The Halfway Mark & State of Realization of MDGs in Orissa

Katha Rakhibaa Sarakar Campaign

'Let Us Keep Promises' Campaign

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PROMISE & PROGRESS: A CRITICAL APPRAISAL ON GIVING SECURE RIGHTS OVER LAND & LIVELIHOOD TO THE MARGINALIZED BY THE STATE OF ORISSA

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INTRODUCTION: LAND & LIVELIHOOD

Land is the most precious asset for poor farmers in rural India. It is the basis for their identity, a symbol of their social status and an expression of their political power. The value of land is deeply ingrained in the consciousness and well-being of the poor farmers. In India, agriculture is the main source of livelihood for more than 70% of the population. For the marginalised rural and backward tribal population, in particular, it is the only source of survival. Therefore, no development of these populations is possible without giving them rights and security over their primary resource base and vital source of livelihood. Agriculture is essentially a source of land-based livelihood that can be secured only through security of rights and access over land. No development activity can succeed unless primacy is given to recover lost land and provide secure tenurial rights for existing and new land.

Land creates inherent value for livelihood by providing physical, social and nutritional security. It is an invaluable asset for survival. Hence, access to land and other natural resources is essential for sustainable poverty reduction and equity. The livelihoods of rural people without or with very limited access to natural resources are vulnerable because they have difficulty in obtaining food, accumulating other assets and recuperating from distress. With the growth in population and the rising needs of the people, the pressure on land is increasing by the day.

The annals of the land rights of the marginalised and traditional cultivators is a story of their exclusion and dispossession by the ruling class: the traditional Rajas or *Zamindars*, *Muthdars* or *Gaontias*, intermediaries or *Marfatdars*, British agents or Independent Indian rulers. The land administration system of the British rule or the traditional kings was solely aimed at collection of revenue and there was no genuine concern for settlement of *raiyati* rights in the name of the landless poor. The current era of mindless globalization, based upon the idea of profit maximization, has increased the threat to the survival of the marginalised cultivators and landless poor manifold. Land, the most precious asset needed for their livelihood has now become more vulnerable. The price for the so-called national development of modern India is paid only by the marginalised. Planned development brought with it the spectre of dams, mines, industries and roads on tribal lands. With these came the concomitant processes of displacement, both literal and metaphorical - as tribal institutions and practices were forced into uneasy coexistence with or gave way to market or formal state institutions. The repercussions for the already fragile socio-economic base of the tribals were devastating-ranging from loss of livelihoods, land alienation on a vast scale, to hereditary bondage.

Despite promises and legal protection, the adivasis, dalits and other marginalised people are deprived of their entitlement over land due to displacement, mining, industries, development projects, indebtedness etc., leaving many in precarious living conditions. The present era is an era of ‘compassion and generosity’ for the mining companies and multinationals, whose only objective is to grab land and resources, without paying any heed to the life of the people who loses their land and livelihood for no fault of theirs. This trend is widening the already huge disparity between the poor and rich. The state, instead of its fulfilling its obligation to reduce poverty, has been instrumental in widening this disparity. The development model being followed in modern India is continuously and consistently snatching away the main resource base of the marginalised and is making them chronically poor. The ultimate agenda of globalisation and the new development paradigm is to grab land and establish profit maximising private enterprises or industries or other development projects to the detriment of the lifeline of the poor farmers. In keeping with its primary thrust, fertile agriculture land is going to be converted into a land of desert. People will lose their livelihood and become landless and homeless. They would be dying of not only hunger and malnutrition but for want of a drop of water to drink. The impact of this trend would be

nothing short of disastrous. The land of greenery stands to become a land of holes and rubbles. If the current trend of transfer of land to big corporate houses and MNCs continues without giving any thoughts on the future sustenance of the poor, India would very shortly be converted into another Somalia. This is the background against which one needs to attempt an appraisal of the implementation of MDGs till the year 2015 in the context of India in general and Orissa in particular.

The major issue closely knitted with poverty in Orissa is poor access and control over land among backward social groups. The distribution of land is highly inequitable in the state. While the State owns most of the land, a large chunk of population remains deprived of access to land. The denial of land rights to the poor and the marginalised is a legacy of the historical, political and land governance system that we have followed over centuries.

