

Chapter-7 : Kalinga Nagar shows the way

7.1 Quick view of a historic episode:

“The anti-displacement movement at Kalinga Nagar will go down in the annals of history as one of the longest mass protests in the country. After 12 Adivasis were killed in a police firing, the locals organised a highway blockade that lasted nearly 14 months. Mass mobilisation continues to this day in the area, despite negative media reports and the Orissa government’s bullying tactics. It seems to be the people’s way of declaring that an indefatigable protest is the only option left to those threatened by displacement.” (SAHU BIGHNESWAR, *‘Defying the Juggernaut’ in ‘Caterpillar and the Mahua Flower, TREMORS IN INDIA’S MINING FIELDS’ EDITED BY RAKESH KALSHIAN, Published by Panos South Asia, New Delhi, June 2007*).

7.2 The Explosive Day:

But as a matter of fact, January 2, 2006, the day of the Kalinga Nagar firing will be remembered both as a Black Day and a Glorious Day in the history of Orissa, black because on that day the Government and Police of a democratic State behaved in a manner, as ‘South Asian’ in its editorial on 30th Jan. 2006 observed, that ‘would put to shame even British Gen. Dyer who was responsible for the Jallianwalla Bagh massacre’ and glorious, because a group of tribals knowing well that they were no match to the mighty combine of bureaucracy-politicians-industry could dare to voice protest onto the face of the regime-that-be in a clear, loud and resolute manner.

On that fateful day, Tata Iron and Steel Company Limited (TISCO) was carrying out earth-levelling and boundary wall work for its proposed project in Champakoil Nuaugaon in Kalinga Nagar industrial area, located near Duburi in Jajpur district. An investment of Rs 15,400 crore had been invested for the project, a six-million ton steel plant. The original inhabitants of nearby villages such as Chandia, Gobarghati, Ambagadia, Baragadia, Namduburi villages gathered on their own to protest against the work. It was in fact a culminating expression of their pent-up anger raging from the rough and tough manner in which the administration dealt with them in respect of land acquisition and allied issues over years. As soon as the men, women and children from the villages reached the site for boundary, a huge police force consisting of about 10 platoons, armed with lethal weaponry, and already deployed from the previous night, showered a spree of bullets on them. Twelve adivasis including 2 women and one 14-year boy died and several times this number got injured on the spot. Two tribals seriously injured in the incident died some days in the hospital. But as the news of this tragedy spread far and wide in minutes thanks to the electronic media the whole of Orissa at once rose in solidarity with the agitating tribals. Only after 5 days of this shocking incident a State-wide shutdown (Orissa Bandh) was observed on 7th Jan. 06 with an exemplary success, with firm solidarity shown through token Bandhs in the tribal pockets of neighbouring Jharkhand and Chhatisgarh. National-level leaders from all political parties, right, left or centrist including the Prime Minister Mr. Manmohan Singh, Congress President Mrs. Sonia Gandhi, JMM Supremo Mr. Shibu Soren visited the site at Gobar Ghati called by then Bir Bhoomi (the land of heroes), where the victims of police firing had been cremated and conveyed their sympathies to the local community. A storm of protest swept across the region and country reaching out to global networks working for human rights and indigenous peoples too.

7.3 Wider Impact of Kalinganagar Episode:

In fact, under the aegis of Visthapan Virodhi Jana Manch (People’s Platform Against Displacement) an economic blockade on Daitary-Paradip National Highway was put up and maintained right from the day of incident 2nd January 06 till 9th March, 2007, that is to say, for

more than 14 months at a stretch, by far the longest of its kind. The Jana Manch lifted the blockade only after the Orissa High Court intervened and the State Chief Minister showed a conciliatory response to the set of demands that the Jana Manch had put forth. As a condition for lifting the 14 months long road blockade the Jana Manch had demanded that the administration won't use force under any pretext to evict them from their land; that the Tatas must not start construction work without their consent; and that a dialogue to explore an alternative to displacement ought to continue. The Chief Minister formally agreed to their demands in writing on March 8, 2007, and the letter was read out to the protestors and their leaders in Kalinga Nagar. It was only then that the people decided to withdraw the blockade, but announced to the whole world that if the government renege on its promises the blockade would be back on track again ((Source: SAHU BIGHNESWAR, 'Defying the Juggernaut' in 'Caterpillar and the Mahua Flower, TREMORS IN INDIA'S MINING FIELDS' EDITED BY RAKESH KALSHIAN, Published by Panos South Asia, New Delhi, June 2007).

Kalinganagar episode was not only widely reported in both print and electronic media across the country, but also recharged and rejuvenated for quite some time the discourse on development and displacement adding in the process some new dimensions to it. As for the reasons, firstly, it showed a unique example of bravery and self-respect on the part of the tribals who are usually looked down upon by the educated circles among the general population as unread, uninformed, backward and gullible. Secondly, some shady facets of the Government's role as a mediator between the land-holding public and private companies, which had been carefully kept outside the public view ever since the operation of LA Act, 1894, came into a glaring light through this episode, and the sensational disclosures made around it provided the seminal cues for refashioning of the public debate on the role of State in the process of land acquisition for private companies. Thirdly, since the tribal leaders of Kalinganagar movement in course of their decade long battle used to articulate the miserable plight the oustees of other projects of bygone days lived and suffered, the various groups of people across the State who are the descendants of the displaced persons of past projects, say of Rourkela Steel Plant or Hirakud, Machhkund or Rengali Dams felt strongly inspired and energized to re-state the lingering issues around unsatisfactory and pending compensation and to demand a fair deal from the Government even now. For instance, only a week later it sparked off an agitation in Rourkela on January 9, 2006 where tribals numbering about 30,000 displaced in the 1950s by the Rourkela Steel Plant were yet to be rehabilitated (*MAUREEN NANDINI MITRA, It's pent up anger, Tribals protest against decades of injustice in Kalinga Nagar, Down to Earth, 15 Sept. 2007*). Above all, the scholars and activists across the country taking the cue from the Government's ill-treatment towards the displaced families at Kalinga Nagar critiqued the whole range of R&R Policies existing at the moment at national level or in States and soon paved the path for emergence of an unwritten consensus accepted by both Government and civil society think-tanks as to what should constitute the basics of an R&R policy. The quintessence of the new consensus was that if and where displacement is inevitable, the R&R should be such as to provide the displaced family with a better condition of living than the previous one. A partial translation of this new concept on resettlement and rehabilitation into an operational reality is already there for every one to see in Kalinga Nagar area today. Not a single brick has so far been laid for the construction of the Tata's steel plant, but somebody going round the Trijanga or Sansailo Rehab Colony constructed by Tata Company can see rows of four bed-room quarters with space for vegetable garden and animal shed, each constructed by the members of displaced families themselves out of house-building assistance provided by the company. The same Company which has to this day an infamous record of maltreating the displaced families elsewhere has suddenly jumped into the other extreme, and as all the apparently contented residents of these colonies (namely, Mansingh Soren of Trijanga Colony

and Sitakanta Tiyu of Gobarghati Colony) confided before the visiting team (Chitta Behera, Debabrata Rout and Laxmidhar Sahoo on 7-8 Nov. 07), this change-over on the part of Tata Company was solely due to the episode of 2 January 2006.

7.4 Sources of information relied upon:

As already indicated, a plethora of articles, reports and books came out in the country and abroad discussing the incident of 2nd Jan 06 at Kalinga Nagar, its aftermath and implications for human rights of indigenous peoples and future policies on displacement and resettlement and rehabilitation. A Fact finding team consisting of civil society activists Sri Badal kumar Tah, Member, Mines, Minerals & People Network, Sri Mahendra Parida, State Convenor, Forum Against Child Exploitation Bhubaneswar, Smt. Pramila Swain, State Convenor, NAWO, Bhubaneswar, Sri Surendra Patro, Journalist, Sahara Samay, Bhubaneswar, Sri Prashanta Paikray CPI (ML), Bhubaneswar, Sri Prashnta Sahoo, Pallishree, Jajpur and Sushree Jememani Barla, an Adibasi girl from a displaced family of village Chandia in Kalinga Nagar visited the site on 3rd January 2006, the next day of the firing brought out a report on their observations and also addressed a Memorandum to Governor Orissa requesting him to intervene for protecting the tribals and tribal land from the rapacious moves of the bureaucracy-company combine. Quite many political, academic, NGO and journalist groups visited the area in the aftermath of the incident and produced and published reports based upon their perception. Some other groups who had stayed afar, but were deeply moved by the terrible nature of the development did also produce monographs collecting information from secondary sources. For instance, an informative book entitled '*State Aggression and Tribal Resistance: A Case of the Police Firing at Kalinga Nagar*' as authored by Ramesh C Nayak and Joseph Marianus Kukur was published by Indian Social Institute, New Delhi in 2007. But of all the literature available so far, the 17-page *PUCL (People's Union for Civil Liberties) Report entitled, 'Police Firing at Kalinganagar (2nd January, 2006)'* seems to be a more reliable document on the subject in terms of both precision and accuracy. This PUCL Report because of reasons mentioned just below succeeded in capturing some critical and intricate nuances of the anti-displacement campaign that has been continuing at Kalinga Nagar for more than a decade. Members of 3 district units of PUCL (Bhubaneswar, Cuttack and Dhenkanal) jointly constituted a fact-finding team to probe into the incident and resolved to come out with a report. The team had first visited the site of the incident and the adjoining tribal hamlets on 11th January 2006. They had subsequently made 3 more visits to the area for interaction with the concerned families and officials. They also met the injured at SCB Medical College, Cuttack. Collating all the primary materials received, besides the numerous media-reports and other secondary information, the team led by Ms.Pamodini Pradhan, Secretary PUCL Bhubaneswar unit wrote out the report, which got published in PUCL Bulletin of April, 2006. Our present narration of the Kalinga Nagar episode, particularly the background and run-up to the episode of 2nd January 2006 and its immediate aftermath is largely sourced from the said PUCL Report. For the rest we have relied upon the observations and interactions made by the members of this Study Group.

7.5 Demography of Kalinganagar

The area has a significant tribal and dalit population. The two Blocks – Sukinda and Danagadi – under which the area falls has a Scheduled Tribe population of 36.06 per cent and 28.19 per cent and Scheduled Caste population of 11.89 per cent and 22.31 per cent respectively. The Scheduled Tribe population in the acquired area is much higher than the Block average. Of the tribes, people belonging to Ho community constitute nearly 80% and rest of them belongs to Munda and Santal communities. The oral history suggests that these communities came from Mayurbhanj, Keonjher, Ranchi and Singhbhum districts in different phases in late decades of

nineteenth century and early decades of twentieth century and settled here at the invitation of the then Sukinda King. *The Madox Settlement Report 1897* also indicates about their settlement.

Table 7.1: Demography of Acquired Areas in Kalinga Nagar

Name of the village\ Panchayat	No of Households	% of ST population	% of SC population	Literacy rate	% of cultivator labour	% of agricultural labour
Chandia	331	85.9	.2	37.6	41.0	36.2
Gobaraghathi	558	88.8	2.1	53.5	16.0	37.7
Gadapur	140	97.8	0	46.7	43.0	13.5

Source: Census 2001

The official data on land holding in the area do not give the correct picture as the last land survey and settlement in the area was done in 1928. From what we have gathered from people, during our visits, it can be said that lower middle class and marginal peasants constitute nearly 60 % to 70% of the population and a majority of them, though in possession of land, have no *patta* (Record of Rights). A small section of people have land ranging between 15 acres to 60 acres. A sizable number of people are sharecroppers, cultivating the land of absentee landlords of the area.

7.6 Kalinganagar envisaged as an industrial hub

The idea of the Kalinga Nagar Industrial Complex was conceived in the early 90s with the advent of liberalisation and economic reforms. The Industrial Infrastructure Development Corporation of Orissa (IDCO) was entrusted with the task of developing infrastructure facilities for the proposed industrial complex in Kalinganagar, so that the investors could be attracted to set up industries in the area. As a first step, IDCO started acquiring land in the year 1992-94. Although IDCO had acquired the land in the early 90s, only a portion of it had been actually transferred to different industries and the remaining land was still in actual possession of people who had been cultivating it as before. The reason for this was that, although the government of Orissa had signed MoUs with many industrial companies only a few actually came forward then to set up their industries. Possibly this lack of interest on the part of investors was due to the slump in the international steel market. And now that the prospect for the steel market became favorable again, investors started rushing to Kalinga Nagar. Out of them Tatas signed the MoU in 2004 to set up a 6 MMTPA steel plant in Kalinganagar in two phases, with an investment of Rs.1,54,000/- million. There were then 12 industries at different stages of construction/operation in Kalinganagar. Of these, two plants (Nilachal Ispat Nigam Ltd. and MESCO) had started production and another two (Zindal and VISA) were at the stage of trial production. The other companies who were planning to set up their plants in Kalinga Nagar Industrial Complex included Tatas, Maharashtra Seamless, Uttam Galva, Orion, Mithal, Rohit, Dinabandhu and others. The total capacity of all these plants was estimated to be 12 million metric tons per annum.

7.7 Truth about land acquisition for companies in Kalinganagar area:

The following is a table collected from the Office of ADM (Additional District Magistrate), which looks at land acquisition matters in Kalinganagar area.

Table 7.2: The list of plants and area allotted to them by January 2006

List of Plants and Land allotted to them in Kalinganagar

Mideast (MESCO)	530 Acres
Orion	150 Acres
Maithan Ispat	100 Acres
Uttam Gala	370 Acres
NINL	2500 Acres
Maharashtra Seamless	500 Acres
TISCO	2400 Acres
Rohit Ferrotech	50 Acres
JINDAL	678 Acres
VISA Industries	390 Acres
Dinbandhu	100 Acres
K.J. Ispat	50 Acres

Source: ADM office, Kalinganagar

Total Area allotted to 12 Units- 5318 Acres

But the total area as shown in this official table seems to be a gross underestimation. As per the above table the total acreage of land allotted to 12 private companies in Kalinga Nagar Industrial Complex area prior to 1st January 2006 is only 5318 acres. However, as already mentioned, the acquisition of land by IDCO for Kalinganagar Industrial Complex began in early 90s in different phases. By 1st of January 2006, about 13,000 acres of land had been acquired by IDCO. Of these, 6900 acres were private land and the rest was said to be 'government land'. However, in reality people were cultivating most of these 'government land' for generations. The land survey and settlement in the area was not done since 1928. It needs to be noted that after passing the Orissa Estate Abolition Act in 1951, the Estate of Sukinda King was vested with the government. But tenancy rights were not conferred upon the local people who were in possession of land. Even after the Orissa Survey and Settlement Act of 1958 (Rules framed in the year 1962) was passed, no settlement was done in the area. The commitments/ promises made by successive governments at different times on land reforms, promising land to the landless were never implemented in the area. The compensation against the acquired land was given only to those who possessed Patta on the land. This left a huge section of people uncompensated, since they had no Patta over the land they cultivated. Another section of people who cultivated land as sharecroppers didn't also receive any compensation.

