. The land allotted in this scheme is just four dicimiles, which includes only homestead land. The village is very close to RL 632. During the acquisition of land for the Hirakud Project, the Water Resource Department had anticipated the reservoir water to reach the maximum of RL 632. But today unprecedented water usage by the various industries mushrooming in Western Odisha has pushed the water level to as low as RL 620 in some places. So, vast areas of land lie unused which could be given to the landless. The government claims that they have taken initiatives in this regard, but nothing has materialised as yet.

Villagers here primarily depend on agriculture and fishing. They do not have any significant forestland near their village. The nearest forest is two kilometers away in Rengali, and they bring their firewood *etc.* from this forest. None of the villagers

have heard of anything called the Forest Rights Act. The government has not created any awareness amongst them on the FRA. But the villagers were keen to learn how they could legally ascertain their dependency on the Rengali forest, and claim CFR for their own village forest.

Action taken as a part of the research process in Kurmimal-Sahajbahal in Jharsuguda District

In Kurmimal-Sahajbahal the company has a looming presence, and it is difficult to intervene. Through Vasundhara's work in the field, the people of Kurmimal-Sahajbahal sent a petition to the Ministry of Panchayati Raj regarding the issues they were facing. This resulted in the Ministry writing to the Secretary, Panchayati Raj, Government of Odisha, to enquire into the issue and it then suggested necessary action. Then the department of Panchayati Raj, sent a letter to Collector, Jharsuguda regarding the matter; there was no response to this for a long time.

Then the research team met the Collector, Jharsuguda, after a field visit and shared its findings. The then Collector, read the report and was thankful to us for sharing the real situation on the ground, of which she had been given another version by lower-level government officials. Following our meeting she has sent a team for assessing the field situation.

Conclusion

The nine cases detailed above have revealed to us the possibilities, challenges, and limitations of dealing with the

problem of the displaced with a legislative tool like the FRA. Each case is unique, yet reveals to us some common facets of the issues as well. It must be evident from the discussions provided in the second and fourth set of cases, that when the imperatives of mining and industrialisation take over, legislative measures such as the FRA are often ignored as an inconvenience. Whereas, in the case of the dam displaced and those displaced from Protected Areas, the government seems a little more responsive to the needs and demands of the displaced. We found that the government officials were often sensitive and responsive to the issue at hand and cooperated both in conducting the study and in furthering the rights of the displaced people. But when other vested interests were at work as well, such as those related to mining and industries, the matters often took a different turn. Therefore, the use of FRA seems contingent on specificities of the kind of displacement at hand.

The research process was able to simultaneously intervene in furthering the land and livelihoods rights of the displaced in Odisha in an effective manner. Sometimes use of the FRA was both useful and effective. But in some cases other legislative and administrative procedures were also deployed and were useful as well. The FRA remains a powerful tool to further the rights of the displaced and to rectify the injustices of the past towards tribals and OTFDs.

Chapter V

Conclusions and Recommendations

Conclusions

As seen in the case of those displaced by the Hirakud dam, information regarding families displaced and resettled in various places is not available with the local administration. As a result, there is no information on the families who can benefit from the provisions for displaced communities under the FRA. Apart from this, in all the villages, information about the FRA and the rights of displaced families is not available with all the relevant stakeholders. The displaced families and the hamlets where they live are often not represented in the gram sabha and the FRCs. Residents of the main villages are not interested in supporting the rights of displaced families. Displaced OTFD families are discouraged to make claims on the assumption that they would not fulfil the eligibility criteria of 75 years residence in the area. Facilitation of the process of verification and mapping by the revenue department officials in the villages is not being done in a proper manner. There is inadequacy of information about the various categories of land resulting in lack of clarity and confusion in the claim-making process. There is also a severe shortage of local people's organisations or NGOs to help implement the various claim-filing procedures under the Act. Due to the lack of means and access, the displaced families living in the study villages are not able to make claims under the FRA.

Challenges

- A key challenge in understanding the field situations and in intervening to further the rights of the forest dwellers lies in the complexities of the legal and tenurial system in Odisha. This is a historical legacy of the fact that the Odisha state has been cobbled together from a large number of pre-existing administrative units and systems.
- There is also a severe lack of capacity in the governmental system in the state. Often key offices lack staff because of freeze on recruitments. Even when some new recruitment has happened, especially in the Department of Revenue, the newly employed staff is sometimes unable to deal with the complexities in the field arising out of the complex tenurial system.
- The heavy focus of the state's development agenda on mining and on heavy industry led industrialisation poses critical challenges to the implementation of the FRA. This also makes it doubly difficult to use the FRA to further the rights of the displaced as well as those threatened with displacement in areas where the mining and heavy industry lobbies are dominant.
- There is a severe lack of awareness and capacity at the level of local leadership and organisations regarding the rights enjoyed by communities and individuals under the FRA. There is an urgent need to spread awareness at the level of the implementing staff and

the members of Panchayati Raj institutions regarding the FRA, and the ways in which the provisions of this Act can be used to obtain the land and livelihoods related rights that have been violated through the process of displacement.

- For protected areas (including sanctuaries, national parks and tiger reserves), the FRA 2006 is being ignored or it is being flouted. Many provisions of the FRA, and of the Wildlife Protection Amendment Act, 2002, are being observed more in their breach. While their rights are not being recognised, Tribals and OTFDs are still being displaced from protected areas, their access to the protected areas for collecting NTFPs is being restricted, and other restrictions are being put on their traditional livelihood related activities in the forests. These are in clear violation of the FRA.

Recommendations

The progressive potential of the Forest Rights Act for safeguarding the rights of STs and OTFDs, especially of those who have been earlier displaced through development projects, are yet to be realised by the state government and the local administration. Progress in the implementation (apart from a few stray success stories) is inadequate. The Government of Odisha must use the FRA as a tool to rectify the historical injustices borne by the displaced in the state. The following are a few recommendations that can go some distance in achieving the same:

- Amended Rules 2012 of the Forest Rights Act specifically mention that the SLMC should oversee the workings of the Act with respect to the displaced under sections 3(1) m and 4(8). The DLCs, with the help of SDLCs, should be instructed to collect all the relevant information on the displaced in their areas, take note of their problems, and to facilitate the claim –making process by the displaced so as to hasten the process of recognising rights.
- The relevant government departments must ensure the representation of displaced families at the local/village level FRCs/grama sabhas and other bodies. FRCs should include women from the displaced communities, and the concerns that they bring to these bodies should be foregrounded.
- In the case of other traditional forest dwellers (OTFDs) who have been displaced, the 75-year clause needs to be reinterpreted given that the Preamble of the FRA itself talks about the rights of the displaced. It is impossible for the OTFDs displaced by the government’s development projects post-independence to fulfil this provision of the Act. It is unjust that those who have suffered because of projects for ‘national development’ should again be penalised under the FRA. In the case of OTFDs, their length of residence in the area from which they were displaced should be included in the requirement of 75 years’ residence.
- The Ministry of Tribal Affairs should issue a guideline on the ‘Forest Rights Act and the Displaced’ to deal with

the issues of the displaced communities. This guideline will help in recognising the rights of displaced communities under the FRA.