PROMISES MADE TO BE FORGOTTEN:

No government after Independence has ever left out eradication of poverty from its agenda of nation-building and national development. If anything, each one of them tries to outdo the preceding government in doling out promises to the poor, the dispossessed and the marginalized. If the pre-election promises and manifestoes are anything to go by, it would appear that poverty eradication is the sole agenda of each one of them. Their hearts apparently bleed for the poor. But the moot question is: why does the lot of the poor remain the same – or, as a matter of facts - gets worse after all these years of supposedly pro-poor policies.

The National Common Minimum Programme (NCMP) of the United Progressive Alliance (UPA) government certainly appeared a unique opportunity to bring the issues of people's rights and aspirations to the centre stage of governance. However, the actual functioning of the government over the past three years has made it amply clear that the governance framework rooted in people's rights and people-centric development as promised in the CMP is only an eyewash and the real agenda is to continue with the neo-liberal and pro-globalization policies pursued by its predecessor. The mood of the *aam admi* has changed from one of gung-ho enthusiasm to utter despair. It has silently enacted the Special Economic Zone (SEZ) Act 2005. The creation of SEZs is a not-so-subtle attempt to shamelessly facilitate land-grab by private interests. It is a story of brazen conversion of public resources into private profit with the State playing the role of a proactive facilitator of the process. As if illegitimate land grab is not enough, the government has also provided huge tax exemptions and benefits for SEZs with a commitment for world class infrastructural support with the purported objective of enhancing the export base of the country. But it is already having disastrous consequences on agricultural land holdings leaving farmers distraught and helpless.

The promises of the UPA govt. include launching a comprehensive national programme for minor irrigation of all lands owned by *dalits* and *adivasis*. Landless families are be endowed with land through implementation of land ceiling and land redistribution legislation. No reversal of ceiling legislation will presumably be permitted. Besides, more effective systems of relief and rehabilitation are to be put in place for tribal and other groups displaced by developmental projects. Tribal people alienated from land will be rehabilitated. Over the past 59 years in India, the country's land policy and the legislative and administrative framework that is supposed to facilitate its implementation have failed to remove the substantial obstacles in the poor gaining greater access to land. Rather, forceful land acquisition for so-called development and industrial purposes has continued unabated. There are numerous examples of the use of violence by the State to curb local protest against land grab in Kashipur, Kalinganagar, Singur, Nandigram and many other places. The hopes of land rights that the CMP had raised in the minds of the poor have now been mercilessly dashed. This became more than evident after the bloodbath at Nandigram. No wonder opposition to forced land acquisition has been growing across the nation.

The govt. had promised promotion of dry-land farming and introduction of wasteland management programmes for development of wasteland. But in practice, it has ruthlessly promoted acquisition of common and single-crop land for SEZs in sharp contrast to the CMP agenda. As many of the SEZs are coming close to urban areas, the demolition and eviction of slums and roadside vendors has left the poor people with no options whatsoever. The Government has completely failed to take into account the loss of livelihood and environment the country would incur in the process. Instead of safeguarding the rights and resources of farmers and marginalized poor for national development, successive governments have given unflinching and consistent support and protection

to the land mafia and private companies. If allowed to continue, this trend will no doubt force the poor into slavery and serfdom.

The Mughals and Britishers had invaded the country to loot the resources by enslaving Indians. But it is the Independent Sovereign State of India that is now playing the role of an 'intermediary' in rolling out the red carpet for MNCs and large Indian Corporates – enslaving the vast majority of its citizens in the process.

LAND REFORMS INITIATIVES

Even before Independence, visionary leaders and social reformers had realised very well that the only way extreme poverty and hunger can be alleviated is through equitable distribution of resources, especially land on which the vast majority of Indians depend for their survival. Since then, many legal initiatives and reform measures have been taken by various Governments through the active contribution of visionary leaders. A number of good legislations have come up in the process for providing land rights and security of livelihood to the poor and the marginalised. At the same time, many draconian laws like the Land Acquisition Act 1894, Forest Conservation Act 1980, Special Economic Zone Act 2005 etc. have been used against farmers and the marginalised community.