7.8 Provisions made for Displaced Families in Kalinga Nagar by January 2006

According to official data, 814 families were displaced in Kalinganagar before January 2006. The number of families likely to be displaced/affected was estimated to be about 5,000. Of the total 814 displaced families, as many as 639 families were displaced alone by NINL (Nilachal Ispat Nigam Limited). Of these, only 182 families were directly employed in NINL. As per the rehabilitation guidelines of the government for Kalinga Nagar, the company would provide monetary compensation if it fails to provide jobs to at least one member of a displaced family. A notice issued by the ADM Kalinga Nagar (dated 5.12.05) shows that the remaining 457 families, not provided with jobs, were yet to receive monetary compensation in lieu of jobs. It needs to be noted that these families were displaced in 1997. Many of these families had already migrated to other districts in search of a livelihood. It was doubtful whether the government kept a track of these families. The following table shows the status of homestead land and employment provided by different companies in Kalinganagar so far.

Table 7.3: Provision of Homestead Land and Jobs for the Displaced Families

Industry	Displaced so far	Provided with 10 Dec land	Provided with Rs.50,000/- (for not availing homestead land)	Direct Employment
NINL	639	131	508	182
MESCO	53	53	-	47
Jindal	60	51	8	Nil
VISA	23	3	20	Nil
Rohit	12	Nil	12	Nil
Common Corridor	28	Nil	28	Nil

Source: ADM Office, Kalinga Nagar

According to the government's own guidelines, "each displaced family will be given 1/10th acre of land for homestead purpose, free of cost, with developed infrastructure in the rehabilitation colony. Roads, community centres, dispensary and other facilities of a model colony have to be provided as a part of infrastructure development". But the conditions in the rehabilitation colonies are far from the government's promise of 'model colony'.

7.9 Condition of Resettlement Colonies prior to the incident of 2 January 2006:

The big entrance arch reading 'WELCOME TO THE GOBARGHATI REHABILITATION COLONY' put up at Mirigachara gave and still gives the impression of a prosperous rehabilitation settlement. However, once you enter the colony, it presents a totally different picture. Baring three/four pucca houses, tiny thatch and mud huts strike one's eyes. Till date, only 120 families out of total 639 families (displaced from the villages Khandiapusi, Madhapur and Sarangpur for the NINL) were residing in the colony. Rest of the families (about 70 per cent of the total displaced) who didn't come to settle in the colony had opted for Rs.50,000/- as cash compensation in lieu of 10 decimal homestead land provided at rehabilitation colony. A large section of the displaced families chose not to come to the resettled colony because of lack of livelihood in the vicinity. Even people who had received compensation money for their land couldn't buy land as land price suddenly increased many times in the surrounding areas due to the prospects of industries coming up in the region.

Of the people staying in the colony, only 25 families had got employment in NINL. The remaining families were working on their own in the stone crushers, earning Rs.40 to 50/- per day. Even for that they had to cover daily 14 to 15 kilometers. There was no other work opportunity available in the nearby area. These displaced families, although living as daily wage earners were not considered as BPL families. For 120 families 5 tube wells had been installed and two of them not working. Inside the colony, roads are of murrum and get washed away in the rainy season. Only one primary school existed in the colony. The next higher school is at a distance of 5-6 kilometers. Electric connection was provided up to the colony but people were not in a position to afford connection. There was no Primary Health Centre in the colony, the nearest PHC being about 20 Kilometers away.

The displaced families although resettled since 1997 were not provided with Patta for their homestead land. Instead, an 'Intimation Slip for Settlement of Land' had been issued from the office of Tehsildar, Sukinda with the instruction that 'transfer not possible without the prior permission of the Revenue Officer'. As per the rehabilitation guidelines, the companies were to provide house building assistance of Rs.50,000/- to each displaced family. However, the company deposited this amount with the District Collector, who would release the amount to the

family only after they vacate the house, move to a temporary shelter, and begin construction of the house. After seeing the progress of construction, the Collector would release the money in three installments, Rs.15000/-, Rs.15000/- and Rs.20000/-. These conditionalities obviously made it extremely difficult for a poor displaced family to avail of the housing assistance and resettle in the new area earmarked for them. [Source: *PUCL (People's Union for Civil Liberties) Report entitled, 'Police Firing at Kalinganagar (2nd January, 2006)*]. The bitter experience of the NINL displaced families in the Gobarghati Colony increased the anxiety of the tribal families, who were yet to be physically displaced and further stiffened their attitude against the displacement.

7.10 Government in the role of a land speculator:

But what enraged the tribal families most was the shady deal by IDCO, the land acquisition authority appointed by Government of Orissa. IDCO paid the paltry compensation to the land losing tribals at the rate of only Rs.37,000/- per acre while selling the same land to the company at the inflated rate of Rs.3,50,000/- per acre. This fact has been verified from various official and non-official sources. Besides the above named PUCL Report, *Sri Dharmendra Pradhan, an MP belonging to BJP*, a partner of BJD in Orissa's ruling coalition admitted in an interview with Ms.Archana Masih, Assistant Managing Editor of Rediff News on 7 Feb. 06, "When the government acquired the land in 1992-1993, the people were given Rs 37,000 per acre as compensation. There was no land acquisition after that. . . . Now that IIDCO (Orissa Industrial Infrastructure Development Corporation) is getting Rs 3,50,000 from the next industrial project to be set up on the land, the people feel they should get some part of that money". *The WEEKLY REVIEW of ACHR (Asian Centre of Human Rights), New Delhi on 3rd January 2007 in a write-up 'The Displaced India: From Kalinganagar to Singur'* also testifies to such a broker-like role of the State Government in land acquisition process. *The premier Oriya daily Samaj dated January 4, 2006*, published an article titled 'The government purchased land from tribals at Rs 35,000, sold them at Rs 3.5 lakhs'. *The visiting team of this study (Behera C, Rout D and Sahu L)* also got its truth confirmed from the local people.

An interesting calculation has been provided in this regard by *Jharkhand Mines Area Coordination Committee (JMACC)* that visited Kalinga Nagar in the immediate aftermath of 2nd January episode. They give us an idea about how the Government made windfall profits simply out of its behind-the-scene role as a land-broker between the people and concerned companies. It is worthwhile to summarise the relevant text from their pamphlet 'What happened at Kalinga Nagar?' to enable a researcher to find out if the surprising arithmetic presented there had some rationale in it.

- In 1994 the State government paid compensation to only Patta holding villagers and that too at the rate of Rs. 37,000/- per acre, whereas in the same year the Central government had stipulated the norm of Rs.3,50,000/- per acre to be paid to the State government in connection with land acquisition for any Central project; thus going by the Central Govt's criteria the land losing tribals should have received Rs.3,50,000/- per acre in 1994 itself;
- Out of a total 30,000 acres acquired at Kalinga Nagar, Patta was available only for 13,000 Acres, and the rest were considered Government land; but as per Supreme Court's direction, the State Government should have issued Patta in favour of every tribal family for the land in their possession; Had the State Govt observed this direction of the Supreme Court the non-patta land-holders might have received the compensation;
- The State government however sold 2,400 acres of land (both Patta and non-Patta) to Tata Company at the rate of Rs. 3,50,000/- per acre in 2004; By that time the market price per acre of land had reached between 5 lakh to 7 lakh rupees in Kalinga Nagar area;

- Finally thus the State Government made a profit of Rs.71.8 crore for itself and helped the Tata Company amass a net saving of Rs.8.7 crore for nothing.

[Source: Jharkhand Mines Area Coordination Committee (JMACC) in 'What happened at Kalinga Nagar?' published soon after the incident of police firing 2nd January 2006]

A similar version has been presented by *South Asian, a forum of peoples of South Asia* (<http://www.thesouthasian.org>) in its editorial essay 'Tata Steel Must Own Responsibility' on 30 Jan. 06. The said editorial also describes the angry reaction of the locals to such double standards, broker-like deals by the Government in respect of the tribal land as the prime and immediate cause that triggered off their outburst on 2nd January. The editorial says, "Tata Steel Ltd (TSL) has been allotted 2400 acres in Kalinga Nagar for the construction of a six million tonne plant. The land that the government purchased at the rate of Rs. 37,000/- per acre in 1994 from some of the affected families (not all affected have been yet counted for project impact and rehabilitation), was sold to the Tata Co. for Rs. 3,35,000/- thus making for the State a net profit of Rs. 715,200,000 and at the same time giving the Tata Company a savings of over Rs. 87,600,000 over the market price. The current market price ranges between Rs. 5,00,000 to 7,00,000 per acre. It was this dispute over compensation that was on the negotiation table till 2nd January and was the reason why the people had assembled to prevent the bull-dozer from destroying their houses and taking over their lands that fatal day."

Box-7.1: Government collects from the Company Rs.3,50,000/- per acre of tribal land, but pays only Rs.37,000/- to the tribal

"Tata Steel Ltd (TSL) has been allotted 2400 acres in Kalinga Nagar for the construction of a six million tonne plant. The land that the government purchased at the rate of Rs. 37,000/- per acre in 1994 from some of the affected families (not all affected have been yet counted for project impact and rehabilitation), was sold to the Tata Co. for Rs. 3,35,000/- thus making for the State a net profit of Rs. 715,200,000 and at the same time giving the Tata Company a savings of over Rs. 87,600,000 over the market price. The current market price ranges between Rs. 5,00,000 to 7,00,000 per acre. It was this dispute over compensation that was on the negotiation table till 2nd January and was the reason why the people had assembled to prevent the bull-dozer from destroying their houses and taking over their lands that fatal day."

(Source: South Asian, 30 January, 2006 (<http://www.thesouthasian.org>))

7.11 Years of Illusion, Confusion and Simmering Resentment- Prelude to 2 January episode-

By all accounts, initially the local people welcomed the idea of the industrial complex believing that the new industries would usher in development of the area, give employment to the local populace, and improve their standard of living. So when land acquisition took place between 1992 and 1994 undertaken by IDCO, people accepted the compensation at the extant rate without a murmur. They believed the verbal assurance given by govt. officials that jobs would be provided to them when the industries would start. They continued cultivating the acquired land as before till around 1997 when the first batch was displaced. When the land was physically acquired in 1997 to be handed over to the companies, provision was made to shift the displaced people at two resettlement colonies: Trijanga and Gobarghati Colonies. Homestead land of 10 decimal (1/10 acre) per family was allotted to each displaced family. People displaced due to the MESCO and Jindal plants were to shift to Trijanga, and those displaced by NINL to Gobarghati. Trouble started when at the time of being shifted to the Gobarghati Colony, the displacees demanded jobs before they would leave their hearth. When nothing of the sort was forthcoming,

the villagers sat on Dharna refusing to leave. Matter took a cruel and ugly turn when late in the evening the administration used the police to forcefully evict the people. Reportedly bulldozers were used and 60 people arrested. The trust of the people got a jolt for the first time.

What happened between 1997 and beginning of 2004 is more or less eventless. There seemed to be a lull from both sides. This much was evident from the hearsays that the mainstream political parties guided as usual by their vote bank politics encouraged the people to stick on to the occupation of their home and land which had however been alienated earlier officially.

Came June 2004; Jindal evacuated villagers by blasting rocks near village Baisipur. The displaced villagers are now living in tents outside Hudisai village. In the same year an organisation to protect the interest of the people affected by the industrial complex was formed; they called it Sukinda Upatyaka Adivasi-Harijan Ekata Surakshya Parishad, which was later renamed, and remains such till date as Visthapan Virodhi Jan Mancha, Sukinda. In October 2004 they issued an open letter to the Chief Minister expressing their concern and grievances about the hardships faced due to the emerging industrial complex, and spelt out several demands; five demands meant for the people to be displaced, and six demands concerning the people already displaced. The salient features of the demands included i) no further construction in agricultural land; ii) providing patta to the people settled before 1980 iii) land acquired but unused be returned to the original owners; iv) no deliberate targeting of tribal/dalit villages for land acquisition; v) provision of homestead land to be raised to one acre per displaced family; vi) the Parishad to have a say in rehabilitation matters; and vii) one job per each displaced family.

During 2005, the Visthapan Virodhi Jana Mancha (VVJM) resisted all kinds of activities - like land-survey, Bhumi puja, leveling, boundary wall construction etc. -relating to setting up of industries in the Kalinganagar Complex. They organized protest meetings and sit-in demonstrations in front of construction sites. In April 2005 government had issued notice to do a family survey. But the Manch decided not to cooperate with the government for this survey as their demand for land patta was not met. It needs to be noted that the last family-wise survey was done back in 1996. The number of family units had already increased by 2004-5.

Then occurred the incident of 9th May 2005, which assumes greater significance in terms of signifying a culmination of simmering discontent against the administration and the companies under their protection. On this day at village Khurunti, nearly 300 tribals and harijans gathered to oppose the Bhumi Puja of the proposed steel plant of Maharashtra Seamless Steel Ltd. The plant was likely to displace over 6000 people in 13 villages. The ADM of Kalinganagar came to the site to negotiate with the people. The local police was already present, though not in very large numbers, to provide security to the officials of Maharashtra Seamless. The people reiterated their demands to the ADM and did not move from the place. But the ADM Shri Santanagopalan in his enthusiasm ordered lathi-charge and rushed towards the protestors pushing some of the obstructing women to the ground. Rubber bullets were also fired by the police. The people saw this high-handed action by administration as a provocation. Clashes ensued. People resorted to stone pelting and the vehicle of the ADM was damaged. The ADM was beaten up in the melee and when the IIC of Kalinga Nagar PS tried to save the ADM he too was beaten up; both of them sustained injuries. Seeing the people's rage the police retreated from the scene that afternoon, to return later with more reinforcements. They entered the villages and went on a rampage. Fearing retaliation most of the men folk had fled the villages and taken shelter in the surrounding hillocks. Therefore the brunt of the police fell on the women folk and children. They were roughed up and at least 25 women were arrested. Hearing of the police terror people from nearby

villages also fled and took shelter in the nearby forests. Privations caused the death of two children. Also, an old man who was severely beaten up by the police died later.