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Annexure I

List of Abbreviations Used

Acronyms

ADM Additional District Magistrate

BDO Block Development Officer

BJP Bharatiya Janata Party

CBAA Coal Bearing Areas Act, 1957

CFR Community Forest Rights

CPR Common property resources

DFO Divisional Forest Officer

DLC District Level Committee

DPF Demarcated Protected Forest

DoWR Department of Water Resources

DRDA District Rural Development Authority

DPG Deogarh Pressure Group

DZBSP Deogarh Zilla Bhumihiin Sangrami Parishad

FCA Forest Conservation Act 1980

FRA Forest Rights Act, 1980

FRC Forest Rights Committee

FRL Full Reservoir Level

G.M.U. G. M. University

GoO Government of Odisha

GoI Government of India

HAL Hindustan Aeronautics Limited

IAS Indian Administrative Service
IFR Individual Forest Rights
IIM Indian Institute of Management
ILO International Labour Organisation
ITDA Integrated Tribal Development Authority
MNREGA Mahatma Gandhi National Rural Employment
Guarantee Act
MLA Member of Legislative Assembly
MCL Mahanadi Coalfields Limited
MoEF Ministry of Environment and Forest
MoTA Ministry of Tribal Affairs
MP Member of Parliament
MSP Minimum Support Price
MW Mega-Watt
NALCO National Aluminum Company
N.G.O. Non-governmental organisation
NTFP Non Timber Forest Produce
NTG National Green Tribunal
O.B.C. Other Backward Classes
OFDC Odisha Forest Development Corporation
OGLSA Orissa Government Land Settlement Act 1962
OPLE Orissa Prevention of Land Encroachment Rules,
1985
OSOU Odisha State Open University
OTFD Other Traditional Forest Dwellers

OUAT Orissa University for Agricultural Technology
PA Protected Areas
PDS Public Distribution System
PVTG Particularly Vulnerable Tribal Group
RDC Revenue Divisional Commissioner
RI Revenue Inspector
RL Reservoir Level
RPDAC Rehabilitation Periphery Development Advisory Committee
R&R Resettlement and Resettlement
R.R.O. Resettlement and Rehabilitation Officer
RTI Right to Information
SDLC Sub-Divisional Level Committee
SC Scheduled Castes
SEZ Special Economic Zone
SLAO Special Land Acquisition Officer
SLMC State Level Monitoring Committee
ST Scheduled Tribes
STG Similipal Tiger Reserve
TDCC Tribal Development Cooperative Cooperation
VLW Village Level Worker
VSS Van Suraksha Samiti
WEO Welfare Extension Officers
WO Welfare Officer
WPA Wildlife Protection Act 1972
Wildlife Protection Amendment Act 2002

Annexure II

(Application of Lambipali FRC to the BDO)

ମାନନୀୟ,

ଶ୍ରୀଯୁକ୍ତ ଗୋଷ୍ଠୀ ଉନ୍ନୟନ ଅଧିକାରୀ,
ଅତାବିରା ।

ବିଷୟ: ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନ୍ୟ ପାରମ୍ପରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା (ଜଙ୍ଗଲ ଅଧିକାରୀ
ସାକ୍ଷୀ) ନିୟମ, ୨୦୦୭, ଭାରତ ସରକାର, ଜନଜାତି ବ୍ୟାପାର ମହାଶୋକ ।

ମହାଶୟ,

ଅବ୍ୟ ତା. ୦୯.୧୧.୨୦୦୮ ଲାମିପାଲି ଜମିଟା ସେକ୍ଟର ଠାରେ ନିଜ ନିଜ ଜମି
ଅଧିକାର ବିଷୟରେ ଆଲୋଚନା ହୋଇଥିଲା । ଏଥିରେ ଜଙ୍ଗଲ ଜମିଟା ଶ୍ରୀ ପଞ୍ଚାନନ ଧରୁଆଙ୍କ
ସଭାପତିତ୍ବରେ ଏକ ବୈଠକ ବସି ସମସ୍ତ ସଭ୍ୟସଭ୍ୟା ବସି ଆଲୋଚନା କଲୁ ଯେ, ଶରମ୍ଭଣା
ଆର୍.ଆଇ. ପୁରୁଣା ରେକର୍ଡ ଦେଖାଇବାକୁ ସେଥିରେ ଅଧ୍ୟା ଲୋକ ଦାଫ୍ ୧୪-୨୦ ବର୍ଷ ଧରି
ସେମାନେ ବସବାସ କରୁନାହାନ୍ତି । ଆମେ ସମସ୍ତ ସଭ୍ୟସଭ୍ୟା ବିଚାର କଲୁ ଯେ, ସେମାନେ ନିଜ
ନିଜ ବାସଗୃହରେ ନରହିବା ପର୍ଯ୍ୟନ୍ତ ନିଜ ନିଜର ଜମି ଅଧିକାର ପତ୍ର ପାଇ ପାରିବେ ନାହିଁ ।

ଏଣୁ ଜଙ୍ଗଲ ଜମିଟାର ବିନା ଅନୁମତିରେ ତାଙ୍କର ସ୍ବାୟୀ ଜମି ପତ୍ର ହୋଇପାରିବ
ନାହିଁ । ଏଣୁ ଆପଣଙ୍କ ଗୋଚରାରେ କଣାଇଲୁ ।

