

Note on Situation of IDPs in Orissa and Chhattisgarh

UN Guiding Principles on Internally Displaced Persons (IDPs), 1998, defines IDPs as: “internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” Adivasis of Chhattisgarh and Orissa are in every sense of the term ‘internally displaced persons’.

However, while there is some extensive documentation of conflict-induced IDPs of Dantewada and Bijapur and communal riots-induced IDPs of Kandhamal (annexed IDMC report on IDPs in India), there is no mention of the Maoist conflict-induced IDPs of Malkangiri, Sundargarh and Keonjhar in Orissa or industrial conflict-induced IDPs of Jashpur, Raigarh and Sarguja in Chhattisgarh. These areas are inhabited by tribals and going by the UN explanation on IDPs, these districts have been experiencing various forms of violence, armed conflict and violations of human rights causing tribals to either flee their homes permanently or temporarily.

Conflict-induced violence and subsequent human rights violations faced by the tribals of Orissa can basically be categorized into four forms :

1. Armed conflict between state security forces and armed Maoist cadres
2. Armed conflict through state repression on people’s resistance movements against land acquisition, mining, etc
3. Violence experienced due to communal riots between different ethnic and religious groups
4. Violence experienced due to forced eviction of forest dwelling and forest dependent tribes

It is observed that in situations where any one or more than one of these four forms of violence occur, tribals flee their villages, abandon their homes, land and seek shelter in nearby regions. It is an irony that except for Kandhamal, which is a centrally located region in Orissa, all the above mentioned regions where tribals face internal displacement are located on inter-state borders and divergent regional party politics in the states influence tribals’ decisions to flee. Therefore you find Koyas fleeing Chhattisgarh into Andhra Pradesh or Orissa. Oraons and Mundas fleeing Jashpur into Sundargarh in Orissa or Palamu in Jharkhand. Santhals fleeing West Bengal into Mayurbhanj of Orissa. However, limitation of such an analysis is that there are no facts to substantiate them as no survey has been done. The reason for this is that this form of internal displacement has never caught public attention due to its invisibility and numerically low level of incidence.

Armed conflict between state security forces and armed Maoist cadres

A lot has been written and documented about IDPs of South Bastar forced to flee due to violence of Salwa Judum and then security-centered counter-offensive against Maoist activities where the State turned perpetrator of armed conflict on innocent tribals. But little is known that adjacent areas of South Bastar which fall in Orissa consisting of Malkangiri and Koraput have also felt the ripples of this violence and human rights violations. While exodus of tribals from Chhattisgarh to Andhra Pradesh was to the tune of about 50,000 persons, and those moving into Salwa Judum camps were about 50,000 and the remaining 2.5 lakh tribals fleeing deeper into the forests, about 3000

persons did move into Malkangiri. The difference in Malkangiri was the IDPs did not clear forests and settle new hamlets but shifted in with their relatives and integrated themselves into the social organization of the village. This was possible since the numbers were low, the host community was able to absorb the new families, the local administration was not hostile and the level of 'state-sponsored' violence was not as intense as in Chhattisgarh.

Internal displacement in tribal dominated Keonjhar, Mayurbhanj and Sundargarh in Orissa was following beginning of the security-centered counter-offensive against Maoist activities. There have been families fleeing following repeated attacks on their villages by security forces. A tribal village in Bonai block of Sundargarh district has been completely displaced following the arrest of 30 male members of the village. The womenfolk along with aged parents and children have fled to other villages or into neighbouring Jharkhand for fear of arrest. This fact was learnt at a public hearing on violence against women held at Kunkuri in Jashpur district on 18th and 19th December 2010 organised by Human Rights Law Network (HRLN). At this public hearing villagers from Jashpur and Raigarh also related similar stories of internal displacement due to state security offensive on tribals. However, we have knowledge of individual cases of displacement due to such armed conflict. There is need for deeper analysis and enumeration in order to reach out to these families in distress who move around from village to village looking for safety.

