



THE LUTHERAN WORLD FEDERATION

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Office of the General Secretary

To Whom It May Concern:

Enclosed are 20 hard copies of two shadow reports. This includes 10 hard copies for each shadow report, to be submitted to the Committee on Economic, Social and Culture Rights (CESCR) pre-sessional Working Group for its ongoing session (21-25 of May). These documents were prepared by NCDHR in association with IDSN, IIDS and Social Watch-Tamil Nadu and they were submitted to the CESCR secretariat by the Lutheran World Federation country representative.

Should you have a question or comment, please do not hesitate to contact us.

Kindest regards,

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Economic, Social, Cultural Rights in India

We try to identify some of the findings pertaining to the issues related to ESCR which needs attention of the state for proper implementation of various schemes/ programs meant for the most vulnerable and marginalized people. These practical finding given below drawn up by the project (Puri-RDP-Orissa) in cooperation with one of the local NGO working with us in the locality.

Some practical findings and view points :

Social Security Schemes :

(1) **Mid-Day Meal for school children :** Earlier the responsibility of preparing this mid day meal was taken by respective school authority and they were receiving food items like, rice, dal, cooking oil, spices, vegetables along with fuel for cooking. During that time in the same school, the number of students submitted to govt. was high and accordingly the proportionate quantity of these materials also more. But ever since, Self-Help Groups assigned to take up this responsibility with aim to involve women in the process as well as to provide adequate time to school teachers for study, the number of students become less in the register and also in the list. Consequently, SHGs are not allowed to draw the same quantity of materials like before and they are experiencing huge loss. Consequently, other SHGs in adjacent communities are discouraged to undertake such programs.

(2) **Provision of egg as part of food for children during mid-day meal :** As per provision, each child was suppose to get 2 eggs in every week during mid-day meal at school, that means they should get 8 eggs per month. But in reality only 1 egg is being giving to them in every week, so they are denied of 4 eggs in every month. While it is questionable about this management system, the answer from provider is unacceptable. They argued that, since they are paying transportation cost of food materials including eggs from market and block head quarters, they are bearing the transportation cost, hence they reduce the supply of egg to 1 only stead of 2. But there is clear provision that, the transportation cost of all these materials are specially kept separately and Block Officials should give to the SHGs which is not taking place.

(3) **ICDS (Integrated Child Development Scheme):** There is provision that, cooked food should supply to the children coming to Anganwadi Center(ICDS Center), expected mother and post-natal mother (up to 6 months). However, Anganwadi Worker is just supplying the dry food in the form of only rice to them which deprived the quality food for them. For that sake AWC receiving rice, dal, oil, spices and cost of fuel to prepare the nutritious food in the form of Khichri which is denied to them. Furthermore, there are also anomalies found in terms of beneficiary selection, i.e., a child enrolled in formal school is also enlisted in AWC, so where is the regulatory mechanism to verify these?

(4) **NRHM (National Rural Health Mission) :** Under Janani Surakshya scheme (Safe Motherhood), if there is institutional delivery, the respective women should get Rs. 1400.00 to take care of her baby as well as feeding self and baby as well. However, the current practice in rural area still limits to only Rs 700.00. It is responsibility of the medical authority to provide appropriate amount of Rs 1400.00, which nobody even arise this. In this context, Anganwadi Worker (Worker for ICDS Center) and ASHA (Accredited Social Health

Activists) worker should be sensitized to disseminate the right message and people's genuine rights which in no way should be violated.

(5) Balika Samrudhi Yojana (Girl Child Development Scheme): As per provision, a BPL(Below Poverty Line)family having one or two girls/ girl child are eligible to receive Rs 500.00 as token money which is not being practiced since 2001. Medical authority is responsible to provide the benefit which is not happening.