After the 9th May incident the mutual distrust between the people and Government became total. The tribals led by the Jana Mancha felt betrayed by the govt. and perceived the administration as a friend to the companies and enemy of the tribal people; the administration on its part was taken aback by the vociferous resistance offered by the hitherto gullible and peaceable tribal families. Possibly they were planning ways of snuffing out the resistance.

Notice was served to the people for a Public Hearing on Tata Steel plant to be held at Jajpur Road on 27th July 2005. But strangely enough, before 4 days of the said date Tatas came to perform their *bhoomipooja* in the presence of District Collector and the SP i.e. on 23rd July 2005, About 3000 people protested and held demonstrations at the site. The administration responded by lodging cases against some people and their leaders.

Again on 7th October 2005 Tatas came, this time accompanied by police and district administration for *bhoomipooja* and people also protested. A constable was reportedly beaten up by the protestors and people snatched away his gun. On 25th October Shri Rabindra Jarika, one of the leaders of the Jana Mancha was arrested by the Jajpur police from Bhubaneswar. He had come to Bhubaneswar to attend a conference of some tribal organization. The manner in which Shri Jarika was arrested had raised serious questions at that time and many civil society groups including PUCL had protested against police highhandedness in this case and the policy of the government to repress all democratic movements by use of police force. On 27th October people gheraoed the Kalinganagar police station protesting against the arrest of Rabindra Jarika. After this incident police were trying to arrest the other leaders of the Visthapan Virodhi Jana Manch in an effort to root out every trace of resistance from the area.

On 17th November 2005 people stopped the construction work begun by the Maharashtra Seamless Steel. Since then no further construction work took place right until the fateful date of 2nd January 2006. The movement was gaining momentum and the mood of the people upbeat. Little could they foresee what awaited them in the days ahead.

7.12 Standpoint of Visthapan Virodhi Jana Manch on Tata Steel Project-

Several analyses and interpretations of how the tribals viewed the industrial projects coming up in Kalinga Nagar have been put forth by scholars, activists, politicians and media persons from across the country. Interestingly enough, a letter addressed by the President of VVJM Sri Chakradhar Haibru, a resident of Gobarghati village who was then spearheading the anti-displacement agitation in Kalinga Nagar area, to Member Secretary Orissa State Pollution Control Board, Bhubaneswar gives by far a clearer position of the tribal perspective than any other. As is evident from the text of the letter, it was written as a response to *OSPCB's advertisement in the public media around 8th Oct. 2005 inviting public objections on REIA (Rapid Environment Impact Assessment) Report for the proposed Tata Steel Project at Kalinga Nagar*. The factualness and precision with which this letter has been drafted render it worthy of reproduction verbatim.

“From Chakradhara Haibru, President, Bistapan Virodhi Janamancha, Sukinda, At- Ambagadia, P.o.- Gobarghati, Dist- Jajpur, Orissa

To The member-Secretary, State Pollution Control Board, Orissa, A/118, Nilakantha nagar, Bhubaneswar- 12

Subject: Objection to proposed TSL Project (-see below) at Kalinga Nagar, in response to the Advertisement of The Sambad of 8.10.05 of State Pollution Control Board, Orissa No-30717 dated. 6.10.05*

Sir,

On the above said subject we beg to submit our objections.

The objections are made after examining the REIA of the proposed 6MT Steel Plant of TSL at Kalinga Nagar.

1. The objection of the people should have been sought before signing of the MOU. The State Govt. has agreed to the project of TSL as early as 17 November 2004. The affected people are asked to give their objections if any, after a year. In the meanwhile TSL has completed their survey work and are constructing boundary walls in spite of the protests of the affected people.

2. 175 MW CAPTIVE POWER PLANT IS OBJECTED.

A few weeks ago, the State Pollution Control Board, Orissa has done a public hearing for 4x125 MW Thermal Power Plant of TSL as part of their 6MT Steel Project. What would happen to Sukinda and its environment? The Thermal plants of NTPC and NALCO have spread the fluoride-related diseases among the population and domestic animals in Talcher, Anugul area. Even the agricultural fields and river water have been heavily contaminated by fly ash and bottom ash. The Thermal Power Plants with their fly ash shall equally damage the human habitation of Sukinda area and Kalinga Nagar.

The Coke ovens of TSL and that of other plants under construction shall add to the air pollution. Presently the Coke Ovens of Nilachal Plant is causing serious pollution of the air by their emission over an area of 6km. radius. The inorganic and chemical wastes of several pig iron and steel plants shall only cause diseases and bring death to thousands. So the project of TSL is strongly objected.

3. THE CORE ZONE OF TSL IS NOT WASTE LAND.

The core zone of TSL consists of green hills with rich forests, tribal settlements of more than ten thousand people spread over two gram panchayats, agricultural lands, ancient tanks, grazing fields, village common lands and roads. The total area of waste land is less than 5 acres on the Northern side. Why the core zone is described as WASTE LAND ignoring the ground reality? This is most objectionable.

4. WASTE LAND IN THE BUFFER ZONE.

The report on the project states that, out of 314 Sq.Km. a total area of 63% is waste land. This makes it an area of 197.93 Sq.Km. Then nearly 3 lakh people are living mostly in the waste lands. More over, it must be accepted that most of the agricultural land within 200 villages situated within the area on waste land. Also it must be accepted that the forests, green hills including the protected and reserve forest the stretch of Brahmani river and Kharasuan river, natural water streams, the plantation sites mostly waste land. This is wild assertion. Let the Govt. Forest Records, Revenue Records, Central Govt. Survey maps and Census Records be examined to find facts. Total waste land in the buffer zone constitute less than 2%. 35% of the area is of forest and hills with wild animals of rare species. Agricultural land, human settlements urban area infrastructures constitute 55%. The rest area includes quarries, wet land, sand banks and river.

5. BRAHMANI RIVER WATER.

Brahmani river water is heavily polluted by industrial pollutants of Rourkela and Talcher – Anugul area. For this central Pollution control Board has declared it 'C' class. State Pollution control Board has declared a stretch of Brahmani river from Kamalanga o Bhuban as 'D' class. The industrial pollutants contain radioactive inorganic toxic materials like Uranium, Thorium and several types of harmful chemicals in its water which has affected the aqua life of Brahmani up to the mouth, where olive ridley and crocodiles are protected. The suppression of facts in the report is objected.

6. GROUND WATER TABLE.

In rainy months ground water Table swells in some parts of Sukinda area above the ground level and continue to flow for weeks. This is observed in some parts of foothills of Barasuli and other hills area. But during Jan-June months in all parts of the area the ground water level falls to 10 to 30 mtr. The facts are not placed by the report correctly when they speak that ground water table varies from 0.8 to 9.2 mtrs.

7. EXPLOITATION OF GROND WATER.

Two years back there was no large scale exploitation of ground water. But presently there are more than 50 deep bore wells in Kalinga Nagar. Some supply 24 hour water to pig iron plant- VISA and JINDAL, have 24 bore wells among them. 9 bore wells are used by other projects for their construction work. 12 bore wells supplement pipe water from Brahmani to Nilachal Plant and Mesco Plant. Even Brahmani surface water is supplemented by

deep bore wells of IDCP. If this is not large scale exploitation of ground water within 40 Sq. Km. of Kalinga Nagar, than what it is?

8. CLIMAT OF KALINGA NAGAR AND THE ADJACENT ZONE.

Sukinda and its adjoining area had never a humid tropical climate. Its climate is dry monsoon. Day time temperature in April-May hovers between 37 0C-390C. The humidity is around 40%. The lowest temperature in Dec-January is recorded as 150C. the report has placed disinformation about the climate of the area.

9. ECOLOGICAL NATURE OF THE STUDY AREA

The project area is not waste land-it must be pointed out again. 75 Sq. Km. of hills with forests spread over the area contiguous to TSL projects on the south and south west direction. 10,000 people, their agricultural land and common land are within the core area. 20% of the Project area has quality forest where timber species like Sal, Kuruma, Vandan, Ashan and Piasal, besides Mahula, Kendu are plentifully available in these parts.

10. RARE PLANTS SPECIES

Local tribal people gather herbs and roots from the local forests which they use for treating successfully a wide range of illness. Tribals from outside Sukinda – from Dhenkanal and Keonjhar come to these parts of forests to collect necessary herbs and roots. It must be noted that these forests are under full protection of 40 Tribal villages of the locality since 1946, where hunting and cutting of trees is strictly prohibited by the community decision of the tribal people.

11. WIDE FAUNISTIC SPECIES.

Within 5/6 Kmtr. of the project area the forests of Nakasa, Natimara, Barsuli, Bhitarmatika and Sunajhar have some rare species of wide life in good number. They include leopard, deer, scaly ant eater, pangolin, python, cobra, giant boa. The rare wild dogs (Rama siali) are seen in packs. There are large numbers of wild boar, wild goats, deer and several types of monkeys in these forests. It may be repeated that, this has been the habitat of so many types of animals in a non protected govt. forests for last 60 years.

12. POPULATION DENSITY.

Within the buffer zone of the project, the total population is more than 3 lakh in 314 Sq. Km. area. 3 lakh populations are definitely higher in comparison to the State's average population density. But the report has wrongly stated that the population is only 44 thousand. The tribal populations within this zone are nearly 60 thousand. Let the Census report of 2001 be checked up.

13. DIRECT AND INDIRECT EMPLOYMENT AND BENEFICIAL IMPACT TO HUMAN ENVIRONMENT .

The report tries to impress that, by the coming up TSL project, direct and indirect employment would be generated and the impact will be beneficial to human environment. We belief, the report tries to point out that, the people in the buffer zone shall lead a developed and prosperous life – with better food, better health, better housing conditions, education and cultural facilities. This is a false picture for the vast majority of the working people on the area

The 'Secretive' expansion plan of Kalinga Nagar by the Govt. of Orissa, moving to acquire nearly 200 Sq. Km. for the industrial complex, infrastructure and other purposes shall make all the peasants in this zone landless. Most of them will be turned homeless and shall seek shelter in Govt. colonies. There will be acute shortage of water, wide spread air pollution by the effect of industrial complex. In the meanwhile prime agricultural lands are being purchased by some Pvt. Companies through illegal deals making the peasants landless. The Govt. officials are conniving with the land dealers for the acquisition of land from poor peasants.

Most of the tribals who face displacements are without lawful rights on their homestead land and agricultural land. So the compensation package of 10 decimal plot in rehabilitation colony with 50,000 Rupees to construct one room pucca house does not make them secure even for a day. Because they don't have regular work to make their earnings. Cut off from their traditional life, traditional occupation of agriculture and food gathering, these people cannot by any stretch of imagination be capable to earn enough in the colony to wait for a job in the plants. After all, they are not eligible to get preferential treatment in the job market of Kalinga Nagar. They are not land losers as per Govt. criteria. We have our lessons from the plight of the displaced people living in Gobarghati rehabilitation colony, who earn their living, men women and children, in crusher plants. They weep for their present misfortune and curse the Nilachal Plant Authorities for whom they lost their home and lands.

We the tribals 10,000 in number and the 50,000 other tribals in the buffer zone are against the displacement from our homes and agricultural lands. So also the 50,000 Dalit people are against the projects in Kalinga Nagar. In this connection we don't agree to and accept the 'development' dream put before us by the report. We are not prepared to be hom less, lan less, jobless. We don't want to lose our traditional culture life.

In this situation we submit our objection to TSL projects in Kalinga Nagar. We request the authorities to study the points and contentions made above and take proper steps in the interest of the poor tribals, the Dalits and the people in general living within a radius of 30km.

Yours faithfully,

Chakradhar Haibru

President, Bistapan Virodhi Janamancha, Sukinda , Jajpur

(*) Tata Sons Ltd (TSL), headquartered in Mumbai (Bombay) is the "promoter" group for all Tata's 93 subsidiaries worldwide, and in which it has the key shareholding. (Source: *Kalinganagar Update 9th January 2006, Mines & Communities Website*)

The objections raised by VVJM to proposal for both Power Plant and Steel Plant by Tatas as mentioned above have so far not been met by Government or Company. Although this letter of protest was written in the context of Kalinga Nagar Industrial Complex, it has seminal relevance for all the areas in the country wherever the tribals are struggling for their rights over land and other natural resources vis-à-vis reckless manner of industrialisation and consequent human displacement pursued by the Government in the interest of private and foreign companies.

7.13 Second January and Aftermath

On 2 January, 2006 the police recklessly fired upon the protesting tribals who had sporadically gathered at Champakoili village the site for boundary wall. As a result 12 persons died and as per a conservative estimate 37 persons got severely injured on the spot. The police immediately dragged away the dead bodies except 4 ones which remained in the custody of the shell-shocked tribals. The people under the banner of VVJM, Sukinda sat on a dharna at Madhuban Chhaka on the NH-200. As the shock and grief gave way to outrage and a new resolve to thwart the designs of the government, the ever-swelling numbers of agitators blocked the highway, with seven-point demands. The road blockade continued for more than 14 months until 9th March 2007. On the persistent demand by the VVJM and public at large the remaining 8 bodies were handed over to the families on 4th January 2006. A mass cremation was held at Ambagadia village amidst tears and slogans all around. The place of cremation got renamed as *Veer Bhumi* (Land of Heroes). As if to add salt to the injury, the police had chopped off the palms of the dead bodies which were in their custody. This unprecedented behaviour on the part of the police, which had no rhyme or reason not only further fuelled the wrath and outrage of the tribals but also invited the full-throated condemnation from all over the world including Amnesty International and India's official bodies like SC and ST Commission and National Human Rights Commission. Shyam Gagrai, 35 succumbed to bullet injuries on 11 March 2006 at All India Institute of Medical Sciences in New Delhi. Another victim Sanjoy Soy also succumbed later.

