

DRAFT REPORT ON EVICTION FROM SUNABEDA SANCTUARY



Prepared by Orissa Protected Area Network

JULY, 2007

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Draft Report
On
Eviction from Sunabeda Sanctuary

Prepared by
Orissa Protected Area Network

July 2007



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Description about Sunabeda Sanctuary:-

Sunabeda Sanctuary is located on the western side of the Nuapara District, Orissa bordering Chattisgarh State within 82 20' to 82 34' 42" longitude and 20 24' to 24 44' latitude. It is at height of 2150 feet from mean sea level. Geographical area of the sanctuary embraces forests range of Nuapada and Komna blocks and comprises of around 600 Square Kilometer. There are 64 villages within the Sanctuary area; out of which 42 are revenue villages and rest of the villages are termed as 'encroached villages' by the FD which are actually un-surveyed villages for which no revenue settlement has been done to date. The Sanctuary contains around 22000 human population and 5660 families within the sanctuary boundary. The majorities of the population are Scheduled Tribes (Around 87%) and comprise of Gond, Bhunjia and Paharia Tribes. Though the Paharias have not been included within the Scheduled Tribes list in Orissa, they have been included in the list of Scheduled Tribes status in the neighboring Chattisgarh state since long.

Eviction (Timeline of events):-

- Last year (2006) in October a central team had visited Sunabeda Sanctuary in connection with the proposed Tiger Project.
- Soon after the Panchayat election 2007, media reports came in the second week of March 2007 that 17 villages from Sunabeda Sanctuary are going to be evicted from the core area for the Tiger Project. These reports also informed that a meeting was held by the wildlife department in the village Jamgaon, Sunabeda GP on 11 March 2007 wherein villagers from these 17 villages had passed a resolution to the effect that they are ready to relocate to the proposed village (Dhorlamunda), outside the sanctuary, if rehabilitated under the R & R policy of the government. It was reported that this meeting was presided over by the newly elected Sarpanch of Sunabeda GP, Malati Majhi.
- These news reports (see annexure) caught the attention of the concerned villagers and created a *panic situation* in the area.
- Sunabeda Sangharsh Vahini, a local forum fighting for livelihood rights of the people living inside Sunabeda Sanctuary, took up the matter, visited the villages and held discussion with the local people. Villagers shared that the meeting was held, not in Jamgaon, but in Charechua village and that the meeting was called, not to discuss relocation for the proposed Tiger Project, but to distribute *Smokeless Chullahs and Blankets*. People from only two villages had participated in the meeting as against the claim that 17 villages had participated. Further, the meeting was held in the absence of the Sarpanch of Sunabeda GP, who is Narad Singh Chhatria, not Malati Majhi as reported. People, who received Chullahs and Blankets, were asked by the department officials to put in their signature in a paper whose content was not read in the meeting, but which is assumed to have been tempered and released to the media showing that there is voluntary agreement for relocation. People from these villages resolved to protest the eviction drive initiated by the department.
- Sunabeda Sangharsh Vahini, in consultation with the people living inside the Sanctuary took the initiative to protest the department's initiative to evict villages from the Sanctuary area.

- Sunabeda Sangharsh Vahini held Jeevan Jeevika Suraksha Divas on 2nd April 2007 at Kermeli village wherein villagers from the affected area, PRI members, People's organization and local representatives participated.
- Information regarding the Tiger project was sought from the department wherein details like the **Tiger Project proposal and the copy of Gram Sabha resolution** (Referred to by the department) were asked through RTI. The wildlife department responded to the RTI application with the information given on 11 April 2007 (see annexure) which mentioned that *the department does not possess a copy of the Gram Sabha resolution* that was reportedly passed in the meeting on 11 March. Such response proved that the department has indeed given a short shrift to norms and procedures.
- A “**counter resolution**” (See annexure) was adopted in the Sunabeda Gram Panchayat meeting on 2nd May 2007 condemning the eviction drive and asserting their right to live in their land.
- Despite people's protest the department seems to be in no mood to accommodate people's concern.

Initiative by Orissa Protected Area Network:

Orissa Protected Area Network (OPAN) is a state level body comprising of People's Organization, NGOs/CSOs, Social Activists and Individuals working in the 18 Protected Area across Orissa. The issue of eviction cropped up in the Orissa Protected Area Network meeting held on 11-12 May, at Bhubaneswar. In the meeting local representatives from Sunabeda Sanctuary informed that Sunabeda and Soseng GPs (from where evictions are proposed) have organized meetings at Sunabeda and Soseng on 25th May followed by discussion with district officials (Collector, DFO) at Nuapada on 26th May to resolve the eviction issue. A decision was taken to visit Sunabeda Sanctuary on 25th and 26th by OPAN delegation to find out the facts relating to the eviction issue and to support the program organized by the people.