(6) Public Distribution System :

(a) Antodaya Scheme : Under the scheme, the identified poorest of the poor beneficiaries those are card holders are eligible to get 32 kg of rice per month @ Rs.3.25/kg. However, the current practice goes differently with lot of anomalies. Each beneficiary is receiving 30 kg of rice @ Rs 3.60/kg. This indicates the fact that, they are receiving less in quantity and paying more prices in terms of cost. While questioning, the dealers explained that, since they are paying transportation cost and receiving less in quantity that caused them to charge more and give less in quantity which is not the fact at all. Dealers is receiving the transportation cost extra and also receiving proper quantity as per provision. So, the question is who is responsible for social auditing?

(b) Annapurna Scheme : Under the scheme, the identified destitute and disabled persons those are beneficiaries and card holders are eligible to get 10 kg of rice per month in free of cost to ensure food security. However, in practice, these beneficiaries are paying 50 paisa/ kg to their respective dealer while they receive these 10 kg of rice. While questioning, the dealers explained the same logic of transportation cost.

(7) SGSY (Swarnajayanti Gram Swo-rojgar Yojana : Under this scheme, there is limited choice of Self Help Group members to select their trade suitable to them. The 3 person committee comprising of representatives from Block Official, Bank Official & NGO representative (those promoted respective SHG) are authorized to select only BPL families those eligible to receive loan. However, due to mal-practices, some of the APL(Above Poverty Line) members in the groups are also receiving loan amount which is an unacceptable standard and it does not match with the guidelines. In other words, non-eligible members are availing the facilities and in some other place, eligible groups are deprived of the benefits. Further more, there is lots of harassment and corruption to the tune up to Rs 30,000 has to loose during the process of obtaining loan that reaching to the group finally out of Rs 250,000. Though there is subsidy of 50% of this amount, in fact they are not receiving the exact amount of other 50% in hand as they are to forced to give underlying which is like open corruption. Besides, group does not receive entire loan money at a time i.e., Rs 250,000 to avail as loan, as the Bank keeps 50% as security money.

(8) Land Rights : Under Basundhara (Earth) scheme, each home less family/ beneficiary is eligible to obtain 0.16 acre of land to make their houses. However, in reality they are availing the facility which confined to 0.02 - 0.04 acre of land in stead of 0.16 acre.

In the periphery and perspective of LWSI Keonjhar Unit (considering both Keonjhar and Mayurbhanj district)

Keonjhar and Mayurbhanj districts are located in the northern part of Orissa State. Both the districts have dominant tribal population.

The Keonjhar district represents two smaller regions within, the lower Keonjhar and the upper Keonjhar. Lower Keonjhar consists of valleys and low lands, while the upper keonjhar comprise of mountainous highlands, which generally slope from North to South. Keonjhar is a habitat of Juangs' (officially a Primitive Tribal Group) and extends from the hills in the west of Keonjhar to the hill ranges of Pallahara of Dhenkanal. Gonasika hills are the abode of Juangs and the origin of River Bhaitrani is a sacred and revered river flowing north. 1

The total population of the district is 15,61,990, the scheduled tribe population comprises nearly 45% and scheduled caste population is 11.62%. The district is predominantly rural with 74.91% of the rural population. Anthropologically, its two main tribes, the Juangs and the Bhuiyans carry a distinct and primitive past.

Mayurbhanj also has a dominant tribal population. River Baitarini which originally flows north turns back to flow south and the south flowing section to the east forms the boundary between Mayurbhanj and Keonjhar districts.

DEMOGRAPHY OF MAYURBHANJ DISTRICT			
Population Distribution	Persons	Rural	Urban
Total	2223456	2067756	155700
Male	1123200	1041057	82143
Female	1100256	1026699	73557
SC Total	170835	154440	16395
ST (Schedule Tribe) – Total	1258459	1230583	27876
Source: Census of India, 2001			

Mayurbhanj is a predominantly rural district with 93% of its population living in rural areas and 58% of this population is of Schedule Tribes. There is almost an equal proportion of tribal population spread over 26 blocks of the district. The majority of the tribal concentration is in 22 blocks where the percentage share of tribal population is between 50-75% whereas very few blocks of Barsahi, Batnoti, Moroda, and Suliapada have tribal population less than 50%. The tribal population of the district constitutes 15.42% of the state's total S.T. population.2

Major issues of Adivasis:

¹ Extracted from Study report by ENVIRONICS TRUST- Mines, Minerals and People

² Extracted from Study report by ENVIRONICS TRUST- Mines, Minerals and People

- Adivasis issues are mainly based on Land, Forest and Water.