In Delhi series of demonstrations took place condemning the killing of tribals by the police under the aegis of various student, youth and civil society groups. One such protest demonstration that drew the participation from cross sections of Delhi's intelligentsia was held in front of Orissa Niwas on 6th Feb. 2006 under the banner of a specially formed platform '**CAMPAIGN AGAINST POLICE KILLINGS IN ORISSA (ORISSA GOLIKAAND VIRODHI ABHIYAAN)**' and a memorandum was addressed by the protestors to the Governor Orissa through the Resident Commissioner of Orissa Bhavan. The memorandum was signed among others by Ranjana Padhi, Harish Dhawan, Radhika Menon, Joseph Marianus Kujur, Nagraj Adve, D Manjit and many others. The Organisations which were represented in this demonstration formed a long list, that included

AIFTU, AISA, Aman Biradiri, Delhi Forum, Delhi Oriya Students Federation, Delhi Shramik Sangathan, Democratic Students' Union, Forum for Democratic Initiative, HRLN, Indian Social Institute, JNU Students' Union, Kashipur Solidarity Group, Krantikari Yuva Sangathan, Lok Sangharsha Morcha, Manipur Students' Association, Mazdoor Hastakshap, National Alliance of People's Movements, People's Democratic Front of India, PSSP (Kashipur), PUDR, RDF, Revolutionary Democracy, Samajwadi Jan Parishad, SRUTI, Stree Adhikar Sangathan

Oriyas living elsewhere including non-resident Oriyas in USA and other foreign countries joined in the chorus of protest against Kalinganagar killings through emails and newspaper articles. They pointed particularly to how the successive Governments have not only bartered away the interest of poor dalits and tribals but also sold away the valuable mineral resources of the State to the foreign and private companies.

In this regard, it is worthwhile to quote a sample of such responses i.e. one by Dr. Sankarsan Acharya of Citizens for Development, USA. Dr. Acharya in his well-reasoned but forceful letter addressed to President of India accompanied by a statement observed, "By just reacting to the people clashing with police at Kalinganagar will obfuscate the paramount truth underlying the tragic massacre. What is happening now is just like what East India Company (EIC) was doing to Indians. The EIC was paying pittance to indigo and opium farmers to procure the produce to sell in China for exorbitant profits. The profits were shared among EIC stakeholders, viceroys and the Crown. Opposing Indians were subjected to cannon fire. At one stage, the Chinese refused to buy anything from the imperials. Then the British government used Indian soldiers to wage war against China!

"Now the decision makers of the State (union and state governments) are paying \$0.075 per tonne of iron ore to public exchequers. The miners get this iron ore for \$.075 to sell it for at least \$45 per tonne in international markets. The State disposes off at least 63 million tonnes of iron ore like this per year. The \$0.075 per tonne received by public exchequers is insufficient to even pay salaries and pensions of government staff. Do you see why our government employees are paid little and infrastructure is crumbling?

"The \$45 x 63 million per year goes to palaces of Indian miners, decision makers and mafia, including police officials and district collectors. This is just from iron ore. We have to count all other ores being exported away, public land usurped and development funds (printed/borrowed rupees) embezzled. This is why cannon fire is being unleashed against people who are opposing the robbery of even their personal possessions. The siren of industrialization and development is bogus and humbug. India does not need to import exorbitantly priced coke to make steel/sponge iron for exports. One-sixth of humanity living in India has barely 2% of global deposits of iron ore. Our current steel production is sufficient to meet domestic needs.

"Orissa's CM has been recklessly transferring public's iron ores to private parties for a piddling royalty of \$0.075 per tonne, which is valued in market \$50-110, depending on various delivery terms. This is not economic justice to public as guaranteed by the constitution of India. The CM has thus subverted the constitution of India. He and perhaps all political parties in India have no consideration whatsoever that India has just 2% of iron ore reserves, but is exporting it away to other nations in raw or some finished form

"Now the Orissa CM has massacred Kalinganagar people opposing a takeover of their private lands and dwellings (their only wherewithal) to transfer the same to some private individuals, so-

called industrialists. This is blatant injustice. Public and private wealth is being looted under the garb of industrialization.

“India has become a banana republic with such constitutional figures as the Chief Ministers massacring people to loot their private possessions and siphon off public wealth for pittance, in addition to being involved in other rackets and scandals, as per prominent newspapers.”

Box-7.2

No difference between present Government and East India Company!

"By just reacting to the people clashing with police at Kalinganagar will obfuscate the paramount truth underlying the tragic massacre. What is happening now is just like what East India Company (EIC) was doing to Indians. The EIC was paying pittance to indigo and opium farmers to procure the produce to sell in China for exorbitant profits. The profits were shared among EIC stakeholders, viceroys and the Crown. Opposing Indians were subjected to cannon fire. At one stage, the Chinese refused to buy anything from the imperials. Then the British government used Indian soldiers to wage war against China!

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"Now the Orissa CM has massacred Kalinganagar people opposing a takeover of their private lands and dwellings (their only wherewithal) to transfer the same to some private individuals, so-called industrialists. This is blatant injustice. Public and private wealth is being looted under the garb of industrialization.

"India has become a banana republic with such constitutional figures as the Chief Ministers massacring people to loot their private possessions and siphon off public wealth for pittance, in addition to being involved in other rackets and scandals, as per prominent newspapers."

**Excerpts from statement and letter to the President of India by Dr.S.Acharya,
Citizens for Democracy, USA**

(Source: Kalinganagar Update, 9th Jan. 2006 on Mines & Communities Website)

7.14 Commission of Enquiry in Kalinganagar incident:

On 3 January 2006, the Government of Orissa ordered a judicial probe into the Kalinganagar massacre to be conducted under the provisions of the Commission of Inquiry Act. However a month and twenty days later, on 23rd February 2006, the Government issued a notification constituting the judicial commission to probe into the police firing in Kalinganagar headed by Orissa High Court Justice Sri A. S. Naidu. But since then two more tribals- Shyam Gagrai and

Sanjoy Soy - injured in the police firing on 2nd January had died. Therefore on 6 May 2006, the Justice AS Naidu Commission had to adjourn hearing till 9 June 2006 as the State Government failed to issue a notification to bring the death of these two tribals under the purview of the inquiry commission. In August 2006, the Justice Naidu Commission sought extension of its tenure as it could not complete the inquiry because of the apathy of the State government.

As was anticipated, the Superintendent of Police of Jajpur, Sri Binoytosh Mishra, who was present during the shooting of the Adivasis, in course of his deposition on 15 October 2006 made before the Justice AS Naidu Commission of Inquiry defended the police action on the tribals at Kalinganagar. He claimed that the agitators had 'fiercely' attacked the policemen with axes, bows and arrows. However, the fact finding team of Peoples' Union for Civil Liberties (PUCL) in its report stated that all the four injured policemen - Shri R.R. Naupani, Shri B.S. Gerung, Shri Asbahadur Gum and Shri H.B. Newar- undergoing treatment at Medical College Hospital, Cuttack "suffered injuries caused by lathis. There was no sign of injuries caused by arrow". It is interesting to note that on 24 June 2006, Justice Naidu Commission sent a piece of iron object that was retrieved from the neck of a victim Tuna Jarika during the post-mortem examination at the community health centre at Danagadi, for forensic test. Jarika was ostensibly killed with that object.

While the Naidu Commission had already made quite some progress in its probe, *a Bench of Supreme Court comprising Justices Arijit Pasayat and D K Jain on 9 April 2007* dismissed the Orissa government's plea for continuing with a sitting judge of Orissa High Court Justice as chairman of the Commission of Inquiry. They gave this direction in accord with Supreme Court's earlier ruling that no sitting judge of the High Court or apex court could be asked to conduct an inquiry commission unless the situation was extremely compelling. The apex court had by then sought response from the state governments on dispensing with the practice of appointing sitting judges of the High Courts and apex court to head probe panels. Despite the Supreme Court's order, the Orissa government went ahead with appointment of Justice Naidu, a sitting judge of the Orissa High Court to inquire into the circumstances leading to the killing of several persons in alleged indiscriminate firing by police personnel. Orissa had filed an interim application urging the apex court to allow it continue with Justice Naidu, for completing the probe. However, the apex court found no merit in the Orissa government's plea and hence dismissed the same.

Two questions arise here. First, how did the Orissa Government appointed a sitting Judge of Orissa High Court to chair the probe knowing fully well that the apex court had already ruled against the practice of appointing a sitting judge for such purposes? Second, should the apex court which nullified the appointment of Naidu Commission not have suggested an alternative to complete the job of enquiry which had already made a substantial progress?

No other judge was appointed to carry to completion the work begun by the Naidu Commission. Various questions, which had already surfaced in the public mind relating to the role of police, administration and Government and were expected to be probed and cleared by a judicial commission remained unanswered before. The civil society groups and human rights activists across the country felt greatly disappointed by the sudden cessation of Naidu Commission of Enquiry on Kalinga Nagar massacre.

[Source: 'Stories of The Displaced' in South Asian dated January 6, 2007 (<http://www.thesouthasian.org>)

Source: News item 'SC dismisses Orissa government's plea' in Hindusthan Times, 10 April, 2007

Source: News item 'Kalinganagar killings: SC rejects Orissa's plea on panel' in Rediff News dated 9 April 2007]

7.15 Seven Demands of VVJM

Soon after the 2 January episode the VVJM put forward a 7-point Charter of Demands before the State Government and insisted on its fulfillment as a condition for removal of the road blockade on Paradip-Daitary Express Highway. Although they have withdrawn the road blockade with effect from 9th March 2007 following the intervention by Orissa High Court and assurance of CM to consider their demands in due course, the organisation still theoretically adheres to the Charter as the main plank of their agitation. They proclaim that their agitation is still on and shall ever remain so, until the cause for which their compatriots were martyred in the police firing on 2nd January was fulfilled. The quintessence of their manifesto at the moment is to oppose involuntary displacement to take place any further in their area, and press for proper rehabilitation of the families already displaced. Although the modus operandi of their resistance has changed over from militancy to moderation under the force of circumstances, the spirit of resistance is as unbending and resolute as it was in the phase of militancy.

It is worthwhile to recount here the 7-point Charter of VVJM around which the tribal struggle in Kalinga Nagar has been hovering since the fateful 2nd January 2006:

1. Put an end to all displacement. Five acres of land be given to families who have already been displaced.
2. The Chief Minister, the Finance Minister, Minister of Mines, Industry, Scheduled Caste & Scheduled Tribe Welfare Minister be removed from Ministry, and the Minister of Finance and Chief Minister be booked for murder charge.
3. The Home Secretary and DGP be suspended and SP and Collector of Jajpur District and ADM, Kalinganagar (*who were in office then and directly responsible for the police firing*) be suspended and booked under Section 302.
4. Rs.20 lakh as compensation for the family of each dead and Rs.10 lakh to the family of injured.
5. MNCs and Monopoly companies be driven out from the soil of Orissa.
6. Adivasis be given the rights over mineral resources, land, water, forests and industry in tribal areas.
7. Unconditional release of leaders and activists of the movement and withdrawal of all cases pending against them.

As a mark of their continuing protest one can still see in place a wooden barricade at the entrance of Chandia village, where the family of Ravindra Zarika resides, and continuing hesitancy on the part of the officials and company personnel to enter the village. At intervals the agitating tribals also burst out into rampage ransacking the half-built structures in and around the resettlement colonies.

As regards the present scenario of Kalinga Nagar, one can notice a sea change in relation to the one that existed prior to 2nd January 06. Not only the struggling tribals have changed their form of protest but also both Government and the TATAS are found to be adopting policies and approaches towards them, which are markedly different from the ones pursued prior to 2nd

January' 06. In gist one can say that the battle lines remain fixed as before, but weapons used in the battle by each side are different.

7.16 From Kalinga Nagar to Singur to Nandigram-

That the tribal protest could stop the construction of boundary wall for Tata Steel Plant at Kalinganagar inspired the fighting people everywhere in the country especially those who were battling the threat of displacement and pollution in their respective areas. In Orissa it soon became a metaphor for people's resistance against the mighty power of State-industry combine. It boosted the morale of the people in Dhinkia, Nuagaon and Garakujanga GPs fighting against the threat of displacement by POSCO Project, that of Lanjigarh tribals against the Vedanta Alumina Plant, that of Kashipur tribals against Utkal Alumina Plant, that of common people in Keonjhar and Sundargarh districts against the ravages of Sponge Iron Units and so on and so forth. From then on the protesting villagers started putting up barricades at the entrance of their villages to prevent the entry of officials and company personnel. The speakers in anti-displacement rallies and meetings held in any corner of the state alluded to the bravery of Kalinganagar tribals for the people to emulate to resist the haughty and nutty power of money and police.

Kalinganagar ripples did also have their impact in neighboring West Bengal where in December 2006 the people voiced strong opposition to forcible acquisition of their farmland by the West Bengal Government for the proposed car factory of Tata Motors. Then came 14 March 2007, when a ghastly mayhem like the one at Kalinganagar took place at Nandigram in East Midnapore of West Bengal under the joint operation of Police and CPI(M) cadres. The villagers were protesting against the Government's proposal to acquire their fertile land for setting up a chemical hub of SEZ status by Indonesia's Salim Group of Industries. 14 persons were killed on that bloody day and several times this number injured and manhandled. Like the tribals of Kalinganagar, the people didn't yield before the power of money and muscle and continued their anti-displacement agitation under the banner Bhumi Ucched Protirodh Committee (BUPC). After some months, to crush the movement once and for all, the organised and armed groups of CPI(M) cadres in connivance with the police conducted what is now infamously known 'Operation Recapture Nandigram' during 9-11 Nov. 2007, cordoned off the entire Nandigram area from all sides in the dead of night and unleashed a reign of terror inside the villages unleashing a spree of bullets, loot, arson and rape on the fear stricken villagers locked up in their homes. The terrible incidents of violence that took at Nandigram successivly in March and November invited condemnation country-wide and also from abroad. Despite such government orchestrated acts of barbarism the people of Nandigram had to face, they didn't surrender their anti-displacement credo. Unsuccessful to make the people bend before the brutal power and politically cornered from all sides including the Left Front partners the CPI(M) the major ruling party in course of an all party meeting gave in to the proposal for shifting the site of the chemical SEZ from Nandigram to a new, insulated and uninhabited place called Nayachar. (*Source: News item 'Nayachar is alternative to Nandigram' in Newndrexpress.com dated 1st Dec. 2007*). It has been found that the people's resistance in Singur is still continuing although amidst a lot of confusion and controversy at different levels, the struggle of Nandigram people has essentially achieved its victory as evident from the decision at the official level to shift the location of the SEZ project to a site that would involve no displacement of human populations.

