

Indigenous Peoples' Movement against Mining: A study of Sundergarh district, Odisha in Eastern India

Movimiento de los pueblos indígenas contra la minería: Un estudio del distrito de Sundergarh, Odisha, en el este de la India

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Abstract

This paper deals with the Indigenous Peoples' movement against the OCL in Sundergarh district in Odisha. Based on the intensive field work, narratives and personal journey of the author this paper makes case for 'perspective from within'. Amidst the onslaught of the state the resistance of the Indigenous people is to protect their land, forest and resources.

Keywords: Indigeneity; Development; Industrialisation; Adivasis; Land; Displacement.

Resumen

Este documento trata del movimiento de los pueblos indígenas contra la OCL en el distrito de Sundergarh en Odisha. Basado en el intenso trabajo de campo, las narraciones y el viaje personal del autor, este documento defiende la "perspectiva desde dentro". En medio de los ataques del Estado, la resistencia de los pueblos indígenas consiste en proteger su tierra, sus bosques y sus recursos.

Palabras clave: Indigeneidad; Desarrollo; Industrialización; Adivasis; Tierra; Desplazamiento.



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1. Introduction

The colonial understanding of the Adivasis/ tribes (Indigenous People) has been that of uncivilized and backward; and in need of protection and development. Xaxa posits that the articulation of a tribal identity is related primarily to the state and its resources or to the benefits that it may make available (Xaxa, 2014, p. 85). Adivasis have also made representation in the international forum like WGIP (Working Group for Indigenous Populations) and have sought ‘Adivasi’ term in the Indian context to be the equivalent to the Indigenous People (Karlson, 2003). Despite Adivasis being engaged in different economic activities, they continue to demand for their Rights over their land, forest and water. This has led to the numerous protest movements against mining activities, dams construction, industrialization, urbanization etc., in the Adivasi areas across the country. When modernity started progressing in leaps and bounds, and industrialization became “Temples of Modern India” in the words of Nehru, Adivasis were further marginalized. According to the study by Ekka (2011), Adivasis constitute 40 % of the total people who are displaced for the purpose of industrialization, construction of dams and mining etc. The Industrial landscape of Jharkhand has undergone considerable change and the large-scale industries where vast metallic and non-metallic mineral resources available in the area (Areeparampil, 2012; Rao, 2012). Tribal communities in this State (Odisha) are now amongst the poorest on this earth, dispossessed and alienated, without even the basic security food and shelter (Das, 2002). The Annual Report of the National Commission (1990) for SCs and STs States that with the liberalization policies, their conditions are bound to worsen at a faster pace. Adivasis have witnessed the onslaught of industrialization, globalization and the reforms in the economic policies. The struggle of the Adivasis to protect their land has been well documented in different researches, whether it is against the Natarhat field firing, Koel – Karo project, POSCO or Vedanta etc. The resurgence of Adivasis is being spurred by the increasing displacement caused by the new liberalization policies and the development paradigm (Kujur, 2005).

Sundergarh district in Odisha is the second highest concentration for rich mineral extraction. It is home to numerous Adivasi/ Indigenous communities, primarily Oraons, Mundas, Kharias, Kisan etc. This area is covered under the Vth Schedule of the Indian constitution, providing unique governance mechanisms for the tribals. The growth of the mining based industries and other allied activities have resulted in the urbanization of the district. The area covering the urban centres is transformed into industrial/mining towns, except for the district headquarters. The development discourse of the state for quite some time now; does not respect the views, diversity, culture and value system of tribals which shows it is the second wave of colonization of the Adivasis. The policy makers have never tried to understand the need of the Adivasis; how they want to live their life, or what kind of development they are aspiring for, they are compromising well-being of the Adivasis in the name of growth and development. This, extraction of mineral is carried out at the cost of tribal’s living in the region on the tribal agricultural and customary forest lands by the multinational companies in the name of nation’s growth and development. This aggravates the issues since the tribal’s faces manifold human rights challenges such as right to land, right to livelihood, right to life and liberty and right to clean and safe environment.

This paper attempts to unearth the voices of tribals from Sundergarh district, Odisha which is second highest concentration for rich mineral extraction. This, extraction of mineral is been carried out at the cost of tribal's living in the region on the tribal agricultural and customary forest lands by the multinational companies in the name of nation's growth and development. This aggravates the issues since the tribal's faces manifold human rights challenges such as right to land, right to livelihood, right to life and liberty and right to clean and safe environment. As a result, the tribals of Sundergarh are pushed into poverty and forced to relocate to urban centres in search of alternative livelihood opportunities. Thus, the researcher argues that the development induced forced displacement in the region leads them to lose the opportunity to grow as well as their tribal identity.