Vested interests have always tried and are still trying to explore the loose side of the laws and manipulate them in their own interest. The laws of the land enacted to be used for the welfare and safeguard of the poor and the marginalised have been consistently applied against them. To assess the extent to which promises made by the Indian government since independence with regard to securing land rights for the poor have been fulfilled, it is necessary to first dwell at some length on the initiatives that have been taken by the Indian government at various times. During centuries of exploitation and dominance by the feudal lords and the arbitrary nature of provincial laws under the imperialist order, there were a series of revolts for change in the economic policy and for securing equal and secure land rights and adequate means of livelihood for its citizen. As far as land rights were concerned, it was a fight against the feudal structure and the concentration of wealth in a few hands. Intermediaries had completely blocked the access of the actual tiller to land. After Independence, several initiatives have been taken up and new legislations have come up the basic objective of which was to reduce poverty and hunger by protecting the interests of the marginalised with equitable distribution of resources. The land reforms initiative was one of the major steps taken to fulfil this goal.
Land reforms have been on the agenda of rural reconstruction since Independence. The land reforms programme in the first and second five year plans had two objectives: (i) to remove the impediments to agricultural production that arose from the tenurial structure inherited from the past and (ii) to eliminate all elements of exploitation and social injustice within the agrarian system to provide security to the tiller of the soil and to assure equality of status and opportunity to all sections of the rural population.

The laws relating to land reforms have been under implementation for more than 55 years now. After more than five decades of implementation of the legislation, the cumulative impact on the rural poor has been disconcertingly meagre. It is accepted by one and all that the story of law reforms is the story of failures on all fronts. An apathetic approach to the problem, ideological gap, and non-involvement of potential beneficiaries in the implementation process are the prime reasons for this.

ORISSA LAND REFORMS ACT 1960:

The Orissa Land Reforms Act, 1960 was a landmark legislative measure enacted to ensure better rights for weaker sections by fixing a ceiling on land holdings. It was a progressive legislation aimed at agrarian reforms and abolition of intermediaries. The basic features of the OLR Act 1960 are:

i. Introduction of uniformity in the land rights or *raiyats*
ii. Provision of better rights to temporary lessees, share croppers and tenants
iii. Conferment of occupancy rights on homestead land
iv. Settlement of disputes between landlords and tenants
v. Regulation of rent
vi. Protection of Scheduled Caste and Scheduled Tribes *raiyats* from alienation of land
vii. Resumption of personal cultivation by landlords
viii. Determination of non-resumable areas for tenants and fixation of ceiling on land holdings.

The most progressive part of the Orissa Land Reforms Act, however, came in the shape of the ceiling law introduced through an amendment to the original Act in 1973. It was naturally hailed as the beginning of a renewed drive in achieving the objective of land redistribution by emphasising on all areas of land reforms, including consolidation of holdings, ceiling on land holding and distribution of surplus land. The Act was aimed at preventing the distress sale of land by the peasantry.

The distribution of Ceiling Surplus land started with effect from 26.9.1970. It was decided that 70% of Ceiling Surplus land vested in Government would be settled with persons belonging to ST & SC categories in proportion to their respective population in the village. The remaining land would be settled with other categories of landless persons. In all cases, up to a maximum of 0.7 standard acre of agricultural land was meant to be distributed on *raiyati* basis free of *salami*.

The status of the distribution of ceiling surplus land and the reason for non-distribution of Ceiling surplus land are as follows:

Table no. 1: Status of Ceiling surplus land and reason for non-distribution of already taken-over Ceiling surplus land

Status of Ceiling Surplus land	Areain acres	Reason for non-distribution of surplus land	Area in Acres
Total Area determined	183607	Area locked up in litigation[1]	11247.77
Area taken possession of	171926	Area kept for public purposes	4377.43
Area not taken over due to litigation	11681	Area to be made fit for cultivation and distribution among the landless	2039.18
Total area distributed	159173	Total Area	17664.38

The Government of India was not in favour of any relaxation in the existing ceiling laws. But it has had no qualms about putting pressure for massive land acquisition on a poor state like Orissa. On its part, the Orissa government has outdone the Union government in making the poor more vulnerable and landless. It has tactically made an amendment to the Land Reforms Act in 1993 by inserting Section-8A, which allowed conversion of agricultural land for non-agricultural purpose with effect from 01.07.1994. This has made passage of ceiling surplus land to private companies and industries considerably easier, resulting in alienation of the land of the poor. As is clearly seen from Table 1, out of the 17664.38 acres of land acquired, 4377.43 acres has been earmarked for public 9non-agricultural) purposes. While the large majority of the population still remains homeless and landless, the land acquired from the ceiling surplus category is being diverted for non-agriculture purposes in the name of public interest. This has diluted the basic thrust of the land reforms initiative - to give land to the tiller. Under Section 8(i) (C) of the original OLR Act 1960, there was a complete ban on the conversion of agricultural land for non-agriculture. The whole idea of the original Act has been diluted beyond recognition by the periodic amendments carried out by the government to facilitate diversion or alienation of land meant for the marginalized to the hands of companies or the economically rich and prosperous sections of the society.

