



# **NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Special Report on the status of measures taken  
by the Government of Odisha and Steel Authority  
of India (Rourkela Steel Plant) on Rehabilitation  
& Resettlement of Displaced Tribal**



# **NATIONAL COMMISSION FOR SCHEDULED TRIBES**

*Special Report under Article 338 A (5) of the Constitution of India*

**On**

**the status of measures taken by the  
Government of Odisha and Steel Authority of  
India (Rourkela Steel Plant) on Rehabilitation &  
Resettlement of Displaced Tribal**

National Commission for Scheduled Tribes

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| <b>COMPOSITION of NCST</b> |                  |
|----------------------------|------------------|
| Shri Nand Kumar Sai,       | Chairperson      |
| Miss Anusuiya Uikey,       | Vice Chairperson |
| Shri Hari Krishna Damor,   | Member           |
| Shri Harshadbhai Vasava,   | Member           |
| Smt. Maya Chintamn Ivate,  | Member           |
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डॉ. नन्द कुमार साय

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CHAIRPERSON



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GOVERNMENT OF INDIA

## Introduction

After the country became independent, the builders of modern India had a vision i.e., to lay the infrastructure for rapid industrialisation of the country. In that scenario, the steel sector was to become the engine of economic growth. Hindustan Steel Plant Limited, the precursor of Steel Authority of India (SAIL), was set up on January 19, 1954 to initially manage only one plant that was coming up at Rourkela in Sundergarh district of Odisha. The Plant was set up with the collaboration of a private German firm "Krupp Demag". The initial investment for the steel plant came from Germany. The above mentioned private firm of Germany was also engaged as the consultants and advisors to the Plant.

2. According to the SAIL website, Rourkela Steel Plant (RSP), the first integrated steel plant in the public sector in India, was set up with an installed capacity of 1 million tons. Subsequently, its capacity was enhanced to 2 million tons of hot metal, 1.9 million tons of crude steel and 1.67 million tons of saleable steel. After implementing a massive modernisation and expansion, Rourkela Steel Plant has enhanced its capacity to 4.5 million tons of Hot Metal and 4.2 Million Tons of Crude Steel.

3. Rourkela Steel Plant was a green field project as for its construction, a large area of agricultural land was to be acquired and consequently, displacement of people was to take place. The district of Sundergarh in which Rourkela falls is a Schedule V area as per Article 244(1) of the Constitution of India. Setting of the plant necessitated the acquisition large tracts of agricultural and forest lands. This being a tribal dominated region, the people belonging to those tribes who were the original inhabitants and were living there from the time immemorial were dispossessed of their ancestral land in just one stroke. These tribal being highly vulnerable, got suddenly removed from their traditional ecological bases and their self-sustaining subsistence system of production because of acquisition of their land. The tribal, once dependent



upon sustainable forest and primitive agricultural economy and unaccustomed to the culture of wage work, now hire themselves out as daily wagedworkers.

4. According to the Report of the Committee constituted by Ministry of Steel, Government of India the land for the setting up of the Rourkela Steel Plant, its township, ancillary industries at Rourkela and for Mandira Dam (that fulfils the water requirements of the Rourkela Steel Plant) was acquired by the Government of Odisha. After the acquisition of the land, the same was handed over to the Rourkela Steel Plant (erstwhile Hindustan Steel Limited). A total of 32128.435 acres of acquired land was handed over to the Plant by the State Government. According to the Gazette Notification No. 863- Dev. XVII-27/54-R dated 22/02/1954 of the Revenue Department of the Government of Odisha, the process of acquisition of land for the setting up the RSP and its other auxiliary projects was initiated during the year 1953-54 as per the provisions of Odisha Development of Industries, Irrigation, Agriculture, Capital construction and Resettlement of displaced persons (Land Acquisition (Amendment) Act 1950 (Odisha Act XVIII of 1948).

5. According to Government of Odisha records, the number of families who got displaced because of Rourkela Steel Plant was 2901 and the number of families who got displaced because of Mandira Dam was 1193. Thus, in total, 4094 families got displaced because of the construction of Rourkela Steel Plant and Mandira Dam. The sources in SAIL also reveal that 32128.435 acres of land was acquired for both RSP and Mandira Dam. In all, 4394 number of land holdings were affected by the Plant (2465), and by the Dam (1929).

6. After the acquisition of agricultural and other lands and thereby displacing more than 4000 families, the onus was, therefore, on the Government of Odisha and RSP, to fulfil their obligation with regard to rehabilitation and resettlement of these families as per prevailing laws.

7. The Constitution has mandated the National Commission for Scheduled Tribes (NCST), under Article 338A, to *inter alia* investigate and monitor all matters relating to the safeguards

provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force, evaluate the working of such safeguards and to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes.

8. The Commission received complaints regarding the problems that are being faced by the displaced persons, mainly the tribal, that following the acquisition of the land, due compensation was still not paid to their families. The Commission then decided to look into the problems of aggrieved tribal, examine the issue threadbare, interact with the stakeholders at the ground level and make its recommendations, so as to ensure that none of the Scheduled Tribes is deprived of its rightful claim.

9. In the process of its examination, the Commission held five sittings; sought clarifications from Government of Odisha, District Authorities, management of RSP, SAIL, and the Ministry of Steel; the Chairperson and the Vice Chairperson undertook five visits to meet the aggrieved tribal at their locations and also interact with State Government, local authorities, managements of RSP and SAIL.

10. After hearing the petitioners from the displaced tribal groups and the clarifications received from the Government of Odisha, District Authorities, management of RSP, officers of SAIL, and the Ministry of Steel, the Commission felt that rights of the tribal have been overlooked to a great extent. In the beginning, the issues raised by the petitioners appeared to be minor and personal in nature. When the Commission went deep into the issues, it found that the issues involved have wide range of repercussions and may also have bearing on the policy as well as implementation of schemes involving acquisition of lands resulting in displacement of large number of families, particularly in tribal dominated areas, payment of compensation to them and their rehabilitation and resettlement. In this context, the Commission felt the need to prepare a special report containing its recommendations, as mandated in the Article 338A(5)(d) of the Constitution, and present the same to the Hon'ble President of India. Accordingly, the Report has been prepared by the Commission.