2. Mineral rich Sundargarh District

Sundargarh is one of the 30 districts of the state Orissa and is a scheduled district as per the the Vth schedule of Indian constitution. Sundargarh District was constituted on the 1st of January 1948, out of the two ex-States of Gangpur and Bonai, which merged with Odisha on that day. True to its name, this beautiful District of Sundargarh with about 43 percent of its total area under forest cover and numerous colourful tribes dotting its landscape and with abundant mining potential is bounded Simdega District of Jharkhand on the north, Raigarh district of Chhatisgarh on the west and north-west, Jharsuguda, Deogarh Districts of Orissa on the south and south-east and Singhbhum district of Jharkhand and Keonjhar district of Orissa on the east. It is the 3rd urbanised district in state. Out of total population of 2093437, 35.26 percent of them live in urban areas as against 16.69 percent of state's population living in urban areas (*Ibid*). There are 9.16% Scheduled Caste (SC) and 50.75% Scheduled Tribe (ST) of total population in Sundargarh district as per the Census 2011. Some of the major tribes of the district are Oraon, Munda, Kharia, Kisan, Bhuinya etc.

Geographically, the district is not a compact unit and consists of widely dissimilar tracts of expansive and fairly open, dotted with tree, clad isolated peaks, vast inaccessible forests, extensive river valleys and mountainous terrain. Broadly speaking, it is an undulating tableland of different elevations broken up by rugged hill ranges and cut up by torrential hill streams and the rivers IB and Brahmani. The general slope of the District is from north to south. Because of this undulating, hilly and sloping nature of landscape, the area is subjected to rapid runoff leading not only to soil erosion but also to scarcity of water for both agriculture and drinking purposes. Brahmani, Sankh, Koel and IB are the major rivers flowing through this District. Covering a geographical area of 9712 sq. kms., Sundargarh District is the second largest District of the state, accounting for 6.23 percent of its total area. Out of this total area, forests cover 4232.57 sq. km, this being the second largest in the state, accounting for 8.53 percent of the state total (<https://sundergarh.nic.in>).

The district is rich in minerals resources, forest timber and railway network gradually urban centres which is facilitating the mushrooming the growth and development of urban centres. Sundargarh, district occupies a prominent position in the mineral map of the country. The most important minerals of economic value found in the district are Iron Ore, Manganese Ore, Limestone, Dolomite, Coal, Bauxite and Quartz which are presently being extracted in large-scale. As many as 47 working mines with 12564.74 Hect. of land leased in for mining in Sundargarh district of Odisha. This has made it one of the most favourable places in the state for ongoing rapid industrialisation. Such mining activities have its impact on employment generation in these sectors to the tune of 15,000 persons. There are 108 units of large and medium industries which are mostly mineral based like iron and steel, sponge iron, cement, metalics etc. employing 50,766 people and 16106 units of micro and small industries employing 103520 people (Gol, 2020). There are 10 cluster of MSMEs with 445 units in the district. Due to setting up of increasing number of large and medium industries in Sundargarh and in its surrounding areas and also presence of Rourkela Steel Plant, the biggest PSU in the state, there is positive growth in the large and medium enterprises in the area. Rourkela Steel Plant being the largest PSU in the district, there has been the growth of MSMEs around Rourkela Steel Plant in and around Sundargarh district. However still there is scope for further growth of MSMEs considering the fact that a number of large industries have already been set up and started production and more are in the pipe line. As there is growth of industrialization in the area over the years in four waves (Jojo, 2011), there is increase in urbanization inviting therein for more migration of people to the area.

During the colonial period, these villages were part of the Gangpur Princely State. With the merger of Princely States with Odisha in 1948 and subsequent administrative reorganization, they were assimilated into the Rajgangpur and Kutra blocks. The villages are located between the mining area at Lanjiberna and the OCL cement plant at Rajgangpur, and along Sambalpur- Rourkela Express Highway. Numerically, Adivasis (Oraon, Khadia, Kisan and Munda communities) form the majority social group ranging from 74% to 93% at the village level. Similarly, the Scheduled Caste groups constitute 1% to 13% of the total population.

Table 1. List of villages

| SI No | Name of the village | No of Household(s) | Total population | Male | Female | SC (% of population to the total population) | ST (%OF ST population to the total population) |
|-------|---------------------|--------------------|------------------|------|--------|--|--|
| 1 | Khatang | 826 | 3812 | 1895 | 1917 | 512(13.43%) | 3137(82.29) |
| 2 | Lanjiberna | 594 | 2573 | 1315 | 1258 | 184(7.15%) | 1911(74.27) |
| 3 | Alanda | 822 | 3891 | 1970 | 1921 | 196(5.03%) | 3637(93.47) |
| 4 | Kukuda | 780 | 3703 | 1888 | 1815 | 19(0.51%) | 3448(93.11) |
| 5 | Bihabandh | 387 | 1748 | 874 | 874 | 161(9.21%) | 1351(77.28) |
| 6 | Dhaurada | 437 | 2092 | 1046 | 1046 | 248(11.85%) | 1719(82.17) |
| 7 | Kesramal | 495 | 2214 | 1075 | 1139 | 93(4.20%) | 2047(92.45) |
| 8 | Raiberna | 611 | 3009 | 1498 | 1511 | 179(5.94) | 2672(88.80) |
| 9 | Jhagarpur | 564 | 2659 | 1360 | 1360 | 37(1.39%) | 2462(92.59) |