There is a complete lack of sincere and conscious effort on the part of the government to work for speedy disposal of pending cases in the Court. Unnecessary delays and litigations are made in determination and distribution of surplus land by the revenue officers as part of their corrupt nexus with the landlords.

There is also a large gap between the annual targets and actual achievements, which unfortunately are increasing every year. While the implementation of present ceiling laws is undoubtedly overdue, it is unfortunate that an environment has been sought to be created lately for giving exemption from ceiling laws to industry and large farmers. Some State Governments have already given such relaxation without seeking Government of India's permission. *One does not have to be an expert on land reforms to recognise the rising dangers of relaxation of ceiling laws for industry. Such a relaxation will undoubtedly result in the return of the old feudal order with a new set of intermediaries replacing the old ones – making the cure worse than the disease. Under the feudal system, the tiller at least got some land to cultivate to meet his livelihood. But in the present scheme of things, corporate houses and companies will be under complete possession of land.*

1 1197 cases are pending against these lands in various Courts.

Although the Government of India has so far not been in favour of any relaxation in the existing ceiling laws, the same cannot be said about the future. In practice, it has been paving the way for companies and corporate houses to acquire the land belonging to the poorest of the poor by specifically targeting land in the backward tribal areas with an abundance of forests. Many experiences and examples are available from the recent past of ongoing movements and bloody protests against massive land acquisition in Orissa in the name of "national development". The cases of Kashipur, Gopalpur, Baliapal, Paradip (Posco), Kalinganagar, Lanjigarh (Vedanta) speak for themselves.

DISTRIBUTION OF HOUSE-SITES TO HOMESTEAD LESS PERSONS

The government has taken initiative to provide housesites up to four decimals to the homesteadless families since 1974-75. A total number of 2,49,334 such families have been identified in the State as per the enumeration made during 2003-04. Project 'Vasundhara" has been launched in a mission mode to provide all families without homestead land with housesites within a span of three years. During the year 2005-06, up to January 2006, 36,285 homesteadless families - of which 17,829 were ST, 9, 244 SC and 9212 belonged to other category - have been provided with house sites. As per the survey, 122764.86 acres of land is available in the state for distribution. Accordingly, a month-wise target has been fixed for effective implementation of the project. However, the achievement made up to September 2005 is barely 10, 821 acres against the annual target of 83,357 acres.

Looking at the ground realities, the list prepared by the government has raised enough and serious doubt on the process and the methods employed for enumeration of homesteadless families. In many parts of the state, the mutation process – like the survey and settlement process - has not been carried out for a long time. Since the main family has been divided in the meantime, there are practical difficulties in identifying genuine homesteadless families. Secondly, there is also the danger that some persons having good size of homestead land in the name of their fathers or grand fathers will also stake a claim for land. One of the key concerns in the implementation of this scheme is that a sizeable number of persons having good size of agriculture land, who have constructed houses on such land, also claim housesites since they do not have any housesite recorded in their name. To ensure equity, it is imperative for the government to find a way to exclude such undeserving beneficiaries from this scheme.