- There is saying - "if NO land-forest - NO Adivasis"

Cultural identity - cultural subversion, submergence, cultural deterioration.

Religion- under identity crisis- sanskritization/ hinduasiation. On the other hand even in some places Christianity also have negative impact on the culture traits of Adivasis.

Political empowerment- in connection with Adivasis' own customary laws and justice and administration. Adivasi polity – egalitarian democracy with consensus / collective decision-making.

Where we have both inner and outer perspective for the political empowerment and holistic development. The group also concerned about the implication of PESA (Panchayat Extension in Schedule Areas Act) and other schedule area's Act.

Poverty/deprivation

Migration and displacement issues.

New Economic Policy/ Globalization affecting the Adivasis' survival context even, Livelihood, cultural ethnicity and habitation.

Violating and ignoring the Indigenous /Human Rights in the field of

Right to land, forest, water

Right to self-determination

Right against exploitation

Right to language

Right to sacred groove, water, places

Right to self-governance

Rights of women's' equality and mutuality

There are many other rights, which comes as human rights.....

Atrocities on Adivasi Women:

Trafficking/flesh trade

HIV/AIDS and other dreadful diseases

Domestic worker's exploitation/extortion

Non-Adivasis population transformation / infiltration in Adivasis territorial area resulting them to migrate for their survival.

Bhuyans and Juangs land settlement policy – a process of deprivation of right over their own land in Keonjhar District: A Case Study 3

TRIBES – BHUYANS

The Bhuyans literally "**FROM THE EARTH**" is perhaps the highest spirited and largest wild tribes of Orissa. The numbers residing in this district can be fairly estimated. This tribe is divided in to four principal classes

The Desh or Pahariaya is heading the list. This clan retains all the strong passions of a wild semi-nomadic tribe. They live in the hills generally and are known as hill Bhuyans. Talia is the only cultivation they know about and they pay tax in terms of bethy as per their plough. The others Rajkoli, Rantoli and Pabans live mostly in plains below

Talias is the cultivation of the Bhuyans clans as such are wonders how with small amount of labour they harvest on his field to produce vegetables. When land looses fertilization they abandon their village to clear jungle. Bulbs, jungle fruits, roots grub of insect fowls etc forms principal part of diet. The produce of land helps to purchase clothes etc and make handia (fermented liquor)

³ Advocate Bhagirathi Mohanto, who is a renowned person in Keonjhar District, Ex Chairman, Keonjhar Municipality and present President of Citizen Forum, Keonjhar, drafted the said case study.

JUANGS

These are the Sir W.W. Hunter's "Leaf-Wearers of Orissa" and are believed to be more primitive race than even the Bhuyans. Mr. Ravenswa first presented clothes while on his visit to Keonjhar in 1868 and taught them its use. More or less they resemble to Zulu of Africa.

They occupy the hills just south of Keonjhar and are comparatively small population. They speak a district language of their own made up mostly nasal sounds and onomatopoeic words. The vocabulary is just ample enough to convey thoughts and ideas of their primitive's life. They are fair complexioned but their features are coarse. They are of a shy and peaceful disposition.