Source: Census 2011

3. History of Odisha Cement Limited, Langiberna

Prior to Independence the industrial activities in Sundargarh were confined only to Birmitrapur, the site of the limestone quarry. The establishment of the cement factory at Rajgangpur in 1951 and the steel plant at Rourkela in 1955 were mainly responsible for rapid industrial development in the district. During the past decade large, medium and a number of small-scale and ancillary industries in and around Rourkela began to concentrate and created an industrial complex. All the large-scale industries of the district viz., (i) the steel plant at Rourkela (ii) The fertiliser plant at Rourkela (iii) Cement factory at Rajgangpur (iv) Messar UtkalMacinery Ltd., at Kansbahal (v) The limestone Quarry, Bisra, are in the complex. Sundargarh has emerged as one of the industrially advanced districts of Odisha. Industrial activities including mining and quarrying engaged 56,044 persons (17.29 percent of the total working population) in 1971.

The Odisha Cement Limited, was established at Rajgangpur in pursuance of an agreement in December, 1948, between the State of Odisha and M/s. Dalmia Jain Agencies Limited (now M/s Dalmia Agencies Private Limited originally Managing Agents of the Company). Limestone, the principal raw material for manufacturing cement, is obtained from the company's own quarries at Lanjiberna situated at a distance of about 10 km, from the factory site (Mining Plan, 1989).

In the early fifties, the construction of the gigantic multipurpose Hirakud Dam was finalised. To cater the huge cement requirement for this project, a cement plant was essential in the eastern region, preferably near to Hirakud. The Governor of Odisha State offered the opportunity to Sri Jaidayal Dalmia to start cement production in Odisha. Rajgangpur was selected for the Gangpur Limestone in Sundargarh District. The Odisha Cement Limited was set up in 1951. Lanjiberna Limestone area, which was originally of M/s. Bisra Stone and Lime Company Limited, was sub-leased to Messrs Odisha Cement Limited. Lanjiberna Limestone lease hold area is the only captive mines of Odisha Cement catering to 1,200 tons per day cement production.

The limestone and dolomite occur in two distinct belts, one in the north, comprising the deposits at Raiboga (22° 23' , : 84°37'), Birmitrapur (22° 24' : 84°44'), Hatibari (22°24' :84°51'), Gatitangar (22°24' ; 84°54') and along the Khatma Nala and the Deo river and the other in south, which stretches over a distance of more than 96 km. Between Jarikela in the east and Lepripara (22°7' ;83°48') in the west. The important deposits in this belt are at Panpsosh (22°14' , 84°49'), Lanjiberna (22°15' , 84°30'), Kiringsera (22°15' 30'' : 84°25'), Kukarbhuka (22°12' : 84°30'), Kinjirma (22°0' : 84°06'). The deposits have been recorded by M. S. Krishnan while undertaking a systematic geological mapping of the State. The deposits have been reassessed by the G.S.I. with a view to proving substantial reserves of limestone and dolomite for the Hirakud Dam Project and proposed Steel Plant of Odisha. The average width of the biggest horizons is between 610 to 760 metres of which the dolomite forms nearly 365 to 760 metres and limestone about 240 to 260 metres. The general strike of the bands varies from E W to ENE-WSW. The dip of the formations is generally steep. The limestone is fine to medium grained and is grey in colour. There is transition from pure crystalline limestone to calcareous phyllite. About one third of the limestone reserve in the area is of good quality and of a composition suitable for flux.

The limestone bands are exposed to the west, east and north of the village Lanjiberna (22°15':84°30'). The beds strike approximately EW and dip at 600-700 on either side. The deposit is traceable for a distance of about 1.6 km. with a maximum width of about 0.5 km. The deposit is divisible in to three zones, the southern, the central and the northern of which the central zone is dolomite. In the southern zone the limestone is mainly medium grained and most of it is suitable for cement. The northern and the southern zones run parallel to each other and extend eastwards from the south Dhaurara. A reserve of about 16 million tonnes of limestone has been estimated in the two zones of the deposit more than half of which would be suitable for flux.

The government of Odisha has issued two separate notifications dated 24th February 2020 and 9th February 2021 to acquire private lands of 990.67 acres of the 1243.167 acres (497.267 hectares) of the following villages under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Government of Odisha Rules, 2016.