7.17 Kalinganagar to Chhatishgarh:

The echoes of Kalinga Nagar struggle were reverberated in neighbouring Chhatisgarh too. Chhatisgarh and Jharkhand had also called a Bandh on 7th January 06 to protest against the

killing of tribals at Kalinganagar coinciding with Orissa Bandh. In many respects these three States share problems of the same kind, especially relating to displacement of tribal population due to unplanned industrialisation. In the State of Chhatisgarh the anti-displacement movement achieved a victory, when the common people could thwart the move of a private company to expand its steel project entailing further displacement. A Public Hearing was called by the State Govt at Raigarh on 4 August 2007 on the EIA Report for expansion of the existing steel unit of Monnet Ispat and Energy Ltd, where the common people in an organised fashion voiced their strong objection to the said Report pointing out several misinformation that it contained about the field situation. The project consultant present there couldn't answer the queries. The public hearing was cancelled and the Company's expansion proposal shelved. (Source: Email dated 8th Aug. 07 from Sri Ramesh Agrawal, Raigarh, Chhatisgarh to Chitta Behera, Cuttack, Orissa, and a news item 'EIA for Monnet steel project in Chhatisgarh run into trouble – Report' published on the website of Steel Guru dated 18 Sept. 07- <http://www.steelguru.com>]

7.18 After effects of Kalinganagar at the policy level-

The resistance movement at Kalinganagar served the cause of the people's struggles ongoing against displacement in many ways, a fact which the Kalinganagar tribals might not be aware about. But certain significant changes that took effect in the aftermath of 2 January incident at least in the gesture of the Government were perceptible to every informed citizen.

First, the State Government which used to maintain absolute secrecy about their land deals with various private companies via IDCO, now faced with the severe criticism from all around had to initiate a semblance of transparency measures on land acquisition matters. On its website the State Revenue Department publicised some information related to land acquisition for various private companies in Kalinganagar complex, compensation and ex-gratia paid to the displaced families and state of resettlement and rehabilitation. Though such a transparency measure is still limited to Kalinganagar alone and a half-hearted one, it however lent legitimacy to a cardinal principle that the people in a democratic polity have a right to know minute details relating to land acquisition by the State for a 'public purpose'.

Second, the proposal for SEZ status to Kalinganagar Industrial Complex, which was in the pipeline at Central level was withdrawn by the State Government and an announcement was made to this effect on the floor of the Orissa Assembly on 28 March 2006 by Orissa Industries Minister Sri Biswabhusan Harichandan. (Source: News item 'Orissa drops SEZ in Kalinga Nagar' posted on Rediff News dated 28 March 2007- <http://inhome.rediff.com>)

Third, the State Government, which was sitting over a draft Policy for R&R for a pretty long time for no reason or rhyme, was suddenly activated to finalise it through a Ministerial Group constituted for the purpose. And a new comprehensive State R&R Policy was in fact notified on 14 May 2006.

Fourth, the State Government further liberalised the Kalinga Nagar R&R Policy in such a fashion that it could offer much more to a displaced person than the the previous policies made for the purpose and even the new State Policy. For instance, the Para-10 of Orissa R&R Policy stipulates that the maintenance allowance of Rs.2,000/- per month shall be made available to a displaced family only after the family physically vacates the land. But in case of R&R Policy for Kalinganagar the allowance shall be made available once the concerned family is served with the notice under Section 4(1) of LA Act, 1894 even if it doesn't vacate the land.

Fifth, although there is no progress in land acquisition or construction of plant by Tata Company since the incident of 2nd January, the rehabilitation of the displaced families is being carried

forward in full swing by the Company. The ideal principle, recognised all over the world that resettlement and rehabilitation should precede the displacing of families is now being translated into practice by the Tata Company in Kalinga Nagar. Nowhere else one can notice such a benevolent attitude by the Tatas towards the displaced families.

Sixth, not only in Kalinga Nagar, but also elsewhere across the State, the police is found to observe restraint while entering into any village in connection with land acquisition for private companies. In many places including Kalinga Nagar police is obstructed by the local people from crossing the barricades put at the entrance of the villages and the police on its part instead of lodging any case or taking any action against these obstructing civilians simply and silently withdraw from the place. Even if the personnel of the project holding company are abducted and detained and Govt officials manhandled, the administration does not retaliate instantly by coercive methods as it used to do earlier. Interestingly, it so happened on one occasion that anti-POSCO agitationists detained a POSCO team consisting of 3 South Koreans and 1 Indian for long 6 hours in Dhinkia village under Erasama Block of Jagtsinghpur district on 13th Oct. 2007, but the police didn't take any action; rather the abducted persons were released only when the OIC of the local police station gave a written undertaking to the agitationists that the police won't allow any further the POSCO officials to enter into the project site in future (*Source: News 'Activists free four Posco officials after abduction' posted on <http://www.earthtimes.org> dated 13 Oct. 2007*).

Seventh, more than a century old practice of police accompanying the revenue officials to acquire private land for the companies or government undertakings has practically ceased to operate since the Kalinga Nagar incident of 2nd January 2006.

Lastly, Kalinganagar also impacted the policy-making exercises at national level. A new, radical decision was taken by the Central Empowered Group of Ministers on SEZ in their meeting on 5 April 2007, which held that the State Governments shall not be henceforward allowed to make any compulsory acquisition of land from the farmers for the private builders of SEZ project. The observers viewed the decision so taken as an effort of Government of India to 'put an end to the compulsory land acquisition by state governments in the wake of recent spates of violence in the states of West Bengal, Orissa, Andhra Pradesh and Maharashtra'. (*Source: News item 'SEZs here to stay, but no forcible land acquisition' posted on <http://www.earthtimes.org> dated 5 April 2007*)

7.19 Half-Truths in the name of Transparency-

Earlier to the event of 2nd January, the State Department of Revenue, the nodal department for LA Act, 1894 never cared to publicise any information whatsoever about the land acquisition, payment of compensation or Government-Company deals and transactions centring round land price. Since the scandalous, broker-like nexus of the Government with the private companies got thoroughly exposed by the protesting tribals at Kalinga Nagar and there ensued a spate of condemnation from all over the country and abroad, the Government in a defensive move started disseminating certain information on land acquisition matters on the website of the Department of Revenue. But it is interesting to know that although large scale land area has been acquired for so many projects including major ones like Utkal Alumina Refinery at Kashipur, Vedant Alumina Plant at Lanjigarh and Bhushan Steel & Power Ltd at Jharsuguda for instance in recent years, the concerned website has disclosed some information concerning land acquisition and payment of compensation only in regard to projects of Kalinga Nagar Industrial Complex. Why is it so? In all probability, it is only in the aftermath of ghastly episode of Kalinga Nagar that the State Government felt compelled to undertake a damage control drive to save itself from the humiliating accusation by the protesting tribals that the Government acted as a fraudulent land

broker between the tribals and the private companies. Thus even the lip-service which the State Government has been paying since recently to the need for maintaining transparency in land acquisition process (for instance, Para-3 of Orissa R&R Policy, 2006) is mostly due to the tribal resistance at Kalinga Nagar. And further, since the tribals at Kalinga Nagar, as we have seen, have remained unyielding and vociferous about their rights and claims for quite some years and that too in the face of all sorts of police atrocities perpetrated against them, the demoralised Government, seeking an escape route and moved by a tactical design to placate the rebellious tribals proclaimed some special R&R measures for the displaced families at Kalinga Nagar.

But let us see, how much real transparency has been brought about by the Government in the limited matter of land acquisition and R&R process at Kalinga Nagar?

The *Website of State Dept of Revenue* (<http://www.orissa.gov.in/revenue/R&RPOLICIES.htm>) has floated a page under the title 'A BRIEF HISTORY OF STATUS OF KALINGANAGAR INTEGRATED INDUSTRIAL COMPLEX AT DUBURI IN THE DISTRICT OF JAJPUR. Initiated in the year 1992' where the details of land acquisition and related matters are supposed to find place. As regards land acquisition, it says, 'The net private land acquired in the complex amounted to Ac.6895.88 Acres. The extent of Government land alienated since 1992 in favour of IDCO was Ac.6136.63. Originally, there was proposal for acquisition of 8296.43 acres of private land but subsequently an area of 1400.55 acres were invalidated due to non deposit of LA cost by IDCO in time. Finally the area of Ac.6895.68 of private land was acquired and handed over to IDCO. "The details indicating industry wise alienation of Government land, acquisition of private land, amount of land for which compensation have been paid and number of families displaced in Kalinganagar Integrated Industrial Complex is as follows-"

Table 6.4 : Official Data on Land Allotment to 5 Companies at Kalinganagar

1	M/S Jindal Stainless Steel Ltd.	Ac. 640.00
2	M/S K.J Ispat Ltd.	Ac. 25.00
3	M/S Visa Ispat Ltd.	Ac. 390.00
4	M/S Dinabandhu Steel and Power Ltd.	Ac. 100.00
5	M/S Rohit Ferro, Tech (P) Ltd.	Ac. 50.00

It is mentioned in the opening passage that since 1992 net private land amounting to about 6896 acres and Govt land amounting to about 6137 acres were acquired and handed over to the Government's agency IDCO for the purpose of Kalinga Nagar Industrial Complex. Then an abstract of land allotted to 5 Companies (Jindal, K.J.Ispat, Visa, Dinabandhu and Rohit) only has been presented. If we total the land of all the 5 Companies, it comes to 1205 acres only. Two questions then arise:-

- First, is it true that only 5 Companies have been allotted land in Kalinga Nagar Complex and not others? The Revenue Department of State Government has suppressed here the truth about the vast amount of land allotted to Tata Company (2400 acres), to Nilachal Ispat Nigam (2500 acres) and to MESCO (530 acres), which was mentioned in the information sheet collected from the ADM Office, Kalinga Nagar in January 2006, already quoted earlier. Again, an area of 500 acres allotted to and lying with Maharashtra Seamless Company prior to 2nd January was handed over to Tatas soon after the former company left Kalinga Nagar in the immediate aftermath of the bloody event. Thus Tata Company is alone in possession of 2900 acres of land, so far the biggest chunk in Kalinga Nagar area- a bare fact being blacked out from public view by the Revenue Department through its doctored web-page.

- What happened to the rest of the land from the total of private land acquired (6896 acres) plus total of Govt land acquired (6137 acres), after allotting the land totaling only 1205 acres to the 5 private companies? More specifically speaking, going by the Government's own figures, what happened to a total of 11,828 acres consisting of both private and Govt land not allotted so far?

7.20 More Land allotted to private companies than their claim –

Besides the latest revelation points to the fact that the State Government on one hand disseminates for public consumption deliberately down-sized figures in respect of land allotted to private companies, and on the other secretly allots more land to them than the due agreed in the MoU. For instance, the Orissa Minister for Steel and Mines Sri Padmanav Behera replying to a question from MLA Sri Lalatendu Bidyadhar Mohapatra admitted on the floor of Assembly on 21st Nov. 07 that the Government provided more land to 3 Companies than what was agreed to in the MoUs. As per the Minister's statement VISA Steel Limited was given 525 acres at Kalinganagar in place of the agreed 430 acres; Arati Steel Limited at Ghantikhal got 721.58 acres in place of agreed 700 acres; and SPS Steel & Power Limited at Jharsuguda was offered 154.08 acres in place of agreed 150 acres. (Source: The news item captioned 'Minister admits favours beyond MoUs' published in 'The New Indian Express, Bhubaneswar dated 22 Nov. 07, P-3.)

Box 7.3

Real Estate Bonanza for Private Industrialists in Kalinga Nagar! Company asked for 390 acres, but Govt gave away 525 acres!

- The official website of Orissa Revenue Dept says that only a total of 390 acres has been allotted to VISA Steel Limited by now in Kalinga Nagar Industrial Complex Area in Jajpur district of Orissa.
- Orissa Minister for Steel and Mines Sri Padmanav Behera admitted on the floor of Orissa Assembly on 21st Nov. 07 that the due acreage as agreed in the MOU was 430 acres for allotment for the VISA Company- a fact which means that the Government website is intentionally disseminating false and lowered figures on land allotment to private industries.
- The said Minister further admits that the VISA Company was in fact allotted an area of 525 acres in place of the agreed acreage of 430 acres.
- Going by the website information as the base one, the Government has showered an extra favour of 135 acres over and above the agreed acreage to the VISA Steel Limited.
- Going by the current land price to be rupees 5 to 7 lakh per acre in Kalinganagr area, the income from 135 acres amounts to 7.75 to 9.45 crore.

Where has this favulous money gone?

(Sources: Website of Revenue Department, Government of Orissa and Reply of Orissa Minister for Steel and Mines on the floor of Orissa Legislative Assembly on 21st Nov. 2007 as reported in the news item captioned 'Minister admits favours beyond MoUs' in 'The New Indian Express, Bhubaneswar dt 22 Nov. 07, P-3.)

Two important concerns flow from the Minister's admission. Firstly, an area of 430 acres was due for allotment to VISA Steel Limited in Kalinganagar. But this acreage is 40 acres more than the corresponding figure i.e. 390 acres publicised on the official website. Which one the public should rely upon? Secondly, the Government has practically allotted as much as 525 acres to VISA, which is 95 acres more than the officially stated acreage i.e. 430 acres. But going by the official declaration on the website, the Government has clandestinely done extra favours to VISA Steel Limited to the extent of 135 acres? A further and more perturbing question that strikes a citizen here is, where has the money collected from the said company against the extra supply of 135 acres gone?