11. I take this opportunity to express my gratitude to my predecessor Shri Rameshwar Oraon; specially, to the Vice Chairperson of the Commission, Miss Anusuiya Uikey who undertook several visits and also held a number of sittings; and the members of the Commission, namely, Shri Harshadbhai Vasava, Shri Hari Krishna Damor, and Smt. Maya Chintamn Ivate, for their valuable contribution. I also thank the petitioners, officers of the Government of Odisha, District Authorities, management of RSP, officers of SAIL, and the Ministry of Steel for furnishing the requisite inputs for consideration by the Commission. Lastly, I thank the Secretariat of the NCST for scrutinizing, collecting, analyzing the information placed before the Commission and drafting this Report.

12. The Commission in its 117 Meeting held on 17.7.2019 considered and adopted this Report. The Commission also decided to present this 'Special Report' to His Excellency Hon'ble President of India in accordance with Article 338A(5)(d) of the Constitution of India

Date : 15-01-2020



**Nand Kumar Sai**  
Chairperson,  
National Commission for Scheduled  
Tribes



## REPORT

In the first instance, the Commission received a petition from Shri Lachhu Oram and others of Surendergarh district of Odisha in the year 2016 stating that after the acquisition of their land for setting up of RSP, they were not only got deprived of their land and became displaced but also due compensation was not paid to them nor, the family members were not given employment by RSP. The displaced persons being members of Sheduled Tribes were thus betrayed by the Government of Odisha and the RSP. They prayed for justice to the Commission.

### The Grievances of the Petitioners

2. The grievances raised by the petitioners are summarised as under:

- i. Some of the members of 4094 families, that got dislocated because of the land acquisition for the Rourkela Steel Plant and Mandira Dam desired to share their pain of disassociation from their ancestral land generations back as they were pushed out of their land forcefully without their consent.
- ii. Others felt that none of the promises that were made to their fathers and grandfathers by the State Government regarding the appropriate relocation of their families and sustainable Rehabilitation & Resettlement were fulfilled.
- iii. Their grievances began with the non-allocation of land for land. Even if the land was allocated, the location of the reclamation land allotted for agricultural purposes is very far away from Rourkela in some cases as far as 150 to 200 km away and the reclamation land allotted is also not fit for cultivation.
- iv. Moreover, the allotment of agricultural land is very far from the land allotted for the housing. This has further created a problem of their livelihood as it is almost impossible to manage to reside at one place and do the agriculture that far. This has also resulted in

the separation of families as the breadwinner has to go and cultivate the allotted reclamation land and is forced to stay there because of the distance and the rest of the family stays in the resettlement colonies.

v. Some of the displaced tribal have not received the Record of Rights of the allotted land for agricultural and housing purposes. Patta distribution of the land allotted for the housing purpose has taken excessively long time.

vi. Complaints have also come regarding the settlement of outsiders within the resettlement colonies.

vii. Issue of non payment of compensation amount was brought before the commission.

viii. Employment problem is widely prevalent amongst these displaced tribal.

3. The Commission took cognizance of the matter and in accordance to its mandate under Article 338A(5) of the Constitution decided to inquire into the issues and suggest measures for its redressal.

4. The Hon'ble Chairperson and Vice Chairperson of the Commission made on the spot study visits in order to get firsthand information from the petitioners and other affected persons, seek clarification from the management of RSP the officers of the Government of Orissa at the State as well as at district levels and impress upon both of them to take remedial measures. Following visits were undertaken in this regard:

- Dr. Rameshwar Oraon, the then Chairperson of the Commission visited Rourkela from 22<sup>nd</sup> to 24<sup>th</sup> February, 2016.
- He also visited Bhubneshwar from 19<sup>th</sup> to 21<sup>st</sup> August, 2016 to discuss various issues concerning Scheduled Tribes including the issue of land acquisition for the establishment of Rourkela



Steel Plant (erstwhile Hindustan Steel Plant) with the chief secretary of Odisha.

- Miss Anusuiya Uikey, Vice-Chairperson of the Commission visited district Sundargarh, Odisha from 24<sup>th</sup> to 26<sup>th</sup> August, 2017.
- Shri Nand Kumar Sai, Chairperson of the Commission visited Rourkela from 16<sup>th</sup> to 19<sup>th</sup> January, 2018, to oversee the rehabilitation of displaced tribal, and have a review meeting with management of RSP and the District Administration of Sundergarh.
- Miss Anusuiya Uikey, Vice-Chairperson of the Commission visited district Rourkela (Odisha) from 06<sup>th</sup> to 8<sup>th</sup> September, 2018.





5. In addition to above visits, the Commission held five Sitzings at headquarters and sought explanations from the following:

(a.) Shri Lachu Oram, Khata No. 29, Mouza- Milmili:

He stated that 53 Acres of his family land was acquired by the Government of Odisha for the Plant and after that no proper rehabilitation is done. The land in lieu of the acquired land was not allotted properly. Employment was also not provided to any of his family members. His family did not get the Land in lieu Land acquired but were allotted Record of Rights (ROR's) against the land allotted to them. The reclamation land was given to him at Amgaon village, Deogarh District which is 150 KM away from Rourkela. He further informed that the above mentioned land is not available for his family as per the land records of Tehsildar, Deogarh.

(b.) Shri Mangra Oram (1):

He complained that 10.32 Acres of his families land was acquired for the RSP and only 8.02 Acres of land was allotted to his family and that too is Raity land which is not suitable for cultivation. The compensation was given only for the crop and no compensation was given for the agricultural land. He also complained that he has not



received the Record of Rights for the reclamation land till date. Also no one from his family has got the employment at RSP.

(c.) Shri Rama Oram (1):

He stated that 17 Acres of his family land was acquired by the State Government and only Rs 7000 was paid against it, no compensation was paid against the acquired land. Agricultural land was also not allotted to his family. Only two residential plots are allotted to him at Jalda Resettlement Colony. He complains that though the land was acquired for the Rourkela Steel Plant but part of it was handed back to the state government by the RSP and this land is being sold to the private parties by the state.

(d.) Shri Marsel Kandulna:

He is the great grandson of Ramdhan Munda, Khata No. 48 of Mouza-Barkani. He complained that four generations had gone of his family since the land was acquired by the Government of Odisha for the Plant but, nobody from his family had been given the compensatory employment by the Plant. Instead, somebody else has got the employment in their family name using the forged documentation.