Table 2. List of villages to be acquired

| SI No. | Tahsil | Gram panchayat | Village | Private land to be acquired (in acres) |
|--------|--------------|----------------|------------|--|
| 1 | Kutra | Khatang | Lanjiberna | 27.51 |
| 2 | Rajgangpur | Alanda | Alanda | 164.82 |
| 3 | Rajgangpur | Kukuda | Kukuda | 399.8 |
| 4 | Rajgangpur | Kukuda | Bihabandh | 39.01 |
| 5 | Rajgangpur | Kesramal | Kesramal | 293.25 |
| 6 | Rajgangpur | Kesramal | Raiberna | 57.8 |
| 7 | Rajgangpur | Jhagarapur | Jhagarapur | 8.48 |
| | Total | | | 990.67 |

Source: Social Impact Assessment Reports May, 2021 and July, 2021

The remaining private land of 252.33 acres is likely to be acquired in future. Local people think it is a tactic of the company to acquire land in piecemeal in order to avoid protests by the entire affected population. Secondly, nothing is mentioned about the acquisition of 42.36 hectares of common land (105.90 acres) including water bodies, grazing land, and roads etc., which play an important role for the sustenance of their livelihoods. Thirdly, two NGOs i.e., ARDCS and CYSD have carried out the Social Impact Assessment (SIA) study in seven out of the nine villages mentioned in the Environment Impact Assessment (EIA) Report. Two villages, i.e., Dhaurada and Katang have been left out while village Bihabandh has been studied twice, without any methodological explanation.

4. Illegal land acquisition for OCL

4.1. Section-1

4.1.1 Brief facts about the Lanjiberna Limestone and Dolomite mines

Lanjiberna Limestone and Dolomite is situated in Sundargarh district of Odisha, Lanjiberna Limestone and Dolomite Area was originally leased to M/s Bisra Stone & Limestone Company Limited over an area of 1002 HA with effect from 02.05.1951. In order to fulfill the requirement of limestone for the cement plant of M/s Orissa Cement Limited (OCL) situated in Rajgangpur, the Company managed its limestone requirement from BSLC as a sub-lease till 28.02.1990. Subsequently, a direct Mining lease was granted to OCL over an area of 893.55 ha with effect from 01.03.1990 for 20 years (from 01.03.1990 to 28.02.2010) and the mining lease was executed on 29.01.1997. The company in the meantime has changed its name from Orissa Cement Ltd to OCL India Limited w.e.f. 15.01.1996. Renewal of mining lease was filed by the company and the mining continued under deemed renewal. In view of Section 8A of Mines and Minerals (Development and Regulation), Act, 2015 the validity period of lease has now been extended up to 29.02.2040 over the originally granted area of 893.5 ha vide letter dated 27.06.2016.

4.1.2. Expansion of Mines

Now the company wants to expand the Lanjiberna Limestone and Dolomite Mine to increase production capacity from 4.2.MTPA Limestone and 0.08 MTPA Dolomite to 9.5.MTPA Limestone and 0.08 MTPA Dolomite (17.0 MTPA ROM) over an area of 873.057 Ha at villages Alanda, Bi-habandh, Jhagarpur, Kesramal, Riberna, Katang, Lanjiberna and Kukuda in Tehsil Rajgangpur and Kutra in Sundargarh District of Odisha.

4.1.3. Environmental Clearance

The Ministry of Environment, Forest and Climate Change, Impact Assessment Division vide Letter dated 04.03.2020 granted **Environmental Clearance** to the M/s OCL India Ltd for Lanjiberna Limestone and Dolomite Mine.

Case in NGT

The **Environmental Clearance** is challenged in NGT, Eastern Bench. The appeal case is pending in NGT.

Sundargarh District comes under **Fifth Schedule Area** of Odisha, and so special provisions are made in the RFCTLR&R Act, 2013. Section 41 of the said Act is important for our case and odisha rule 2016 on the said Act is essential as Sundargarh is Fifth Scheduled Area.

4.2. Section- 2

First phase of land Acquisition in Kukuda and Katang GP

4.2.1. Prior consent of Gram Sabha in the Fifth Schedule Area

According to Section 41 (3) of LARR Act- 2013- Prior consent of Gram Sabha is must in Fifth Schedule Areas before issuance of any notification under this Act.

Violation- According to section 41 (3) of the LARR Act 2013, no notice was given to Panchayats or gram sabha regarding the proposal of land acquisition

4.2.1.1. Notice regarding Proposal for land Acquisition

On 06/01/2020 the notice was issued to Kukuda, Katang panchayat to hold special gram sabha on 26/01/2020 to discuss the above proposal together with the other development agendas. A general notice was given to the panchayat wherein it was stated that the land acquisition proposal for OCL was to be listed in the agenda of gram sabha and to be discussed and asked to submit the decision.

***Grievance** was filed on 20/01/21 after getting notice dated 06/01/21 to get clarification regarding conducting gram sabha either according to PESA or Panchayat*

4.2.1.2. Resolution by Gram Sabha against the proposal

On 26/01/2020, after the discussion a **Resolution** was passed by Gram Sabha of Katang and Kukuda that not an inch of land will be given. (Resolution of Gram Sabha speak for itself)

4.2.1.3. Gram Sabha resolution passed by kesramal, Jhagarapur, Alanda Panchayats on the same day against the land acquisition proposal

On 10/01/2021 the same notice was given to kesramal, Jhagarapur, Alanda Panchayats. In all the five gram sabhas of the five Panchayats, the land acquisition proposal was rejected on 26/01/2020 and the same was submitted to the sub-Collector by the Sarpaches of the said Panchayats.