। ଇତି ।

ଜଙ୍ଗଲ ଜମିଟା

ଲାମିପାଲି ସଭ୍ୟସଭ୍ୟା ବୃନ୍ଦ

T.S. L. Thapa

ସମ୍ପାଦକ

ଜଙ୍ଗଲ ଜମିଟା, ଲାମିପାଲି

ବ୍ୟବସାୟ

କୃଷ୍ଣାବିନି

ସୌଦାଗିନି

ପାନ୍ଥ

ବିକ୍ରୋ/ବିକ୍ରା

ବିକ୍ରୋ/ବିକ୍ରା

ବିକ୍ରୋ/ବିକ୍ରା

ସଭାପତି

ଜଙ୍ଗଲ ଜମିଟା, ଲାମିପାଲି

ସଭ୍ୟସଭ୍ୟା ବୃନ୍ଦ

ଅଧ୍ୟକ୍ଷ

କୃଷ୍ଣାବିନି

ସୌଦାଗିନି

ପାନ୍ଥ

ବିକ୍ରୋ/ବିକ୍ରା

ବିକ୍ରୋ/ବିକ୍ରା

Annexure III

Rehabilitation Policy of the Rengali Project

Land for land was the basic objective of Rengali Dam's rehabilitation and resettlement policy. The first resolution of the Irrigation and Power Department (No. 3504, Dated 6.12.1973) provides that each family whose land was to be acquired for the project would be allotted three acres of reclaimed irrigated land or six acres of reclaimed un-irrigated land in the ratio of 1:2. The cost of reclamation will be borne by the Government subject to a maximum of Rs. 600 per acre. The above land will be allotted free without any charge payable to the Government; but 50 percent of the reclamation cost subject to a maximum of Rs.300 will be recovered from the oustees in whose favour the land has been allotted. It is never possible for the oustee to bear the burden of reclamation since he is always the loser by sacrificing his fertile land. Secondly, forestland allotted in his favour cannot be equal in fertility to his original land. The above resolution has been amended by another Resolution No. 4161 dated 13.2.1975 as under:

No reclamation cost will be recovered from the landless to be displaced from the submerged area. 50% of reclamation cost subject to a maximum of Rs. 300 per acre will be recovered from others to the extent of their lands being submerged for which they get compensation in each case i.e. where the submerged land comes to two acres only, the person will be liable for paying reclamation cost for two acres only,

even if he is allotted more than two acres of land for resettlement. According to Resolution No. 38089 dated 8.11.81, the reclamation cost may be disbursed to the oustees at the rate of Rs.600 per acre so that they can take up reclamation themselves to expedite completion of the rehabilitation programme in Rengali Project.

Further, in their order No. 6412 dated 18.2.82, the Government of Odisha also agreed to disburse Rs. 200 per acre to the resettlers towards the cost of first ploughing of the agricultural land allotted in their favour. Government of Odisha in their resolution 13169 dated 20.4.1977 restricted the allotment of six acre of non-irrigated or three acre of irrigated land by putting a condition of having three acre or more land in un-affected/or partially submerged villages. Resolution 318888 dated 21.8.1990 tried to restrict allotment of agricultural land by dividing the oustees into two groups namely (a) those who have lost up to four acres and (b) those who have lost above four acres of land.

In the first category where up to four acres of land was lost, allotment was restricted to two acres of un-irrigated or one acre of irrigated land, whereas, in the second category, allotment was restricted to four acres of un-irrigated land or two acre of irrigated land. Other factor like cost of reclamation and first ploughing remains unchanged. Another Resolution No. 19898 dated. 30.7.91 further reviewed the issue and informed that each displaced family including each landless family will get either two and half acres of non-irrigated land or 1.25 acres of irrigated land. Government order dated.

11.12.91 provided for cash payment in the absence of land at the rate of Rs.16, 000 per acre of irrigated and Rs.8000 per acre of non-irrigated land.

Rehabilitation of displaced persons due to submergence of villages is the duty of Resettlement and Rehabilitation officer assisted by Zone Officer under the control of the Revenue Division Commissioner (RDC), North Division, Sambalpur. As per the latest estimate 11,289 families were affected due to submergence who were to be rehabilitated.

Name of the villages where 2808 families are resettled after receiving only cash compensation is not available in the government records. Therefore, the total number of families resettled by allotment of land is 7627. It consists of 1418 families rehabilitated in 22 colonies on Brahmani Right, 739 families on Brahmani Left, 643 families in 25 colonies of Gohira ayacut, 182 families in six colonies in Samakoi ayacut and rest of the families in the individual clusters. For the displaced, 61 resettlement colonies and 95 cluster villages were set up; 66% of the displaced families were provided with land, 22% were given cash, and the balance 11% of the families await rehabilitation both by land and cash. Civic amenities provided in colonies and cluster are- Tanks-109, Wells-207, Tube-wells-154, Club houses-69, Schools-87, M.E Schools-19, High Schools-6. Cost of land acquisition and rehabilitation was Rs. 64.95 crore of which land acquisition costs was about Rs. 30 crore.

The Forest Rights Act and Issues of Displacement in Odisha

Sl No	Status of the Families	SC	ST	OC	Total
1.	Families identified For Rehabilitation	2100	1328	7861	11,289
2.	Families already rehabilitated	1814	1234	3687	10,435
3.	Balance families to be rehabilitated	286	94	474	854

Source: R and R Officer, Rengali Multipurpose Project (Stage I), Sambalpur, 10.07.2000

Annexure IV

Land Acquisition and Compensation in the Rengali Project

Land Acquisition

A total of 263 villages were either fully or, partially submerged. The details are given below:

Villages submerged in Rengali Multipurpose Dam Project

S.No	Village Type	Numbers
1.	<i>Fully Submerged Village</i>	116
2.	<i>Partly Submerged Village</i>	123
3.	<i>Hardcore</i>	24
4.	<i>Total</i>	263

Source: Progress Report of Land Acquisition works of Rengali Dam Project on 15.01.2001

Area Submerged in Rengali Dam

Sl No	Type of Land	Acres
1.	<i>Rayati Land</i>	34,335.67
2.	<i>Government and Forest Land</i>	65,382
	<i>Total</i>	99,717.77

Source: Progress Report of Land Acquisition Works of Rengali Dam Project on 15.01.2001.

Displaced Households and Population

A total of 11,289 families (involving 46,570 individuals) belonging to Scheduled Tribe, Scheduled Caste, OBC and General Caste communities were displaced due to the Rengali Project. The details are provided below:

Sl No	Community	No of Families	Population	% of Population
1.	Scheduled Castes	2100	8,474	18.3
2.	Scheduled Tribes	1328	5,687	12.2
3.	Other Castes	7861	32,408	69.6
Total		11289	46,570	100

Source- Collectorate Office, Sambalpur, 1988

Compensation

Agricultural lands in the submersible villages were classified into seven categories. Compensation was to be given on the basis of market value as per the annual harvest, geographical position, productivity *etc.* The amount of compensation per acre for all kinds of lands varied from Rs.500 to Rs.4500 per acre. For homestead land, Rs.4500 was given (Bahumukhi Jatiya Yojana, Rengali, 1978). The details are given below:

Sl No	Type of Land	Compensation Per Acre
1.	Bahal – Low Paddy Kind of Land	4,500.00
2.	Berna – Medium Paddy Land	3,800.00
3.	Mala – Upland For Paddy	3,300.00
4.	GodaAula or Upland for Ravi	2,500.00
5.	GodaSayam or, Upland for Ravi crops (category-2)	2,000.00
6.	GodaSayam or, Upland for Ravi crops (Category-3)	1,500.00
7.	Paūta or Fallow (Waste Land)	500.00
8.	Homestead Land	4,500.00

Compensation for houses in the submersible villages was paid to individual owners. For the purpose of assessment, all the houses were classified into 12 different categories on the basis of material used, the quality of construction and the present condition. The rate of compensation varied from Rs. 190.91 to Rs. 24.78 per square meter of the plinth area, and people did not have much to complain about it. For payment of compensation, wells were classified into four types, and the payment varied from Rs. 176.78 to Rs. 5.42 per square meter. The evacuees were not happy with this rate. They alleged that it was too low. They solicited that the calculation be made as per cubic meter, but this was not accepted. Similarly, compensation for tanks and ponds were paid to their owners at the rate of Rs. 322.80 per square meter and the evacuees were unhappy over it.