THE PLAIN AND TABLE LAND OF KEONJHAR DISTRICT:

The district has two dissimilar natural regions approximately situated by the N.H. 215 from Champua to Jajpur Road passing through the Head quarter of Keonjhar. To the east of this Highway is gentle slope from the belt of hills spreading out in to open plain land of Annandapur and some portion of Sadar Sub-division. The sacred river Baitarani flows through plain lands having number of confluences with its tributaries. To the west of National Highway lies a range of lofty hills stretching extensively from the southern extreme to the northern and extending to Singhbhum district of Jharkhand on the one hand and to the frontiers of Bono, Pallahara, Anugul on the other sides. It contains some of the highest peaks of Orissa namely Gondhamardhan (3477ft) and Gonasika (3219ft). This range serves, as watershed of river Baitarani on the North and Brahamani in the south. The watershed is in the shape of crescent with tips far apart in the north and the south. This is the home of Tribes namely Bhuyans and Juangs. There are some table's lands on the summit of the hills. Which are fit for pasture and tillage but the slopes have loose stones boundaries with network of hill streams running in all directions.

A great portion of the valley was covered with jungles. There were no good roads and public institution till the recent past. **Fortunately these hills and valleys are treasure house of India for its high grade deposit of iron ore and manganese ores** and because of high rate in international market many national and international industrial owners are pouring to extract, taking advantage of lack of proper regulation over these by Administration, as a matter of fact, State Govt. is losing its due dividends and local people are being duped.

*** BHUYANS AND JUANGS PIR AND SETTLEMENT OF BANSPAL BLOCK – THE MAJOR SET BACK TOWARDS THE LAND RIGHTS OF TRIBAL:

In the Bhuyans and Junga Pirs (habitat) there had been **no settlement of land** in view of the shifting cultivation. But in the Bhuyans pir a plough tax on agriculturist and house tax on non-agriculturist have been imposed. In the Juanga Pir a produce rent was fixed for the VILLAGE as whole and distribution of the rent among the villagers is left to the village headman. The terms of both these arrangements do not coincide with that of the settlement. The village headman of Bhuyans Pir is bound to supply two goat every year. All adult members are bound to supply rope and materials for preparations for "Jaganatha Car" (Famous Hindu religious festival of Orissa) and help to pull it and do other duties. They were bound to supply Inda wood and rope. Similar supplies are rendered in Raja, Aghira and other religious festivals. They are bound to give free labor and supply materials for Hindu Religious festivals which are termed as betty.

Keonjhar was the 2nd largest ex-state. The tribal installed the King. As such King allowed many concessions to the tribal. Yet there were two tribal resentments known as Ratna Melee and Dharani Melee due to disregards to their comforts. That is why during last major settlement held in 1915; the tribal belt was mostly remained as un-surveyed area. Whatever the survey has been made remains incomplete and full of errors.

The land settlement are incomplete in accurate as desirable and mistakes are frequent noticed since there had been no settlement earlier in the last settlement. The new comers being the clever

persons have managed to record the important land in their names but the poor ignorant tribal as they shared have received.

Now all the cries are in wilderness. Now surveys of minerals have been made and many of the possessed land of the tribal have minerals since no systematic survey have been made many possessed, reclaimed lands are still in Government Khata. As a matter of fact **they are being debarred from getting any compensation and are also displaced miserably**. Taking advantage of their innocence and helplessness the unscrupulous traders are creating various social menaces besides pollution of environment

Minerals resources and allied industries policy in the context of Keonjhar and Mayurbhanj: 4

While mineral development took its geological scale of time for the minerals to develop, *Keonjhar is now being seen as a global destination* for exploiting its rich iron ore and manganese deposits in a short span of three decades. Keonjhar contributes nearly 75% of rich iron ore deposits present in the state. More significant is that the current development in these two districts is directly in conflict with the safeguards under the Indian Constitution and other provisions to protect the rights and privileges of tribal communities. Though there are special provisions and regulations for scheduled areas but hardly these districts enjoy this provision due to the fact that the state government has been one of the prime movers of industrialized development over the past several decades.