(e.) Shri Rama Oram (2):

He said that out of his 7.62 acres of land, 6.54 acres of land was acquired from his khata but, the balance 1.08 acres was transferred in the Government Khata instead of his khata and he has not received any compensation for that.

(f.) Shri Birsa Kerketta:

According to him, out of total area of 12.70 acres of land, 11.93 acres which was in the name of Turi Oram was acquired for the Plant. The acquired land is actually not in possession of RSP and Turi Oram has not been paid any compensation towards the acquired land. Land for Land was allotted at the village Hatidharsa, which is 60 kms away from Rourkela and is not fit for cultivation.

(g.) Shri Sushil Bhumij:

His 26.23 Acres of land was acquired for the development of plant and he was allotted only 13.14 Acres of waste land at Amgaon Reclamation Camp. This camp is too far away from Rourkela. His family still has the possession of the acquired land and they are cultivating on it during all this period. He prayed to the commission that his land on which he is still cultivating shall be returned to him.

(h.) Shri Jitendra Kumar Bhumij:

He stated that an area of 18.40 acres which was recorded in the name of his grandfather Ranjan Bhumij was acquired by The State Government for the Plant. No compensation was paid to them for the land acquired. One person from his family got a job in the RSP but that is not against the compensation for land acquired from his family. He complains that though he has received one residential plot at Jalda Resettlement Colony, but he has not received the Record of Rights of the same.

(i.) Shri Bhalabhdra Bhumij:

He stated that 11.00 acres of land was acquired from his family for the construction of Rourkela Steel Plant but the same land is in his possession and his family cultivates on it. He requested that the land shall be returned in his name as his family is dependent on it and is not comfortable for them to leave it now.

(j.) Shri Rajkishore Bhumij:

About 50 Acres of land was acquired from his family which was in the name of Sikander Bhumij. No compensation was paid to his family. Presently, he is in the possession of the same acquired land and his family cultivates on it. The reclamation land against the acquired land was given at Amgaon which is uncultivable and unfit for agriculture purpose, and the reclamation land is very far from Rourkela.



(k.) Shri Surendra Kumar Bhumij:

He received information through RTI that 8.99 Acres has been given to three brothers namely, M. Bhumij, Ganesh Bhumij and Digamber Bhumij at Jalda A Block for residential purpose. Neither possession nor Patta has been issued in their favour.

(l.) Shri Rabindra Kumar Bhumij:

He received information through RTI that, 25.03 Acres of land was acquired. Reclamation land of 24.23 Acres was allotted at Hatibasa under Rajgangpur which is about 50 KMs away from Rourkela. In this case also, no patta has been given.

(m.) Shri Rubin Kumar Minz:

About an area of 3 Acres of land was acquired from his family but no compensation was ever given. Also the compensatory employment that was promised to them was never given to his family. The acquired land is under his possession for all these years and he is cultivating on it. He requested that his acquired land that is under his possession shall be returned to him.

(n.) Shri Loba Tanty:

He informed that against the acquired land, no employment was given to him and also no compensation has been received by his family. The land which was taken from his family for the establishment of the Plant is still vacant. There was no land that was given to his family against the land acquired.

(o.) Shri Sanatan Bhumij:

The land of 17.30 Acres was acquired from his family against which the reclamation land has been allotted at Silikuta village which is about 90 KMs away from Rourkela. A residential plot was allotted but Record of Rights has not been issued to them. He claimed that no compensation was ever given to his family and nobody from his family was given the compensatory employment at the Rourkela Steel Plant.

(p.) Shri Ajay Khalko:

He has not received any compensation against the land acquisition of his land. He has also not got employment from RSP as compensation. His main grievance is that he has not received the ROR for his cultivable land.

(q) Shri Bendict Tappo:

Land measuring 10.26 Acres from his family was taken for the Plant and against it one plot for housing has been provided at Jalda-A block Resettlement colony. Neither employment against the loss of employment in the form of acquisition of agricultural land from his family was provided, nor was any monetary compensation given. The petitioner admits that between 2-3 Acres of agricultural land was provided to his family at the Gohamy village under Gurundia block which is 60 KM away from Rourkela.

(r.) Shri Narendra Sethy:

4.64 Acres of his family land came under land acquisition for the establishment by the state government but it was never taken from him and since then the possession of the same land is with him only and he is doing the cultivation on it. But in the government records, the same land belongs to the state government. He now prays for the Record of Rights of the land in question in his name as his family is dependent on it and he is the rightful owner of it.

(s.) Shri Pratap Ekka:

An area of 12.88 Acres of his fertile land was acquired by the state government for the establishment of Plant on which till recently he used to grow fruits and vegetables as the same was in his possession. The same land has now been taken from him and has been given to the Krishi Vigyana Kendra. He has now become landless and facing a lot of difficulties for his livelihood.



(t.) Shri John Xess:

His claim is that his land was acquired and was kept unused and later is given to the private parties. Unauthorized colonies have come up at Tilaknagar, Fulbari which is occupied by non-tribal. He also claimed that the administration is not able to evict the outsiders but they are forcefully evicting the tribal.

(u.) Shri Mahadev Oram:

An area of 12.00 Acres of land was acquired by the state government but his land is still unused. He got the compensatory employment at the RSP but he, neither received the cultivable agriculture land as per the land acquisition deal, nor has he received any monetary compensation against his acquired land.

(v.) Shri Mangra Oram (2):

An area of 2.35 Acres of his family land was acquired for the establishment of Plant. In lieu of that land, a waste land was allotted to his family at Tainsar Village. The allotted land is being acquired again on the pretext of setting up a new factory. As a result, his family has become landless once again and nobody is listening to them.

6. In general, the tribal, with whom the Chairperson and the Vice Chairperson of the Commission met, were of the view that before the establishment of the Rourkela Steel Plant they had never faced the problem of food shortage. The life was easy for their families. The land acquisition for the steel plant has displaced the Scheduled Tribes from their traditional ecological bases and their self-sustaining subsistence system of production. Their forefathers were once dependent upon the supplies, sustainability provided by the forest produce and they were unaware of the culture of wage labor. The reason why they believe so is because both the Rourkela Steel Plant and the State Government could not provide them and their families appropriate Rehabilitation & Resettlement after they were displaced from their ancestral land.

