

CHAPTER 3

Jharkhand- a new state, old issues and its struggling people

Jharkhand is the 28th state of the Indian Union, which was sliced out of Bihar on 15th November 2000 to coincide with the birth anniversary of the legendary Adivasi leader and young freedom fighter Birsa Munda. The state has a total area of 79714 sq. km and shares borders with Bihar, Uttar Pradesh, Chhattisgarh and West Bengal. The State created after sustained local agitation to redraw internal national boundaries on the basis of identity. Nature has gifted the State with rivers, hill forests rich in biodiversity, minerals and a diversity of people.

The State accounts for 48% of the country's coal, 10.93% of its mica and about a third of all other minerals in the country. It is imperative for the state and central governments to keep the channels of extraction open and towards this end, it has resorted to numerous strategies—from financial incentives to engendering community rivalry and conflict—to manipulate and divide the Adivasi population. The biggest threat to the adivasi people is the large-scale alienation from their land through large projects like mines, industry, animal sanctuaries, new townships, highways, military cantonments and army firing ranges, all in the name of national development and national interests¹. Between 1960 and 1980, 2.25 million acres of adivasi land in Jharkhand, has already been taken for the mega projects and hundreds of thousands of people have been displaced, most with little or no compensation. Displacement disrupts collective identity which itself is integrally linked to the geographical place where the communities have historically resided. When people are displaced, the very cohesion and interdependence of community life is broken. Alienation, emotional distress and immiseration inevitably result. As per the 2011 census, the state has a population of 32,966,238 out of which 26.50 percent are adivasis belonging to the Munda, Oraon, Santhal, Ho, Bhumij, Kharia, Karmali, Gond, Chick Baraik, Kisan, Sauria, Paharia, Korwa, Kora, Paharia, Binjhia, Asur and Birhor Adivasis.

Agro-climatic Regions

Jharkhand at present has twenty four districts and 32,620 villages. The total population of the state is 26.9 million, a sizable proportion of which is tribal. As a result, 112 of its 211 blocks are in the Fifth schedule, which has been clubbed

¹ https://www.academia.edu/5278836/Celebrating_Friendship_A_collective_tribute_to_Smitu_Kothari

into 14 Integrated Tribal Development Projects (ITDP), commonly known as Meso Projects.²

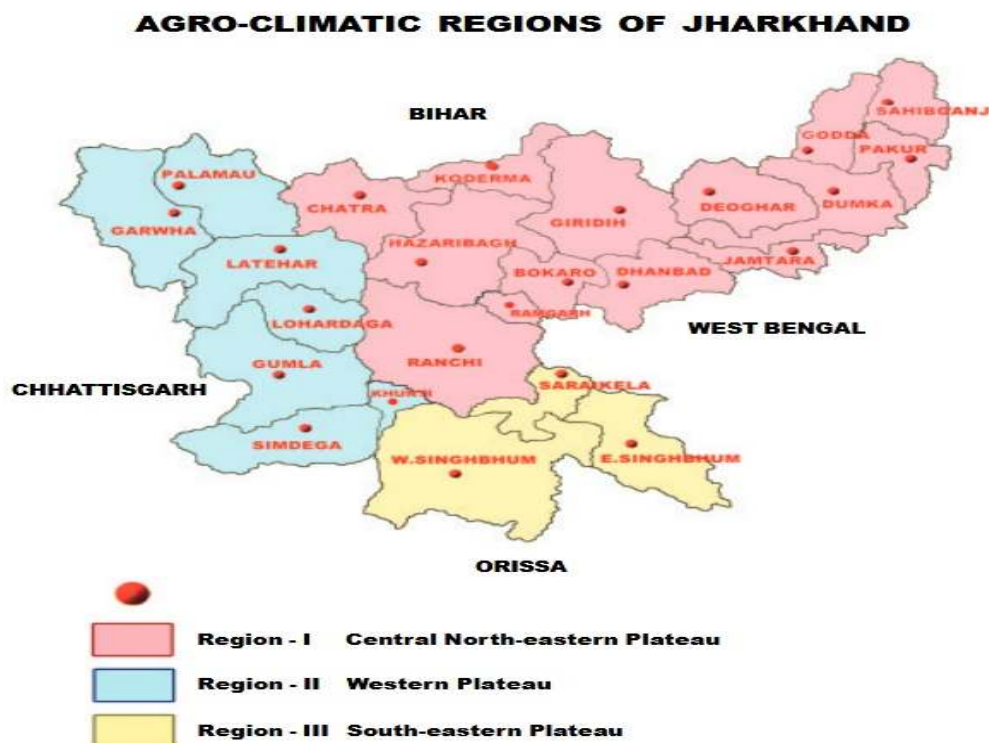
The state is divided into three agro-climatic regions. The Central North-eastern Plateau is characterized by humid and sub-humid tropical monsoon, the Western Plateau by humid to subtropical and South-eastern Plateau by humid to sub-tropical monsoon. The salient features of the agro-climatic regions are presented below:

1) Central North-eastern Plateau

The region constitutes around 44 per cent of the total geographical area³. It is urbanized and the most densely populated part of Jharkhand. The percentage of urban to total population is around 22 and the density of population is 433 persons per sq. km.

2) Western Plateau

The region constitutes around 39 per cent of the total geographical area. It is the least urbanized and the least densely populated part of Jharkhand. The percentage of urban to total population is around 17 and the density of population is 246 persons per sq. km.



² <http://bau-agriculture.com/submit/download/publication/publication1.pdf>

³ <https://docplayer.net/82391471-Agricultural-technology-modules-for-jharkhand-1.html>

3) South-eastern Plateau

The region constitutes around 17 per cent of the total geographical area. It is the most urbanized part of Jharkhand but the density of population is much less than in the Central North-eastern Plateau. The percentage of urban to total population is around 35 and the density of population is 299 persons per sq. km

All the regions of the state are characterized by undulating terrain, non-existence of perennial rivers, erratic rainfall, low water retentive capacity of the soils, low ground water level, high soil erosion, and lack of soil and water conservation practices. As a result, all the regions have insufficient agricultural, dairy and fishery activities, mono-cropping, low agricultural productivity and pockets which experience chronic drought conditions. High seasonal unemployment in agriculture and acute poverty are rampant in all the three regions.⁴

Table: Agro-climatic divisions with broad characteristics

	Agro Climatic Region	District	Cropped area (ooo ha)	Per cent irrigated area	Characteristic Features
Region-I	Central North-eastern Plateau	Chatra, Koderma, Hazaribag, Ramgarh, Bokaro, Dhanbad, Giridih, Deoghar, Dumka, Pakur, Godda, Jamtara, Sahibganj and Ranchi	851.05	11.40	Erratic and uneven distribution of rainfall. Coarse textured soils. Crust formation on the soil surface. Low water retention capacity of the soils. Lack of safe runoff disposal and drying of the tanks
Region-II	Western Plateau	Garhwa, Palamau, Latehar, Lohardaga, Simdega, Gumla and Khunti	670.03	12.60	Erratic and uneven distribution of rainfall. Low water retention capacity of the soils.
Region-III	South-eastern Plateau	East Singhbhum, West Singhbhum and Saraikela-Kharsawan	289.05	7.80	Uneven distribution of rainfall. Low water holding capacity, eroded soils. Shallow soil depth. Poor soil fertility.

Source: Economic Survey 2007-08, Government of Jharkhand

⁴ <https://www.slideshare.net/VIJAYKUMARSHRIVASTAV2/agro-climatic-zones-of-jharkhand-rainfall-patterns-abiotic-stresses>

Five Administrative Divisions

- South Chotanagpur comprising of 5 districts - Ranchi, Khunti, Simdega, Gumla and Lohardaga.
- North Chotanagpur comprising of 7 districts - Hazaribagh, Ramgarh, Chatra, Koderma, Giridih, Bokaro and Dhanbad.
- Kolhan comprising of 3 districts - East Singhbhum, West Singhbhum and Saraikela-Kharsawan.
- Palamau comprising of 3 districts - Palamu, Garhwa and Latehar.
- Santhal Parganas comprising of 6 districts - Sahebganj, Pakur, Jamtara, Deoghar, Dumka and Godda

Adivasis- are they human debris of development?