Compensation for perennial fruit-bearing trees such as mango, jackfruit, coconut, orange, *bassialatifolia* etc. were paid on the basis of the girth of the trunk of the trees. If the girth was less than one foot, compensation was Rs. 5.00 and if it was above six feet the rate was Rs. 100.00 per tree. The oustees were very unhappy with the sort of calculation, because for some, a fruit bearing tree was not of economic value only, but also involved emotions and sentiments. Although every family had been allotted with six and half acres of land, not even a square inch could be cultivated. Their problems have been further aggravated because of administrative inaction over the issuing of land titles, and indecision in declaring the settlement as a revenue village.

Annexure V

Testimonies of the displaced and their representatives from the consultation on ‘FRA and the Displaced in Odisha’ held by Vasundhara on 27.03.2015 at Lohia Academy, Bhubaneswar.

Mr. Hazaru Dharua: Lambipalli Village

My village is Lambipalli, located in Attabira P.S. in Bargarh district. My name is Hazaru Dharua. We are in a lot of problem sir; there are no roads, no one listens to us, and whatever little crops we produce are destroyed by bears and elephants. There are no schools in the area. We have not got permanent pattas yet.

Questioner 1: When did you get displaced?

Hazaru Dharua: We came in 1958; ours was one of the first villages that got submerged. I was little then, I remember we held our ground for a while, then we had to leave.

Another thing I would like to add, after being declared protected forest area, our problems have increased tenfold. Our crops are continually being destroyed by wild animals.

Mr. Kushanu Sahu : Kharmunda Village

I pay my respect to all the brothers who have travelled from afar, and no doubt have overcome a lot of difficulties just to be here. I am also grateful to the organisers for their efforts.

I distinctly remember, I was in standard three when I became aware of the Hirakud dam project. It was in 1958. There was a temple at the end of our village, and near that temple was

our home. One day, from our end of the village, I saw many people gathered on the outskirts of the village, I had never seen those faces before; they were not from our village, nor from the neighbouring one. I asked the milkman who these people were, it was he who told me that these were the people displaced for the Hirakud dam, and that an official had informed that they would be settling there for some time. It was in 1958, and till now they haven't got the pattas of those pieces of land sir. Such is the situation.

Some had come with cattle herds, and they had to sell them all. I have witnessed their struggles. In those days the forests were filled with bears, foxes; there were even tigers. These people were staying outside of the village compounds dangerously close to the forests.

They have been given a piece of paper; it's not the permanent patta. God only knows if it's a patta, or a birth certificate, or a pass certificate! If the Government takes the lands, our lands, we should at least be compensated. Isn't it as straight as that? But even after so many years, nothing!

From the days of my youth I have had ties with the people of Lambipalli village. I have seen them struggle, I visit them from time to time. I have many friends there. Kendu leaf is one of their primary produce; but of late, their crops have often been destroyed. Most houses don't have enough hay to block the sun rays, forget rain or storm. There is no electricity, there are no schools. It is a pity how they live! And these were the people who left their lands, who sacrificed!

Mine is a big village and we are better off than them; we weren't displaced. But who is to say that it would be the same tomorrow. The Government might drive us all out of our homes; the government will compensate no one. If we don't get together, if we don't start a revolution, then all of us would be left out. Saying this I want to end my talk.

Mr. Bhanu Pratap: Jhagadabehera Village

I come from village Jhagadabehera, in Bargarh district. Our village comes under the boundaries of the sanctuary. There are 30-35 houses in our settlement. All of us live with a lot of problems. The government officials are always harassing us; it's like they are looking for a reason, a chance to harass us in some way or the other.

Only recently, on the 30th of January, around six forest officials entered our village and started beating our men. We tried to stop them, asked them what the problem was. But they just kept on beating till the skins tore off. Even now, some of us earn by the scars from that beating.

We went to the police, but they didn't register our FIR. After this, we went to the SP, he noted our complaint and assured us he would look into the matter. But till now nothing has come of it.

From my family, I am the only one living outside. I have a job, and because my children go to school, I live closer to Bargarh, but I visit my village regularly. My mother stays there, in our village home. A few days back, I was on my

way to visit her at my own house, when the guards stopped me at the gate. They said I will not be allowed to go further and that it was the DFO's order. It was only after I called the Ranger who knew me that they let me pass. Even then the guards asked me by what time I would return. I told them, 'this you shouldn't ask me sir. I am going to my own home. I stay here, I have my family inside. You ask other people, outsiders, but to me you shouldn't ask. This is not correct'. So you see this is the kind of harassment we face almost on a daily basis.

Then there is the problem of water; there are no schools or electricity. In our village there are about fifteen displaced families. To the tribal families they have given pattas; I think those were pattas, but I am not very sure. But the rest of us, along with the fifteen displaced families, haven't got any pattas.

We do have some farmlands, but the crops are often destroyed by the wild animals. The forest department officials come for rounds; sometimes they ask for bribes, but what do we have to give them? There is hardly any money! You should come to visit our village sir, and see the situation for yourself. It's very difficult to live like this. They don't open the gates so we have to walk for 15 kilometres, even though we have cycles and bikes. The government provided Indira Awas homes for us, but even then we couldn't build the houses as the officials won't open the gates for carrying construction material. They said it's not allowed. They didn't even let us construct a school. Our friends and relatives can't come for

visits. Guests can't come to our village even for marriage negotiations. If our daughters marry and go, they can't come back to visit. There are so many problems sir. What all will I tell you!

Journalist Amitav Patra visited our village and brought out our plight to light in the newspaper *Sambad*. Even he was prevented from entering the village by the forest officials. He had to come in hiding.