7. When the Commission demanded, the office of Additional District Magistrate (ADM) Rourkela submitted their response on the above mentioned individual complaints and such other complaints that were raised by the displaced tribal families in front of the Commission. This response formed part of the compliance report on the visit of the Chairperson of the Commission to Rourkela from 22<sup>nd</sup> to 24<sup>th</sup> February, 2016 in connection with the displacement and Rehabilitation of the tribal due to the setting up of Rourkela Steel Plant. The full report of ADM Rourkela was then handed over the Chief Secretary, Government of Odisha after the visit of the Chairperson to Rourkela.

#### **Issues before the Commission**

8. The Commission after going through the written submissions of the petitioners, conducting personal hearings, visiting their resettlement colonies, going through the responses/ explanations of senior officers of the Government of Odisha, District Authorities and management of RSP identified critical issues connected with the Rehabilitation & Resettlement of displaced tribal of Rourkela that requires immediate attention of the concerned authorities. The issues so emerged are being dealt with in succeeding paragraphs.

#### **A. Issue of land for land**

- (i) The Commission was apprised that in some cases land for land has been provided for cultivation purpose, but the same is not fit for cultivation. Further, ownership of the same has not been conferred on the displaced tribal. In the case of displaced tribal of Rourkela, the land for housing is provided in the resettlement colonies around the Rourkela city, whereas the land for agriculture was given as far as 100 to 150 KM away. As agriculture in our country is primarily done by utilizing the family labour, that it is almost impossible becomes near to impossible to cultivate that land. This has brought the separation in the families as the male members have to go to cultivate the uncultivable land allotted to them whereas, and the old, the females and the children of the family have to stay in the house allotted in the resettlement colonies. For them,



it is not physically manageable to go that far and do the agriculture and either live in the resettlement colonies or leave their families behind.

- (ii) Most of the land allotted is either not accessible for the tribal or the land allotted is not fit for cultivation because for being located in the hilly terrain having deep pits. In some cases the allotted land is not traceable in the revenue records and therefore, the same could not be transferred in the name of displaced families. For these reasons, the displaced tribal refused to take ROR's for the allotted land.
- (iii) As per policy, the land allotment to the displaced tribal was divided into two parts. One was the allotment of agricultural land and second was the land for the housing in the resettlement colonies. The displaced scheduled tribes were supposed to get the Record of Rights for the both forms of land at the earliest after their land was acquired and the compensatory land was allotted. But some of the affected families claim that, they are the third or the fourth generation of the displaced tribal but still do not have the legal rights over the allotted land as they have not been given the ROR's or the pattas.
- (iv) It has been noticed that there are cases where the land is allotted to the displaced tribal and when the patta or the ROR is given to them then there is no mention of their caste in that official document. Now the problem that these tribal are facing is in the making of a caste certificate. As the officials who are responsible for the making of caste certificates demand for the land records in which the caste of these displaced tribal is mentioned but the new land records of them have no mention of their caste on it. Hence, it has become a problem for these displaced tribal to prove their caste identity for themselves and their future generations in the lack of mention of their caste on the allotted land records.
- (v) The dependence of the tribal population of Sundargarh district on agriculture has registered a marked increase in recent years, whereas the area in possession with the tribal for agriculture as compared to what their forefathers had, is on a decline. The majority of the tribal households are not in a position to earn their subsistence solely from agriculture. Majority of households merely get four to six months' supplies of their annual food requirements. In these circumstances, they

turn to wage work for survival as told by the displaced tribal who are still doing agriculture on the small landholdings they possess.

- (vi) While the land was acquired for the establishment of Rourkela Steel Plant, several parcels of land which remained un-acquired were also taken away by the State Government. Mangra Oram (one of the displaced tribal of Rourkela) informed the Commission in writing that out of his 10.32 acres of land in Khata no. 90 in Mauza Mahulpalli 8.3 acres of land was acquired for the establishment of Rourkela Steel Plant. The rest of the land about 2.09 acres which remained unacquired has been recorded in rokhit khata, he had the possession of this land till 1994 then the Muslim community started using that land for their Namaz (prayer). He claims that the un-acquired land which belonged to him was also taken away from him and is now occupied by the outsiders and is being used by the state government agencies. The District Administration while interacting with the National Commission for Scheduled Tribes accepted their mistake and agrees to the claim that in the last settlement certain land holdings of tribal which was not acquired has been recorded in the name of private individuals.
- (vii) Ideally, the process of Patta distribution to the displaced Scheduled Tribes and all other displaced people should have been completed as soon as their land was acquired for the establishment of Rourkela Steel Plant in 1950's. But because of the laxity of the state Government of Odisha and the responsible district administration the task is still under process. One of the impact of such a delay is that there is a large number of displaced tribal who are not traceable. It is now getting very difficult for the State and district administration to find the members of these missing families for the patta allotment.
- (viii) The Commission however, noted that in Sundergarh district, out of 3599 allottees, 2877 RoRs were prepared and out these RoRs, 1480 were distributed, that too due to the constant efforts of the Commission. It is a matter of grave concern that 1497 RoRs could not be distributed/prepared due to various reasons



- (ix) The resettlement colonies for the displaced tribal are far away from the center of Rourkela. During the visits to the resettlement colonies of Jalda village, BondaMunda, and Blocks A, B, C Commission noticed that the condition of the roads was also pretty bad. The tribal also complained about the non-accessibility to the main city for them because of no or unreliable frequency of the public transport from the resettlement colonies.
- (x) In some cases, the displaced tribal are deprived of basic facilities. A tribal hamlet known as Somra basti, Tangarpali, Rourkela in the district of Sundergarh, neither comes under any gram panchayat nor under Rourkela Municipal Corporation. The tribal residents are living in this hamlet since the time they were pushed out of their own land for the establishment of Rourkela Steel Plant. Because of the policy issues involved in such a matter, the state government has not issued the ration cards to the residents of Somra basti. That means the tribal of this hamlet are not entitled for any ration under the central and state schemes. It takes away the basic right of these residents, the right to food security. These residents are demanding for a gram panchayat so that they can avail some of the basic citizen rights, such as, roads and ration cards.
- (xi) Subsequent expansion and modernization of the plant has created apprehension for further displacement of tribal. There are cases like in Ruputola and Luakera villages where displaced tribal have been living for about 50-70 years (since the time their families were moved out of their ancestral land for the setting up of the Plant) and now they are facing the fear of further displacement in the name of expansion Rourkela Steel Plant. These tribal have requested to the authorities not to move them again as the generations of their families have made this land as their new home and they cannot even think about leaving their home again and move to some newer place. Hence, they should be given the patta/ROR for the place they are living at for all these years.
- (xii) The resettlement colonies in Rourkela were built for the displaced families after the land acquisition was done for the establishment of Plant as the compensatory land for land (housing). All the displaced