DISTRIBUTION OF GOVERNMENT WASTELAND FOR AGRICULTURAL PURPOSE

With a view to improving the economy of the marginalised and boosting agricultural production, Govt. land of up to one standard acre size is being allotted free of salami to landless persons since 1974-75. By January, 2006, a total of 3711.74 acres of government land has been distributed among 3, 896 landless families of which 1762.18 acres have been given to 1698 ST families, 733.71 acres to 820 SC families and 1219.85 acres to 1,378 landless families belonging to other categories. Since 1974-75 till the end of January 2006, an area of 7, 30,344.85 acres of govt. wasteland has been distributed among 4, 71,620 landless families. This figure includes 3,81,017.19 acres of land given to 2,28,192 ST families, 1,74,072.42 acres to 1,02,589 SC families and 1,75,255.24 acres to 1,40,839 landless families belonging to other categories. Given the political forces and local dynamics at work and the attitude of the revenue authorities, it would indeed be very difficult to identify and distribute the land among the genuine beneficiaries. In almost all the villages in tribal areas, people have been cultivating government land. There are people with possession of large sizes of non-objectionable land while some people have very meagre land, which may fall under the objectionable category. There are others, who have not encroached government. So, at the time of determining the land for settlement, the real landless may not get priority. The rich and the influential in every village will do everything possible to prevent the land under his possession from passing to the control of the government. Corrupt revenue officials, in nexus with influential people and big land owners, will settle the land in their name or in the name of their children. Thus the purpose of equity will get defeated.

CONFERMENT OF RIGHTS ABOVE 30 DEGREES SLOPES IN THE NAME OF TRIBALS:

Shifting cultivation is one of the major sources of survival for the *adivasis*, who practise cultivation on hill slopes and settled cultivation without enjoying any legal right. This situation has arisen from inadequacy in the survey and settlement operations which are intended to record and register the actual land use (irrespective of the status of the land) but have actually resulted in the erosion of tribal communal rights. The settlement operation in the past was unable to capture the rights of the tribal communities in the hill slopes and their entitlements to common property resources as the guidelines provided by the State for conduct of these surveys were unsatisfactory in identifying and recording these rights. The plain table method used only addressed land below

10° gradient and all unsurveyed land above 10° was categorised as state-owned uncultivable wasteland although much of this land is actually owned and cultivated by tribal households. Such incorrect recording, owing to inadequate and improper understanding of social customs in tribal societies, has deprived a large number of tribal households of rights over land under their occupation in almost all the hilly tracts of the scheduled areas[2]. With a view to redress the grievance and problems of the tribals, in March 2000, GOO announced its decision to confer ownership rights to all persons in Scheduled Areas cultivating land up to 30° hill slopes and to carry out a special survey of unsurveyed hill slopes in such areas. This process was done only haphazardly in Kashipur Tahasil and land up to 30° was surveyed and *dongar* pattas given to households, both in the name of husband and wife. The orders of the Revenue Department also directed that the same status rule to be extended to other tribal (scheduled) areas of Orissa. But no attention has been given to it. It has now transpired that only leases for 10 years have been given and not heritable rights and steps are now required to rectify this.[3] *If this concern of the Govt is true, it would alienate the people from their rights. The government is clearly setting an agenda for its future and easy land acquisition for the companies or mining mafias.*

LAND TRANSFER & RESTORATION: UNDER THE ORISSA SCHEDULED AREA TRANSFER OF IMMOVABLE PROPERTY REGULATION 2 OF 1956 (AMENDMENT 2002)

Orissa Scheduled Area Transfer of Immovable Property, Regulation II of 1956 has been reasonably effective in checking the alienation of tribal land in Scheduled Areas. In spite of the provisions in the Regulation, it has come to the notice of the Government that large-scale alienation of tribal land to non-tribals has taken place in the scheduled areas of the State and as such it has become a matter of great concern for the State Government as well as the Government of India. To put an end to this problem, the Government of Orissa has made necessary amendments to Regulation 2 of 1956, which came into force with effect from 4.9.2002. Under the Provision of its 2002 amendment, the Regulation prohibits, among other things, transfer of immovable properties belonging to members of STs in favour of persons not belonging to STs. In case any transfer has been made in contravention of this provision in the regulation, the competent authority either *suo-motto* or on a petition filed on that behalf, shall declare such transfer as illegal and shall restore the land to the lawful land owner or his/ her heirs. The regulation also provides for eviction of persons in forcible occupation of land belonging to members of STs and restoration thereof. The Regulation provides for penal action in respect of illegal transfer as well as unauthorised occupation.