Mr. Pradip Purohit, MLA

Thank you Lingaraj Da. I have to go to the Vidhan Sabha by 12:30 pm. Though I am a BJP MLA, I had worked in the Gandhamardan movement, and I come from a revolutionary background. We can see there are a lot of problems. Those who had sacrificed, given up their land for the development of the nation, haven't yet got any compensation. This problem is still on. In Padampur also, those displaced in 1971, have yet not got their compensation.

I had read about the issue of Jhagadabehera village in Sambad newspaper; Amitav Patra had also informed me about the situation. In a meeting I asked the collector about it. He deflected the question saying he is in conversation with the DFO about it. So I am aware about it. In Nuapada also, a similar situation prevails; 15-20 villages are located within the protected area. They also face similar problems. They have started something of a protest, but the movements, the zeal for revolution is dying amongst the people. It isn't what it used to be earlier. As a result, the Governments finds it easier

to take arbitrary action, whichever party might the Government belong to. People are being put in jails with false cases filed against them; the movements are dying off. We need to have more people's movements against such arbitrary decisions of the government. We need to assert our rights.

As I am an MLA, this is an opportunity to raise the issue of Jhagadabehera in the Vidhan Sabha. If Lingaraj Da agrees, we can decide on a team and visit Jhagadabehera together. Now I really have to take your leave: the House is in session; I have to be there, and I am already running late.

Mr. Ramesh Mohapatra from Krusaksangha

Today we are talking about the issues of displacement. You must have heard of Barapahada; it is amongst the longest mountain ranges in our state. In Barapahada, there are about four hundred villages that have been resettled after getting displaced. The families displaced for the Hirakud dam are now mostly living in the districts of Sambalpur, Bargarh, and Jharsuguda. For the villages in Barapahad, villages with maximum number of displaced families, the Government has done nothing.

Today we heard about Jhagadabehera: of the 35 families, almost half have been displaced; yet the Government is planning to displace them again in the name of the sanctuary.

In Murug, Bhulli there is still no electricity. Khabrakhori, Jagdipalli, Mudkatti, Ramkhor, these villages have received no help from the Government. According to FRA 2006, they

should have all got rights over their lands, as they are all rightful claimants. We can see that those villages that were displaced for the Hirakud dam, most still don't have electricity though electricity is produced in Hirakud. There are still no roads to many villages. We are now creating awareness about the FRA and trying to get our rights within its framework.

We heard from Bhanu Bhai, about how barricades have been created to prevent movement, and the problems faced by the people of Jhagadabehera due to this. But the strangest thing about it is that though Jhagadabehera comes under Bargarh District's Amadhana panchayat, it is still under the jurisdiction of DFO Sambalpur. It just multiplies their problems, when they go to the Bargarh DFO, he sends them away to the Sambalpur DFO who then does the same. It is as if they are playing cruel games with the people. We feel trapped in all of this. They are leaving us with no options; as if knowingly we are being played with.

We request Vasundhara to hold an awareness building session in Amadhana block which has around a thousand displaced families according to surveys conducted by us. We know Niyamgiri got saved under the FRA, so we need to create more awareness.

Mr. Sebastian from Sundergarh

I will talk a bit about history first. Adivasis were amongst the first rebels who fought against the British Government. Adivasis such as Birsa Munda, Sinukani were the first freedom

fighters. In 1880 when the forest department was started, the government announced that the jungle belongs to the Government. In 1894, the Land Acquisition Act was passed. From then started the fight of the adivasis against the Government.

Finally in 1908, the Chhotanagpur Act was passed which mandated that tribal land cannot be bought by non-tribals. The Government of India Act of 1935 divided land into two areas: General area and Scheduled Area. North East came under the Sixth Schedule. The undivided Sundargarh, Koraput, Mayurbhanj districts came in the fifth schedule area, and were declared as total tribal areas.

So according to law, Government of India or Government of Odisha cannot make laws for these areas; the Governor with the assent of President can enact laws for these areas. Am talking about the constitution, but open violations are going on.

When, the RSP plant was constructed, 33000 acres of land was acquired, 63 maujas/villages were taken, which they shouldn't have been able to according to the law because it was all tribal land. The police removed the displaced families forcibly. Please understand there is lot of difference between Scheduled Areas and the general areas; this land can't be treated as a general area. Two thousand four hundred thirty six families were displaced for the RSP, 4251 were displaced for the dam. In total, 6716 families were displaced. They have been fighting for their rights, since then. They were promised 'land for land', and jobs for family members, but the

agreements remain on paper, till now. Very few people have got the promised jobs, and there are cases where people from outside have come and with the help of false certificates have acquired jobs which should have gone to the displaced people.

The construction of Rourkela Steel Plant was done with German technological support. When RSP completed 50 years, the board sent a letter to the Germans about the successful running of the plant for these many years. This was done in secret, and the locals had no idea about it. However, on receiving the letter in Germany, they decided to enquire into it. An organisation for tribal development had come with a team from Germany. They contacted us, and we took them around to visit the displaced families. They interviewed them, recording the stories the people had to share. Based on this, we conducted a study. Then in 2010, we had a digital conference with the team. In their final report they wrote, and I quote: ‘The Government has badly cheated the tribal people.’ They produced this booklet which they called ‘testimonies from Sundargarh’. They have published it online too, anyone interested can read it there.

Mr. Pandaba Mirdha: Basantpur Village

Those of us, whose lands were taken by the Government have only this to say, we should get rights to the land we are now resettled in by law. There is no possibility of confusion about it. Is it very complicated to understand? Everyone’s interests are being taken care of - the industries, the mines - but not of the people, of the farmers.

Our forefathers had worked on this land, tilled it and lived happily; but now we live in our own lands like beggars. The government calls us encroachers! They try to remove us like we are some kind of pests.

We have been fighting for our rights and will continue to do so; in this we seek your help. The Government keeps on harassing us. Sometimes we have to run to the RDC office, sometimes to the Collectorate, to the Tehsildar's office, then sometimes to the DFO's. We are in so much trouble already and they pile.

Of the land that was acquired, 6000 acres lie unused, which should be returned to the original owner. But the Government is using the unused land for their own projects. 2500 acres have already been put to other uses; some of it was given for building a Sainik School which the CM had come to inaugurate. People working with Vasundhara had earlier come to our village; they collected certain data and interviewed our people. I hope they help us in the future.

Mr. Manbodha Biswal: Khinda Village

Khinda comes under the Rengali block. It is the birthplace of Veer Surendra Sai. Before land was acquired for the Hirakud dam, there were 752 families in our village, of which 712 lost all land and 40 remained. Even these 40 families lost most of their farmland, but they were not given the recognition of the displaced. Till today, the 712 families along with the 40 families have not got any compensation of any sort. Like Lingaraj da said, ours is a famous village, the village of Veer

Surendra Sai; but like darkness residing just below the wick's flame, so do our miseries exist alongside the 'famous' name. So much for our 'fame'. We are now being displaced again for Hindalco.