By the turn of the twentieth century the geologists discovered *mineral deposits*, and Joda formed the nucleus of first mining and industrial activity in Keonjhar in 1905. Gorumahisani and Badampahar in the district of Mayurbhanj were soon to be identified. Though environmental legislations were enacted in the later part of the twentieth century these regulations has been of little help to safeguard the tribal from impacts of extractive industries due to its weak enforcement. There are nearly 118 mining leases, large and medium in Keonjhar and 45 leases in Mayurbhanj, apart from a number of allied industrial activities like sponge iron plants, sized iron ore plants, crushers, ore beneficiation plants, refractory industries.

There have been several direct and indirect **impacts** on the tribals due to mining. Direct impacts primarily being alienation from land due to land acquisition and migration which is disastrous as these communities have been living in their protected environment over several centuries and are not exposed to the outside development. *Compensatory a forestation* in the tribal areas has been one of the causes, which has indirectly cut off those areas for them to do shifting agriculture. Environmental footprints in the region have been a result of mindless mining, especially in Joda where the epicenter of environmental disaster is visible. Landscapes have been widely altered over a contiguous region; local water resources like *stream and springs have dried* due to mining in the catchments. Diversion of forestland to non-forest uses is another factor contributing to the widening of the footprint and has put pressure on the livelihoods of the tribals as nature and life is interwoven strongly.

Overview of Impacts of Mining and Allied Industry

The impacts on land and forests are the most visible and lasting impacts of mining. Almost 60% of the forest area in Keonjhar is categorized as reserve forest and rest 40% is under the control of the revenue department. Whereas in Mayurbhanj District the reserve forest category contributes 75.82% of the total forest area and rest is under the control of revenue

⁴ Extracted from Study report by ENVIRONICS TRUST- Mines, Minerals and People

department. The area under coverage by mining activities in Keonjhar is of the order of 312 sq. kms and for that of Mayurbhanj is 53.91 Sq. kms. Out of the total 28,769 hectares (as of 01.04.2004) land diverted for various development programs, one-third was diverted for mining purposes only.

Sl.No.	Name of the Sector	Proposals finally approved by GOI			
		No. of Proposals	Forest area diverted as on 1.4.2004	No. of Proposals during 2004-05	Area in Hectares
1	Irrigation	61	6910	NA	NA
2	Industries	6	2425	NA	NA
3	Mining	88	9761	NA	NA
4	Transmission line	48	3015	NA	NA
5	Roads and Bridges	30	273	NA	NA
6	Railway Line	5	1965	NA	NA
7	Defence, Human	32	4420	NA	NA
8	Habitation and others			NA	NA
	TOTAL	270	28769	9	1274

Source : PCCF, Orissa, Bhubaneswar

To compensate this loss of forest, law mandates compensatory afforestation. There seem to be no synergy in the process of mining and compensatory forestation. Good lands developed by the tribals is taken over for the purpose and without land rights the tribals have become mute spectators to this farce and years of their effort in making land productive has been in vain.

In the state of Orissa since 1980 up to December 2005, the Government of India, Ministry of Environment and Forests Department under Forest Conservation Act involving diversion of 31,780 hectare of forestland have approved 295 Nos. of project proposals under different Sectors. The Government of India while giving their permission, have stipulated for undertaking compensatory forestation in lieu of forest areas diverted for non-forestry purpose. For this purpose the various agencies have deposited Rs.63.06 crores with the State Government. Till December 2005 Compensatory Forestation has been done over an area of 27,004 hectares including forest and non-forest land. 5

The physical alterations are more noticeable in surface mining. Iron ore and Manganese, the two principle minerals in the region, appear more nearer to the top of the hills. The iron ore deposits in these areas are on the top of the hills or mounds in the form of capping having very little overburden. Whereas the manganese deposits are of lateritoid type having laterites as overburden, the ore to overburden ratio ranges from 1:1 to 1:10. Discharge of slimes from the overburden *laterite dumps* during rains results in silting and pollution. This happens more frequently in areas where manganese and iron ore deposits are very contiguous and are in close vicinity to each other, like in Joda. Similar is the case in Keonjhar.