PROPOSED AMENDMENTS OF OSATIP REGULATION (2) OF 1956:

A draconian step has been proposed by the Government of Orissa, which violates the basic principles of the Constitution as well as Scheduled Area Administration. The existing law for checking illegal transfer of land in scheduled areas in Orissa is weaker than similar laws in other States like Andhra Pradesh. In the latter, no land in scheduled areas can be transferred to non-tribals, either private or govt. land. The Orissa Schedule Area Transfer of Immovable Property (OSATIP) Regulation 2 of 1956, in contrast, merely forbids transfer of *patta* land of tribals to non-tribals. However, if we see the size of land holding in Scheduled Areas, 84% of the land area of scheduled districts belongs to the Government. Large areas of land customarily claimed by Scheduled tribes were categorized as Forest Land or Revenue Land through Survey and Settlements and forest declaration. Only 16% of the land is privately owned by the tribals. There have been huge instances (unreported) of illegal transfer of tribal land to non-tribal, violating the protective regulations (OSATIP 1956) on which the government is supposed to give special attention as part of its special Constitutional responsibility. Even with regard to officially reported cases of illegal transfer, 318 cases (out of 434) of land restoration was disposed of under the existing regulation during 1st April 1999 to 31st March 2000[4] (one year) in Kandhamal district only. This shows the existing OSATIP regulation, if implemented, can give enough protection to the tribal land. Now the government is seriously pursuing amendments of the regulation on specious grounds with an intention to easily transfer the land to the rich non-tribal and corporate houses.

The government, instead of making the OSATIP more stringent in line with the AP regulation which forbids transfers of any land in scheduled areas to non-tribals, has been working to make the law even weaker? It is simply trying to withdraw the restriction thereby forcing the poor tribals live homeless and landless, beg on the street of the non-Scheduled Areas, an occupation which is antithetical to their culture. The govt. has been eyeing the land of the poor adivasis with an escapist explanation. It has obviously not learnt from its record of illegal land transfer in the past as such transfer continues unabated even today. The table below gives the status of land transfer in just one year.

1 A NOTE ON POLICY ISSUES –REVENUE DEPARTMENT, N.C. Saxena
2 N.C. Saxena, A NOTE ON POLICY ISSUES –REVENUE DEPARTMENT,
3 Kandhamal District Profile, www.kandhamal.nic.in

Table no. 2: The status of land transfer and restoration under OSATIP

Achievements under OSATIP Regulation of 1956 During 2005-06 till December[5]

No of cases instituted	1,433
No of Cases disposed	1,109
No of ST Beneficiaries	675
Extent of land ordered to be restored (in acres)	587.00
Extent of land actually restored (in acres)	546.00

In the Tribal Advisory Council (TAC) meetings held in 2005 and 2006, the proposed amendment for further relaxation on the regulation was deferred by the members. In spite of the disagreement, the committee headed by the Chief Minster has recommended it to a Ministerial Committee.

For the proposed amendment, the govt., in its Letter No. 33698/RNDM dated 9.10.2006, has sought the opinion of the Panchayat Samiti and Zilla Parishad on the proposals that a relatively progressive section of the tribal community have expressed their view for amendment of the regulation (OSATIP 1956 amendment 2002) by which they can be allowed to **take loan from different financial institutions for health care, economic development, land donation for the development of the region or the village, land transfer to the investing / housing organizations and bank for construction of house and so on**. Here, it can be brought to the notice of the House that to tackle the issues/ causes for which the amendment is sought for, the government has launched so many development schemes and programmes, credit mechanisms, special development agencies and so on. Further, the TAC proceeding of 2006 said that "*On the one hand, there is a feeling that the implementation of the Regulation is not very effective in checking clandestine or fraudulent transfer of tribal land to non-tribals in various forms. On the other hand**, relatively progressive sections among the community feel it necessary to further relax the provisions** so as to allow transfers for certain developmental needs like higher education, investment in business or industry etc."*

The question that emerges here is what is the percentage of progressive population in this community and how far is the govt. justified in imposing the view of this miniscule percentage of (so called) progressive section on the tribal society at large? Does their view reflect the view point of the community as a whole and will it protect the interests of the vast majority of the poor of the same community? What prompted the government to only bother for a tiny number of so-called progressive sections and go against the vast number of non-progressive sections of the community? How equity concern is maintained in taking decision on the basis of the opinion of a handful of so called progressive tribals for the proposed amendments.