Originally it was planned that the delegation would visit the sanctuary area on 25th May to participate in the Panchayat meetings scheduled to be held at Sunabeda and Soseng panchayat. But the delegation could not go inside the sanctuary as they were stopped at the entry gate of the sanctuary on 25th by the guards posted there. The delegation was told that there is a verbal order from the DFO to stop any outsiders from going inside on 25th and 26th.

Findings of OPAN:-

Major findings/observations based on the discussion with the local people, Sunabeda Sangharsh Vahini members, and local representatives are given below.

Right settlements of people living inside the sanctuary has not been done according to due procedure. In 1986, process was initiated to declare the area as Sanctuary. In 1988, State government issued notice to declare the area as Sanctuary u/s of 18 of WLP Act 1972. In 1991, the Sanctuary was declared as “Deemed to be Sanctuary” as per the amendment of WLP Act. The ex-District Collector, Bishnupad Sethi, in a letter (No. 5440/Revenue/Dated 17th December 2000), to the PCCF had pointed out the illegality in the declaration process of the sanctuary. In that letter he had specifically mentioned

about the presence of a lot of revenue land in the sanctuary area where right settlement has not been completed so far. So in view of the non-completion of right settlement in the revenue lands it can't be declared as "Deemed Wildlife Sanctuary". In 1997, Hon'ble Supreme Court of India expressed concern over non issuance of final notification as per the requirement of WLP Act 1972 (WWF vs. GoI). In 1997, State government issued notice to the villages for proclamation of Rights. Communities living inside the area denied that they have got such type of any notices. Few people said that though they had received such type of notice but they could not understand it as it was in the English. So right settlement according to the process described in the Wildlife Protection Act, 1972 (Sec 18-23) has not been completed in Sunabeda Sanctuary.

People from the villages proposed for relocation are not willing to relocate to other areas. The unwillingness and discontent of the people is manifest from the various initiatives taken by the local people since eviction issues came to the fore. Protest movements have been organized by the people and the people's organization to express their disagreement to the proposed eviction and to resolve to resist any move by the department *to uproot them from their ancestral land, which are not Forest land but are Revenue land where right settlement has not been done so far*. Counter resolution has been adopted by the people condemning the eviction drive for the Tiger project. The resolution intends to convey the message that people are not against tiger, as they realize that their socio-cultural life is woven around the principle of coexistence with the wildlife, but they are against the arbitrary move initiated by the wildlife department with least regard to their traditional livelihood. These tribal people have been protecting the forest ecosystem and the wildlife since ages which they are doing as their sacred duty and with a sense of responsibility. It is this sense of duty and responsibility towards the forest and wildlife that has sustained a symbiotic coexistence, integral to the survival of the entire forest ecosystem. The demand for the right to live in their land flows from this sense of duty and responsibility which is part of the tribal ethos. Time and again conservation measures have overlooked this particular aspect of tribal/forest dweller life.

Forest/Wildlife department is bent upon evicting people from their village. The department has *fraudulently* tried to extract *voluntary agreement* for the Tiger project from the villagers by offering them *smokeless chullahs* and *blankets* and by creating forged documents to show that people are agreeing to leave their home and hearth and to relocate to area proposed to them. There are instances of manipulation during the Panchayat election which was reportedly influenced by the department for the garnering support for the Tiger project. Even development schemes and poverty alleviation schemes like PDS, RCH and NREGS have been stopped inside the sanctuary area for past few months compounding the problems of the people. It seems the strategy of "*induced displacement*" is being deliberately applied by the department which envisages a situation where livelihood of the people living inside the sanctuary would be squeezed to an extent where people would be compelled to relocate to other areas.

The process of displacement has also been influenced by certain vested interests who are eyeing a fortune out of the resettlement process. Some of the lawyers from the local area are reportedly taking active interest in the tiger project and the eviction issue. Recently there was a press conference called by these lawyers and the Wildlife Warden wherein they urged people to come around and extend active support to the Tiger Project and to benefit from the Resettlement package (around 6.39 lakhs) offered to them. The sudden interest shown by these people has nothing to do with the Tiger

Project or Tribal livelihood, but certainly with the money involved in the resettlement package. It has been reported that these people have made money from displacement cases earlier (displacement of villages due to the construction Patora Dam). So they are now pinning hope on the Tiger project and the proposed eviction. There is another group of people who are registered voters from the villages falling inside the Sanctuary, but are resident of villages outside the sanctuary. Now, in the wake of the proposed eviction they have also become active in influencing the tribal to agree to the settlement offer. Their interest is the money they can make money by being the *absentee resident* of the Sanctuary area. The growing influence of a mass of such vested interest holds the potential to tilt the balance in favour of the department's move.