⁵ <http://orissagov.nic.in/forest&environment/index.htm>

Solid wastes and mine dumps, mill tailing, slag cinders and ash accumulate in huge piles around large mines and man made hills add to the topography. These artificial hills, being unconsolidated and loose, are subjected to slumps and slide and are easily erodable choking surface drainage and despoil fertile land downstream. Unlike the transport of land flux by natural erosion and even by agriculture practices where the floating sediment directly finds its way into the ultimate sink of deposition – lakes, bays, oceans and there has less ‘channel residence time’ the detritals from the mine excavation tend to be distributed in and around the minor channels with longer ‘channel residence time’

Land Use Changes in Joda			
Landuse	Area in Ha (1989)	Area in Ha (2004)	Change
Habitat	1466.27	1644.45	178.18
Agriculture	22128.61	21520.57	-608.04
Forest	36191.82	24501.7	-11690.1
Wasteland	8294.82	18540.86	10246.04
Mining	1646.41	2807.11	1160.7
Land Use Changes in Keonjhar Sadar Block			
Habitat	2822.02	3642.86	820.84
Agriculture	36282	35452.14	-829.86
Forest	12837.99	7576.63	-5261.36
Wasteland	4177	6280.43	2103.43
Mining	755.54	777.76	22.22
WaterBody	1089.64	1054.1	-35.54
Source: Growth & Environment Studies, World Bank (2006)			

The land use changes over a period of 15 years clearly indicate the detrimental impacts of mining on land environment, in its quality as well as quantity. Decrease in agriculture land, increase in settlement area nears the mines, creation of large wastelands and diversion of forestland for development projects, especially mining in this region.

Due to its proximity to the state border, there is prevalent *illegal trading of minerals* outside the state, thus impacting upon the little revenue for state. As per the recent estimates the revenue generation by the mining department on account of royalty has decreased over the years. As per rough estimates, the revenue from mining sector in Mayurbhanj (Baripada Mining Circle) has been decreasing over the last few years. The existence of Simlipal National Park is a Tiger reserve and it covers an area of 2750 sq kms with a considerable population of elephants in the park. With an intensive mining in the adjoining district of Keonjhar and availability of rich mineral deposits, several industrial set ups have been established in Mayurbhanj. The fact that Mayurbhanj was brought under schedule area in 1956 and parts of Keonjhar in 1979 saw a shift in local development regimes.

Juangs and Bhuiyans are among the primitive tribes along with the 62 schedule tribes of the state and inhabit the Keonjhar district. Land settlement of these tribal communities has been the major concern of the organizations working with tribal population as these tribals’ enjoy customary rights over land by doing shifting agriculture in the region, whereas they do not possess recorded rights. Though there are tribal development agencies being formed in the state but hardly there is any interface with the line departments of the state to address on impacts of mining on adivasis of the region.

Since adaptation to the changing regional development has been difficult but this has definitely put this groups of economically displaced (truckers, migrant labour) into vulnerable positions. Violation of labour laws in large and small mines in the absence of organized labour movement has lead to severe **human rights violation**. Deprivation of labour benefits is also one of the economic losses as mostly the labour is contractual and is not even registered for benefits. Several of the places like

Harichandanpur which is relatively mining free block of District Keonjhar there have been divides emerging among the communities to whether allow mining or not.

Almost an equivalent proportion of working population is engaged in primary activities in both the districts. Being Scheduled areas inhabited by schedule tribes, it draws very close linkage and understanding of engagement of workers as cultivators and agricultural labourers. The tribals practice shifting cultivation and treat the land as their ownership but legally the *lands is not recorded as private land* and are either registered as revenue land or forest land.

Khadias and Mankadias are the *two primitive tribal* groups in Mayurbhanj district, these tribes don't have cultivable land and survive on forest produce and work as labourers.