ORISSA (SCHEDULED AREA) MONEY LENDERS RULES, 1967:

Money lending is one of the major causes of impoverishment and land alienation in the remote, backward and poverty stricken tribal areas of Orissa. A large proportion of tribal land is transferred to non-tribals through mortgaging to seek credit from the money lenders (*sahukars*). Exploitative money lending exists as a customary practice in tribal areas and is one of the major reasons behind the chronic impoverishment in such areas. This practice catalyzes the vicious circle of poverty and makes the poor tribal more vulnerable. It has been one of the fundamental factors constraining the development in the backward tribal regions.
Living as they do in remote backward areas, the tribals are far away from access to public service delivery systems such as health care and other entitlements sanctioned by the government. They suffer from frequent malaria and other illness and diseases besides food scarcity. Due to the pressure of distress, they always prefer to go for *sahuakars,* who they feel are his real friends since they readily provide loans at the time of need. The credit taken from the *sahukars* are used to cover expenses on account of food, health care, funeral and festive occasions, etc., which are mainly for consumption. However, the *sahukars* always play it safe and ask for a mortgage which, in case of a tribal, can only be land. As a result, the only asset of their livelihood is lost through mortgage. This has been making the poor adivasis badly indebted and landless.

5 This includes previous pendency.

The Government of Orissa has a special provision for protection of the tribals from exploitation through money lending in Scheduled Areas, which is known as Orissa (Scheduled Areas) Money Lenders Regulation, 1967, besides many other protective laws. A large number of money lenders in tribal dominated/ scheduled areas are doing informal business through which they are exploiting the poor innocent tribals. No one has a license for doing the business of money lending and whoever is doing so is obviously doing it illegally. However, not a single case has been registered against them. Regulation, 1967 is not known to the scheduled tribes even four decades after its enactment. In the event, talk of filing complaints against illegal money lending sounds like a cruel joke. The question here is: in spite of the special scheduled area administration under the constitution of India, what steps have been taken by the government to address these problems on ground? What is the use of this regulation if it cannot safeguard the tribals from the exploitation at the hands of *sahukars*?

ALIENATION/ LEASE OF GOVERNMENT LAND IN FAVOUR OF OTHER DEPARTMENTS/ ORGANIZATIONS:

Vested interests are always on the lookout for ways to grab the land of the poor in the name of public institutions and places. In cohorts with the corrupt and erring officials, these elements have usurped a huge amount of land belonging to the poor and rendered them homeless and hopeless. Supposedly public services and enterprises come up on the land that once belonged to the poor. The promises given to them at the time of the takeover that they would be given preference in the new enterprise coming up vanishes into thin hair in next to no time. It is a classic lose-lose situation for the poor.

LOSS OF LAND AND LIVELIHOOD DUE TO DISPLACEMENT:

In the name of national development, the national and State governments go out of their way to provide land for mining and industrial projects, not to speak of conservation projects. A large proportion of such land is acquired in the poverty stricken backward tribal areas, which are basically resource rich and hence attractive for mining, industrial and business interests. The government moves with uncharacteristic alacrity in making land available to these interests. In astonishing contrast, it has failed to settle the rights of the people, mostly tribals and dalits, who have cultivated the land for centuries despite having all the powers to do so under the Orissa Prevention of Land Encroachment Act, 1972.

Orissa is an extremely mineral rich state. But the unfortunate part is most of the mineral wealth is concentrated in the tribal areas. No wonder almost all major industrial projects – with the exception of Posco at Paradip and the units in the Kalingnagar industrial complex – are located in these areas. Large industries like UAIL at Kashipur and Vedanta at Lanjigarh are all set to join old units like the Rourkela Steel Plant, Nalco's refinery at Damanjodi, HAL at Sunabeda. The hilly terrain and abundant availability of water also make these areas ideally suitable for reservoirs and dams. The major dam projects in Scheduled Areas are the Machkund, Salandi, Balimela, Upper Kolab, Indrawati, Mandira etc.

Nearly 1.5 million people have been displaced by development projects between 1951 and 1995, of which 42% were tribals. Less than 25% of these displaced tribals were ever resettled even partially. The indifference and casualness with which displacements of tribals have been treated is evident by the fact that out of 13 major dam projects before 1990, no data seems to be available on ST families displaced in 7 projects. Similarly out of 10 major industrial projects, no data on the proportion of STs displaced is available for seven projects. The total number of villages affected is more than 2170 and the area acquired/ affected is 1215679 hectares[6] in the state.