Armed conflict through state repression on people's resistance movements

With rapid expansion of industrialization in Orissa and Chhattisgarh the need for land and mines has created a situation of confrontation between the State seeking land and forest acquisition and the people, predominantly tribal communities, seeking to retain access and ownership over land and forests on which their survival depends. This confrontation has more often than not taken on violent forms like illegal detention on members of people's resistance movements, false cases and imprisonment of male members leaving women to fend for themselves, etc which has driven many families to move out of their homes. Besides this, leaders and their families fearing harassment by the police also face internal displacement and move into neighbouring blocks, towns or states.

For example, about a 1000 dalits of Narayanpatna block of Orissa had to flee their homes, villages and take shelter in Government offices and camps designated by the Government following ethnic-resource centered conflicts between the dalits, tribals and upper caste communities (media reports attached). Similarly, after an intense security crackdown in Narayanpatna and other areas of Malkangiri and Rayagada on tribal leaders and members of people's resistance movement against grabbing of tribal land by non-tribals, many families have fled their villages either deeper into the forests or into neighbouring Parvatipuram area of Andhra Pradesh. Similarly in Kalinga Nagar area of Jajpur district in Orissa the security-centered crackdown on anti-displacement tribal resistance movements has forced Munda, Oraon and Kisan tribals of the area to flee into areas where their kith and kin live like Mayurbhanj and also Jharkhand along with their families to escape arrest and police brutalities. Situation is same in Jagatsinghpur where people are resisting land acquisition.

This form of internal displacement in Chhattisgarh has been noticed in Raigarh and Jashpur where tribal people's anti-mining and anti-land acquisition movements have been strong and organized. The State, backed by pressing corporate interests, has been cracking down on these movements, branding them illegal, Maoist-backed, etc putting their leaders in a situation where their presence in the village tends to invite police action and brutalities. Fearing impact on the entire movement and

communities, these leaders and their supporters have fled their villages deeper into the forests or to neighbouring areas. About 500 odd Oraons of Jashpur have been displaced and moved to areas in Jharkhand, escaping persecution from Chhattisgarh police and security forces.

Violence experienced due to communal riots between different ethnic and religious groups

Orissa faced two major communal violences within last 16 months – one during December 2007 to January 2008 and another during August to November 2008 – particularly the later one started after the killing Laxmanananda Saraswati and his three disciples on 23rd August 2008 proved to be the wildest and longest violence. The most horrific violence in Orissa that still alive in the collective memory is the riot Rourkela against Muslims in 1964 was controlled within three days. 14 (of 30) Districts in the state got affected. In Kandhamal alone more than 300 villages were ransacked, 4400 houses were burnt, 50000 people became homeless, 59 people were killed including women, disable persons and children, adivasis and dalits, 18000 persons suffered with injuries, as reported in the press some were burnt alive including a disable person and young lady and two women were gang-raped, 151 churches destroyed and 13 schools/colleges, offices of 5 NGOs damaged. About 25000 people had to live in relief camps.

Even now about 3500 people are still in relief camps. The violence made 15,000 people jobless, numbers of children became orphans. Particularly the indigenous communities are thrown out of their own ancestral lands. People belonging to minority community, who had been driven out of their native villages are left as completely terror-stricken and do not feel safe in villages, prefers to migrate to some other places or stay back in relief camps than to get back to villages by accepting the conditions of fundamentalists as they have been warned not to return to their villages unless they agree to convert themselves into the Hinduism and withdraw the cases lodged against the miscreants. Many people had to choose the option to 'convert' themselves to save their lives; while many feel to migrate to other places leaving their ancestral lands. Considering the gravity of the situation, it needs serious and strategic interventions with a sequence of actions to re-build the communal harmony and peace among conflicting communities (reports annexed).