tribal should have received the land rights of these plots in the resettlement colonies way back in the 1950's but most of the houses in these resettlement colonies belong to the outsiders i.e. people who were not displaced because of the land acquisition for Plant. The number of original displaced tribal who got the land rights in these resettlement colonies is very less. The tribal feel that it is the district administration who has sold this land to the outsiders to outnumber the original displaced and the entire blame is put on the tribal only that they have sold the allotted land in the resettlement colonies to the outsiders.

- (xiii) There is a high rate of land encroachment in these resettlement colonies by the outsiders/ non-displaced. Encroachment is done in the form of places of worship and others. All this encroachment is done in the visible notice of the district administration of Rourkela. Which shows a serious fault on the side of district Administration. On the demand for removal of these encroachments by the outsiders and allotment of the pattas of these plots to the rightful claimant, the district administration shows its helplessness.
- (xiv) Displaced Tribal feel that the purpose of the land acquisition was for the establishment of Plant and it was supported by their ancestors for that cause only. But, after the setting up of the Plant, the land which is spare with the state government and the Plant and also the land that was returned to the state government by the Steel Plant are being sold to the private people and businessmen from outside the region.
- (xv) Another problem that the tribal are facing is, in getting their caste certificate made due to non-allotment of patta of the land allotted. As some of them fail to prove their identity as tribal, they also fail to get the benefits of various social sector schemes run by central government. Also some of the Scheduled Tribe students of the region are at the loss of not getting the scholarship benefits.



- (xvi) Unauthorized colonies have come up over the acquired land in the possession of the state government and the Rourkela Steel Plant. The people mostly outsiders have encroached these lands and made their houses over them and are living there for a long time now. The State Government has not been able to evict them. Tribal feel that the State Government dispossessed them from their ancestral land, and now the non-tribal are occupying that land. Displaced tribal are of the view that the state Government should evict such illegal occupants and give the same land back to original displaced tribal.
- (xvii) The Orissa Act- XVIII of 1948 under which land was acquired and the lease agreement executed between Government of Odisha and Steel Authority of India, Rourkela Steel Plant provides that on the requisition of state government for surrender of land, for the purpose stipulated, land can be surrendered to state government. According to the report of the Committee constituted by Ministry of Steel, Government of India, over a period of time, on the requisition of the government of Odisha, Rourkela Steel Plant has surrendered land measuring 4514.62 acres to cater to the requirements of the state government for different purposes, such as, South-Eastern railways Marshaling Yard, establishment of regional engineering college, various housing schemes, etc. The tribal complain that the a very small part of land surrendered to the state government by the Plant for the purpose of welfare of the people and other developmental and infrastructural needs like hospitals, schools, roads, etc. was utilized for those purposes and the major part of it is being sold to the private individuals and companies at a very exorbitant rate. The tribal who were the real owners of this land are homeless today and the outsiders are being sold the land. The displaced tribal claim that they are the rightful owners of the that returned land and the state should acknowledge their right and give them back what belongs to them.



## B. Issue of Employment

- (i) As regards provision of employment, it is learnt from the RSP and SAIL that initially, there was no such provision for employment of displaced persons in Hindustan Steel Plant Limited (Rourkela Steel Plant Limited). During 1973, the then Ministry of Steel and Mines issued instructions to the authorities of Rourkela Steel Plant Limited to provide employment opportunities for the displaced families and absorb at least one eligible person from each affected family in consideration of merit in response to the local demand for job to displaced persons. The said Order of the ministry was superseded by Shri T.N. Singh formula in February, 1986. Shri T.N. Singh, the then minister of Steel & Mines Government of India issued instructions to Rourkela Steel Plant Authority to provide job to all the displaced persons and to absorb at least one from each family according to merit.
- (ii) As per RSP, in the year 1991-92, due to demand of local displaced persons for ensuring employment of one member from each family, an exhaustive exercise was conducted by the then Rourkela land organization under the office of the ADM, Rourkela, in collaboration with personnel department of Rourkela Steel Plant. As a result it was revealed that a total number of 1098 (247(RSP) + 851(Mandira Dam) displaced families remained uncovered for employment in Rourkela Steel Plant. The enumeration list of 1098 was arrived at through an



affidavit before the Hon'ble Supreme Court of India in writ petition (c) No. 167/1992 (Shri Butu Prasad Kumbhar & others vs SAIL and others by RSP). The writ petition was dismissed by the Supreme Court with an observation to expedite absorption of identified displaced persons in RSP by providing employment.

- (iii) The Commission was surprised to know that there are no systematic records with the Rourkela Steel Plant to show that the displaced scheduled tribal has received any form of compensatory employment at the Rourkela Steel Plant. It was however alleged that employment has been given to some people on the basis of fake documentation. Fake caste certificates have been used to get employment at the in place of the rightful displaced tribal. It was further stated that if the cases of employment on the basis of fraudulent means continues for more than five years, as per the current service laws of RSP, it would not be easy to remove that person from the employment.
- (iv) The commission also found irregularities in information given by RSP on employment being given to the displaced tribal. RSP authorities submitted a list of 3,000 people who were employed under the category, but many of them were found to be from other states and were not displaced due to RSP. Cases of favoritism by the officials of Plant in giving employment to their known ones also came to the Commission's notice. Some of the displaced tribal have got employment on their merit, but the RSP management is showing them as employment to displaced families.
- (v) As a result. many among the educated tribal are now forced to remain underemployed and unemployed, as there is little possibility of their getting any organised industrial or tertiary sector employment in and around Rourkela. Those who are the illiterate and semi educated among the tribal, they have been virtually deprived of their traditional means of livelihood as wage employment opportunities in this industrial region have become more precarious.
- (vi) Another problem that some of the displaced tribal have started facing in the recent years is the advent of begging among scheduled tribes. Scheduled Tribal people who got displaced because of the land

acquisition by the state government of Odisha for the establishment of Rourkela Steel Plant lost their agricultural land and along with it the livelihood. Most of the family members are unemployed and not skilled enough to get employment in the organized sector. Those who could not even find petty jobs such as, Rickshaw Pulling, wage labor etc. left with no option but to beg. Some of the elderly people who met the commission members along with the youth who have some understanding about tribal history said that they feel ashamed of the new reality that members of the Scheduled Tribes have come to a situation where they have to beg and at the same time express their anguish towards the policy makers of the state who have brought them to this day.