SOCIO-CULTURAL TYPOLOGIES OF LAND ALIENATION:

The living gods of this country are dying out of hunger but the "non-living" gods are the most prosperous landlords with all the luxuries of the world. While the poor and the homeless find it well nigh impossible to find a piece of land to take shelter, the land sharks have no problem usurping as much land as they want in the name of gods. In the capital city of Bhubaneswar itself – where land is presumably at a premium – temples sprout out of nowhere and soon start expanding in next to no time with the administration more than willing to lend a helping hand to the land mafia. Many of them have now been converted into full fledged hotels. Endowment property is one of the biggest frauds perpetrated on the people of Orissa.

6 The data about land acquired, villages affected and the number of people displaced or affected by various development projects hasn't been compiled properly till date. The data as provided may be taken as the lowest estimate and it doesn't include people affected by minor irrigation projects, infrastructure projects such as roads etc.

THE CHALLENGES AHEAD:

Clearly, it is an extremely uphill task for the vast majority of the productive class, who sacrifice their blood and sweat for the prosperity of the nation. Some of the major challenges facing them have been outlined below.

1. The improper and long delayed Survey and Settlement process has ensured that government land encroached on by the poor tribals remains unsettled in their name so that it could be handed over to mining or industrial interests or used for developmental projects. The greater the delay, the greater will be the number of people to be displaced.

2. The poor *adivasis* living for generations on forestland and solely depending on forest and forest produces for their survival are treated as encroachers. The Forest department is constantly on the lookout for ways to evict them from their homeland and livelihood.

3. The illegal transfer of tribal land to non-tribals in Scheduled Ares is still rampant. Only one out of five cases of actual illegal transfer of ST land to non-STs has been reported. Illegal transfer of land has been encouraged due to extreme poverty - food scarcity and poor health care facility being the major reasons.

4. Mutation cases are pending for ages. The genuinely poor and marginalised are not getting the benefits meant for them under the Project Vasundhara to build houses for themselves. Nor do the landless get wasteland for agriculture.

5. Land recovered under ceiling surplus category is constrained by the litigation. The litigations are consciously filed to block and delay the processes of actual land distribution.

6. Slow disposal of cases pending in the Court constrains distribution of ceiling surplus land.

7. Conversion of agricultural land for non-agriculture purposes. Ceiling surplus land is diverted for non-agriculture purposes under the 1994 amendment of OLR Act by insertion of section 8A making it easier for industry to get land.

8. Serious threat to the environment and a massive blow to the resource dependent poor with mindless land acquisition in tribal and resource rich areas.

9. The restoration and transfer of land under OLR Act in non-scheduled areas is very slow and ineffective.

10. Special health acre services and employment opportunities with viable economic alternatives (emergency social security fund within SHG) for meeting distress situations should be created without any delay.

11. Extension of the Government Circular (GOO 2000, Kashipur Survey and Settlement) to all other scheduled areas for settlement of rights over land above 10 degree slopes. For its speedy and effective implementation, a special process of Survey & Settlement should be carried out.

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Gadadhara Pradhan, Social Activist

'Katha Rakhibaa Sarakar' (Let US Keep Promises) Campaign is a State level collective initiative in Orissa, working towards creating an enabling environment towards realization and effective implementation of the Millennium Development Goals (MDGs) and other related commitments made by our Governments in form of National Development Goals (Five year plan), National Common Minimum Programme (of UPA Govt.), Sankalpa-2004 (election manifesto of rulling coalition in Orissa) etc. The KRS Campaign initiated by a group of NGOs and INGOs working in Orissa including Regional Centre for Development Cooperation (RCDC), Centre for Youth & Social Development (CYSD), Ekta Parishad-Orissa, Institute of Social Sciences (ISS) & Concern Wordwide India. It aspires to go for a broad based campaign on MDGs in general and Poverty Aleviation, Land Rights, Safe Drinking Water and basic Sanitation and HIV/AIDS related issues in particular. The KRS Campaign appreciates that achieving the MDGs is quite a challenge for any Govt. In fact, all players such as Govt, CSOs, private players and the grass root organizations in Orissa can achieve the MDGs only with the concerted efforts.

'Let Us Keep Promises' Campaign

Katha Rakhibaa Sarakar Campaign

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