Violation of laws and policy guidelines in the process of eviction. The wildlife department has shown least regard to the laws that safeguard people's right over their life and livelihood. Following is a list of violations of various laws and guidelines.

Forest Rights Act, 2006/The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The following provisions have been violated,

- **Section 3(1)**
 - **(a):** Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other Traditional forest dwellers.
 - **(c):** Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries.
 - **(e):** Rights including community tenures of habitat and habitation for "Primitive Tribal groups" (Chuktia-Bhunjia in Sunabeda Sanctuary) and pre-agricultural communities.
 - **(i):** Right to protect, regenerate, or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.
 - **(l):** Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other Traditional forest dwellers
- **Section 4 (2):** No forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation in National Parks and Sanctuaries unless the process of recognition and vesting of rights is complete in all area under consideration. Further Section 6 provides authority to the Gram Sabha to initiate the process of settlement of right. Section 4 also speaks of "free informed" consent of the Gram Sabha prior to any move for declaration of a critical wildlife habitat (in this case Tiger habitat). Not only that, the State government has to prove that coexistence is not possible by a scientific procedure.

Wildlife Protection (Amendment) Act, 2006:

- **Section 38v** of the act clearly says that prior to the declaration of Tiger Reserve, which has to be done in consultation with the people; the rights of the people have to be settled.

Misinterpretation of Supreme Court order:

In the recent eviction drive the department has referred to a Supreme Court order and has said that evictions are being done in line with the order. But there is no such order given by the Supreme Court that sanctions eviction of villages from Protected Areas. (A detail report has been sent with attachment)

Tiger Task Force guidelines:

The Tiger Task force constituted by the Government of India in 2005 to look into ways to strengthen tiger conservation in India has clearly laid down guidelines for a conservation framework that links the conservation practices with livelihood issues of the people and has recommended inclusion of people in the conservation practices.

Article 21 of the Constitution

Article 21 of the constitution provides for right to life and livelihood for the people. The intent to uproot forest dependent people from their traditional livelihood base violates the right to livelihood and right to live with human dignity ensured by article 21.

MOEF Guidelines 2004

These set of guidelines; put forward by the ministry had given instruction that the state governments should not resort to eviction of tribal from their forest land.

List of Villages proposed for eviction:-
Source: Media Reports

First Phase

Sl No	Village	Number of Household
1	Talabeda	20
2	Jalmarai	52
3	Deosil	81
4	Sheonarayanpur	5
5	Rupiam	45
6	Koked	15
7	Kholibhitar	47
8	Chandrasil	2
9	Upkapani	3
10	Jhalimal	18
11	Guduripani	22
12	Thalipani	12
13	Datunama	30
14	Gambharipani	17
15	Chakla	13
16	Gadgada	27
17	Badjhola	12
	Total	389
	Population	1661

Second Phase

Sl No	Village	Number of Household
1	Sunabeda	268
2	Gatibeda	167
3	Adar	77
4	Soseng	127
5	Dhekunpani	83
	Total	859

SUNDAY TIMES OF INDIA, BHUBANESWAR-NATIONAL
MARCH 18, 2007

Sunday Times / March 18, 2007

Sunabeda villages brace for eviction

Sudheep Guru | TNS

Balangir: Impressed by the tiger population of Sunabeda wildlife sanctuary, a central wildlife team that visited the forest area in October last year had declared it to be an "ideal" site for implementing the Project Tiger programme.

However, the feather in Sunabeda's cap spells displacement for 389 families of 17 villages living inside the sanctuary in Nuapada district. The forest department will take up the eviction drive soon as a part of its efforts to turn the sanctuary into a Project Tiger hub in the near future.

More than 1,600 people living in these 17 hamlets, 10 of whom are encroached and seven are revenue villages, will lose their home and land if evicted.

Recently, the villagers met at Jamason to discuss the situation arising out of the proposed eviction drive. The meeting passed a resolution which said they are prepared to move out if they are ensured government

Sunabeda is spread over 600 sq km in Nuapada. There are 52 villages inside the sanctuary with a population of at least 12, 284. The inhabitants are mostly tribals and belong to Chakotia Bhunjia and Paharia communities

benefits according to the rehabilitation policy, 2006 of the state government.