Eight out of the 32 adivasi groups of Jharkhand fall under Primitive Tribal Group (PTG) are Asur, Birhor, Birajia, Korwa, Savar, Pahariya (Baiga), Mal Pahariya and Souriya Pahariya. The Adivasis normally live in contiguous areas unlike other communities. Their lives are closely associated with the nature as they eke out their livelihoods from the natural environ – streams, trees, plants, animals etc. It is, therefore, recognized that maintaining their identities would invariably mean keeping their environment intact with them⁵.

Jharkhand in an account of its richness in some key ores and minerals and its abundance in cheap labour, thanks to its backwardness, otherwise, has been the site of a good many industrial establishment since pre-Independence days and that industrialization has brought with it concomitant ill effects the worst of which is the devastation of its environment. In the name of the development large forests have disappeared, tracts of inhabited land have gone under water. Water in the region around industrial areas has been polluted to an extent far exceeding the prescribed safety level⁶. In fact polluted water carried down the streams and rivers spreads mischief in distant areas also. Industrial pollution is already playing havoc with the life and health of the people of the region. The natural wealth of Jharkhand contrasts vividly with the desperate poverty of the people who inhabit it. This region has been for the ages and the homeland of aboriginal races such as the Mundas, Asurs, Santhals, Oraons, Ho, Kharias etc.⁷

5 <http://documents1.worldbank.org/curated/en/153061468041654030/pdf/IPP6290v20P1320C0disclosed04050130.pdf>

6 <https://www.studocu.com/in/document/university-of-delhi/geography/mandatory-assignments/a-lodging-place-in-the-turbulent-mass-of-the-indian-civilization/2878555/view>

7 <http://www.sacw.net/article302.html>

Adivasis have been the worst hit by the large scale exploitation of the natural resources of the region through the development of mines, industries and commercial exploitation of forests. The majority of them live in a state of semi-starvation through out the year⁸. For centuries the Adivasis of Jharkhand lived in harmonious relationship with their environment. They have developed a culture which is closely related to nature. Since their lives are closely related to nature, any adverse impact on the environment in which they live will adversely affect their lives also, and vice-versa⁹.

II

Historic Struggle of Adivasis in Jharkhand

Jharkhand was once a thick forested area in the Chotanagpur plateau, blessed with large number of rivers, waterfalls and a reservoir of mineral wealth like bauxite, iron, gold, coal and uranium and so on. For centuries, the tribes in this region lived in peace and harmony and were very closely linked with nature. There was a symbiotic relationship with forest and other living beings – including the spirit of the ancestors. There was no private ownership of land. Natural resources were always considered as gifts of nature, while human beings are only supposed to be their caretakers. Everything was collectively owned and shared by the community, while disputes and conflicts were amicably settled through collective discussions. But, during the last few hundred years, all these practices have taken a different turn due to several conflicts. Most of the traditional norms and practices have been shattered and all the notions of collective identity and ownership have been destroyed. The genesis of all their troubles could be pointed to the intrusion of outside forces into the Adivasi region.

With the arrival of the British, the Adivasi habitats that were once the abodes of peaceful and harmonious existence now became contested locations where their collective ownership norms have been challenged. This in turn, created confusion and conflicts in the traditional Adivasi identity. The British introduced their own sense of private ownership and individual property rights in Adivasi areas. Together with this, the intrusion of money lenders and Zamindars began the saga of exploitation that would continue for a long time. Gradually, the Adivasis were pushed to slavery and servitude. The people who were once the guardians and protectors of their forests and natural resources gradually became landless poor and destitute, slaving either for the

⁸ <http://www.sacw.net/article302.html>

⁹ <http://www.sacw.net/article302.html>

Zamindars or for the British. Resentments against the British and the Jagirdars also grew simultaneously. The sense of pride and the need to regain the lost identity became strong among Adivasi groups. Voices of dissent grew louder and the storm of revolution blew all over and ultimately, they decided to fight back and regain the lost ground.

The first well-known struggle was waged by Baba Tilka Majhi during the period 1780-85. He led an Adivasi revolt against the British and managed to injure a British army chief. The Adivasis fought ferociously using traditional weapons - bows and arrows. But the British brought in more forces and ammunitions and quelled the revolt with gun power. In 1785, Tilka Majhi was hanged to death in Bhagalpur. Although the Adivasis fought vigorously with guerrilla tactics, they could not however, match the gun power of the mighty British Empire. The movement suffered heavy loss and much causality. Several of the Adivasis laid down their lives, but the survivors didn't lose courage and the will was to regain their identity. Baba Tilka Majhi was the first Santhal Adivasi leader, to insist that the natural wealth and other resources of the Adivasi areas belonged to the Adivasi people and the outsiders cannot control them.

It didn't take much long for the Adivasis to arm themselves for the next round of insurrection. Soon, another rebellious storm broke out against the British colonial authority and the corrupt upper caste Zamindari system. The Santhal Hul (Santhal Revolt) was the biggest mobilisation of the Santhals against outside forces to end the slavery of the Adivasis. This revolt began in 1855, and as led by the four Murmu Brothers - Sidhu, Kanhu, Chand and Bhairav and ended in January 1856. This movement also reiterated the same demand that the Adivasi land and resources belonged to the Adivasi people. The Hul revolution united thousands of Adivasis to win back their lost identity and collective land rights. This time too, the British deployed heavy forces to suppress the movement, but soon realized that the Adivasis are a force to reckon with and in order to continue to conduct business in the region, a cordial relationship with the Adivasis need to be reached at. Effectively, as a kind of appeasement to the Adivasis, the British created a separate district called Santhal Pargana, by the Act XXXVII of 1855. Even though, several provisions were put in place to protect the Adivasi resources, the plunder and loot continued unabatedly, so was rise of Adivasi resentment against outside forces.

The next important phase of Adivasi struggle was the 'Ulgulan Movement', waged by the legendary Adivasi leader Birsa Munda or Bhagwan Birsa Munda, during the period of 1895-1900. The Ulgulan movement meaning 'Great Tumult' sought to liberate the Adivasis from the slavery and servitude and re-establish the Adivasi governance. The Ulgulan movement was a continuum of the earlier movements for liberation of the Adivasis and their resources from

the Zamindars and the British operatives. According to Kumar Chand Mardi – an Adivasi leader and activist working among the displaced in Jaduguda and Turamdih – the Ulgulan movement was one of the biggest Adivasi uprising against the British Empire. During this movement, the combination of the terms 'Hul' and 'Ulgulan' were interchangeably used to stress on the urgent need to liberate the adivasis from slavery as well as regain their identity and resources. During this movement, the whole atmosphere was filled with the great revolutionary spirit. Under the leadership of Birsa Munda, the movement was able to garner the support of thousands of adivasis not only belonging to the Munda tribe but several others in the region. The movement created panic among moneylenders, landlords, dacoits, contractors, missionaries and the British imperialists.

Before the British came to India, the forest was like 'Mother Earth' (Dharti Ma) to the Adivasis. All natural resources were created by Singbonga the God. Once the British arrived in Chotanagpur region, 'Western' notions of private property, forest laws and several other rules & regulations were introduced. These new laws and regulations stripped the Adivasis of their natural rights and the onslaught on their culture and resources became all the more vigorous with the penetration of private money lenders into Adivasi areas. The British diabolically encouraged the outsiders, especially the Zamindars and money lenders in the Adivasi belt to extract revenue and resources. Introduction of foreign liquor in the Adivasi region gradually converted many innocent Adivasis into alcohol addicts and destroyed the peace and harmony of the already pauperised Adivasi families.¹⁰

III

The Arrival of TATA (Total Appropriation of Tribal Assets)

The struggles of the Adivasis continued for a long time. The indigenous communities in the Chotanagpur region, who were earlier the protectors of Jal, Jungle, Zameen now became displaced victims, landless and poor. When Industrialisation and the development of railways were in full swing, the demand for natural resources and forest produces became stronger. The Tata, a major private player in the field of Industrialisation process in India, began establishing its enterprises in the Chotanagpur region. Easy availability of cheap raw materials for their upcoming steel plant was their main aim in entering this region¹¹.