There was some forest land nearby that the villagers used to till and earn their living. Then coal was found in the area, and for this coal, today our condition has become like this. In 2001, the company first went to Talabira, and they were notified that land will be acquired for the purpose of industrial development. Land was officially acquired for the creation of industry; but they used it for mining coal. They didn't stop at this; in few nights, they cut down the surrounding forests. We have recorded this on camera. They had got the lease for 33 years and for mining 33.8 million tons of coal. They dug up everything in 12 years' time, and left. They knew the longer they stay, the people's movement will trouble them.

Their illegal activities do not end here. They haven't even stuck to the construction map issued by the Government of India after clearances from the relevant ministries, because there wasn't much coal to be found in the area. The officials at the revenue department modified the map according to their will for the benefit of the company, and then farmers' lands were acquired forcibly. So, many times we went to the RDC office, to the Collectorate, and even wrote to the CM's Office; but there is just no response. There has been no respite for us. If we consider why? Then it's an open secret, everyone's been bought off. Thieves! Instead, we who fight against this injustice go to jail, we have cases pending against us!

The Bhusan Plant is also nearby. Few days back, a meeting was called with the Sarpanch. One hundred fifty women had come to attend. There is a 'dhar' there called Tribhangadhar. People bathe and wash there. Recently, the company dumped its waste into it. Now, the water has turned red. The fishermen who depended on it have lost their livelihood. Even the villagers, who used to bathe and wash there, have nowhere else to go to. Many of them have got skin infections. They don't even give us tanker water after ruining our water source. If not checked, jaundice and other diseases will spread.

Another thing that I forgot to add is that the company had been given some land for the purpose of creation of a 'green belt', where trees were supposed to be planted. But look at the greed sirs; they turned those lands into mines too.

Mr. Dillip Sahu: Patrapalli Village

The name of our village is Patrapalli. Our village is three kilometres away from Khinda village about which you just heard. Seeing their condition fills us with dread, as we come under the Talabira-II coal block allotted to Hindalco.

There is a 752 acre forest land around our village. It is a beautiful village surrounded by forest on all sides. Ten steps from our backyards, the forests start, and extends uninterrupted for around five kilometres. But none of it is going to remain. Seeing the condition of the people of Khinda village, we organised ourselves, we started a movement to defend our lands together. In this way we found out about FRA, and now we seek to protect our lands under FRA.

We were displaced 60 years back during the Hirakud Dam project. But the forests saved us; we have been residing here since then. But no one has been given the patta. Imagine after all these years! Adivasis, non-Adivasis, no one has got the patta. We requested for community ownership if not individual titles; but, for the Government we are non-existent. The officials blatantly tell us, they would give us pattas after a precedence has taken place elsewhere. They laugh at us and ask – ‘Where in Sambalpur, Jharsuguda, Bargarh is land being given? If you answer, then we’ll give you what you want.’

My father, grandfather, were displaced during the construction of Hirakud dam. The jungle saved us. Acres of our farmlands were submerged. After losing so much, if the Government would have given us some 10-15 dicmils of land, then we would have been truly grateful, we would have shrugged it off and said, they gave us something in return. But NOTHING?

On 06-06-2012, the Collector and other officials came to our village. They said, those who have applied under the FRA will get their lands. They even urged those who hadn’t applied yet to seek help and apply soon. And on that same day, they held a false Palli Sabha, few kilometres from our village, where it was concluded that there was no objection from villagers for the forest land being given to company, and they sent it to Delhi for environmental clearance.

Whatever they do, these industries they set up, they keep saying it’s for the public good. What good are they talking

about? If anyone knows, please be kind enough to share; it is an enigma, we haven't found an answer to it yet.

We filed an RTI application; in the response it was written that the land has been acquired for Talabira II & III coal blocks.

We have been fighting since long and we may go down fighting; nothing may come of it, but we will go on fighting. We are always alert of the three uniforms - the khaki, the white, the black. The uniform wearers would have us believe that all the lands were inherited by the company from its father, and we inherited absolutely nothing. (Laughs) That's all I want to say about them.

Mr. Netrananda Samal, President, Rengali Bandha Basachyuta Surakhya Samiti

People have learnt about the effects of displacement, and have become alert about the actions of the government regarding construction of big dams. People have also agitated against displacement. But as you know, the government, since the times of the British, has perfected the art of taming agitations, by beating people with lathis, by shooting at them, and by throwing tear gas at them. Despite agitations and protests against the Rengali Project, the government was able to build the dam using all the strategies and resources at its command.

The government laid the foundations of the Rengali dam in a ceremony held on 23.12.1973. In the year 1991, it inaugurated the dam project officially; whether all the ancillary activities were completed by that year or not is another question. But it is a matter of self-congratulation on the part of the

government and government officials to complete projects, and accordingly the dam project was declared completed in 1991. But, till the present day, compensation has not been provided to people from 39 villages displaced due to the Rengali dam. People from 11 villages displaced due to the Gohira dam (which was built to provide irrigation to the land provided as compensation to the Rengali displaced) have also not received any compensation. What can be sadder than this?

Today we are discussing the displaced and the Forest Rights Act. If I were to start detailing the sorrows of the Rengali displaced, it will take a lot of time. If one were to discuss how the Rengali displaced live, what they eat, what they wear, how they earn their livelihood, the stories will continue till the evening, and still the tales of woe won't get over. When the chair of today's proceedings said that those assembled here have to complete their testimonies in five to ten minutes, I thought this won't be possible for me. Then I thought I'll request the honourable chair to kindly excuse me from the very beginning regarding the set time limit. But, my brothers are also waiting on the panel for their turn, and I'll not take too long to make my points.

In the context of the Rengali dam, in the year 1979, the government displaced 513 families who have not been able to get permanent pattas to the land given to them as compensation till now. This is because they have got 'K' pattas, and it is mentioned in those pattas that these are Jungle Kisan land. The Forest Conservation Bill became an Act in 1980. But these people were displaced in 1979.

But to elaborate the details of the Rengali project a little – the foundation laying ceremony was performed on 23.12.1979, as already mentioned. The project displaced 263 villages. In these 263 villages, 11279 households were displaced – according to the survey done in 1973. I request those of you assembled here to kindly do a survey and calculate what will be the number of the project affected people till now. I do not know the exact figure for today. But, according to the survey done in 1973, the total number of displaced households was 11279. If one were to provide a rough estimate, then those 11279 families would have grown to 20, 000 by now. If one were to fix the average size of the households at around five, then one is talking of around a lakh – a hundred thousand – people. In the 263 affected villages around 35, 000 acres of recorded agricultural land was submerged, and if one includes other categories of land under hills and forests then the total amount of land submerged by the Rengali project would rise to around 99, 000 acres.