Newly elected sarpanch of Sunabeda gram panchayat, Malati Majhi, who chaired the meeting said "The villagers are prepared to move out of the forest if they are properly rehabilitated and provided all government benefits."

Santosh Banchhor, divisional forest officer (wildlife), Sunabeda said the forest department was implementing a Supreme Court order which prohibits any habitation in the core

area of the sanctuary.

"Out of the 52 villages inside the sanctuary, 17 lie in the core area that we plan to clear as per the Supreme Court order. We will begin with four villages and the eviction will be carried out in a phased manner. All the displaced families will be rehabilitated in Dhariamunda village of the district," Banchhor said.

"We have sent a proposal to the Centre for granting Project Tiger status to the Sunabeda. I am hopeful of getting the government nod," Banchhor added.

According to 2004 census, the big cat population in the sanctuary stands at 68, nine more than the 2001 tiger census while the 2005 census report is yet to be made public.

Sunabeda is spread over 600 sq km in Komna block of Nuapada district. There are 52 villages inside the sanctuary with a population of at least 12, 284. The inhabitants are mostly tribals and they belong to the Chakotia Bhunjia and Paharia communities.

area of the sanctuary.

While the Forest Department is trying hard to pacify the tribals through meetings, their assurances have a few takers.

Recently, officials of the Forest Department conducted a meeting in the village for a consensus on the tiger project. The villagers alleged that the officials did not discuss anything regarding the project, rather they distributed blankets and shawls. The officials also allegedly took written consent of the tribals over the issue.

Nearly 2,000 people of 75

villages will be evicted if the Forest Department goes ahead with the project. Of these 75 villages, 17 hamlets exist in the 'core area' of the forest.

Sunabeda sarpanch Narad Singh Chhatria said as per the Wildlife Protection (Amendment) Act, 2006, for the purpose of core area or critical tiger

2,000 tribals of 75 villages would be affected by the project



habitat area, the rights of the Scheduled Tribes or forest dwellers cannot be violated. Meanwhile, DFO Banchhor clarified that the tribals were not being evicted but kept at a distance for the purpose of tiger conservation.

He, however, confessed that the move would affect their livelihood.

Friday,
May 18, 2007

Tribals oppose tiger sanctuary

By RAMNATH PADHI

Balangir, May 17: The residents of Sunabeda village of Nuapada district are tense as the authorities have asked them to vacate their permanent home - the jungle, for converting the area into a tiger sanctuary.

Ever since the proposal was mooted, tribals of the village have been barred from collecting minor forest produce (MFP) and non-lumber forest produce (NLFP), affecting their livelihood.

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Annexure

Office of the Divisional Forest Officer, Sunabeda Wild Division,
NUAPADA.

Letter No. 1045 S.W.L. Dated. 15.5.07

Received
 To
 6/5/07

Sri Suryodhan Majhi,
 Village:- Kermeli
 P.O. :- Tanwat
 Dist:- Nuapada.

Sub:- Supply of information under R.T.I. Act. 2005.

Ref:- Your Letter No. nil dated. 11.4.2007.

Sir,

With reference to your letter cited above on the captioned subject, I would like to inform you that the information as desired by you are given below for your information and necessary action.

1) Supreme Court Order 2006- regarding Tiger Project.

No such order received in this office.

2) Forest Right Act.

The book of Forest Right Act. is not available in this office.

3) Wild life Amendment Act.

The book Wild life Protection Act 1972 is available in this office and the cost of supplying xerox copy of the book will be Rs.260/- (130 pages @ Rs. 2/- each)

4) Declaration process of Tiger Project 2004.

The proposal for Sunabeda Tiger Reserve had been sent to the Adl. P.C.C.F. (W.L.), Orissa, Bhubaneswar vide this office memo No. 202 dt. 4.2.2004 and the Adl. Principal Chief Conservator of Forests (Wild life) and Chief Wild life Warden, Orissa, Bhubaneswar has submitted the same to Govt. vide his memo No. 4/WL-8/03 dated. 21.2.2004 for approval and onward transmission to the Govt. of India.

5) Copy of Tiger Project proposal proceedings in Gramsabha.

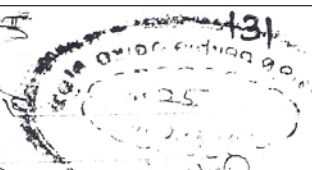
No such proceedings for Tiger Project proposal has been drawn in Gramsabha.