Violation-

- *The Prior Consent of all Gram Sabha in Scheduled Area of five Panchayats is NOT taken.*
- *Even the prior consent of all five gramSabhas of five panchayats are not taken*
- *Land Acquisition proposal for M/S OCL Ltd. was rejected by Gram Sabhas of all Five Panchayats on 26th January 2020*

4.2.2. Social Impact Assessment Study- SIA

Under section 4 of the LARR Act 2013 **Notification** should be issued by the government for the SIA Study to the affected Panchayats. According to this Provision the SIA Study should be done in Panchayat, village level or ward level in affected areas.

Violations-

- No notification for SIA study was issued by the government for Katang and Kukuda GP. **(Information is furnished by the RTI)**
- No SIA study was conducted in the affected villages, ward etc as per the provision **(RTI information obtained from the Panchayats).**

Public Hearing for the SIA Study report

Under section 5 of the LARR Act 2013 -**Public hearing for the SIA Study-** Before beginning the SIA Study a Gram Sabha need to be called and intimated to the Gram Sabha to ascertain the views of affected families.

Violations of this provision

- There was no Gram Sabha held before beginning the SIA Study in affected areas
- There was no SIA Study done by the State SIA unit in the affected area in any Panchayat. Without conducting SIA Study a draft SIA Study report was prepared.

4.2.3. Public hearing for the draft SIA study- OLARR Rule 14

According to Rule 14 (2) of Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016 (**OLARR**) Public hearing should be conducted in Gram Sabha.

4.2.3.1. Notice for public hearing

Notice for public hearing was issued on 18/03/2021 for katang and kukuda Panchayats.

Memorandum/Representation-

Memorandum was submitted to collector stating that in 1952, 1991 land has been acquired and people are paying the tax, it is not settled yet. There is confusion with regard to Gram sabha in Schedule Area and so clarification was sought

4.2.3.2. Use of magistrate power by Sarpanches to postponed Public hearing.

Since there was fear of spread of Covid 19, the sarpanches of the said Panchayats exercised their magistrate power and informed the collector regarding the postponements of Public hearing due to pandemic situation. But their decision was not considered. Public Hearing was scheduled to take place on 16/04/2021. **(Letter given by Sarpanches to Collector to postponed Public Hearing citing the reason of Covid-19)**

4.2.3.3. Protest by the affected people on 16/04/2021

Affected people protested and did not allow the authorities to enter the premise of panchayat, where Public hearing was scheduled to be held. As a result of massive protest Public Hearing could not take place. But when the Final SIA study report was published it was stated that the public hearing took place smoothly.

Violation of this provision

- On 16/04/2021, there was NO PUBLIC HEARING in Gram Sabha of Kukuda, and Katang Panchayats for draft SIA study report. **(Information furnished by Panchayats through RTI, video also available)**

- U/s 14(13) consultation with gram sabha in Schedule Area in accordance with PESA is not done.

Memorandum

Memorandum was sent to collector by email on 03/07/21 and the same was sent by Reg. post on 05/7/21 and copy was given to **Governor, Chief Secretary, and Chairperson of National Commission for Schedule Tribe, Principal Secretary to Revenue and Disaster Management, Odisha** regarding false information stated in Final SIA study report because there was no public hearing in the panchayat.

4.2.4. Declaration U/s 8 LARR Act 2013

Declaration was published under section 8 of LARR Act 2013 for two Panchayats in the first phase namely Kukuda and Katang on 24/06/21.

- Representation was given to **LA and Collector**, to withdraw the declaration because the provisions of laws were violated.(memorandum sent)

4.2.5. Prior Consent of Gram Sabha in form –M in Fifth Schedule Area

According to Rule 41 of **OLARR Rule 2016**,–in all cases of land Acquisition or alienation of any land in schedule areas, consent of Gram Sabha shall be obtained in Form- M. before the publication of the notification U/s 11(1).

Violation – Prior Consent of Gram Sabha in form –M is not taken/ given as per this provision. **(Information furnished by way of RTI available)**

4.2.6. Notification U/s 11(1) of LARR Act 2013

Notification under section 11(1) was issued to Kukuda and Katang Panchayats on 06/07/21 and given 60 days of time to file objection if any.

Table 3. Notification U/s 11(1) of LARR Act 2013

| Notification | Village/ Mouza | Panchayat | Tehsil | Area of private land |
|--|-------------------|-----------|--------------|-------------------------|
| Notification U/s 11(1) Of RFCTLAR&R Act, 2013 for acquisition of Private Land | Lanjiberna | Katang | Kutra | Ac.27.26 |
| | Bihabandh | Kukuda | Rajgangpur | Ac.09.22 |
| | Kukuda | Kukuda | Rajgangpur | Ac.232.945 |
| | | | Total | Ac 269.425 |

Source: own elaboration

4.2.7. Memorandum to Governor

On 30/09/21 delegation team met Governor and intimated about the illegal process and submitted memorandum demanding withdrawal of illegal land acquisition.