Livelihood Perspectives of adivasis: a sustainable dependency on forest:

The three blocks are the operational area of LWSI Keonjhar Unit and each block is having a high percentage of tribal population and some of them like Juangs, Bhuyians are the primitive tribal groups for which special tribal development agencies have been formed.

All the three blocks represent high percentage of Scheduled Tribes population and majority of the population is engaged in cultivation activities, which forms the major part of their livelihood needs. Though the livelihood security is the prime concern for these communities, but the land based production systems are capable only to sustain this population over a period of 6-8 months in a year. With the dispersal of mining leases in and around tribal areas, there is now being a slow shift towards employment in mining activities like mine labour, working in crushers (these are coming up in large numbers). Telkoi has the largest number of landless households, which most probably form part of mining labour and forest dependency.

It can be clearly correlated that where population engaged in cultivation activities is comparatively less, those groups or individual migrate for seeking support for rest period of the year. Again Telkoi with the maximum number of BPL (Below poverty Line) households and landless people (95.71% & 65.27% respectively) indicates that *migration is comparatively high*, for both individual and family.

Each living and natural element is so interwoven in the tribal culture that the whole livelihood cycle is managed within the village ecosystems. However there is also a dependency on certain *NTFPs (Non timber forest Produce)* from forests but these are slowly diminishing as the control over land and forest is with the government authorities.

The changing development ethics from people oriented human development to *economic centric development* has struck the tribals living in resource rich regions. The alienation from land and control of access has *changed the lifestyles and livelihood patterns*. The forest and land based products were used to assure food security and a little need for cash income was there but the situation is slowly changing. With an urge for cash incomes from upcoming mining activities, there has been a little transformation of people's livelihoods and lifestyles. The huge investments in the state override the tribal issues and also create a space for larger irreversible impacts, which are neglected, as profit maximization is the only parameter. *The monetary wealth with a tribal might be less but the natural wealth they own is beyond the definitions of poverty line or absolute poverty*. More control of market and state is pushing the self contained livelihoods to cash economy and there are a number of push factors in the tribal regions which would need much larger efforts to make the livelihoods self reliant and environmentally sound.

The employment situation in small-scale industries is also abysmally low as noticed in Keonjhar and Mayurbhanj Districts. A total number of 2000 persons were working in SSIs (small scale industry) with a capital investment of Rs. 45 Crores (450 million) in District Keonjhar whereas the cumulative employment over the three-year period in Mayurbhanj is a little better in comparison to Keonjhar, 2600 persons with a capital investment of a little over Rs. 2 crores (20 million).

Keonjhar district is historically been exploited and portrayed as the *wealth of the nation*, the reason being its most precious mineral deposits. However no considerations have been given to the primitive

tribes of the state. Keonjhar and Mayurbhanj (to a lesser extent) reflect the global economy and it has left out the builders of this economy or the protectors, the tribals, which are the inhabitants of the districts. Juango and Bhuyan are the two most suffering tribes, yet they attain the status of primitive tribes of the state in these two districts which have a cover of Schedule V where originally the constitution guaranteed that no land alienation from the tribals will take place. However, the *State itself usurping the role of the 'eminent domain'* has worked its way through the Constitutional provisions and laws made in favour of the tribals. All the rules and regulations and even resources come in the name of tribals but in reality they are effectively used for the benefit of the vested interests.

Economic Liberalization and Regional Development Planning

There is more of a business gimmick on stopping iron ore exports and use it for producing steel in the country. A company which has credentials in making steel argues for stabilizing iron ore exports whereas the other which has expertise on mining wants more minerals to be mined out and exported at international prices. However there is nothing good for the people unless the business and environment, business and human rights are more deeply routed into the process of project development and operation.