¹⁰ https://www.academia.edu/10140481/A_PARADISE_LOST_TRIBES_OF_JHARKHAND_FIGHT_AGAINST_URANIUM_MINING

Authored by Tarun Kanti Bose & PT George

¹¹ https://www.academia.edu/10140481/A_PARADISE_LOST_TRIBES_OF_JHARKHAND_FIGHT_AGAINST_URANIUM_MINING

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The Tata found that the geographical belt of Chotanagpur region had abundant forests, plenty of mineral wealth and sufficient water resources, enough to sustain them for several hundred years to come. But there were legal hurdles that stood on the way from directly occupying the Adivasi land. During this time, the Chotanagpur Tenancy (CNT) Act was also being formulated by the British, to control the Adivasi resources being exploited by the outsiders and give more autonomy¹² to local governance. The CNT was already geared up for implementation in the year 1905. But in the Chotanagpur region, the Tata wanted land for mining iron ore and found that the Act, if implemented early, would hamper the land acquisition, mining and the installation of the Tata Steel Plant. So Jamshedji Tata influenced the British and ensured that the CNT Act was not implemented until Tata completed the land acquisition for the Tata Steel Plant. The Tata got the land they wanted and the Act was implemented in 1908. The Adivasis of the region were completely betrayed by this intervention¹³. It took some time for the innocent and simple Adivasis to realise that the British were hand in glove with Tata to exploit and plunder the natural resources in the Adivasi region.

The present Tatanagar used to be a cluster of 18 notified revenue villages in the Singhbhum region and used to be called Kalimati, where the Adivasis lived in peace and harmony for hundreds of years. Today, there are no revenue villages in Tatanagar and there are no signs of any of the old villages or their inhabitants. What happened to the Adivasis who lived there earlier? The original inhabitants of the 18 villages have been dispossessed by the Tata Steel plant. Now, they live on the periphery of the city, impoverished and displaced, eking out a miserable existence. Many of them have migrated to other areas in search of livelihood. The deplorable and lamenting stories of Adivasi displacement in Tatanagar could be found replicated all over Jharkhand.

The Adivasis continued to battle for their rights, even after the formation of the state of Jharkhand. The new political leadership has now joined hands with big corporations and the industrial mafia to exploit the remaining resources in the state. After the formation of the state, several hundred MoUs have been signed by various governments that came to power. Hundreds of factories, thermal power plants, and other industrial units are being established across the state. In almost all of these, the outsiders get best jobs and positions, whereas the

12 Interview of Prof Dilip Simeon, Labour Historian recalls dark tales from Tata History.

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14 Interview of Prof. Dilip Simeon, Labour Historian recalls dark tales from Tata History

Adivasis continue to do manual labour, while their land and resources are mercilessly being looted away.¹⁴

Tata and the Working Class

Labour Historian Prof. Dilip Simeon in his meticulously researched book, ‘The Politics of Labour Under Late Colonialism – Workers, Unions and the State in Chotanagpur 1928-1939’, published in 1995 narrates the many untold stories about the steel plant run by the Tata Iron and Steel Company (TISCO) in Jamshedpur¹⁵. They oppressed workers, tried to crush working-class movements through deplorable tactics, conspired to imprison labour leaders, deployed goondas, and forever swung between supporting the nationalist movement and siding with the British, belying their nationalist credentials.

As Simeon writes in his book, the construction of TISCO began in 1907, and it started production in 1911. Soon thereafter, World War I broke out. Almost 100% of the steel that TISCO was producing went towards the British war effort¹⁶. He presumes that these were consumed by the railways or for the manufacture of building materials, armaments, etc. One can see that for strategic-military purposes, the British were clear about maintaining a strong industrial base in India.

The land granted to Tatas were under zamindari right, as zamindars were normally required to pay revenue to the government but the Tatas were exempted from that payment. They were also given full municipal control over the city. The attitude of the elite and the industrialists then was that, well, they were doing a favour to people by giving them jobs. Hundred years ago, workers of Jamshedpur might even have been slightly better off than they are today¹⁷. Tatas had a very elitist approach to the architectural layout of Jamshedpur. The areas designated for housing workers soon got overcrowded because of the vast influx of informal labour. This was because there was a huge growth of population with the expansion of TISCO and other ancillary industries in Jamshedpur. There was a large influx of people from outside Singhbhum district, in which Jamshedpur is located, as Simeon wrote

The Tatas had a deliberate policy of hiring people from all around the country. In fact, Jamsetji Tata suggested that the Tatas follow a policy of recruiting workers from a wide catchment area in order to prevent strikes. This was the

15 Interview of Prof Dilip Simeon, Labour Historian recalls dark tales from Tata History

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same attitude that the East India Company adopted vis-a-vis the army after 1857, that is, they didn't wish to raise an army composed of soldiers speaking the same language who could congregate. At least partly, the Tatas' hiring policy was aimed at ensuring that the workers did not combine easily. As it happened, the workers did unite and combine despite the best efforts of Tatas. Questions of language, region, caste and religion did not matter to Jamshedpur's working class.¹⁸

There was no exceptional virtue in the management style of the Tatas¹⁹. In the early phase of TISCO's life, the Tatas were quite despotic in those days, even afterwards. There was nothing remarkable in their attitude towards workers. Over the years, of course, things got tempered because there was a national movement, and there was pressure on management from within a section of the national movement. But the rights that the workers won were all hard fought for. It was not because of the generosity of the Tatas. But in the late 1920s, then it is a fact that there was unrest among workmen and on the other hand, the Tatas were keen on shedding a proportion of their workforce. There is evidence that the Tatas were keenly aware of the monetary advantages that would accrue from a strike.²⁰ The managers expected an increase in profits, and the police noted that the directors would rather welcome a strike, as mentioned in Dilip Simeon's book.

There was only one major strike, between May and September of 1928²¹. Trouble was brewing from 1927 – without going into the previous cases of workers unrest, in the early 1920s²². But 1927-28 was when they were seized of the requirement to reduce the wage bill. This was because demand had dipped after the first boom period during World War 1. Then the British were purchasing almost all the steel that TISCO was producing and there was profitability. In addition, the early phase of construction, when large numbers

18 Interview of Prof Dilip Simeon, Labour Historian recalls dark tales from Tata History

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of workers had been hired, was long over. The Tatas were therefore keen to reduce the workforce²³.

There was tension at the workplace – between workers and supervisors. Some of the crane-drivers were particularly militant. Archival data shows that behind the scenes, TISCO management was keenly aware of the advantages that might accrue to them if a strike were to occur²⁴. The 1928 strike was absolutely inevitable. The strike did happen and ultimately, a certain proportion of the workforce was reduced and the Tatas did indeed achieve their main goals²⁵.

IV

Resource Rich Jharkhand and its pauperised people

Jharkhand is one of the richest mineral zones in the world and boasts of 40 per cent and 29 per cent of India's mineral and coal reserves, respectively. Due to its large mineral reserves, mining and mineral extraction are the major industries in the state²⁶.

The value of minerals extracted in Jharkhand is approximately 8 per cent of the total value of mineral production of the country. The state is a larger producer of fuel minerals and accounts for 10 per cent of their total value in the country²⁷. Coal contributes the most that is, 92-93 per cent to the total revenues from mining received by the Jharkhand State Government, iron ore accounts for another 2 to 3 per cent. Jharkhand receives the maximum mining royalty among the coal-producing states of India²⁸.

Coal Mining brought dispossession, displacement and land erosion to the Adivasis
Coal mining in Jharkhand is done largely through open cast or open cut method, which involves removing of soil and rocks commonly known as 'overburden' by blasting techniques. The depth of the pit depends upon the thickness and availability of the coal seams. Once the coal is extracted, the pit moves laterally and the overburden is dumped into the previous pit. The whole area turns into barren land, more so because post mining directives of planting trees are not carried and the preserved top soil is usually not maintained in India.