- (vii) According to the Rourkela Steel Plant authorities, there exists no provision in the statute under which land was acquired for providing preferential employment to persons in displaced category. However, preference was given to displaced persons in employment under Rourkela Steel Plant based on their names sponsored by the local administration/ Employment Exchange. Till 15<sup>th</sup> July, 2016, employment has been provided to 6397 persons which is much more than the number of families (4094) displaced.
- (viii) In the year 1991-92, a joint survey was undertaken by Rourkela Steel Plant and Local Administration to identify the displaced families who were not covered for employment in Rourkela Steel Plant since inception. In the process, 1098 families (851 families from Mandira Dam and 247 families from Rourkela) were identified, who were not provided with any employment as rehabilitative measure. Rourkela Steel Plant and state government (ADM Rourkela) agreed on 11<sup>th</sup> March, 1993 to consider providing employment to persons from 1098 uncovered families after training in ITI and on being found suitable for selection.
- (ix) Rourkela Steel Plant denied the charges about favoritism in the selection process in employment.



- (x) The Commission was told by the RSP authorities that they still have not done the identity verification of its employees, who has claimed to be the displaced tribal. Also, those previous employees who were found employed through fraudulent means, were just removed from the employment and no FIR has been filed against them.



### C. Issue of Sarna

- (i) *Sarna* means "grove" and it is etymologically related to the name of the sal tree, sacred to the religion, from which also derives *Sari Dhorom*("religion of the sal tree"). A large population of tribal consisting of tribes of Munda, Ho, Santal, Bhumij and others still worship Sarna. Displaced Tribal have claimed that during the land acquisition for the establishment of Plant more than 32 Sarna (places of worship) were lost, misplaced or destroyed. They also emphasized on the importance of Sarna in their culture and how important it is for them to stay connected to their ancestral roots.
- (ii) Tribal claim that despite frequent reminders to the local authorities and the authorities of the Plant they have not been allotted any place/ land for the Sarna Till date. They feel betrayed by the above mentioned authorities but still believe that their demand for Sarna will be heard and will be fulfilled.
- (iii) The tribal are demanding for a piece of land measuring 5.52 acres in Durgapur Mouza (RTU No. 43), which is in their peaceful possession

to carry forward their religious activities. This place is popularly known as 'Sarna Puja Stal'.

- (iv) Displaced tribal complained that no land was earmarked for the tribal for Sarna (Place of Worship) although lands have been allotted for other religious places by the same authorities. Tribal also claim that there are cases of land encroachment in the name of religious places by the outsiders. Displaced scheduled tribes of Rourkela feels discriminated on the subject of Sarna.
- (v) The tribal groups that met the Commission members and conveyed that the issue of Sarna is an issue that shall be seen from a cultural and traditional aspect. These practices are part of cultural practices. If not preserved, they will vanish and there will be a traditional disconnect from these rituals and practices. Next generations will not know the importance of these places and rituals. Hence, it becomes obligatory upon the Plant authority along with the district authorities to make sure that tribal have Sarnas.







#### D. Cultural & Traditional Issues

- (i) With the opening of tribal lands in the wake of Rourkela Steel Plant, the tribe-caste interaction was intensified. This resulted in marked changes in tribal life-style, changes in food habits, clothing and dressing. There is a rise of a new materialistic and acquisitive culture in a context of acute competition and caste-tribe conflict over scarce natural resources.
- (ii) The Adibasis/ Scheduled Tribe's/ Aborigines/ Indigenous people were the majority of the population that lived in this area comprising Oraons, Khadias, Mundas, Kissans, Gondas, Bhuinyas, Santhals, Hos, etc. on agricultural activities and on forest produces.
- (iii) With the commissioning of the Rourkela Steel Plant, the massive recruitment of different categories and grades of workers resulted in the massive flow of workers to Rourkela from different parts of India.

Thus, by the time of the 1961 Census the acquired tribal villages had already lost their original identity.

- (iv) The term Adivasi signifies 'first dwellers'. Oraons, Kisans, Mundas, Kharias, Bhuiyans and Gonds are the major Adivasi groups that inhabit the Sundargarh District. They have got their ancestral, social, cultural and spiritual links with the Adivasis of Chotanagpur region in the adjoining State of Jharkhand. The language plays a cementing role in the society. Tribal for generations have been identified on the basis of their traditional and cultural practices language being one of the most aspects of it. The demographic changes in the region of Rourkela because of the establishment of Rourkela Steel Plant has taken a massive toll on these local tribal languages as in the recent history Hindi and Odiya have become the major languages.
- (v) The region of Rourkela has seen severe demographic changes as the majority of the population of the city is from outside the state because the steel plant required the special set of skills and the people from outside provided those skills and the local tribal did not possess those skills. Another issue is grabbing of land belonging to the tribal community by the outsiders with the help of money and this is posing a threat to the survival of the tribal as they will not have a place to call home and eventually they are forced to migrate into interior villages or to major towns in search of livelihoods and lose their identity and culture.

#### **E. Issues of Multiple Displacement**

- (i) The tribal who got displaced because of land acquisition for Rourkela Steel Plant are forced to shift their settlement over and over again and because of which they along with their families have been facing multiple displacements.
- (ii) Prior to the land acquisition for the Rourkela Steel Plant, the Tribal for generations were settled in the forests or semi- forest areas of the region. They had the sense of belonging to that environment. But the generations who were born after the resettlement and relocation do not



have that connect/ belongingness to the place they have been resettled to.