On 08/10/21 memorandum was submitted through collector to Chief Minister and copy was given to Principal secretary, govt. of odisha, private secretary, 5T secretary demanding withdrawal of illegal land acquisition.

4.2.7.1. Objection filing for both the GPs

Written objections were filed by all the land owners and co-sharers of kukuda and katang Panchayats. (**Received copies of written objections are available**)

4.2.7.2. Objection hearing of Katang GP

Objection hearing was scheduled on 16/10/2021 for Katang Panchayat. After receiving notice, a request was made to conduct the Objection hearing in the affected areas as people cannot travel to district headquarter. But the request was not heard.

The ADM (who is the land acquisition officer) heard the objection of only 3 to 5 people from Katang Panchayat. Others wanted to appoint Lawyer but they were denied of engaging the lawyer.

There was no opportunity given to the people later for objection hearing. And so they submitted the written reply to their objection with supporting documents. (**Received copies of written reply are available**)

4.2.7.3. Notice for Objection hearing for Kukuda GP

Some Notices for objection hearing were received on 17/10/21,(Sunday) just previous day of hearing. The hearing was scheduled on 18/10/21. Request was made to give time for hearing but time was not given.

4.2.7.4. Notice received after hearing date

Some people received the notice on the day of hearing and on 19/10/21 some of them received after the scheduled date of objection hearing.

4.2.7.5. Objection hearing for Kukuda

Only one objection was heard and as the objections were similar ADM refused to hear other objections. Objections proceedings were recorded in the registered. **(All the written reply to the objections were submitted and received copies are available)**

Violations

- Only few objections were heard. Other objectors were not given reasonable opportunity.

High court had given the direction in **WP (C) No 25730/21**. All the objections raised in the writ petition can be raised in objection hearing before the Collector. High court also gave direction that by 10th January 2022 hearing can be concluded and by 17th Jan 2022 order can be given to the parties by the collector. If the parties are aggrieved by the order they can approach High Court. **(High Court order available in services.ecourts.gov.in)**

Two Writ Petitions are disposed by the High Court.

- **Contempt of Court –**

Till date no order of objection was given by Collector to the parties. It is nothing but **contempt of court because collector has failed to comply with the HC order.**

4.2.7.6. U/s 21 of LARR Act notice was issued to the co-sharer/ land owner

U/s 21 of LARR Act notice was issued to the individual land owner expressing the intention of acquiring the land and given 30 days of time for objection.

4.2.7.6.1. Filing of objection-

Land owners and co-sharers filed the objection citing two reasons i.e. no **Prior Consent** of gram sabha is taken and secondly in from J as an owner or co-sharers have not given their consent.

4.2.7.6.2. Objections were filed by email from kukuda Panchayats.

4.2.7.6.3. Objection hearing for Kukuda

The objection hearing was scheduled on 23/12/21 for Katang GP. And notice was received after the scheduled date. No one could participate in the hearing of the objection.

4.2.7.6.4. No notice for objection hearing came for the Kukuda Panchayat but

4.2.7.7. U/s 30 of LARR Act notice is issued for Award

- Notices for award are issued in the name of dead persons for kukuda panchayat
- After receiving the notice for award refusal letter is submitted to the LAO office.

4.2.7.8. Prior consent of Gram Sabha in the Fifth Schedule Area

According to Section 41 (3) of LARR Act- 2013- Prior consent of Gram Sabha is must in Fifth Schedule Areas before issuance of any notification under this Act.

Violation- According to section 41 (3) of the LARR Act 2013, no notice was given to Panchayats or gram sabha regarding the proposal of land acquisition

4.2.7.9. Notice to Panchayat regarding Proposal for land Acquisition

On 10/01/2020 the notice was issued to Kukuda, Katang panchayat to hold special gram sabha on 26/01/2020 to discuss the above proposal together with the other development agendas. A general notice was given to the panchayat wherein it was stated that the land acquisition proposal for OCL was to be listed in the agenda of gram sabha and to be discussed and asked to submit the decision.

4.2.7.10. Resolution by Gram Sabhas against the proposal

On 26/01/2020, after the discussion a **Resolution** was passed by Gram Sabha of kesramal, Alanda, Jhagarapur and Kukuda that not an inch of land will be given. (**Resolution of Gram Sabha speak for itself**)

4.2.7.11. Gram Sabha resolution passed by kesramal, Jhagarpur, Alanda Panchayats on the same day against the land acquisition proposal

On 10/01/2021 the same notice was given to kesramal, Jhagarpur, Alanda Panchayats. In all the five gram sabhas of the five Panchayats, the land acquisition proposal was rejected on 26/01/2020 and the same was submitted to the sub-Collector by the Sarpaches of the said Panchayats.

Violation-

- *The Prior Consent of all Gram Sabha in Scheduled Area of five Panchayats is NOT taken.*
- *Even the prior consent of all five gramSabhas of five panchayats are not taken*
- *Land Acquisition proposal for M/S OCL Ltd. was rejected by Gram Sabhas of all Five Panchayats on 26th January 2020*

4.2.7.12. Social Impact Assessment Study- SIA

Under section 4 of the LARR Act 2013 **Notification** should be issued by the government for the SIA Study to the affected Panchayats. According to this Provision the SIA Study should be done in Panchayat, village level or ward level in affected areas.