Violence experienced due to forced eviction of forest dwelling and forest dependent tribes

It has been found that despite Forest Rights Act (FRA) being applicable to all categories of forest land, the rights recognition process in most of Orissa and Chhattisgarh's Protected Areas (PAs) is being severely hampered by a misinterpretation regarding applicability of FRA in PAs by all the concerned implementing authorities. This has led to systematic forced eviction of forest dwelling and forest dependent communities from PAs which have been their homes for generations. The situation in Tiger Reserves/Critical Tiger Habitats is particularly bad. In Orissa, within the Chandka Wildlife Sanctuary and Simlipal Tiger Reserve, tribals have been forcibly evicted and relocation plans have reportedly been finalized without completion of the rights recognition process under the FRA in clear violation of the law. Similarly, in Achanakmar Tiger Project of Chhattisgarh Baiga PTGs have been relocated but not as per the FRA laws and there have been starvation deaths in their new habitats (a fact finding report annexed).

Besides this, there are many cases of forest communities having been illegally evicted or displaced from their land for developmental and/or conservation programmes such as compensatory or other afforestation and creation of PAs. Such cases are not considered during verification by concerned

authorities as the claimants are not currently in possession of such lands. This is in clear violation of Section 3(1)(m) and where applicable Sec 4(8) of FRA which provide for the right to in-situ rehabilitation including alternative land for illegally evicted or displaced people while latter permits restoration of land acquired but not used in five years of acquisition. In Orissa and Chhattisgarh, it has been observed that there is internal displacement due to forced plantation in tribals' agricultural lands forcing them to move into newer areas for survival. In fact there are a large number of cases of forcible plantations (including JFM) undertaken on cultivated lands being claimed under FRA.

In general afforestation programmes take place on forest land classified as 'degraded forest' or revenue 'wasteland' in case of compensatory afforestation. However, Forest Department classifies all forestland that has less than certain percentage of tree cover as degraded forest and thus grasslands, village fallow lands, grazing areas and lands that forest dwellers are cultivating (but do not have recorded rights on), but which are recorded as forestland, are classified as degraded forest. Plantations on such lands have hence become a standard method by which the Forest Department establishes its control over these lands and justifies displacement of tribals. Further, in case of 'compensatory afforestation' where plantations meant to 'compensate' forest destroyed for projects the Forest Department frequently takes over revenue lands and notifies them as protected or reserved forest, even though these lands too may be grazing areas, common lands, etc. This has led to increased In fact it has been observed that in Orossa and Chhattisgarh, after passage of the Forest Rights Act 2006, Forest Departments have increased plantations on people's lands in order to block them from claiming rights and forcefully displaced them. Some examples are :

1. In July 2008, in Benyamaliguda hamlet, Ramagiri panchayat, Baipariguda Block, Koraput District, Orissa, the Forest Department evicted and undertook tree plantations on lands of 12 adivasi families. When families protested, plantations halted but they were evicted
2. In several cases in Rajnandgaon, Kanker, and other districts of Chhattisgarh in 2008, forest dwellers were evicted from their lands in order to use the lands for plantations.
3. Central Government finally issued notice that Jhodia Oaraja tribals cannot be notified as ST. Due to this decision, about 6000 Jhodia Paraja tribals of Kashipur block of Rayagada district of Orissa face the danger of internal displacement from their forestlands and forest villages since till today no non-ST forest dwellers' forestland rights has been settled
4. Similarly, while Kamar tribals are PTG in Chhattisgarh, in Orissa they are notified as OBCs despite living in physically contiguous area and sharing the same tribal history and culture. This has led to systematic eviction and displacement of more than 6000 forest dependent Kamars (bamboo basket makers and shifting cultivators) from the forests of Sunabeda Sanctuary and other reserve forests in Nuapada district of Orissa.