7.21 Break-up of the Land for 5 Companies and R&R status etc. in Kalinga Nagar:

Then the said website of Orissa Revenue Department gives a further break-up of the extent of land

allotted to each of the 5 companies along with village-wise location and category of land (Govt land or private land) so allotted. At the footnote of the tables of land allotment to each company, the number of displaced families, status of ex-gratia payment has also been briefly indicated. It is noticed that in case of two major units, namely Jindal and Visa private land allotted to them is by far much higher than the Govt land. For instance, out of a total of 640 acres allotted to Jindal as much as 420 acres (about 66%) is private land, and out of a total of 390 acres for Visa, about 335 acres is private land, which is nearly 86%. In case of K.J.Ispat, out of total allotment (25 acres), the private land is 17.4 acres, which is about 70%. In case of Dinabandhu, about 21% of the total land (100 acres) allotted is said to be private. Only in case of Rohit a small fraction (3.10 acres) of the total land allotted (50 acres) is private i.e. 6% only. The above official site gives the break-up of land allotted to 5 companies as follows:

Table 7.5 Break-up of Land Allotted to 5 Companies at Kalinga Nagar

Name of Industry	Name of village	Govt Land (In Acres)	Private Land (In Acres)	Total (In Acres)
M/S Jindal Stainless Steel	1. Khurunti	124.58	226.56	351.14
	2. Mangalpur	21.00	61.77	82.77
	3. Jakhapura	74.81	131.28	206.99
TOTAL		220.39	419.61	640.00
Out of 419.61 Acres of private land acquired by the company exgratia has been paid for an area of Ac.388.17 and balance area of 31.44 acres are covered under civil litigation. 55 families to be displaced are all residing on Government land.				
M/S VISA Industries Ltd.	1. Jakhapura	44.18	307.74	351.84
	2. Mangalpur	11.47	26.71	38.18
TOTAL		55.65	334.35	390.00
Compensation have been paid for 320.95 Acre of private land and balance area of 13.40 acre is locked in civil litigation. 23 families facing displacement are all residing on Government land.				
M/S K.J.Ispat Ltd.	1. Jakhapura	2.73	1.53	4.26
	2. Mangalpur	5.23	15.51	20.74
TOTAL		7.96	17.04	25.00
Payment of ex-gratia has been completed. No family is being displaced.				
M/S Dinabandhu Steel & Power Ltd.	1. Kacheri-gaon	0.00	0.20	0.20
	2. Dasamania	77.55	21.59	99.14
	3. Chandia	0.66		0.66
TOTAL		78.21	21.79	100.00
Payment of ex-gratia for acquired land of 21.79 Area has been completed. No family is displaced.				
M/S Rohit Ferro Tech. Limited	1. Kacheri-gaon	20.32		23.42
	2. Chandia	26.58	3.10	26.58
TOTAL		46.90	3.10	50.00
Payment of exgratia for acquired land is complete. 12 families are to be displaced.				

Source: Website of Orissa Revenue Dept. (<http://www.orissa.gov.in/revenue/R&RPOLICIES.htm>), 1 Dec. 2007

As regards displacement of the families, which in the parlance of Orissa policy means physical shift of the living house of a family, the website informs that in case of Jindal 55 families living on Govt land are displaced, and ex-gratia paid for about 390 acres out of a total 420 acres of private land, the ex-gratia for balance land is locked in civil litigation. In case of Visa 23 families living on Govt land are displaced, and compensation already paid for about 321 acres and the case for balance 13 acres is subject to civil litigation. In case of K.J.Ispat, no family faces displacement and payment of ex-gratia for the private land has been completed. In case of Dinabandhu payment of ex-gratia for the total land acquired has been completed and no family is displaced. And lastly in case Rohit, payment of ex-gratia for acquired land is complete and 12 families are to be displaced.

7.22 No disclosure on the deals over the Government land-

The official website provides at least some information on the payment of compensation and ex-gratia etc. against acquisition of private land, though unreliable for reasons already indicated. But it is completely silent on how much the Government received from the companies against the supply of Government to them. It is well known that what is called Government land in official parlance is the common property resources like forests, spring, fields, roads, shrines, community buildings, schools, watersheds etc., on which the people in general and landless and marginal farmers are used to depend heavily for their livelihood, recreation, education, festivals, prayer and cultural activities. Also it is due to the traditional pattern of sustainable use and vigilance by the local people that these common property resources are maintained. For instance, the Casuarina forests along the Jatadhar creek adjoining Bay of Bengal near Paradip, officially belonging to the category of reserved forests were largely depleted by the Super Cyclone of October 29, 1999. The Forest Official didn't do anything for its renovation. But the local people who had understood the value of these forests for their day-to-day life and livelihood soon restored the damaged forests back to its normal shape within a few years through community efforts. That is why they have been resisting the Government's move for handing over the Jatadhar reserved forests to POSCO who wants to construct a steel plant and a marine port in and around this area. (*Source: Statement by speakers from Dhinkia, Nuagaon and Garakujanga in the Public Hearing on POSCO project held at Kujanga on 15 April 2007 under the aegis of Orissa State Pollution Control Board and Jagatsinghpur District Administration*). It is therefore very much rational that the displaced families ought to be compensated for the loss of common property resources besides the compensation for Patta and non-Patta land under their possession.

But neither the Kalinganagar R&R Policy nor Orissa R&R Policy, 2006 has any provision for compensating the displaced families for the loss of common property resources. However, in each MoU signed between the State Government and a private company it is invariably mentioned that the company shall pay to IDCO the cost of both Government land and private land acquired for the purposes of Company's project (For instance vide Para-5 of MoU signed between Govt of Orissa and POSCO on 22 June 2005). But the Government never discloses the amount of money received from the private companies against the supply of Government land. The common people, who suffer from a skewed notion that they ought not to ask about the price of Government land, do also behave acquiescently in regard to the deals on Government land. Whatever hue and cry is raised, it always centres round the compensation or ex-gratia for the private private land, and at maximum that of the Government land encroached by a private person. Thus the Government officials are left with a large space and unhindered liberty to make

the transactions with the private companies over the price of Government land behind the back of the people.

A very unwarranted consequence of such secretive deals by the Government officials coupled with the unconcern of the common people about the ultimate fate of common property resources that they were used to for generations is that the officials feel tempted for obvious reasons to acquire as much Govt land as they can and sell it away to the private companies at a rate pleasing to the latter. It is just a common sense that a company, out of its business conscience won't hesitate to oblige somebody financially or otherwise in return for the smart, extra-ordinary services rendered by the latter for its project. Thus the deals around Government land in our country have remained so far a rich though invisible source of fabulous gains for both leaders and officials of a Government on one hand and private companies on the other.

Even going by the down-sized figures on Government land allotted to 5 companies in Kalinga Nagar area, the total of such land comes to 409.11 acres. If the Government sold private land to the companies in 1994 at a price of Rs.3.5 lakh per acre (though purchased at Rs.37,000/- only from tribals), the price they might have got then from the sale of the Government land of the above order would amount to nearly Rs.1435 lakh or 14 crore and 35 lakh. By today's market price, i.e. Rs.5 lakh to Rs.7 lakh per acre, the income from the total Government land would stand between 2050 lakh (20 crore and 50 lakh) to 2870 lakh (28 crore and 70 lakh) rupees. From the above mentioned web-page of the Government, it is not possible even by any manner of meticulous guess-work as to how much money came to our public exchequer from out of the sale of the Government land to the private companies at Kalinga Nagar? And what happened to the sums of money that might have been collected by the officials for the purpose? Of course, the tribal movement at Kalinga Nagar has not raised this question about the Government land so far. However, they ought to know that what is being passed off as 'Government land' is really the public land, or in the language of sociology or anthropology common property resources, over which the local community has an inherent right and interest.

7.23 R&R Policies for Kalinga Nagar over years-

As already indicated, the State Government has been pursuing separate Resettlement and Rehabilitation policies for the displaced families of Kalinga Nagar Industrial Complex area right since inception. Even after the comprehensive Orissa R&R Policy-2006 was notified on 14th May 2006 and that too under the compulsion of circumstances emanating from Kalinga Nagar episode of 2nd January 2006 itself, the State Government has been acting upon, albeit by revision from time to time, a separate policy for the displaced/affected families of Kalinga Nagar.

Before proceeding for drawing a comparison between the Kalinga Nagar Policy and State Policy, let us look at the manner in which the website of Orissa Revenue Department has presented the course of evolution that Kalinga Nagar R&R Policy has traversed over the years.

As per this official version, the first guidelines for rehabilitation and resettlement of displaced persons/families of Kalinga Nagar were issued vide *Revenue Department Letter No.3963 dated 24.01.1997*. But these guidelines were found to be inadequate after a lapse of time. Hence, from 2004 onwards, a number of modifications were affected in the guidelines by enhancing the benefits to be given to the land displaced/affected persons. The milestones are as follows: -

-The amount of ex-gratia to be paid to land affected/displaced persons was raised to Rs.15,000 from existing rate of Rs.10,000/- per acre vide *Revenue Department order No. 3963 dated 24.01.1997*.

-The amount of ex-gratia was further enhanced to Rs.25,000/- per Acre.

-Rehabilitation Advisory Committee for the project was reconstituted vide *Revenue Department Letter No. 24205 dated 26.06.04* and was again reconstituted vide *Revenue Department Letter No. 45919 dated 24.11.04*.

-The post of ADM and Supporting Staff for looking after rehabilitation and resettlement issues was revived vide *Revenue Department Letter No.1188 dated 10.01.2005*.

-Rehabilitation colonies with infrastructure have been set up at Tirijanga, Manitira and Gobarghati under the supervision of IDCO.

-From January, 2005 onwards, several steps have been taken to improve the standard of rehabilitation of the displaced/affected persons in the Industrial Complex.

-A provision has been made for payment of Rs.5000/- per family for temporary shifting and accommodation.

- In supersession of all earlier orders, a rehabilitation policy has been prescribed by *Revenue Department on 18.11.2005*, which clearly spells out the manner of implementation of rehabilitation policy and eligibility criteria for such benefits. In this policy all displaced families irrespective of their status will get Rs.50,000 of cash assistance. Homestead land of ten decimals shall be given free of cost with developed infrastructure in rehabilitation colony. For self rehabilitation one who opts to make own rehabilitation elsewhere additional Rs.50,000/- per family shall be paid. There is special provision for house building assistance to displaced families. Even there are provisions for benefits to eligible encroachers in whose case, under the provisions of OPLE Act, 1972, the encroachment is unobjectionable. Even in case of objectionable encroachments, the displaced person will get the cost of the structure.

Going by this official story, it is interesting to note that though the land acquisition was started in Kalinga Nagar area in 1992-94, the first ever R&R guidelines were issued much later i.e, in 1997. As for its reasons, land was though acquired much earlier, the first batch of physical displacement took place only around 1997. But before leaving their villages, the families demanded at least one job per family, and that was the first source of tension. Instead of addressing to their demand, the police and administration reportedly bulldozed their houses and evicted them forcefully, and arrested 60 persons. Around this time the Government faced with people's resentment brought forward the first set of guidelines in 1997. Thus the Government announced its first set of R&R guidelines not out of benevolence towards the displaced people, but out of compulsion arising from their manifest resentment?

The modified guidelines appeared as late as 2004. Why? Because, for different reasons the Kalinga Nagar project got into doldrums that lasted upto 2004, when the industrialists started rushing to Kalinga Nagar again to set up plants. In June 2004 Jindal evacuated villagers by blasting rocks near village Baisipur. In that year too Sukinda Upatyaka Adivasi-Harijan Ekata Surakshya Parishad, now well-known as Visthapan Virodhi Jana Manch, Sukinda took birth and organised some activities to voice the popular resentment against displacement including addressing of a Memorandum to Chief Minister. And that explains adequately why the Govt announced the modified guidelines in the year 2004. The modified guidelines had enhanced ex-gratia amount from 10 to 15 thousand rupees per acre. In the same year too it was further enhanced to Rs.25,000/-. During 2005, the Visthapan Virodhi Jana Mancha (VVJM) resisted all

kinds of activities - like land-survey, Bhumipuja, leveling, boundary wall construction etc. - relating to setting up of industries in the Kalinganagar Complex. The Government in response set up an independent office under the charge of an ADM to deal with growing protest of the people.

The Kalinga Nagar Policy proper came out on 18.11.2005 announcing several eye-catching provisions for displaced and affected people, which remain valid to this day with some further improvements here and there. Mark the timing of the notification of the policy. In fact, the year 2005 witnessed a series of activities voicing strong protest against the Govt' naked support to private companies. Important developments of the year are the protest by the VVJM against Bhumi Puja of Maharashtra Seamless Company on 9 May followed by intimidation, beating, arrest and imprisonment of several villagers including women by the police, VVJM's demonstration against Tata's Bhumi Puja in third week of July and lodging of police cases against the protesting leaders, VVJM's protest against the Tata's re-holding of Bhoomi Puja ceremony on 7th October, arrest of a popular leader of VVJM Sri Rabindra Jarika by the police from Bhubaneswar on 25th October, gherao of Kalinga Nagar Police Station by the villagers on 27th Oct. demanding release of Sri Jarika and lastly obstruction to the works of Maharashtra Seamless Company by the villagers on 17th Nov. 05. Thus the Kalinga Nagar Policy proper was born the day after the local villagers put to a complete halt the construction activities of Maharashtra Seamless Company. It needs to be emphasised that though the comprehensive Orissa R&R Policy was notified under the impact of the bloody episode of 2nd January 2006, Kalinga Nagar Policy of 2005, which preceded it by about 6 months offered much more in concrete terms.

7.24 Kalinga Nagar Policy, 2005 and Orissa Policy, 2006- A Quick Comparison:

What strikes a reader of these two policies at once is the apparent difference in force of the language used. The Kalinganagar Policy-2005 (KP for short) is free from ambiguity or equivocation of any sort and makes a straight-forward presentation of its provisions, whereas the Orissa Policy (OP for short) is full of 'ifs' and 'buts' and often indulges in double talks. For instance, the very opening sentence of KP says that it supersedes all earlier instructions, whereas the OP resorts to verbosity and avoids taking a definite stand on this fundamental issue.

Both KP and OP define the family in such a way that an adult son and unmarried daughter above 30 years of age, even if they live with their parents as members of one family shall be treated as separate families for entitling them to R&R benefits. While KP sticks to the obligation implied by this expanded definition of family, OP seeks to circumvent it by way of referring to 'original family' just to deny the benefits to more than one member of 'the original family'. For instance, Para-8(1a) of OP which deals with provision of employment says categorically that only one member of the 'original family' may be nominated for the purpose of employment in an industrial project.

Both KP (Para-3) and OP(Para-2c) define 'the cut-off date' but differently. In case of KP, a definite date is given i.e. 1.1.2005, while for OP it is the date on which the first notice for land acquisition was issued under L.A.Act, 1894. It is just common sense that older and remoter the cut-off date, a displaced family shall more and more in terms of family enumeration and determination of market price of land.