Government's Strategy

The state government is quickly unbundling the reserves of the state to several of the private investors without realizing the provisions and concerns over the *schedule Vth (5th) areas* where the tribal population is concentrated. To give a further push to mining development, the government in one way is assuring (through aggressive industrial policy) investment by putting a condition that every investor must invest 20-30% and only then the mining lease can be granted. This further puts the environmental clearances in doubt as the investor would have already invested money and there is a pressure on governments to clear the projects, without considering much about the environmental impacts. Though there are *ITDAs (Integrated tribal development agency) formed* for the development of the tribals in the state but nothing much has changed from last 3-4 decades after the formation of these agencies.. The State has also embarked on an initiative for the development of the PTGs through promoting micro projects for Juangs of Banspal in Keonjhar, Lodhas of Sulaipada and Moroda; Hill Karanjia and Mankadia of Jashipur and Karanjia in Mayurbhanj Districts. The basic idea of these development agencies lack the principles of conservation of PTGs (Primitive Tribal Groups) and are more towards mainstreaming of such communities which itself is an open ended option i.e. nothing concrete can be said about the nature and scope of mainstreaming. With a basic framework of understanding the issues concerning indigenous people, the *UN declaration on the rights of indigenous people underlines 46 articles drafted after General Assembly's resolution 49/214 of 23 December 1994, which has held 11 sessions between 1995 and 2006.* It details out on the fact that indigenous people are equal to all other people, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such.

Impoverishment of Primitive Tribes- Report From Project unit

It has been proven that mining or extractive industries in the scheduled areas are a curse on tribal life and livelihoods and culture. The Forest Conservation Act, 1980 underlines that an equal amount of area be brought under compensatory forestation in lieu of the diverted forestland for mining purpose with every project being introduced in the tribal areas there is bound to be forestland diversion in larger proportions, as there are no legal entitlement of land to the tribals. Either the land belongs to the revenue department or the forest department with a meager percentage of private lands. Gonasika is one of the *juang tribals* dominated area in the district of Keonjhar. Juangs survive on their paltry agricultural activities for the major part of the year and they don't have registered pattas, the rule of the land for them has been more due to the customary and traditional practices over the decades. Juangs do shifting agriculture and leave it fallow for a period. In 2005 an area of nearly 43 Ha was allocated for compensatory afforestation in Juangpirh for a mining project in Joda. The Central Government has created a separate fund called "Compensatory Forestation Fund Management and Planning Authority" for compensatory forestation etc.

This in one way is a positive development for the forest department but it has been negative for the tribals, now with the forest department control on this land, the customary rights are lost and the areas of shifting cultivation have also come under the forest category. It has done nothing but to further limit the livelihoods of the tribals at the cost of mining. *The village kadalibadi is one such example of suppression of primitive tribal groups. The forest department for plantations has taken up an area of 77,186; this area was under the control of the revenue department as uncultivable wasteland.*

Apart from impacts on the livelihoods of the tribals due to narrow policy, it forms a case of human rights violation, which is a consequence or outcome of mining activities in the region.

The *cultural identity crisis* is extremely serious concern in Orissa particularly in Keonjhar and Mayurbhanj district. Following serious concerns are:

Many tribal/Adivasis group are already lost their languages and many of them are loosing their languages very fast. The state government or civil societies purposefully not interested to preserve their languages in order to bring in mainstream languages.

The Hinduization process and conversion in Christianity may causes of accepting different faith and disbelief their own nature based warship which in turn could protect their forest and environment. The another threat of converting Adivasis in to Hindu Caste system (they may pushed into Sudra Varna system by Hindu elites) will be easier to swept the resource land acquisition by non-tribal as well the Government after making the necessary changes in Act in near future.

The rapid industrialization and allied mining operation causing tribal a constitutional forceful eviction from their traditional cultural tract. For an example, thousands of thousand tribal are living in mining hut (labour colony with extremely hazardous and narrow condition) where tribal even living with more than 30 years in Joda/Borbil and many other mining region. This artificial habitation is helping for root out the tribal ethnic culture, which is very eco-friendly,