The Government has not been able to compensate everyone till now, in 2015. But the government declared the Rengali Project completed in 1991. That may be true in one sense, that the construction of the dam was completed. But I have to ask the government – you have not been able to compensate all the project affected people till now, nor have you been able to resettle them; then with what logic do you claim that the project has been completed, and where is your sense of justice?

In this context one has to again mention that 513 project affected households have been provided with K-pattas. These pattas have been given for jungle kisan land and people have not been able to get permanent titles to these pieces of land till now because of the kisan of the land. Whose fault is this? Is it the fault of the public? Is it the fault of the project affected people themselves? Or is not the fault of those who provided them with these pattas. It's the government that had given them the patta; it's the revenue department that has given the title in the form of K-pattas; it's the Zone Office, or the Zone Officer who has given them these pattas. Didn't they know that this is jungle kisan land which they were issuing as compensation to the project affected? Did they not know the consequences of their actions?

The project affected have been deliberately misled. The condition in which people have been living, only they know. One of our brothers was sharing in his testimony earlier, that they cannot access any government facilities. This is the same case with the Rengali displaced; especially those who have been issued K-pattas.

There are six settlements in DPFs. DPF means Demarcated Protected Forest. They were displaced in 1979 as well, and even they have got land with K-patta as their title. These six villages (with 244 originally rights holding households) are yet to be declared as revenue villages; these include 53 households in Chilantikhol DPF, 65 households in Mukteswar DPF, 55 households in Mahasindhu-B DPF, and 35 households in Beheramal DPF. These project affected people are not able to

avail of government schemes and facilities such as the Indira Awas Yojana. They can't even get the relevant certificates for getting their children admitted to educational institutions.

We talk about morality and ethics; where is the morality and ethics in the case? If the 513 households that I mentioned about earlier, were displaced in 1979, how are they concerned and related to the regulations under the Forest Conservation Act of 1980. Why are they not getting permanent titles to the land for which they have been issued K-pattas? Is it not the fault of the Government of Odisha? Why is the government not doing its duty? Should or can the public do it by themselves?

Under these conditions, how do we accept or consider the Forest Rights Act of 2006 that is the topic of today's discussions? Will this Act protect people's rights, help them obtain the Revenue Village status for their settlements, and help them get permanent pattas for the land for which they have been issued k-pattas? We say that these people have been displaced for the greater common good. The electricity that is produced in Rengali is exported from the local area. The fish that is harvested from the reservoir finds its way to distant markets. The people whose land got submerged, they have no jobs or employment.

The Rengali Project is apparently a multipurpose river valley project. Why is it called a multipurpose project? The first objective is controlling flooding of River Brahmani; the second is producing hydroelectricity; the third objective is irrigation. You might try to achieve these objectives in one

phase, or in a couple of phases. We do not have any opinion on that matter. But the principle for compensation and rehabilitation has to be one. In the first phase they tried to do flood control, and then tried the production of electricity. In the second phase they tried to do irrigation. According to government rules every son who becomes an adult is counted as a separate household. Why was not the same principle followed in the case of the Rengali displaced? Simply because the government completed the project in multiple phases; why should those displaced suffer because of confusion and lack of clarity in the government's policy regarding compensation and rehabilitation?

The injustices visited upon the Rengali displaced need to be resisted. How Vasundhara can help us with this issue is the question. In the concept note for today's consultation that has been shared with us, it is said that one of the objectives of this meeting is to formulate possible recommendations for implementing agencies. I request Vasundhara to kindly tell me, who these implementing authorities are, so that we can keep a tab on the follow up accordingly. If Vasundhara really wants to do something about this issue, they should be able to achieve it. Because the organisation wants to build relationships with people and to work in their favour, I hope that it will be able to achieve its goals. With this, I conclude my speech.

Mr. Gopi Majhi, (Tribal leader)

I take this opportunity to thank Vasundhara for inviting me to this consultation. I attended a meeting once where the

President of Vasundhara, Madhu Sarin, Prof. B.D. Sharma, and his associate Mr. Shankar, and other eminent people concerned with tribal rights were present where the provisions of the Forest Rights Bill were being discussed. We periodically do advocacy work for protecting tribal rights with the government by working at the grassroots level with tribal communities. In the said meeting, Prof B.D. Sharma argued that tribals and non-tribals should not be equated with each other in the then proposed Forest Rights Act. The interests of these communities are not always identical, and equating these communities with each other might create the potential for future conflicts and discord. On a large number of issues the perspectives of tribal communities and non-tribal communities are very different from each other. But those non-tribal communities who have been living in jungles with tribal communities and are heavily dependent on forests for their livelihoods, their case is a little different.

I'll talk about tribals from my area; not all tribals there are landless. Almost everyone has some land; some tribals have five, ten, or even fifteen acres of land. So, they might not depend too much on forests for their livelihoods. But the tribals in Koraput, in Malkangiri, are heavily forest dependent. Tribals also live in other regions of India. Now, not to properly implement the FRA, the government is bringing in the issue of 75-years' residence in many areas. The country became independent hardly 60 years back; how can the government talk about the people proving 75-years' residence. There are many tribal areas where there are quite a few illegal encroachers on tribal land; in these areas the 75-year provision

can help safeguard tribal rights. Because, otherwise, provisions mainly created for ensuring the rights of the tribals will then be enjoyed by non-tribals, and tribals will not be able to assert their rights and enjoy the benefits.

In this context, one has to say that no one can challenge the authority of the Forest Rights Committee. Knowledgeable people like the people working with Vasundhara know about this; but our poor tribal brothers do not know of these provisions of the FRA. The FRA should have been implemented in a campaign mode so that people could have asserted their rights on the jungle land that they have been cultivating; but this has not happened. But we started working on a project mode, and got caught up in filling up forms. But if we could have worked in a mission mode, if we could have made people aware of the rights that they enjoy under the FRA, they would have fought for their own rights. In many places people are not fighting for their rights. In the 20th and 21st of this month, we had called for RDC-level meetings. On the 21st, the meeting took place in Sambalpur, where people from seven districts were present. People had different kinds of problems and complaints regarding FRA claims. But they were discussing these issues as if they were begging; not as if it was a matter of exercising and demanding their rights. Somewhere we made a mistake in the ways in which we went with the FRA to the people.