A glaring difference between the two policies is noticed in respect of definition of a 'displaced family'. For OP only that family which loses homestead land is considered a displaced family

(Para 2-d)-, which is by far a skewed definition, that implies that a family losing all of his agricultural land of any type be it Patta or non-Patta but not losing homestead land shall not be entitled to any R&R benefits. But as per KP's 'eligibility criteria for determining displaced families' (Para-4),

“A family/person shall be considered to have been displaced and will be eligible for rehabilitation benefits if: -

- (a) All the land of the family has been acquired;
- (b) More than 1/3rd of the land along with homestead land has been acquired;
- (c) Only homestead land has been acquired; and
- (d) Homesteadless persons and landless persons residing in the village who have been/are likely to be displaced”.

The KP lays down a clear 'procedure for providing employment/self employment' (Para-5), which says that 'Permanent residents of Orissa shall be given preference by the Company for employment/self-employment'. This provision is absent from OP. Secondly, KP provides for employment to one member of each family, which in view of the clear definition of displaced family by KP means that even if an adult son and an unmarried daughter are living with their parents, each of them shall be given employment/self-employment besides the head of the family. But as per OP, as already indicated above, only one member of the 'original family' shall be considered for the purpose (Para 8-1a). Thirdly, the KP says in clear terms that the Company shall provide employment or in lieu of it self-employment or in lieu of self-employment training required for employment. But OP uses vague expressions like 'The Project authority will make special efforts to facilitate skill up-gradation', 'Project authorities should notify their employment capacity sufficiently in advance', and 'As far as practicable, the objective shall be to provide one member from each displaced/other family as mentioned above with employment in the project'.

As per OP the project authority may simply refuse to provide employment 'for reasons to be recorded in writing' (Para 8-1a), whereas there is no such escape route available to the company under KP. Rather the KP says, if the company fails to provide employment to a displaced person who opted for it, 'the reasons thereof should be recorded in writing and the same should be placed before the RAC in their next meeting whose decision in this regard shall be final and binding'(Para 6-1c). There is no provision in OP for subjecting the Company's alibi for not providing the job to the scrutiny of RAC.

Of course, in one respect KP offers less than OP. As per KP (Para-6), a displaced family losing more than 2/3rd of their agricultural land and entire homestead land shall receive Rs.2.00 lakh per family in lieu of employment; whereas under OP the corresponding amount is Rs.3.00 lakh (Para 8-1a). Similarly, as per KP, a displaced family losing more than 1/3rd of their agricultural land and entire homestead land shall receive Rs.1.00 lakh per family; whereas under OP the corresponding amount is Rs.2.00 lakh.

As per KP, 'All other displaced families will get cash assistance of Rs.50,000/- per family' ([Para 6 (i)c]. Here the expression 'all other displaced families' may cover 'Homesteadless persons and landless persons residing in the village who have been/are likely to be displaced' as mentioned under Para-4. But as per OP, there is no provision for one-time cash assistance to homesteadless and landless persons in lieu of employment.

As per KP (Para-7), 'Each displaced family will be given 1/10th acre of land for homestead purpose, free of cost, with developed infrastructure in the rehabilitation colony', whereas the OP says, "Subject to availability, each displaced family will be given at least 1/10th of an acre of land free of cost in a resettlement habitat for homestead purpose" (Para 8-1d).

As per KP (Para-8), 'Roads, community centers, school buildings, water supply facilities, electrical facilities, dispensary and other facilities of a model colony have to be provided as a part of infrastructure development'. Under OP there is no such provision.

As regards the self-rehabilitation assistance it is same i.e.Rs.50,000/- in both KP (Para-9) and OP (Para 8-1e).

As per KP a sum of Rs.5,000/- (Rupees five thousand) only is to be paid to each displaced family for setting up of temporary accommodation (Para-10), whereas there is no such provision under OP.

In another respect KP seems to offer less than OP, but practically at the end of the day KP gives more than OP to the members of a displaced family. As per KP the house building assistance is only Rs.50,000/- per displaced family (Para-11), whereas it is Rs.1,50,000/- under OP (Para-8-1f). But as per the circular of the Orissa Revenue Dept dated 6th May, 2006, the quantum of house-building assistnace of Rs.50,000/- for Kalinga Nagar oustees was raised to Rs. 1,50,000/- on the ground of bringing parity with the corresponding provision made under OP.

Again, looking closely at the matter, one shall find that under OP even a family who loses agricultural land of any extent but not his homestead shall not be entitled to any house building assistance, since such a family is not covered under the OP's definition of a displaced family. But under KP, a landless person or a homesteadless person shall also be entitled to house building assistance, since they are covered under the definition of a displaced family. But

Of course there is a stringent provision under KP (Para-11) for both Company and displaced family saying that the concerned company shall deposit the money for house-building assistance in full with the District Collector within 10 days of notification of actual date of notification of vacation by the Collector, who shall release the same to the displaced family in 3 installments (15+ 15+ 20) depending upon the construction progress achieved by the beneficiary. The OP doesn't put any such conditions making room thereby for a messy handling of the provision on the part of all the parties, Company, Collector and Displaced Family.

Under KP (para-11) there is a unique provision saying that the house shall be constructed by the displaced person himself out of the monetary assistance provided by the Company and released through Collector; but under OP (Para 8-1f), the company shall construct the house for the displaced family within the Resettlement Colony, which may not be to the like of the latter.

Again, under KP (Para-11), there is a provision for updating enumeration of displaced families at intervals, but under OP it is absent.

Both OP (Para-9) and KP (Para-12) have mentioned provisions for landless and homesteadless displaced families occupying encroached Govt land, but with differing intentions. First, KP assures to provide one-time cash solatium against the encroached land upto a maximum of one standard acre, irrespective of encroachment being pre-1980 or post-1980. It means that an

encroacher shall be entitled to the one-time solatium for his encroached land even if his encroachment is very recent i.e. at least prior to the cut-off date 1.1.2005. But OP mandates that the encroachment must be at least ten years old. Secondly, OP puts the said condition of 10 years while treating a homesteadless encroacher, whereas KP advances no condition. Third, KP provides for ex-gratia equal to compensation in respect of 1/10th of an acre to a homesteadless person and an additional payment of Rs.10,000/- or actual value of the structure, which is more. But OP has no provision for additional payment of Rs.10,000/- and limits the amount to the actual value of the structure only. Fourth, the KP has a provision for payment of ex-gratia for the families who have encroached the forest land for 'Gharabari' purpose. But OP has no provision for encroacher of forest land.

As per OP (Para 7-5), a displaced family shall be entitled to R&R benefits only after physically vacating the land. But in case of KP, this handicap has been waived as evident from a circular dated 19th June, 2006 from Orissa Revenue Department on Kalinga Nagar. The para-3 of the said circular said, "In this connection it is further clarified that the benefits extended in Paragraph - 10 of the Orissa Resettlement and Rehabilitation Policy, 2006 will also be applicable in respect of persons where land acquisition proceeding have already been initiated under section-4(1) of L.A. Act, but they have not yet physically shifted from the village".

KP (Para-13) says, 'As a measure of benevolence, ex-gratia @ Rs.25,000/- (Rupees twenty five thousand) only per acre will be paid over and above the compensation determined under the L.A. Act, 1894. But the OP has no such provision. Further a Circular of Orissa Revenue Dept. dated 3rd May 06 enhanced ex-gratia of 25,000/- to 50,000/- to be paid to all displaced families at Kalinga Nagar including the oustees of NINL and MESCO.

Further the said circular of 3rd May 2006 on Kalinganagar clarified in para-3 "The ex-gratia amount shall be disbursed in such manner that the total amount of money received by a family including the amount of compensation received by them under Land Acquisition Act, 1894 and ex-gratia paid to them together shall not be less than Rs 1,00,000/- (Rupees one lakh) per acre. In other words, the minimum compensation per acre of land including ex-gratia amount earlier announced and the additional ex-gratia of Rs.25,000/- currently sanctioned, shall be at least Rs. 1,00,000/-(Rupees one lakh) per acre". But there is no such provision available under OP.

A quick comparison between OP and KP, as already undertaken above tells us that the displaced families have more entitlements under KP than under OP and the entitlements provided under KP are simpler to grasp and more enforceable than provisions of OP which are ridden with ambivalence, ambiguity and conditionalities of a very complex type. As for the reason behind the difference in dispensations of two policies, the Kalinga Nagar Policy had emerged as a spontaneous, self-defensive response of the Government to woo the unyielding tribals who by their fierce resistance had brought the industrialisation initiatives of the Government to a grinding halt, whereas the OP though an outcome of compelling circumstances filled with ubiquitous rage post Kalinga Nagar episode of 2 January had taken shape from out of a fairly long process of consultation including conclaves of politicians and industrialists at various levels. And that explains the strong and stout frame of Kalinga Nagar Policy, the practical realisation of which is there for every body to see vis-a-vis the congenitally disabled Orissa Policy, which serves more as a ritual to rope in the gullible public than as a manual for delivering any concrete dispensation to the families displaced or likely to be displaced.

7.25 Tatas still in action at Kalinga Nagar:

The unbending protest of tribals has not only forced the Government of Orissa to change its neglectful attitude towards the displacees in general and tribal displacees in particular, but also provoked the Tatas to adopt an altogether new, benevolent stance towards them. As the team visiting Kalinga Nagar (C.Behera, D.Rout and L.Sahu) saw for themselves on 7-8 Nov. 07, not a single brick has been laid for construction of the Tata proposed 6 mtpa steel plant at Kalinga Nagar, but several R&R colonies both permanent and transit, all funded by the Company have sprung up and are bristling with activities of the displaced families. The team particularly visited the resettlement colonies at Trijanga, Sansailo and Gobarghati and also interacted with their residents both men and women just to get an overall feel of how the displaced families look upon their present stay in comparison to the life they lived through in the earlier years. In each colony there were welfare centres, where statistics on status of rehabilitation of the families were prominently displayed on the paper placards installed for the purpose; but the group preferred to walk around and randomly talk to the persons they came across to ascertain their real feeling about the new place. Most of the families were found to be busy around constructing pucca houses on the 10 decimal plot provided to each. Some persons who on our request spoke to us recounted in nutshell the whole story starting from break with their own kinsmen belonging to Visthapan Virodhi Jana Manch down to present stay in the rehab colony. The group didn't notice any remorse in them on the decision to come over here leaving their villages and rather expressed an overall contentment about the new life they have been experiencing in the rehab colony for quite some months now. The group noticed that most of the houses were 4-bedroom quarters coupled with a kitchen, a latrine-cum-bath and a drawing room. Every house had a sort of portico-like space in front of the main building and a space for gardening and backyard where the animals like cattle, goat, chicken and ducks could be accommodated inside a makeshift thatched structure. In response to our curiosity as to how could they manage to build such structures, some of them gave some broad statistics to explain the achievement. Even if somebody were landless and homesteadless as per the Government record, the head of the family could get an ex-gratia of Rs.1,50,000/- towards house-building assistance. If he had an adult son, then add another Rs.1,50,000/- allowable to him under Kalinga Nagar R&R Policy. Then add Rs.50,000/- per family as the ex-gratia allowable to every displaced family, even a landless and homesteadless one. If the family consisted of parents and an adult son, then they would receive twice the above amount, which came to Rs.1 lakh. With a total of Rs.4 lakh gathered thus from the Company and Government sources, it was possible to build a pucca house of the type they are having now. Asked as to how they managed their food and other basic needs during these months, they replied that food stuff in the shape of rice, dal, potato etc. and other household consumables like edible oil, kerosene oil, soap etc., all costing a total Rs.2,000/- were being made available per month to each family during the transit phase and this arrangement continued until they could complete the construction of their house, which is their permanent shelter. Following the shift to the permanent house, each family was getting Rs.2,000/- in cash towards the family maintenance. And such cash assistance is supposed to continue until a job to at least one member of the family is provided. The group gathered that some persons have already been given job by the Company at a salary of Rs.4,000/- to Rs.8,000/- per month while some others are undergoing training in various plant sites of Tata Company including Jamshedpur. During the training, they are provided with a living allowance of Rs.1,800/- per month too. Besides the persons who were interested to earn daily wages to add to their income, they could work in nearby Stone Crushing Units.

As regards health and education, the residents of the colony told the group that an elementary school has been opened inside the campus of the colony with a teacher regularly coming and teaching the kids and elderly children were going to middle and high schools and colleges located outside. Whenever anybody fell sick the Company vehicle would come to his home and carry him to the hospital where free treatment including the medicines would be provided until his full recovery. The patient's family would of course bear his food expenses. Besides they out of their fond memory narrated before the group about the warm hospitality the company personnel had extended to them while they for the first time stepped into the transit colony. Each family was offered a welcome package, a big bundle of variety of goods, which consisted of mats, garments, blankets, stove, utensil, kerosene, soap, coconut oil and dry food etc., which could sustain a family of 5 members for about a month.

After hearing the feel-good stories from the residents, the group became curious as to how did Tata Company provide so much care and facilities to the tribal families in the rehab colonies at Kalinga Nagar, while the same Company were treating them as nonentities in the earlier years and while they were under-treating the displaced families of different industrial and mining projects located all across the country including Orissa. All the residents the group had interviewed were unanimous in their answer to this question. They admitted full-throated, all this became possible solely due to the years of fierce resistance the tribal groups put forward against the combined strength of Government and companies under the banner of VVJM. They further added, it was altogether a different thing that persons like them broke away from VVJM and chose to join in the rehab colonies, but the fact remained, had there been no episode of 2nd January and VVJM, its chief actor, Tata Company or Government for that matter won't treat them the way they were doing today.

7.26 Nilachal Ispat Nigam Rehab Colony at Gobarghati, a depressing story

The group wanted to know the status of the rehab colonies set up earlier for resettlement of families displaced by Nilachal Ispat Nigam in mid-90s. They visited Gobarghati Colony, which is the most prominent among them and interacted with some families living there. The overall impression derived from the visit to the colony was a frustrating one. It was noticed that overall sanitary and hygienic profile of the colony was in a shabby state. There were all kinds of houses, some with pucca and others with mud structures roofs of all types; a few had pucca roofs, others asbestos, tin and even straw-thatch. The group heard from the residents how some people including two children had died of cholera last year due to lack of proper provision for drinking water and that of medical facilities nearby. The tube wells installed by the Government were not functioning and the residents have been using a pond for meeting their water needs. The nearest hospital is 20 km away at Jajpur Road. Electric polls are standing but no supply of power through them. A school is there but the teacher hardly turns up. Though the colony was built by IDCO, no government official visits for monitoring its affairs. The promise of providing job to the displaced families has been belied by the Nigam authorities resulting in distress migration of a big chunk of them to neighboring Andhra Pradesh and other places outside the State. However, one positive feature about the Nialachal Colony that the group learnt is the issue of Patta for 10 Decimal plots allotted to displaced families.