24 Interview of Prof Dilip Simeon, Labour Historian recalls dark tales from Tata History

25 Interview of Prof Dilip Simeon, Labour Historian recalls dark tales from Tata History

26 <https://www.ibef.org/pages/37832>

27 <http://www.sacw.net/article302.html>

28 <http://www.sacw.net/article302.html>

However, in Jharkhand, the CCL as well as the BCCL (Bharat Coking Coal Limited) have in general failed to adhere to the Mine Closure Plan directives issued by the Government. There is lacunae in effective monitoring mechanism, apathy and unconcerned towards the environmental issues are some of the probable reasons. A mine producing 40 million tonnes or more of coal in its life time (usually 15 years of operation) would therefore leave a scar of about 25 sq km in the affected area. This is a running mine under the CCL, which is a subsidiary unit of CIL. CCL has been bestowed with the responsibility of not only exploring the area for mining purposes but also for maintaining the upkeep and quality of the environment²⁹. The responsibility of displacement and relocation as well as restoration of livelihoods of the adivasis and local populace, who get affected and dislocated due to mining, also rests with the CCL.

The geological structures conducive for the formation of coal seams are largely confined to the river basins of eastern and central states of India. The Gondwana coal, which is geologically found in the river basins of Damodar, Barakar, Bokaro, Brahmani, Mahanadi etc³⁰. rivers, are also the regions of high population density. In order to excavate the coal (either through open cast or underground mining method (in some cases both methods), people of these regions are bound to be affected. Displacement thus becomes precursor to the initiation of mining process. The open cast coal mines have large footprints, destruction and degradation of forested tracks along with severe negative impact upon the endemic plant and animal species being a natural consequence.

Coal mining areas in Jharkhand for decades have been concentrated in the areas populated by adivasis which had brought dispossession, displacement, and the erosion of land in forest-based ways of life. During my visit in the mining affected adivasi villages, it was noticed that in various ways coal mining has affected villagers – be it informal coal peddlers or colliery employees – and its impact on the adivasi community as a whole³¹. If we have insightful eyes and see the things critically, it helps us in analysing the lives, livelihoods and perspectives, challenging the common understanding of the effects of mining and dispossession, and contributes to debates related to labour and politics. In contrast with the critical theories of dispossession, it comes to fore that its simply not the destruction of rural adivasis communities rather dispossession

29 Journal of Adivasi and Indigenous Studies (JAIS) (A bi-annual peer-reviewed online journal posted at academia.edu) Vol. VIII, No.1, February 2018: 1-15 © 2017 JAIS, ISSN (online) 2394-5524 Displacement, Rehabilitation and Resettlement in the Coal Mining Area of Rajrappa, Jharkhand: A Case Study of the Affected Villages

30 https://www.academia.edu/37835276/Journal_of_Adivasi_and_Indigenous_Studies_February_2018

31 http://etheses.lse.ac.uk/4043/1/Noy__Extracting-living-labour.pdf

had led primarily to socio-economic differentiation within them, creating new and enhanced internal inequalities. By exploring these inequalities in relation to the different types of work, formal and informal, that have emerged locally as a result of mining, which can contribute to the understanding on labour and uncertainties³². It helps in illustrating how different forms of informal labour can carry different degrees of uncertainties and meanings for working class – in terms of stability, autonomy, work rhythms, and gender dynamics – that inflect their present and longer-term livelihood strategies³³. Contrary to the prevalent narrative of resistance to mining and dispossession of adivasis, we would see such processes can produce not protest but submission. By examining local forms of cooption and patronage in relation to mining operations, my views contributes to debates on the politics of dispossession and non-resistance. It illuminates how political leaders- be it from BJP, Congress or JMM and NGO functionaries can become brokers between dispossessing projects and villagers, and how this can lead to shifts in everyday socio-political relations that act to curb rather than facilitate possibilities of collective action.

Adivasis in the coal-bearing regions of Jharkhand, live mostly in brick and mud houses. Now, alongside, however in smaller numbers sizable, brightly coloured, gated concrete houses, most often with a large motorbike parking in the courtyard are emerging. Only about 10-15 years back, such stark disparities in living conditions were not part of the landscape. It is all due to coal mining. The impact of coal and other mining projects on adivasis, who inhabit much of the Jharkhand's resource-rich tracts has drawn significant public attention.

Coal mining has brought about large-scale land dispossession for adivasis and had led to the pauperisation and destruction of their communities, which are traditionally reliant on access to land and forests³⁴. But there is another, more hidden effect of mining that could spell the death knell of adivasi society: new profound forms of inequality in these communities, which fracture their very social fabric.

The dominant development paradigm imposed upon the Adivasi communities to integrate them in the mainstream has exposed the pervasive social hierarchies along the caste and class lines, however, adivasis are considerably more egalitarian in their structure and values.

Coal mining areas are depressingly black, iron ore town are red, ochre lends a yellow colour and limestone makes everything chalky white. Fine particles of

32 <https://gtr.ukri.org/projects?ref=ES%2FV007173%2F1>

33 <http://etheses.lse.ac.uk/4043/>

34 <https://www.downtoearth.org.in/blog/forests/coal-mining-and-india-s-tribal-peoples-inequality-as-the-death-knell-of-community-74508>

the ore spread as a uniform layer of dust on every available surface in these areas. The pervasiveness of dust is the strongest indication that mining is not a benign activity. Unless it is carefully planned and thoughtfully carried out, it can barren the land, pollute water, denude forests, defile the air and degrade the quality of life for people who live and work in the vicinity. Modern technology has enormously magnified our ability to extract minerals³⁵. In the process, it has also gravely threatened human lives and the environment.

Coal mining destroying Tiger and Elephant conservation

Coal mining strikes a dual blow to biodiversity: aside from its role in causing climate change, coal extraction and evacuation results in the destruction and fragmentation of standing forests³⁶, with implications for both wildlife and forestdependent communities. Virtually all new coal mining, and most of the planned power plants are located in a region broadly referred to as Central India – covering the states of Madhya Pradesh³⁷, Chhattisgarh, Jharkhand and parts of Odisha and eastern Maharashtra. This same region is also India's largest contiguous tiger landscape, and coal fields here are in proximity to at least 10 Tiger Reserves. Coal mining threatens tiger habitat directly, and will also fragment forest contiguity between Tiger Reserves and Protected Areas.

Betla National Park and Tiger Reserve located on the Chotanagpur Plateau in the Latehar and Palamau districts of Jharkhand, having hosts a wide variety of wildlife has coalfields fall within it's area. Corridor linking tiger reserve stands to be impacted to varying degrees.

The Piperwar coal mine, a part of North Karanpura Coal in Chatra and part of the Ranchi districts destroyed six villages. It is a forested wildlife corridor linking the Mahudi ranges of North Karanpura with the Palamau Tiger Reserve in the west. This corridor lay along the well-watered Damodar valley between McCluskiegunj and Balumath³⁸. These were the elephant and tiger corridors linking the Hazaribagh and Palamau jungles.

The Auranga coalfield in the Palamau district has a significant portion of the coalfield, over 57 sq. km., actually lies within the 10 km. buffer of the Palamau Tiger Reserve. Part of the coalfield even appears to fall within the tiger reserve boundaries. Tiger presence has been reported from patches throughout the coalfield. The forest areas in the northern part of the coalfield are part of the corridor that connects Palamau to Lawalong Wildlife Sanctuary further to the

35 Conservation and Development in India: Reimagining Wilderness

36 <https://storage.googleapis.com/planet4-india-stateless/2018/06/How-Coal-mining-is-Trashing-Tigerland.pdf>

37 <https://www.greenpeace.org/static/planet4-india-stateless/2018/06/How-Coal-mining-is-Trashing-Tigerland.pdf>

38 <https://www.sanctuarynaturefoundation.org/article/karanpura-must-live>

northeast. From Palamau, tigers and elephants are known to move to Lawalong and beyond to Hazaribagh National Park and its surrounding forests.³⁹ Palamau is believed to be home to about 180 elephants, and Hazaribagh also harbours elephants. Elephants also move from Palamau through Latehar to McCluskieganj and eastwards along the Damodar river. Elephant presence has been recorded outside the coalfield (see map), in adjacent forests. The Auranga coalfield has been jeopardizing tiger and elephant's movement. In North Karanpura coalfields human- elephant conflict is a serious issue.