- | | | |
|---|---|----------|
| 1) Proposals 15 pages @ Rs.2/- per page | = | Rs. 30/- |
| 2) Forwarding memo of P.C.C.F., Orissa Bhubaneswar. | = | Rs. 10/- |
| 3) Wild life protection Act. 130 pages x Rs.2/- | = | Rs.260/- |
| 4) Postal charges (Approx) | = | Rs.40/- |

Total :- Rs. 400/-

—Contd...P-2

ପ୍ରାମାଣ୍ୟ ଗଠନ - ୧୫



ସ୍ଥଳ - ସୁନାଜେଡା ପୁରୀରାଜ୍ୟ ଆମ୍ଭେ
ଅପର - ଦିନ ୧୧ ଡିସେମ୍ବର

ଆଦ୍ୟ ଡା. ୨.୫.୨୦୦୭ ତ୍ରିତୀୟା ସୁନାଜେଡା ପୁରୀରାଜ୍ୟ
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ସମ୍ପର୍କୀୟ ସ୍ତ୍ରୀ ମାତୃକ ସଂଗୃହଣା ସହ ପରିଚ୍ଛା କରାଯିବ। ଉକ୍ତ ସମ୍ପର୍କ
ପର୍ଯ୍ୟାୟରେ ସେକ୍ସୁଆଲ୍ ହିସାବର ମାତ୍ରା ଥୋ ପ୍ରାମାଣ୍ୟ ମାତ୍ରା ସମାପ
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ସର୍ବ ସମତୀ କ୍ରମେ ଉକ୍ତ ପ୍ରାମାଣ୍ୟ ସହରେ ଅନୁମୋଦନ କରା ଯାଉ
ମଠିର କରାଯାଉ।

ପ୍ରସ୍ତାବ ନଂ-୧- ସୁନାଜେଡା ପ୍ରାମାଣ୍ୟର ଉପସ୍ଥିତ ଅନୁଷ୍ଠାନ ଗଠନ
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ପାଉଁ।

ପ୍ରସ୍ତାବ ନଂ-୨- କର୍ତ୍ତୃକର୍ମରେ ଦାଖଲ କରାଯିବା ଭିତ୍ତି ପାତି ସିଦ୍ଧ ପ୍ରକାଶ
କରାଯାଉ।

ପ୍ରସ୍ତାବ ନଂ-୩- ଦାଖଲ ଉକ୍ତ ମୋଟାଣ ବ୍ୟବସ୍ଥା।

ପ୍ରସ୍ତାବ ନଂ-୪- ସ୍ୱାସ୍ଥ୍ୟର ବ୍ୟବସ୍ଥା।

ପ୍ରସ୍ତାବ ନଂ-୫- ଡୋର ମିଳାଉ ଉପସ୍ଥିତ ସୁବ୍ୟସ୍ଥ ଥୋ ସିଦ୍ଧିକ ମାନକର ଉପସ୍ଥିତ
ସୁବ୍ୟସ୍ଥ ସେକ୍ସୁଆଲ୍ ପୁରୀରାଜ୍ୟ ମିଳା ବ୍ୟବସ୍ଥା ଉପସ୍ଥିତ ପର୍ଯ୍ୟାୟରେ
ସୁବ୍ୟସ୍ଥ ସିଦ୍ଧି ବ୍ୟବସ୍ଥାକର ମହାମତୀ କାର୍ଯ୍ୟ ଥୋ ସିଦ୍ଧିକ ମୋଟାଣ
କରାଯାଉ ବ୍ୟବସ୍ଥା କରାଯିବ।

ପ୍ରସ୍ତାବ ନଂ-୬- ପର୍ଯ୍ୟାୟରେ ବିଭିନ୍ନ ହାତ୍ତାକାରର ଉପସ୍ଥିତ ଉପସ୍ଥିତ ଉପସ୍ଥିତ
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ପ୍ରସ୍ତାବ ନଂ-୭- ଉପସ୍ଥିତରେ ଉପସ୍ଥିତ କାର୍ଯ୍ୟକ୍ରମ ପୁରୀ କରାଯାଇ ଉପସ୍ଥିତ ମୋଟାଣ
ସେ ସୁବ୍ୟସ୍ଥର ଉପସ୍ଥିତ, କୃପା ଉପସ୍ଥିତ, ମିଳିତ ପ୍ରାମାଣ୍ୟର ଉପସ୍ଥିତ ମହାମତୀ
ପ୍ରକୃତ ପାଉଁ ବ୍ୟବସ୍ଥା କରାଯିବ।

ପ୍ରସ୍ତାବ ନଂ-୮- ଉପସ୍ଥିତରେ ସୁବ୍ୟସ୍ଥ ଥୋ ପାଣ୍ଡା ପାଣ୍ଡା ମାନକର ସୁବ୍ୟସ୍ଥାକାରୁ -