- (iii) Because of various reasons the tribal are displaced many times. Insensitivity of the Rourkela Steel Plant authorities is the prime one. As till date, all the displaced tribal are not been employed by the Rourkela Steel Plant, these tribal are forced to move to other places and states for their livelihood. This not only displaces them again from their roots but also makes them more vulnerable for exploitation.
- (iv) Members of the Commission met some of the displaced tribal people in Rourkela who claim that after the first displacement of their families in 1950's they were allotted some piece of land but later that allotted land was again acquired by the authorities of the state for another factory to be established and since then they are landless one more time.



#### **F. Issues related to Gender**

- (i) In any displacement, women are the most vulnerable and disadvantageous group. When the tribal women were forced to leave their traditional homes after the land acquisition for the Plant, they became more unsafe. Women used to contribute with their labor in the family agricultural land. They also used to get the land rights after the death of their father or husband. These rights were taken away when the families lost their land.

- (ii) Un-employment of the men of the house has pushed them towards the big cities and other states. This means women of the tribal households were left alone back home. It gives rise to the vulnerability of these single women.
- (iii) Another issue that has been noticed by the Commission is regarding the buying and selling of the women, especially the young girls of tribal areas by the outsiders. These girls are being pushed towards the flesh trade or used as the house helps for free or at a very less pay in the big cities.



#### **G. Issues related to the Environment & Forest**

- (i) The Rourkela region has suffered large-scale environmental pollution and ecological degradation. The incessant emission of various types of poisonous gases from the steel plant has resulted in the large scale pollution of air.
- (ii) The intensification of mining activities in the region has not only led to the decline of the forest cover, but has also adversely affected the self-sustaining forms of livelihood that had earlier pertained among the aboriginal population.



- (III) Before the industrialisation of the Rourkela region, tribal feel that they were leading their lives which was dependent on primitive agriculture and a regenerative forest economy, they were dependent on minor forest produce such as edible fruits, leafs and tubers with the advent of RSP, tribal complain that they are gradually deprived of their common property resources they used to get from the forests and its minor forest produce.
- (IV) Minor forest produce are a very important part of the lively hood of the tribal people. Displacement of these tribal people has also taken some of their rights regarding the minor forest produce.



## Commission's Observations and Recommendations

### Land for Land and Rehabilitation of the displaced tribal

9. The Commission observes that there have been gross irregularities in the implementation of the process that includes acquisition of more than 32000 acres of agricultural land; the displacement of more than 4000 families; allocation of land for the houses in and around Rourkela; allocation of non-cultivable land for cultivation as far as more than 100 km; non-allocation of RORs and the Pattas to all the displaced tribal; not giving the employment by the RSP as per agreed norms; denial of basic civic rights to certain resettlement colonies; influx of people from outside and fraudulently taking advantage of vulnerable condition of tribal; apprehension of further displacement of tribal; utilization of acquired land, returned by RSP to State Government, for commercial purposes; erosion of traditional culture and ethos of tribal and; degradation environment and forests due to heavy industrialization of the region.

10. The Commission strongly feels that considering the time span of more than fifty years, this is the high time to address these issues. The Commission, accordingly, urges his Excellency Governor of Odisha to exercise special powers granted under Article 244(1) of the Constitution of India to look into the issues concerning the Government of Odisha that have been dealt with in foregoing paras and direct his Government to take remedial measures on top priority basis.

11. The Commission observes that till date, all the displaced families have not been provided land for Land (for Agriculture). The compensatory land which was allotted to the tribal at the time of acquisition was very far away from the resettlement colonies and that too is not suitable for cultivation. The Commission impress upon the Government of Odisha to ensure that cultivable land for the agriculture should be given near the place of residence to the tribal's to the extent possible.

12. The process of patta distribution for the land for land (for housing) to the displaced tribal's has picked up with the constant efforts of the



Commission and the District Administration. This pace needs to be faster, as there are still thousands of displaced tribal families who don't have the ownership of the place of residence. The Commission, therefore, impress upon the Government of Odisha to expedite the process and complete it in a time bound manner.

13. The Commission has noted that there are certain resettlement habitations, such as, tribal hamlet in Somra Basti, Tangarpali, Luakera, Tumkela, Hamirpur, and Bankia in the District of Sundargarh which are neither under any Gram Panchayat nor under the Rourkela Municipal Corporation and the displaced tribal living there are in a very pathetic condition, i.e., without road, water or electricity. People living in these villages do not have basic document such as Ration Card. By not having a ration card they are deprived of benefits of developmental and welfare schemes. They have also not got any patta for their houses. The Commission strongly recommends for their inclusion in neighbouring gram panchayats. It may also be ensured that the basic civic amenities such water, electricity, sanitation, proper access etc. be provided to them without further delay.

14. Similarly, the Commission was apprised that in Ruputola and Luakera villages, tribal living for more than 50-70 years are now being evicted from their places due to further expansion of Rourkela Steel Plant. The Commission feels that the tribal people who are staying there for so many years should not be disturbed and there habitations should be regularized.

15. The Commission observes that the lease agreement executed between Government of Odisha and Steel Authority of India, Rourkela Steel Plant provides that land can be surrendered to State Government on the its requisition for surrender of land, for the stipulated purpose. Further, according to the report of the Committee constituted by Ministry of Steel, Government of India, over a period of time, Rourkela Steel Plant has surrendered 4514.62 acres land to the state government for different purposes, such as, South-Eastern railways Marshaling Yard, establishment of regional engineering college, various housing schemes, etc. The Commission is constrained to observe that major part of such land is being sold to the private individuals and companies at a very exorbitant

rate, whereas a small portion of it was used for the purpose of welfare of the people and other developmental and infrastructural needs like hospitals, schools, roads, etc. The Commission takes a very strong view of it and feels that as the hundreds of tribal, the real owners of this land, are homeless today, the state should acknowledge their right and return not only the surrendered land but also the unacquired land to original tenants. Similarly, reclaimed land should also be allotted to them and RORs should be issued to original tenants in resettlement colonies.