The West Bokaro coalfield is a relatively small coalfield lying to the east of the North Karanpura valley, and west of the East Bokaro coal field. While this area once boasted extensive forest cover, there are only a few remnants today, due to decades of coal mining. The eastern end of this coalfield is still covered by intact forest that forms the watershed of the Tenughat reservoir. The western end has forest adjacent to the corridor identified in the North Karanpura connects up to the Hazaribagh National Park. Some coal blocks have been demarcated in this area. The blocks in question are Parej West, Parej West I, North of Parej West, Tapin Extension, South of Tapin, Pundi and Pundi West, as well as a large unblocked area. A thorough analysis of these blocks is needed to ascertain the biodiversity value and livelihood importance of this region. The hitherto unblocked eastern edge of the coalfield shows dense forest and is the watershed of the Tenughat reservoir

The North Karanpura coalfield witnesses elephant movement in several areas. The elephants move between the Palamau Tiger Reserve to the west and the Lawalong Wildlife Sanctuary and Hazaribagh National Park to the north. Elephant movement along the Damodar river is also being impacted by existing mines on the river banks. Planned expansion in mining will worsen the situation, and would lead to massive social displacement and the loss of ancient cultural artifacts as well. The wildlife of North Karanpura includes tigers, elephants and gaur (Indian bison), animals listed as threatened by the Red Data Book of the World Conservation Union (IUCN), and featuring on Schedule I of the Indian Wild Life Protection Act. Other species such as leopards, wild boar and deer (including cheetal, sambar, barking deer) are also found in the area. Interestingly, Hazaribagh literally translates to 'land of the thousand tigers'.

The North Karanpura valley is also a cradle for prehistoric cultures is clear from rock art dating back to the Meso-Chalcolithic age (10,000 B.C.) in the Hazaribagh and Chatra areas; deer, wild boar and elephant adorn cave walls, painted in red haematite. Rock art depicting elephants has been found at Gonda

³⁹ <https://www.sanctuarynaturefoundation.org/article/karanpura-must-live>

and Sidpa on the northern fringe of the Satpahar range.⁴⁰ Several of these rock art sites and culturally significant sacred groves are threatened by coal mining expansion. The pre-historic rock art of the North Karanpura Valley has been linked with Indus Valley culture, and links have also been established with Dogon rockart in Mali, Prehistoric Iran⁴¹, and Aboriginal rock art in Australia. If the mining of the valley goes ahead as planned, many rock art sites will be damaged or destroyed. The Isco rockart falls in the Rautpara opencast mine project. At the Thethangi site blasting for a railroad has affected the Saraiya and Thethangi rockart overlooking the railway.

However, open cast mining, particularly in Jharkhand has dealt a severe blow to elephant conservation, leading to movement of elephants into Chhattisgarh and West Bengal.

Iron Ore Mining

West Singhbhum is the top iron-ore mining district of Jharkhand and Manoharpur is one of the key mining blocks of the district, besides Noamundi, Gua, Jhikpani, etc. According to latest information of the state mining department, the district produced about 16.3 million tonnes of iron ore.⁴²

Gladson Dungdung, an adivasi activist writer in his book 'Mission Saranda – a war for natural resources in India' gives a graphical account how an Adivasi community lived before the start of mining in their neighbourhood and what damage it did over course of time⁴³.

In his book he writes, "Dubil is an Adivasi village in Saranda forest of West Singhbhum district, Jharkhand. This village of about 500 persons lived a happy life, close to nature. Paddy was the main crop, harvested twice a year, and supplemented by various cereals. The village was blessed with two natural streams, which ran with fresh water throughout the year. But alas, the Chiria iron ore mine, covering 3276 hectares, came up in the vicinity. As the mining expanded year by year, the happy life of Dubil Adivasis started to shrink steadily. The giant company started to distribute the actual mining activity to subsidiary companies who felt they had no obligation at all towards neighbouring village communities in terms of compensation for the damage done to their agriculture and water sources. Eventually about 100 acres of their fertile land became barren and the water stream is now flowing with reddish

40 <https://www.sanctuarynaturefoundation.org/article/karanpura-must-live>

41 <https://www.sanctuarynaturefoundation.org/article/karanpura-must-live>

42 <https://www.downtoearth.org.in/blog/mining/mining-in-jharkhand-threatens-locals-in-their-own-land-63920>

43 <https://sabrangindia.in/article/commercial-mining-not-boon-curse-jharkhand-central-india>

water. Apart from this, labourers from outside were being brought to work the mines whereas the locals were reduced to the category of ‘day-wage labourers’. When the people of Dubil and neighbouring communities organised themselves and protested against this injustice, their legitimate democratic actions were criminalised and police cases were filed against them. Six of their leaders were put behind bars⁴⁴. Verily, insult added to injury.

Even some half-hearted steps by the Government to ameliorate their living condition did not make any difference. The housing scheme failed when half of the houses collapsed or became uninhabitable. The hand-pumps stopped working, the solar lamps and radios have disappeared, the bicycles have broken down. Thus the promise usually made at the start of the project of bringing ‘development’ falls flat and people are left with greater deprivation and anguish.”

The Chiria mines in Saranda are believed to hold the largest deposits of iron ore in Asia⁴⁵. In the 85,000 hectare of the Saranda division, 28 leases for iron ore mining exist in about 9,300 hectare. The past few years have seen an increase in mining. Thousand of trucks jam the roads leading to the forest from Chaibasa past Noamundi, disturbing people and damaging ecology.

Uranium Mining

Jaduguda in Singhbhum Thrust Belt in Jharkhand is the first uranium deposit to be discovered in the country in 1951. The Singhbhum Thrust Belt (also known as Singhbhum Copper belt or Singhbhum shear Zone) is a zone of intense shearing and deep tectonization with less than 1km width and known for a number of copper deposits with associated nickel, molybdenum, bismuth, gold, silver etc. It extends in the shape of an arc for a length of about 160 km. This discovery of uranium at Jaduguda in this belt paved the way for intensive exploration work and soon a few more deposits were brought to light in this area. Some of these deposits like Bhatin, Narwapahar and Turamdih are well known uranium mines of the country. Other deposits like Bagjata, Banduhurang and Mohuldih are being taken up for commercial mining operations⁴⁶. Some of the other areas like Giradih, Kanyaluka, Nimdih and Nandup in this belt are also known to contain limited reserves with poor grades. Apart from discoveries in the Singhbhum Thrust Belt, several uranium occurrences have also been found in Cuddapah basin of Andhra Pradesh. These include Lambapur-Peddagattu, Chitrial, Kuppunuru, Tumallapalle,

⁴⁴ <https://mattersindia.com/2020/06/commercial-mining-not-boon-but-curse/>

⁴⁵ <https://openspace.org.in/book/export/html/632>

⁴⁶ <https://iasscore.in/topical-analysis/nuclear-agreements-significance-issues>

Rachakuntapalle which have significantly contributed towards the uranium reserve base of India. In the Mahadek basin of Meghalaya in North Eastern part of the country, sandsyone type uranium deposits like Domiasiat, Wahkhyn, Mawsynram provide near-surface flat orebodies amenable to commercial operations. Other areas in Rajasthan, Karnataka and Chattishgarh hold promise for developing into some major deposits.

With a modest uranium resources, India's reasonably assured capacity is about 54,000 tons and 23,500 tons as estimated additional resources in situ. Mining and processing of uranium is carried out by the Uranium Corporation of India Ltd. (UCIL), a subsidiary of the Department of Atomic Energy (DAE)⁴⁷.