7.27 Some ideas about an ideal R&R Policy-

As already indicated, pressed under compelling circumstances arising from persistent and fierce resistance by the local tribals led by VVJM, Tata Company has gone the whole hog in developing an R&R package at Kalinga Nagar, which would ultimately restore the Comapan'y's

bruised in Orissa. As is well-known, before the Kalinga Nagar incident of 2nd January, two other unhappy developments for Tatas had already taken place in Orissa; the Company had to back out from the Prawn Culture Project at Chilka Lake in early 90s and Steel Plant Project at Gopalpur in 1997 in the face of strong protests by local people. It seems plausible that in view of the constantly rising prospects for iron and steel in international markets, the Company is hell bent to see the proposed Steel Plant at Kalinga Nagar come up at any cost, and this businessman-like acumen pushes the Company ahead to put in place a foolproof R&R package just to silence its detractors and mute the resistance.

Evolved in the backdrop of challenge and protest, the present phase of R&R package proffered by Tatas at Kalinganagar provides us with some insights as to what ought to constitute the framework of an ideal R&R policy for the displaced families. The Company itself has articulated the major planks of their new approach to R&R policy, which is worth emulating by other actors of corporate sector.

The *website of Tata Steel (www.tatasteel.com)* at one place highlights their current mission thus, “In Kalinganagar at Duburi, we could have just built a Steel Plant, instead, we built Tata Steel Parivar”. Then it says, ‘For our Steel Plant project at Kalinganagar we take it further by not only rehabilitating Tata Steel Parivar but also ensuring that they step into much better lives, which will bring in joy and happiness to each member and fulfill the dream of a world class Steel Plant in Orissa’. It admits, ‘Relocation of people has an enormous socio-economical & psychological impact as it threatens the very existence of the person and family. At such vulnerable times, the *‘reassurance’* that life would not only be the same, but much better, is of utmost importance for the families to be displaced, for its steel project at Kalinganagar Industrial complex at Duburi’.

The principle that the displaced family ought to remain a partner and share holder of the project that displaced him has been articulated thus, “The Commitment of Tata Steel for improving the quality of life of the displaced families has led to the creation of the ‘Tata Steel Parivar’ concept and each displaced family will be a member of the Tata Steel Parivar, which gives a commitment of a ‘New Life’ with a ‘New Hope’.” Coming down to specifics, it says, “Tata Steel Parivar is much beyond the stipulations of R&R Policy with the key objective being *‘for a better tomorrow’* of each member of Tata Steel Parivar. The initiative also emphasises on emotional and psychological support apart from other key facilitation for each member- which emanates from the core guiding philosophy of the company. Each member of Tata Steel Parivar will be given a smart identity card, which would contain all relevant information about the family members and would help to track each displaced family. The members of the displaced families would be tracked at regular intervals for a period of five years to ensure proper rehabilitation and improvement in the quality of their lives. The team apart from ensuring that each member of the ‘Parivar’ receives its due compensation and rehabilitation and resettlement benefits, is focusing on following activities for ushering in a new sunshine to the lives of each member of Tata Steel Parivar”. Then it delineates 3 basic aspects of its new approach to resettlement and rehabilitation of displaced families, namely, (1) Increase in income levels of the family, (2) Improvement in their quality of life, and (3) Strengthening the cultural fibre of the community. Basic obligations for addressing to each such aspect in the specific context of Kalinga Nagar have been laid down as follows by the Company:-

Increase in income levels of the family-

1. Training and engagement of one nominated member of each extended family during the construction of the plant itself.
2. Training and employment of one nominated member of each extended family during the operation of the plant.

- 3.Special training for women for improving their employability.
- 4.Customized Income generation schemes for women.
- 5.Development of entrepreneurship skills to avail the upcoming business opportunities.

Improvement in quality of life-

- 1.Development of a model traditional rehabilitation colony in consultation with villagers.
- 2.Rehabilitation colony will have facilities for education, health & hygiene, water, electrification, playground and community centre.
- 3.Tree plantation in rehabilitation colony.
- 4.Facilitation of construction of temporary shelter.
- 5.Facilitation of construction of the permanent house with the house building assistance.

Strengthening of cultural fibre of the community-

- 1.Model rehabilitation colony will address cultural and religious concerns like community living, open spaces for festivals, burial ground etc.
- 2.Space will be reserved in the rehabilitation colony for specific issues of Sarna religion.
- 3.Facilitation for various festivals like Maghe Parav, Baa Parav etc in the rehabilitation colony.
4. Activity Resource Center at Duburi for cultural interaction.

Then the Company observes, “A committed team of Tata Steel have been put in place to monitor and facilitate the well-being of the members of Tata Steel Parivar. The team at Kalinga Nagar also consists of Ho speaking tribal employees to facilitate the efforts and make effective communications”. At last, it assures, “Tata Steel will also subject the process to an annual Social Audit by independent agencies to report on the status of socio-economic development achieved by the members of Tata Steel Parivar”. (*Source: www.tatasteel.com*)

As already mentioned, the visiting team observed some of the above precepts have already been translated into concrete measures, which the displaced families openly admit. Some others are being in the process of implementation. The situation at Kalinga Nagar still remaining too volatile to admit any definite prediction about the future, the results achieved thus far, however provide enough basis for feasibility of Tata’s new vision of R&R as outlined above. If it could materialise in Kalinga Nagar of Orissa, why can’t it be replicated elsewhere.

7.28 Hide and Seek between the players goes on...

While the Tata Company is fully focused on R&R efforts, the anti-displacement platform of tribals at Kalinga Nagar VVJM takes an altogether different course to pursue its avowed goals. It on one hand demands justice to the tribal families already displaced in the past, and on the other keeps up its banner aloft against displacement as such. Sometimes they sit in Dharna before the plants demanding jobs to the unemployed youths of the local villages, and sometimes they move out in a mass to demolish this or that structure built by Tata Company in and around the rehab colonies. In the process they have recently razed to the ground the half built boundary wall of a hospital the Company wanted to set up near Gobarghati Colony. As already indicated, the tribal families who chose to break away from the VVJM platform to accept resettlement in Company’s rehab colonies are now at loggerheads with their kith and kin who still cling to the credo of VVJM. Sometimes open skirmishes break out between two rival factions of local tribals with both police and company personnel remaining mute spectators.

Another interesting dimension came to the knowledge of the visiting group in course of the interaction with residents of rehab colonies. The Tata Company has provided almost everything including plot for homestead, infrastructure for the rehab colony, house building assistance, enhanced ex-gratia, monthly maintenance allowance, jobs to some and ongoing training to

others, income generation programmes for women folk and the like in its effort to win over the tribals to its side and make them whole-heartedly accept the proposal for the construction of steel plant at Kalinga Nagar. But the Company has not provided the Patta for the land and building allotted to the tribal families in a rehab colony, instead the Company has provided an identity card to each resettled family, which bears the plot number of the family's new residence. However, resident families are beset with a doubt- if for some reasons or the other the Company would not succeed in building up its plant at Kalinga Nagar, it may vacate the families from the rehab colonies, and the latter in absence of the Patta over their residential plot can't do anything about it. With such lurking suspicion in their mind the resettled families do also play a tactical game with the Company. Though each rehab colony has separate, earmarked space for cattle shed where the cattle of the entire community shall be accommodated, most of the families have not yet brought their cattle from their villages yet and also not demolished their houses. While leaving they handed over the custody of the cattle and house to their neighbors in the village. They continue to assess the situation and in case it develops adversely for some reasons or the other rendering their further stay impossible or unwise in the rehab colony, they would soon pack off to their respective villages and resume the life there. Such being the cold calculation of the resident families of rehab colony, they also play some sort of hide and seek with the Company officials. The unit among these families is growing day by day and their association demanding speedy disposal of pending payment and also better provision of amenities to the colony.

In such a fluid and fast developing situation as it exists today, the three principal players- Tata Company, VVJM-led tribal platform and Settlers of Rehab Colonies, seem to push forward their respective agenda irrespective of odds and obstacles that occasionally come on their way. Another great actor, Government perhaps made wiser by the bitter experience of 2nd January episode and its explosive aftermath filled with wrath and rage of the public at large, has deliberately chosen to play the safe role of a non-interfering witness and thereby lends legitimacy to the line of activities pursued by each of the other players. In the process, some positive fall-outs are clearly noticeable; the voice against unplanned industrialisation and consequent displacement and eco-degradation grows louder; a new R&R policy with its focus on the well-being of the displaced families is taking shape; a new kind of solidarity and unionisation is developing apace among the settlers of the rehab colonies thereby adding stimulus to the company for further improvement and perfection of R&R package; and above all the concept of Government playing an honest mediator between different stake-holders of industrialisation is getting grounded. Such peculiar trends and tendencies that mark the Kalinga Nagar scenario today, which had originated and grown in course of circumstances that lay beyond the control of any actor, are on the whole beneficial to both State and citizenry at large.

7.29 Quick Recap of Ground Reality and State Response:

Table 6.6: Status of Projects in Kalinganagar Industrial Complex for which MoUs were signed: June 2007

Sl	Project	Year of Arrival	Investment in Crore Rs.	Production Potential (Per year)	Area (Acre) Required	Status of Progress
1.	Nalachal Ispat Nigam	1997	1510	1.1 MT (MillionTon)	2500	Steel Production not started, and construction of boundary wall not complete yet
2.	MESCO Steel Ltd	1993	530	0.5 MT	584	Steel Production not started, Land acquisition litigations continuing
3.	Jindal Stainless Steel Ltd.	2003	4764	1.6 MT	1240	Steel Production not started, and 640 Ac. not yet acquired.

4.	Visa Steel Ltd.	2003	400	0.23 MT	525	Steel Production not started, & 135 Ac. not acquired yet.
5.	K.J.Ispat Ltd.	2005	75	1.32 MT	50	Steel Production not started.
6.	Dinabandhu Ispat Ltd.	2004	85	2.5 MT	100	Remains closed for half the working hours due to power problem
7.	Maithan Ispat Ltd.	2004	324	0.27 MT	400	300 Ac. yet to be acquired.
8.	Rohit Ferro-Tech Ltd.	2004	100	80,000 T	100	Serious Law & Order Problem
9.	Tata Steel Ltd.	2004	16,000	6 MT	3,600	No Boundary Wall yet.
10.	Uttam Galva Steel Ltd	2004	1179	2 MT	600	Exit due to non-cooperation of Govt.
11.	Maharashtra Seamless Ltd	2004	450	0.21 MT	500	Exit due to failure in constructing boundary wall
12.	Orion Ispat Ltd.	2004	100	0.250 MT	150	No entry yet into Kalinganagar
13.	Tube Investment India Ltd.	2005	3480	3 MTP	500	-do-
14.	Sarita Steel Ltd.	2004	0.122	-	150	-do-

(Source: Deo Purna Chandra, 'Industrialisation at Kalinganagar: how many came and how many left?' in Oriya daily Sambad, dated 9 June, 2007)

It is noticed from the above table that between 1997 and 2005, Government signed as many as 14 MoUs with various private companies for setting up steel plants in Kalinganagar Industrial Complex involving a total production capacity of nearly 20 million tons per year, total land requirement of about 10,800 acres and total investment of about 23,000 crore rupees. But 5 projects (sl. 10 to 14) totaling an investment of about 6,000 crore rupees have already left the place out of disgust caused by non-cooperation and failure of the Government in providing them necessary follow-up assistance, security and protection. Till date not even 10% of the total production capacity envisaged has been operationalised, and not a single gram of steel produced. Following the exit of Maharashtra Seamless Steel in the wake of police firing on 2nd Jan. 07, the area of 500 acres of land provided to this company was transferred to Tata Steel. But Tata Steel in spite of having a total area of 4,100 acres in its favour has not been able to construct even the boundary wall to fence off the demarcated area. The Company instead is doing all it can to ensure a satisfactory resettlement and rehabilitation of the families displaced due to acquisition of land, and this compulsion for the Company arose due to continuing resistance by the local tribals led by Visthapan Virodhi Jana Manch post the incident of 2nd January 07. MESCO (1993) and Nilachal (1997), the oldest concerns in the area have not yet been able to start their production, the former due to continuing litigations around land acquired and the latter due to non-completion of the boundary wall. Dinabandhu has started production, but due to persistent power problems, it remains closed for half the working hours. Rohit is always afflicted with labour problems. Visa and KJ Ispat have not yet started their production due to a variety of internal and external problems.

It is an irony that the very Government which goes all the way to forcibly displace the tribals just to please the private companies, is not in position to deliver goods to these companies either. The root cause behind such a state of misfeasance on both fronts seems to lie in a faulty system of governance that is in place. Is there any justification on the part of a Chief Minister sitting in Bhubaneswar to go on signing MoUs one after another with foreign and private companies without doing the bare minimum homework as to whether the people are agreeable to part with their land, whether infrastructural facilities are there in place, whether the possible environmental hazards can be

mitigated, what specific socio-economic benefits the concerned area shall derive and above all how shall the displaced families shall be assured of a better life post displacement? Unless and until such basic issues are addressed through a rigorous homework at Governmental level involving the local people and that too in sufficient advance of the land acquisition for the project, no MoU should be signed by the Chief Minister of a State with a private or foreign company. This seems to be the most serious signal that the bitter experience with Kalinganagar venture throws onto the regime-that-be.

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List of Tables

- *Table 7.1: Demography of Acquired Areas in Kalinga Nagar*
- *Table 7.2: The list of plants and area allotted to them by January 2006*
- *Table 7.3: Provision of Homestead Land and Jobs for the Displaced Families*
- *Table 7.4 : Official Data on Land Allotment to 5 Companies at Kalinganagar*
- *Table 7.5: Break-up of Land Allotted to 5 Companies at Kalinga Nagar*
- *Table 7.6: Status of Projects in Kalinganagar Industrial Complex for which MoUs were signed: June 2007*

List of Boxes

*Box-7.1: Government collects from the Company Rs.3,50,000/- per acre of tribal land,
but pays only Rs.37,000/- to the tribal*

Box-7.2 No difference between present Government and East India Company!

*Box 7.3 Real Estate Bonanza for Private Industrialists in Kalinga Nagar!Company asked for
390 acres, but Govt gave away 525 acres!*