16. The Commission during its visit to Telighana Village in Utkera Tahasil in Sundergarh District where Gochar (grazing) notes that land has been acquired by IDCO under 'Land Bank scheme' for Private Industries. The tribal people in the village Teleghana have serious objection for using this Community land for private Industries purpose especially when the village falls under the Scheduled V District of Sundergarh. The State Government may take appropriate action in the matter, The Commission recommends.

17. The District Administration itself stated before the Commission that, in some cases, un-acquired land of tribal has been recorded in the name of private individuals in the last land settlement. The Commission recommends that the District Administration should identify of such mistakes and correct the record at the earliest so that the displaced tribal do not pay for the mistakes done by the District Administration.

18. The Commission takes note of the social audit of the work done by the Rourkela Steel Plant authority and the State government in the name of Rehabilitation & Resettlement of the displaced Scheduled Tribes. Basic amenities like safe drinking water, uninterrupted electricity supply, good education, health facilities and adequate job opportunities are the minimum that is required by all. The Commission, accordingly, recommends to the Rourkela Steel Plant and Local Administration to provide the same to the displaced tribal from the Corporate Social Responsibility funds of Rourkela Steel Plant. If RSP is already doing it, it should ensure how it can further be improved.



### Compensation to the displaced tribal

19. To the astonishment of the Commission, due compensation for the land acquired has not been disbursed, till date and the State is still in the process of identifying the right persons for the compensation and according to them it will take some time and thereafter only done the compensation will be disbursed. The Commission emphatically recommends to the State Government to expedite the identification as it has consumed more than half a century since the whole process began. It further suggests to the State Government to disburse the compensation according to a new matrix to those who have not received the compensation till date.

### Employment to the tribal

20. Employment is the most contentious issue for the displaced tribal. The Commission is shocked to know that there are no systematic records with the Rourkela Steel Plant to ascertain whether the displaced scheduled tribal have received any form of compensatory employment at the Rourkela Steel Plant.

21. The Commission also takes note of the irregularities in information given by RSP on employment being given to the displaced tribal. From a list submitted by RSP authorities of 3,000 people who were employed under the category, the Commission finds that many of them were found to be from other states and were not displaced tribal due to RSP. In such a situation, cases of favoritism by the officials of Plant in giving employment to their known ones cannot be ruled out. The Commission therefore calls for an in depth inquiry in the matter and recommends that RSP should launch a drive to ascertain and prove the identity of all of its current and former employees, including the retirees who have been employed on the basis of their displacement status and take stern punitive action against those found to have used fraudulent means to get the employment. They should be immediately removed from the services and FIR should be filed not only against them but also those who have helped them in getting the employment.

22. The commission is of the opinion that the T.N. Singh formula is very old now and should be reviewed and revised by taking into consideration, the current employment status of the displaced tribal youth. RSP may also explore to work out new ways to employ the displaced tribal in a fast track manner as it has been a long time that the promise of employment has not been honored by the RSP.

23. The Commission further desires that the RSP should look into the following issues and resolve them on priority basis:

- a) RSP should figure out a way to induct the displaced tribal applicants from the unfilled positions in 1098 limit to begin with and also against the vacancy that has and will come up after the removal of fraudulent cases
- b) There are tribal who claim to be local to be displaced person and still out of the list of 1098 people (that will be employed by the Rourkela Steel Plant). There is a need to re check their background so that only genuine person gets the employment.
- c) State Government has reportedly sent a list of 163 persons to RSP who are eligible family members of left out Local Displaced Persons (LDPs). They should be considered for employment in RSP over and above the list of 1098 as that list was prepared by District Administration and not contradicted by RSP. If required, further verification can jointly be carried out by RSP and District Administration.
- d) Rourkela Steel Plant along with its adjoining areas and its supporting units and industries has many ancillary activities that can provide employment opportunities to the displaced tribal, such as allotment of stalls, canteens, transportation, saloons etc. The Commission feels that in this segment those tribal can be accommodated who are either in the age bracket of non-employable category in the steel plant or cannot be skilled for any formal organized employment in the steel plant. Both the district administration and the Rourkela steel Plant can have a provision for reservation for displaced persons in allotment of



shops in the shopping complex at Ruputola should be made by RSP.

- e) The construction of the boundary wall by the RSP is important and is a security issue. Commission has taken the cognizance of this issue. It is suggested that without the consent of the residing tribal, the boundary wall should not be constructed. RSP should make all out efforts to convince the tribal about the safety aspect of this boundary wall.

### Sarna

24. The Commission acknowledges the Sarna being an integral part of tribal cultural heritage and tradition and it strongly feels that it should be protected. The Commission suggests that a sub-lease committee of three members from the RSP side and three members from the state (district) administration may be constituted to resolve the issue of Sarna as early as possible. The state may invoke the clause 18 of the lease agreement that was signed between the state of Odissa (Orissa) and the RSP giving right to the state to ask for a part of the acquired land for RSP for for a specific purpose that is connected to the public good.

### Gender issues

25. The issue that disturbed the Commission most was the buying and selling of the women, especially the young girls of tribal areas by the outsiders. These girls are being pushed towards the flesh trade or used as the house helps for free or at a very less pay in the big cities. The Commission impress upon the State Government to take every possible action to protect and safeguard the tribal women.

### Forest produce

26. Minor forest produce are a very important part of the lively hood of the tribal people. Displacement of these tribal people has also taken some of their rights regarding the minor forest produce. The Commission observes that the tribal are not getting remunerative price

for their Minor Forest Produce in the market. The State Government may take appropriate action so that the primary collectors who are mostly tribal get remunerative price for the MEPs collected by them.



## Conclusion

27. The Commission observes that it was the sudden exposure of the tribal from their traditional and protective habitat in the forest lands to the outside world, driven largely by market economy, which has pushed them into a trauma that their few generations would take to overcome. This has not only pushed them towards the big cities and other states in search of employment but also split their households as their women, children and aged persons are left behind at back home and thereby making them highly vulnerable, specially the women.

28. The Commission is perturbed by this pathetic situation of the tribal and through this report impress upon all the concerned agencies of the Central and State Governments to become part of their rehabilitative process. The Commission, in particular, urges Government of Odisha and SAIL (Rourkela Steel Plant) to be more proactive in resolving the problems the tribal in holistic manner. To provide sustainable life conditions to these displaced tribal have to be the goal of Rourkela Steel Plant and the State Government, the Commission concludes.





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