Recommendations for Recognition, Resettlement and Rehabilitation of IDPs

1. Since the most pressing problem when dealing with IDPs is the proper recognition of the situations which force internal displacement of the poor, the first recommendation is for detail and complete definition of IDPs and an exercise for their detail and full enumeration
2. While Government is still struggling in recognizing IDPs as a category of people whose rights and needs have been long neglected, conflicts, violence and human rights violations across the country continue to create new category and populations of IDPs. The second recommendation is for a historical analysis of situations creating IDPs and their immediate

redressal. Thus controlling conflict through dialogue and justice delivery instead of armed counter-violence which escalates violence instead of de-escalating it must be the approach. Government's approach to conflict resolution using security-centered approach has only exacerbated the situation for tribals in Orissa and Chhattisgarh

3. The greatest risk that people take during internal displacement is fleeing their area to safer regions and most often they face harassment, violations and sometimes even death while moving. The third recommendation is to ensure the right to safe passage to areas which do not experience similar violence for the affected IDPs and their families. They move with their minimal household belongings and everywhere they are looked upon as suspects, criminalized and brutally harassed which pushes them into a cycle of internal displacement
4. Once IDPs move into a new area they face hostility from not only the host communities but also the local and state administration. This pushed them into greater impoverishment, starvation and a life of complete indignity. IDPs are not criminals or unsocial elements that they should be meted out such treatment ! Hence the fourth recommendation is for the right to rehabilitation with dignity in host regions. Wherever they move IDPs continue to be bonafide citizens of the country and should enjoy similar rights and dignity everywhere
5. Internal displacement most often is a temporary coping mechanism of the poor to conflict, and violence. And with the amelioration of the situation, every family wishes to return to its native roots because it is the place of their historical belonging and identity, their resource-based livelihood and their complete sense of being. The fifth recommendation would be to recognize the right to return and resettlement in original/ native regions of IDPs. The Government needs to not only resolve the conflict and halt the violence but also ensure resettlement of IDPs with the same rights and amenities they enjoyed previously
6. Working among the IDPs in Southern regions of Orissa and Chhattisgarh we have come across regular cases of torture and second degree human rights violations on tribals whom the Government has almost 'branded as Maoist supporters or cadres'. In most cases fact findings have revealed unjustified excess use of violence and an intentional criminalization of tribals fleeing conflict and violence. This is totally uncalled for and reflects a lack of sensitivity on the part of the police administration. The sixth recommendation would be to prepare strict, enforceable and punishable guidelines on usage of force and second degree of human rights violations on IDPs and sensitization of the police force to the vulnerability of the IDPs. There has to be a proper mechanism for complaint filing and grievance redressal since IDPs are in the most vulnerable situation they can ever be in !
7. In whichever state administration the IDPs move into, it is the responsibility of the host State and State of origin to address the situation creating IDPs and the rights and dignity of IDPs. Thus the seventh recommendation would be that States must be made accountable to the principles of natural and legal justice along with ensuring welfare rights of IDPs. Fast track courts to deal with the minor cases, arrest of children, violence against women could be a strategy while also avoiding branding and criminalization of IDPs. Welfare benefits are a right of every citizen guaranteed under Article 21 and this must be respected in case of IDPs as well. Very often host states deny these benefits as they do take the plea of

financial burden, lack of proper policy, etc. A proper policy would ensure that such excuses do not hold any ground and IDPs access justice and welfare as a right

8. For IDPs persecuted by Forest Department and archaic forest laws, there is a lot that needs to be done as it is a situation least recognised and hence their category is the most invisible. The eighth recommendation would be to issue clear instructions to implementing authorities on process of receipt, verification and settlement of claims and recognition of rights inside Protected Areas, including Tiger Reserves and National Parks and complete halt to forcible plantations of tribals' lands and community forests
9. The ninth recommendation would be to ensure that eviction or re-location of villagers from Protected Areas including Tiger Reserves and National Parks is stopped totally as it is illegal under sections 4(2) and 4(5) of FRA as well as under Sec 38(v)(4&5) of the Wildlife (Protection) Amendment Act 2006. This would go a long way in addressing the root cause of IDPs in forested areas
10. Tenth and last recommendation would pertain to recognition and derecognition of tribals as any other category which pushes them into a cycle of denial of rights, persecution by land mafia followed by eviction and internal displacement. The case of Kamars and Jhodiia Parajas is glaring example of what denial of tribal status can do to a vulnerable community.

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