Violations-

- No notification for SIA study was issued by the government for kesramalKukuda, Alanda, Jhagarpur GP. (**Information is furnished by the RTI**)
- No SIA study was conducted in the affected villages, ward etc as per the (**RTI information obtained from the Panchayats**).

4.2.7.12.1. Public Hearing for the SIA Study report

Under section 5 of the LARR Act 2013 -**Public hearing for the SIA Study**- Before beginning the SIA Study a Gram Sabha need to be called and intimated to the Gram Sabha to ascertain the views of affected families.

Violations of this provision

- There was no Gram Sabha held before beginning the SIA Study in affected areas.
- There was no SIA Study done by the State SIA unit in the affected area in any Panchayat. Without conducting SIA Study a draft SIA Study report was prepared.

4.2.7.12.2. Public hearing for the draft SIA study- OLARR Rule 14

According to Rule 14 (2) of Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016 (**OLARR**) Public hearing should be conducted in Gram Sabha.

4.2.7.12.3. Notice for public hearing–Notice for public hearing was issued on 30/07/2021 for kesramalKukuda, Alanda, Jhagarapur Panchayats.

4.2.7.12.4. Protest by the affected people on 23/08/2021 and on 25/08/21

Affected people protested and did not allow the authorities to enter the premise of panchayat, where Public hearing was scheduled to be held. As a result of massive protest Public Hearing could not take place. But when the Final SIA study report was published it was stated that the public hearing took place smoothly.

Violation of this provision

- On 23rd August 2021 there was NO PUBLIC HEARING in Gram Sabha of Kukuda and Alanda Panchayats for draft SIA study report (**information furnished by Panchayats through RTI**)
- On 25/08/2021 there was NO PUBLIC HEARING in Gram Sabha Kesramal and Jhagarapur Panchayats for draft SIA study report (**information furnished by Panchayats through RTI**)
- U/s 14(13) consultation with Gram Sabha in Schedule Area in accordance with PESA is not done

4.2.7.13. Final SIA study Report contains the false information

Public Hearing was scheduled on 23 and 25 August 2021 respectively wherein the draft SIA Study report would be presented and **before Public hearing**, Final SIA study Report was published in the month of July.

4.2.7.14. Forged signature in Final SIA Study Report

The Final SIA study Report was given to kesramalKukuda, Alanda, Jhagarapur Panchayats. In the Participants Registration Format attached to the report, contains the **forged signatures** of people. There are also signatures in the name of illiterate persons.

4.2.7.15. Prior Consent of Gram Sabha in form –M in Fifth Schedule Area

According to Rule 41 of OLARR **Rule 2016**,–in all cases of land Acquisition or alienation of any land in schedule areas, consent of Gram Sabha shall be obtained in Form- M. before the publication of the notification U/s 11(1).

Violation –

Prior Consent of Gram Sabha in **Form –M** is not taken/ given as per this provision but notification U/s 11(1) is issued which is illegal (**Information furnished by way of RTI available**)

4.2.7.16. Notification U/s 11(1) of LARR Act 2013

Notification under section 11(1) was issued to Kesramal, Kukuda, Alanda, Jhagarpur Panchayats Panchayats on 21/12/21 and given 60 days of time to file objection if any.

Table 4. Notification U/s 11(1) of LARR Act 2013

| Notification | Village/ Mouza | Panchayat | Tehsil | Area of private land |
|--|-------------------|-----------|------------|-------------------------|
| Notification U/s 11(1) Of RFCTLAR&R Act, 2013 for acquisition of Private Land | Raiberna | Kesramal | Rajgangpur | Ac.57.80 |
| | Kesramal | Kesramal | Rajgangpur | Ac.293.25 |
| | Alanda | Alanda | Rajgangpur | Ac.164.82 |
| | Jhagarpur | Jhagarpur | Rajgangpur | Ac.8.48 |
| | Kukuda | Kukuda | Rajgangpur | Ac.162.96 |
| | Bihabandh | Kukuda | Rajgangpur | Ac.29.79 |

Source: own elaboration

5. Discussion and Conclusion

5.1. Emergence of a movement

The areas of Khatang, Lengeberan, Dharwa, Keramal, Raiberla and Jhagalpur mouzas, comprising of 2300 – 2400 acres of land was at stake. People realized that it will be insignificant to make noise in one village so they joined hand with other villages too in the struggle. In 2007, people of the villages around OCL conceived an idea of doing something. In this way Adi Hak Jan Sangarsh Samiti was formed. It is not a registered organization, but Peoples’ movement. After four years in 2011 Adi Hak Jan Sangarsh Samiti, organized their first programme, by the theme, “Gram SwasanbewasthaUpereHamla Aur Jan Pritirodh”. Since then they have organized various programs. Last year, “Jal, Jangalke Suraksha Lagijutabamita” was organized. They are trying to strengthen the gram sabha and create awareness among the people. Adi Hak has decided that wherever the corporate interests are trying to grab peoples’ land it will work against it. Mr. AbharanKullu is the president, Mr. Bipin Guria VP and Mr LituMinz is the Secretary.