Jaduguda Uranium Mine and the people living in close proximity

Jaduguda is situated 24 kilometres away from the Tatanagar (Jamshedpur) railway station in Jharkhand on the Howrah-Mumbai rail line⁴⁸. The uranium ore from the Jaduguda, Batin and Narwarpahar mines is brought to the processing mill at Jaduguda where uranium is extracted and the residue is processed into mill-tailings (radioactive wastes) which are converted into slurry and then transported by pipelines laid over villages, public roads and work areas, and discharged into what are incorrectly called 'tailing ponds'; looking at the scale of the material dumped there, these should actually be called tailing dams. While the Uranium Corporation of India (UCIL) claims that Jaduguda mine has created a large skill base for uranium mining and the mining industry, adivasis and other local communities living in the villages close to UCIL mines point out that their lives and land have changed irreversibly.

The uranium ore is brought to the Jaduguda mill in open trucks along narrow roads linking the mines with Bhatin which is 4 kilometres away and Narwarpahar, 12 kilometres west of Jaduguda. The trucks that carry the ore are sometimes partly covered by tarpaulins and occasionally transport workers perched on top of the ore. The dusty roads that run through villages are often littered with rocks fallen from the overloaded trucks. A casual visitor would see children and livestock picking through piles of uranium ore, an evidence of the kind of safety standards being observed⁴⁹.

In the last several decades, there has been a boom in uranium exploration, new mining projects as well as expansion of the existing ones. The of the existing ones. The arguments often given for the new uranium mines are that there is an

⁴⁷ <http://www.ucil.gov.in/pdf/myth/Emerging%20trend%20in%20U%20mining.pdf>

⁴⁸ Jaduguda Tribals living under the shadow of Nuclear Terror Authored by Tarun Kanti Bose

⁴⁹ Jaduguda Tribals living under the shadow of Nuclear Terror Authored by Tarun Kanti Bose

urgent need to augment the increasing demand for nuclear fuel for the several new power plants that are coming up. Another argument is that, nuclear power will be the saviour of India's energy crisis and that it is a "clean" alternative to fossil fuels in an era of climate change.

The people of Jadugoda are exposed to radioactivity in several ways: uranium mining and milling operations produce dust and release radon gas, both of which are inhaled by miners and cause internal irradiation. Uranium ore is transported in uncovered trucks on bumpy roads, causing radioactive debris to fall off and land on the side of the road⁵⁰. The mine's tailings retain high percentage of the original radiation and are dumped in unlined and uncovered ponds, which emit radon gas and gamma radiation. These particles are invisible and possess great penetrating power and it has the ability to penetrate living organisms, creating a disruption in the normal functioning of the cells. Long exposure of these radiations can lead to chromosomal mutation eventually causing diseases like cancer⁵¹. In the ensuing process, the parent atom disintegrates into smaller atoms which are equally dangerous. Gamma rays are the most dangerous and are a form of pure energy, very similar to x-rays travelling at the speed of light.

Villages which are in close proximity of the tailing ponds are the worst affected⁵². During the dry season, dust from the tailings blows through these villages. During the monsoon rains, radioactive waste spills into the surrounding creeks and rivers, causing further internal radiation as villagers use the contaminated water for washing and drinking and also⁵³ use the nearby ponds for fishing.

According to Xavier Dias, a Jharkhand-based human rights activist and senior functionary of Bindrai Institute for Study and Action (BIRSA) said, "Gamma rays remain inside our bodies and continue their decaying process, cutting short the life of their host, which is the miner." Xavier presented a paper entitled 'Radiological Pollution from Uranium Mines -- Jaduguda' at the Conference on Health and Environment organised by the Centre for Science and Environment in New Delhi in July 1998. He also stated that in uranium mining there is both external and internal radiation.

⁵⁰ <https://www.hindustantimes.com/static/groundglass/jadugoda-the-nuclear-graveyard.html>

⁵¹ <https://www.downtoearth.org.in/coverage/a-deformed-existence-19930>

⁵² <https://www.coursehero.com/file/p1vm1tm7/of-the-dams-and-contaminants-thus-dissolved-were-re-leased-into-the-environment/>

⁵³ <https://www.coursehero.com/file/p1vm1tm7/of-the-dams-and-contaminants-thus-dissolved-were-re-leased-into-the-environment/>

A survey conducted by Jharkhandis Organisation Against Radiation (JOAR) in 1997 found that a large number of people in Jaduguda were afflicted with cancer, various skin diseases, brain damage, kidney disorders, hypertension, deformities and fertility loss. It was found that women in the area complained of disrupted menstrual cycles. This area also has a high rate of either miscarriages or stillborn babies. Earlier, adivasis thought such abnormalities were 'God's will'. But, of late, they have started believing that radiation from the uranium mines and tailing ponds might be responsible for their woes.

People living in Jadugoda are exposed to radioactivity in several ways: uranium mining and milling operations produce dust and release radon gas, both of which are inhaled by miners and cause internal irradiation. Uranium ore is transported in uncovered trucks on bumpy roads, causing radioactive debris to fall off and land on the side of the road. The mine's tailings retain high percentage of the original radiation and are dumped in unlined and uncovered ponds, which emit radon gas and gamma radiation. After extracting uranium from the ore, the left-over, known as "uranium tailings", is mixed with water and flushed into the tailing pond through pipes. UCIL has constructed two tailing ponds on adivasi-owned rice paddy fields in Dumridih, a village in Jaduguda. Both these ponds when became saturated, UCIL constructed its third tailing pond at an adjacent village, Chatijkocha in 1990s. During the dry season, dust from the tailings blows through these villages. In the monsoon rains, radioactive waste spills into the surrounding creeks and rivers, causing further internal radiation as villagers use the contaminated water for washing and drinking and also use the nearby ponds for fishing.⁵⁴

In a book 'Dissent, Self Determination and Resilience: Social Movements in India' published Intercultural Resources published in 2010 on its chapter on 'Jaduguda' I wrote, "In the absence of any independent study, anecdotal evidence suggests that the mineworkers in Jaduguda are suffering from an epidemic of lung cancer, skin diseases and other chronic ailments. Besides, nobody knows how many people have died so far."

No standards have been met in the tailing ponds construction and no measures have been taken to control the radon emissions from them. As a result, they pose a constant threat to Dumridih, Chatijkocha, Telaitand, Mecchua, Matigora and other villages that lie within 10-15 kilometres. Even Jamshedpur, just 20 kilometres away is not free from radiation⁵⁵.

54 <https://thelogicalindian.com/news/sacrificing-human-lives-to-fulfill-indias-dream-in-jadugoda/>

55 Jaduguda Tribals living under the shadow of Nuclear Terror by Tarun Kanti Bose

It is on one of the dried up tailing ponds that Dr. Arjun Soren, the first medical doctor from Jaduguda's Santhal adivasi community, once played football during his childhood, unaware of the dangers. He fought cancer and died of 'acute myeloid leukaemia.' His family failed to afford a possible life saving bone-marrow transplant. As a medical student, he used to visit Jaduguda Bhatin, assuring his Santhal that he would come back and work in Jaduguda.

During the field study, met Mangal Majhi of Matigora village, who recounted while working in uranium mines I had handled the uranium ore during drilling operations. This is in contravention of the Guidelines of the International Committee of Radiological Protection (ICRP)⁵⁶. While interacting with former President of UCIL Kamgar Union, NN Bhagat came to know that gloves and masks were not provided to the staff that packed the yellow cakes in drums. Nothing special was done for uranium miners who are exposed to grave dangers. In addition, their families were exposed to slow poisoning on account of UCIL's unsafe waste management practices. Most of the workers are dressed in cotton uniforms and leather gloves directly exposed to high levels of radon gas, dust and highest radiation. Once a week, these workers carry their uniforms home to be hand washed by women and children, exposing the entire family to radiation.

Mangal Majhi said that mostly he assisted in survey work. The geologist, whom he accompanied, used to tell him at what depth uranium would be available after inspection. All these affected his health and he developed gastric trouble, as he could never take his meals on time. The doctors kept on telling him that he had Tuberculosis.. Later, when he consulted a private doctor in Jamshedpur who told him that he did not have TB. Till then, UCIL doctors had already administered 90 injections and some medicines were given to him and as a consequence, my eyes and ears have been damaged. He got his eyes treated by Dr. Mustafa of Bistupur. When I met him he felt, as if some insect is moving in his ears. He still felt sick because of drinking uranium-contaminated water; He had been taking medicines for the last 15 years, when I met him. They took my blood, stool, urine and even semen samples for testing, but the results were never shown to him. All the while, they kept on telling him that he had TB.