The Government of Odisha claims that that had settled lakhs of FRA claims and distributed pattas. But this has no meaning;

as some tribal families have been given two to three decimils of land. We have somehow damaged the spirit of the FRA. As Ananta bhai has shared with us here, wherever people have fought in the state, they have got their rights. Wherever people have not struggled and not taken to the streets, even after repeated appeals, the government has not listened to the people.

When we raise displacement as the topic of discussion, displacement should not take place at all. The FRA has some provisions for the displaced, if the displaced are residing in jungle areas. The Act nowhere specifies that jungle land cannot be given to the displaced.

Whenever we talk of rights and government employees, it is a fact that in the context of FRA, most government officials and employees are not aware of the provisions of the Act. Recently I interacted with a sub-collector, who confessed that he does not know of the provisions of the FRA. Whereas the DFOs know the Act in detail. If revenue department officials are not even aware of the provisions of the Act, why would they even bother to implement them properly? Regular petitions have been sent to the government requesting it to check arbitrary actions by government officials while implementing the FRA. In all the meetings the government accepts the problems; but while implementing the relevant provisions, it does not do them properly at all. There seems to be some pressure against it at some point or the other. This is especially true of jungle land and the problems of the displaced, be it Hirakud and Rengali; if we do not fight for

our rights and for justice together, then we won't get anywhere.

Mr. Ranjan Sahoo, Lawyer

Respected chair of this session and all the respected friends assembled here for the consultation. I have been requested to be precise; so, I am neither going to talk about FRA in general nor on the problem of displacement, but on the topic 'Displacement in the context of the Forest Rights Act'. I'll speak only about one topic – that of the provision of 75 years' for claiming rights on forest land. Most of you, perhaps all of you might not agree with me; but I'd still make my point. Since the Forest Rights Bill became an Act of the Parliament of India in 2006, all my complaints, abhiman, anger has centered on this topic. My first point is that the 75-year period is not mentioned in any part of the main provisions of the FRA. Whatever reference is made to this 75-years' provision is in the 'explanations' part of the Act. Sir, Mr. Panigrahy, who is a senior lawyer, is present here; he is the only one present here who might agree with me. Since this provision is not mentioned in the main part of the Act, but is mentioned as an explanation in one of the sections of the Act, the explanations cannot control or determine the operational part of the Act. Hence, if a case is filed by any one petitioner seeking redress on this issue, and it goes up till the Supreme Court, then a positive judgement by the judiciary can provide a precedence for settling the matter in favour of the people regarding the 75-years' provision. Since this is a matter of interpretation of the law, it can only be settled by the courts.

Mr. GupteswarPanigrahi, Lawyer

Our interpretations of the provisions of the FRA really do not matter; as, at the end of the day, we have to go to the Supreme Court to get a valid interpretation of the law. Who has the ability to go till the Supreme Court? Birla, TATA, HINDALCO have the ability to go till the Supreme Court. The poor cannot access the highest court of the land.

So, our brother said one has to fight. People have struggled. In Narayanpatna and Bandhugaon in Koraput district around 900 tribal people have been suffering in jails with 20-30 cases files against each one of them. All these cases are false cases filed by the police. In completely fabricated cases, these people have stayed behinds bars for five to six years. After getting released from the jails some of them are afraid to be a part of any struggle any further. Their families became destitute when they were in jail. Keeping people locked up in jails on fabricated cases is a conspiracy of the government.

When it was alleged that tribals attacked the Narayanpatna Police Station, the police fired on the people, and two people died because of the bullets of the police. Knowing fully well that the tribals had not attacked the PS, I filed an RTI application seeking answers to 21 questions. The tribal people were only agitating for their natural rights. One piece of information was with the Collector, the rest of the pieces of information were with the SP. The Collector forwarded my request to the SP, and the SP's office denied to share any information as they alleged that the applicant has not revealed his identity and has not paid the fees of rupees ten.

I replied that I had provided my identity in the application, and that I had paid the fees of ten rupees as well; but the original application was filed at the Collector's office. I sent a copy of my reply to the SP's office to the Collector; the collector forwarded the latter saying that the applicant has revealed his identity and has paid the fees, and he should be provided with the information. Still the SP's office did not share the information with me. I appealed against this decision. In the meanwhile I received a threat to withdraw my application and appeal under the RTI.

Brothers, this was in November-December. In January 2010, Mili Panda was arrested near Bhubaneswar. We came to know from television channels that Sabyasachi Panda is married and she has a wife whose name is Mili Panda. A statement was recorded with the purported signature of Mili Panda. My friend Biswapriya Kanungo from Bhubaneswar called me and told that, 'the statement that has been issued in the name of Mili Panda has your name in it.' I asked 'Who is Mili Panda?' He replied, 'She is Sabyasachi Panda's wife.' On asking why my name is there, he said, 'Your name is there as you are one of the people who apparently help her with the activities of her husband's party in Koraput district.'

I don't know her. And she can't now me or know of me. So, this has to be a conspiracy to silence the voices from Koraput. But still I have to say that we have fought and won. If we have to speak of displacement, jungle land and forest rights; in 1979, 17 tribals were sent to court on charges of theft. When I fought for their bail, I got to know that they have

been booked under the charge of theft from cashew jungles. When I asked my clients, the tribals, why did you steal? A tribal man, Sonia Sisa asked me, 'Sir, please tell me what is theft?' I replied, 'taking another's property is theft.' He told me, 'if we took things from our own forest, how is it theft?' It struck my head as right. That jungle was a revenue jungle, abutting the jungle of the Forest Department.

Because we have not been able to demarcate forests, confusions and problems arise, especially with respect to FRA and the displaced. Different districts have different types of problems. I request Vasundhara to take up problems of different districts. Maximum number of displaced are the tribals from the undivided Koraput district. And the condition of Koraput's tribal communities is in the most pitiable state in Odisha. In HAL, NALCO etc., wherever tribals have been employed, around 60-70% of these are tribals from outside of the district. I am not dividing tribal communities into groups; rather I am pointing out the lack of literacy, education and awareness amongst the tribals of Koraput. Tribals from Mayurbhanj, Keonjhar and Sundergarh are more aware of their rights, and are able to assert their rights. In the undivided Koraput district, tribals have not been able to assert their rights. Those who have fought for their rights, have suffered. I'll compare Nachika Linga with Laxman Nayak. He tried to fight oppression on his own and fabricated cases were filed against him.

When we talk of displacement, dams in the district of Koraput have displaced land of the tribals in the uplands to irrigate the

land of the rich and the powerful, of the political masters and of the sahuikars in the valleys of the district. I do not have any faith in dialogue any longer; we have to fight for our rights, even if we suffer for it.