5.2. The perception of the Adivasis towards mining

The overall perception of the mining is that, it has brought more harm to the Adivasis than benefits. Almost all the respondents had protested when the mining initially came to their area. Though there are some people who feel that OCL has contributed for their betterment, but people with similar experiences are very few. People in the villages are divided on lines of languages, religions, cultures only because of mining company. People have expressed their deep regretted for giving their land for mining, because at the end of the day, they find themselves at a complete loss. They feel that all the problems in their life have been created by the company. Have not been the company they would have been happier.

5.3. The livelihood opportunities for the Adivasis in the mining

When mining in their area began, the people had expected that it will provide employment to the people from the nearby villages. Initially all of them got jobs in the company. During the process of mechanization many people lost their jobs. They were asked to retire voluntarily after few years of work. The generation next to them could not take up the job in OCL because they were not trained as per the requirement of the company. Many of the villagers with whom the researcher interacted refuted the claims of employment with the appropriate technical training. The villagers said there are youths in the villages who have undergone technical trainings do not get employment in OCL. The villagers allege that people from outside are employed in OCL. The local youth are deprived of the job opportunities.

5.4. The influenced mining on the socio-cultural aspects among the Adivasis

The social fabrics of the village, linked with culture and tradition is gradually deteriorating. The social bonding not only within the villagers but also intra village was very strong. People use to meet regularly after their work in the evening. They used to discuss together when any problem used to come to the village. Initially, some of the key informants have told that, people were very united when OCL was trying to enter into the village. Festivals like karam and Sahrul would be celebrated for week long, but it is not possible now. When the data collection was going on, it was the time for karam celebration.

5.5. The influence of mining on environment

The most visible impact/ damage are to the landscape by the mining process. Because of mining activity entire landscape is undergoing a sea change which produces a psychological barrier to the habitats. The ground water table is well below 120m and the mining of limestone are planned up to 60 metre only for the present. There is no seasonal water course in the lease hold area which will be affected by continuance of mining. There may be threat by surface water if natural course of water flow is not maintained (by indiscriminate dumping) even for a short period. The spilled oil, grease and other contaminants will find their way in to the nearby fields and water courses, if proper preventive measures are not adopted causing health hazards to inhabitants, cattle and damage to standing crop etc. The mechanized mining and processing of mineral

causes air pollution due to emission of dust from drilling, blasting, loading, transport of mineral by dumpers, dumping operations, crushing and further handling operations. The noise level goes up due to the drilling, blasting, operation of diesel engines, machinery operations, loading and crushing operations. The vibration effects are more pertinent with reference to blasting operations than other ones. The associated problem fly rock and vacation of inhabitants in the danger zone of blasting will need special consideration in the environmental point of view. A study by Vasundhara Organization shows that the increase in a lot of babul trees, palm trees etc is a sign of desertification.

5.6. The influence of mining on health

It has not yet been studied that the dust which emits from Lanjiberna mining is causing harmful health problems to the villagers. But one of the villagers said, “There are number of health problems like one dieses- silicosis in this village. Some children were born handicap and there were miscarriage too.” When there is blasting there is a huge noise and vibration. These frequent noise and vibration is not good for children.

5.7. The changing occupational pattern among the Adivasis

The OCL has brought drastic changes in the occupation patter in the nearby villages. Earlier people were solely depended on agriculture for their sustenance. All the people have lost their land, where they used to cultivate. Due to the excessive mining, the water level has gone down, thus which used to be multiple crop fields have reduced to a single crop. Even the productivity has gone down drastically. As a result of this people have moved on to the alternative source of livelihood. They have picked up temporary jobs in OCL, nearby sponge industries, nearby small mines etc. They are mostly daily wage labours. Some of them are migrating to cities like Mumbai and Surat for jobs. They are mostly employed in construction sites.

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Pratima Tete. Hailing from a small village ‘Samalimunda’ in the state of Odisha in Eastern India. Having completed my schooling and graduation from my village, the journey into Tata Institute of Social Sciences (TISS), Mumbai is both arduous and interesting. I got an opportunity to study outside my state when I joined M.A. (Social Work) at Bhopal School of Social Sciences, Bhopal (Madhya Pradesh). After this, I enrolled for a year-long Masters in Population Studies (MPS) program at International Institute of Population Studies (IIPS), Mumbai. After this I joined M.Phil. in Social Sciences at Tata Institute of Social Sciences, Mumbai and focused on the issues of Adivasis, Indigenous people, Land, Forests, Marginality, etc. Currently, I am continuing my PhD research with a focus on Indigenous societies. More specifically, my research interests are on understanding the Adivasi communities and Indigenous knowledge systems, Indigenous world view, idea of ‘development and wellbeing’ and the continuing struggle for Adivasi rights over Land, Water and Forests.