He told that no one told him that he became sick by drinking uranium – contaminated water. Villagers have seen the effects on plants and animals here. There used to be 'kendu' fruits grown in the vicinity of UCIL and the tailing ponds. Later on it turned seedless. The fish in the streams have developed all

56 <https://www.epa.gov/sites/production/files/2015-05/documents/workplan.pdf>

kinds of diseases and started dying. Many cows and goats have also died. The buffaloes had shorter tail. Later on, Mangal Majhi died suffering for many years together from radiation-induced disease.

Adivasis and other local communities living within 25 kilometres of UCIL plant suffer from physical deformities and a variety of diseases such as lung cancer, skin diseases and other chronic ailments.

Mangal Majhi remembered how it began as the British officials from Delhi - used to visit Santhali villages, for imparting training and recruitment. Adivasis were not interested. Persistent in their effort, the 'outsiders' continued to come to their houses to take them to work and dropped back in the evening. Later, some of them went to Rajasthan and other parts of the country with the same company. The non-adviasi working with them became big shots in the company but for adivasis, the status remained the same. After working in different parts of the country, Mangal Majhi was sent back to Jaduguda where he worked for UCIL. In the beginning, he did not know what was being mined and their Santhal and Ho adivasi communities were never informed about it. When he joined the company, he had to take an oath of secrecy. These mines were built by the government forcibly over their 'Jaher' (sacred places). They did not like this. Adivasis did not want them to defile their sacred places. They were not considered human beings. There was no one to protect them.

When UCIL planned to start mining, Majhi told that Jaduguda was a grove of castor oil trees, which meant, it was a dense forest situated on the adivasi Santhal and Ho adivasi lands in the East Singhbhum district of Jharkhand..

During the field study, Xavier Dias pointed out, "Jaduguda is also 'India's radioactive dump yard. Wastes from the Nuclear Fuel Complex in Hyderabad and the BARC Rare Materials Plant in Mumbai, Mysore, Gopalpur-on-Sea, as well as medical radio wastes from unknown number of sources are being returned to Jaduguda. This came to light when local people began to find syringes, bags and IV pipes from hospital wastes buried in the tailings. It is now widely understood that the company still imports this waste, and is feeding it through the mill, crushing it before discharging it into the ponds. It is likely that some of these materials are gamma radiation emitters, adding to the radiation hazard suffered by everyone in the area." Now Jaduguda is man-made hell⁵⁷.

In the last several decades, there has been a boom in uranium exploration, new mining projects as well as expansion of the existing ones. The arguments often given for the new uranium mines such as of Turamdih, Bandhuhurang and

57 Jaduguda Tribals living under the shadow of Nuclear Terror Authored by Tarun Kanti Bose

Mohuldih were started for fulfilling the increasing demand for nuclear fuel for the several new power plants that are coming up. Another argument is that, nuclear power will be the saviour of India's energy crisis and that it is a "clean" alternative to fossil fuels in an era of climate change.

Turamdih Uranium Mine and the people

The Turamdih Uranium mine is located just 5 kilometres away from Tatanagar railway station. The mine was commissioned in 2003. The Turamdih Uranium Mill started its operation in 2007 processing about 3000 tonnes of uranium ore per day. It processes the ore extracted from the Turamdih and Mohuldih mines. Several villages around the Turamdih mine and the mill are displaced and are on the verge of collapse due to the impacts of mining, waste dumping, radiation and several other issues⁵⁸.

In the Turamdih Uranium Mine, the tailing pond is constructed right in the middle of villages where Adivasi communities have been living for generations. The nuclear waste is dumped straight into pond that often leaks into the paddy fields and further flows into the river. In summer, the water in the tailing pond dries up and the wind blows up the radioactive dust in all directions and settles in the nearby areas. These are all highly objectionable issues. Children often play on these dumps and animals graze over them. There is no proper protection of the pond with barbed wire. The tailing pond's water drains off in to the river Subarnarekha contaminating the whole river with radiation. Highly radioactive uranium sludge is regularly being transported to other areas of Jharkhand, without proper protection and gets spilled all over the road.

The state Government of Jharkhand, under The Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) scheme, is constructing around 80,000 water wells to augment the shortage of drinking water problems. The granite stones used for the construction of the wells are obtained from the uranium mine waste. It is a matter of serious concern that needs to be probed along with a thorough investigation on how the wells are being constructed from uranium mine waste.

The uranium tailing pond in Talsa village is very close to Bada Talsa village where hundreds of Adivasis live. The construction of the pond began in 2005 and was completed in 2010. The nuclear waste slurry from the Turamdih Uranium Mill is dumped into this tailing pond. There are no proper barricades on all sides of the pond. Sahebram Murmu who lives on the edge of the tailing

58 https://www.academia.edu/10140481/A_PARADISE_LOST_TRIBES_OF_JHARKHAND_FIGHT_AGAINST_URANIUM_MINING

pond is of the opinion that since only one side of the tailing pond is fenced off and all the other sides are kept open it creates lots of problems for the villagers. Wild animals often get trapped in the poisonous sludge and die immediately. Often, the villagers' cattle also stray into the pond, get trapped in the poisonous sludge and die. The villagers and the experts pointed out that the Talsa Uranium Tailing pond is not constructed as per the international standards. The incidences of leakage and bund burst have occurred several times in the tailing pond and the radioactive waste overflow into the paddy fields and the low-lying areas.

When there are heavy rain at Talsa village, the villagers in the locality also mention that the outlet of tailing pond is unplugged by the UCIL Management to save pond as it was on the verge of collapse. Because of the high contamination and radiation, Kumarchand Mardi, a veteran Adivasi leader recalled that several quintals of fish in the downstream Subarnarekha River perish overnight. Several hundred snakes, rats and other rodents also die. Paddy fields turns yellowish and dry up.

In the Turamdih uranium mine, most of the Adivasis are working there are temporary workers. The UCIL has no plans to educate the workers and given them proper knowledge about radiation. The villagers whose land has been taken away are also not fully aware of the impacts of the project. The focus of the most of the unions and social movement groups working for the welfare of the displaced Adivasis are only focusing on getting compensation, more money and few jobs in the company. Thus the rehabilitation policy that is really sustainable is not being developed in the whole of Jharkhand. The union leadership and the social movement groups working on rehabilitation are only concentrating on some financial aspects of displacement

Banduhurang Uranium Mine

Banduhurang Mine was commissioned in 2007. This mine is the first opencast uranium mine in India and situated very close to Turamdih Mine and Mill. This mine uses excavators and dumpers for extracting the uranium ore. The villages surrounding the mine are severely affected by the routine blasting, noise and dust pollution, uranium waste dumping in to the farms and fields. Untreated waste water from the mine is let into the river and water bodies, affecting crops. The movement of the villagers have severely been restricted since the opening of the mine. Farming has become almost impossible in the vicinity of the mine and grazing cattle has almost been abandoned.

Mohuldih Uranium Mine

Mohuldih Uranium Mine is located bit away from the Turamdih mine. It is situated in Gamharia block in the district of Seraikella-Kharsawan. This mine

was commissioned in 2012. The uranium ore extracted from this underground mine is transported to Turamdih mill about 7 kilometres away, for further processing. UCIL boasts of using latest technologies and machineries in this mine to extract uranium. This mine too has displaced several farmers, but relatively few when compared to Banduhurang and Turamdih mines. The Uranium mining by UCIL and its parental organisation the Department of Atomic Energy (DAE) has launched a two-pronged attack on the people:

Our findings

During our interactions with activists, villagers and experts while doing a study on new uranium mines, published as 'A Paradise Lost, the impact of uranium mines in Jharkhand' co-authored with PT George, it was made amply clear to us that the miners working in UCIL's Turamdih mines and mills, Banduhurang open cast mines and Mohuldih underground mines are at great risk, because of their continuous exposure to high concentrations of a radioactive gas called Radon-222. According to Xavier Dias, "Radon-222 is a decay product of uranium and a highly carcinogenic alpha emitter. When inhaled it gets deposited in the air passage of lungs, irradiate cells and later become malignant. Uranium miners are also exposed to Radium-226, another lethal uranium daughter, which is an alpha and gamma emitter with a half life of 1,600 years. Radium-226 is an integral component of uranium dust. If this dust is inhaled, Radium is absorbed into the body and gets deposited in the bones which in turn cause estrogenic sarcoma, a highly malignant bone cancer, and leukaemia, because white blood cells are manufactured in the bone marrow. Uranium daughters present in the ore emit gamma radiation too, which emanates from the surface of the uranium mine. So, miners are constantly exposed to whole-body radiation (like X-rays), which irradiates their bodies and even damage their reproductive organs. As a result, uranium miners suffer from a very high incidence of cancer and other lethal diseases.

Many Adivasis working in the UCIL mines of Jaduguda, Bhatin, and Narwapahar — though it is kept as a secret — have died die to lung cancer. What happened to those workers in the older mines have also been happening to miners working in the mines of Banduhurang, Turamdih and Mohuldih. A deadly fate is eagerly waiting for them. People living in Turamdih, Jaduguda and Banduhurang, not only suffer from serious ailments due to radiation but also social exclusion. Around four decades ago, just the way it used to happen in leprosy colonies, the social exclusion is happening to people who are displaced by uranium mines. Very seldom marriages take place in leprosy colonies as young men and women affected by leprosy used to live in isolation and exclusion. Similarly, in the uranium radiation zones, such issues have surfaced. Adivasis living in and around the uranium mines are often excluded

from attending marriage functions of their relatives living in other villages. Even if they are invited, they would be served food in different utensils, which are kept separate from other utensils. During some family functions or religious rituals Adivasis living in Jaduguda or Turamdih are not invited to take part. Adivasis and others living in Jaduguda, Turamdih and others are socially excluded within their communities and even outside. It's a serious issue which needs to be studied by the Government and NGOs so that that, measures could be taken to stop these things.

People living near uranium tailing ponds and the adjoining villages, who have never heard of complex scientific words such as Thorium, Plutonium, and Radon and so on, are simply not aware of the fact that they are continuously exposed to Radon gas and other uranium decay products. They are vulnerable to constant radiation, which in turn will make them prone to cancer or leukaemia. A mere sight of the people living in villages very close to the UCIL mines and the tailing ponds – make it amply clear that the radiation is taking a terrible toll on their lives. Most of the villagers look frail, sick, suffering and gradually would die from radiation related diseases. No one knows exactly, how many innocent villagers have fallen prey to various radiation-related diseases, because the UCIL authorities do not keep a track them.

Firstly, the UCIL has expropriated the livelihood of the people without considering any alternative for the adivasis who are primarily dependant on agriculture; Secondly, uranium mines cause radiation and it impacts human beings, animals, plants and the environment and; Thirdly, there is an alarming rate of human right violations on the people who are affected by mining, especially the Adivasis and members of the civil society groups that protest any such violations. Where the nuclear power plants are coming up, the DAE is taking land away from the people. Here it is a question of land grabbing and at the same time committing human rights violations over organisations resisting such take-over. Another important issue is the construction of large projects dealing with massive possibilities of radiation, dangerous to humanity and ecology.

V

Development projects in Jharkhand

State- sponsored destructive development projects –be it mining, industries, firing range, power plants, dams or acquiring land for opening IITs, IIMs or other premier institutions – deprives adivasis, dalits, women and the marginalised sections of the basic tools of sustenance which they shape and build lives that retain a freedom from want. Displacement brings them face to

face with human and ecological paradoxes with tragic consequences. Alienation, forcible evacuation, the shifting of emotional territories, the schizophrenia of new locales

Development projects have uprooted millions of adivasis, which had brought a major inflow of non-adivasis who are better equipped with the skills of appropriation to increase the pressure on land. The only remaining source of sustenance- the land is being snatched away from them. The Welfare programmes or schemes have added to the influx and emergence of a new class of exploiters – the contractors, the political big wigs and bureaucrats. Further alienation of land had pushed adivasis to the brink of disaster. The adivasis are forced into the labour market at the lowest rung. The land- their only source of livelihood with dignity is continuously being robbed from them. In the state capital Ranchi at Lalpur Chowk or near the Kutcherry, uprooted adivasi men and women sit on the road to sell their labour. But the contractors, majority of them are non-adivasis and outsiders prefer women or adolescent girls, as they are vulnerable and pliable.

Development is a game-plan that excludes adivasis, *dalits* and the marginalised almost entirely from any benefits whatsoever. Displacement is concomitant of development-direct and indirect displacement has been sadly a recurring feature in the adivasi belt of Jharkhand for too long. Loss of land and forests are not only the consequences of displacement. It wreaks havoc with their entire way of life and culture. Most importantly it has helped in dismantling the *raison de' etre* of ancient culture as it helps in robbing identities of historicity thereby creating fissures in the social and cultural cohesion of the communities.

The deep discontent brewing against the development projects and its adverse impact has helped the adivasis to perceive the hidden agenda behind any project which aims to bring them into national mainstream. They have learnt from their experiences that integration with the so-called mainstream means widening of existing disparities and surrender before the dominant intruders.

The dominant development paradigm is itself antagonistic to the survival of the adivasis, whose world views are compatible with the emancipation of toiling masses. All structures which are proponents of the development model, whether it is the established big political parties, the state-funded NGOs, rightist reactionary organisations or extremist groups are being increasingly perceived as enemies of the adivasis.

VI

Koel Karo people's movement: Mother of Anti-Dam Battles

In 1955, when Jharkhand was still part of Bihar, the Koel Karo hydroelectric project was conceptualized, with subsequent surveys in the 1950s conducted by the Bihar State Electricity Board. By 1972-73, the project report had been prepared, and land acquisition began. The intention was to generate 710 megawatts of electricity. The rivers would be dammed at two points: Basia on the South Koel River and Lowajimi on the North Karo River. The two reservoirs would be connected through an inter-basin channel with a length of 34.7 kilometers⁵⁹.

The estimated displacement has been widely contested, with official estimates pegging it at 7,063 families from 112 villages, but community estimates going as high as 200,000 people. It is believed that 135 to 140 villages would be completely submerged, while 66 acres of cultivated land would be permanently flooded. Further, several sacred sites of the local population would be submerged by the project, estimated at about 152 sarnas (sites for ritual festivities) and 300 sasandhris (burial sites)⁶⁰.

The Koel Karo Jan Sangathan (KKJS) has been opposing the project since 1970s and the struggle has been termed as the 'mother' of the anti-big dam in India which continued for 40 years. Spearheading the struggle, KKJS advocates for the rights of adivasis and present a unified face to the government. This democratic struggle has been one of the most sustained struggles for identity, justice and place—a struggle that has contributed hope and inspiration to a wide cross-section of people's struggles throughout India.

In the initial period of the Koel Karo project, access roads began to be built to the Karo area, but the workers building the roads were brought in from other areas, and the locals were kept unaware of the intentions of the government. In 1974-75, following the creation of a blueprint for the project, an office was established at Torpa, a small city near the project sites. The Torpa office began to acquire land for the project. Only at this point did the local people become aware of the planned dams.

⁵⁹ <https://www.ritimo.org/The-Koel-Karo-People-s-Movement-in-Eastern-India#:~:text=The%20inhabitants%20of%20the%20area,the%20Bihar%20State%20Electricity%20Board.>

⁶⁰ <https://base.d-p-h.info/en/fiches/dph/fiche-dph-8885.html>

The adivasi villagers were troubled by the corruption pervading the process of acquisition, and united against cheating in the “measurement of land, in payment of compensation and giving of jobs.” They began mobilizing, and two organizations were formed: the Jan Sanyojan Samiti (People’s Coordination Committee) in the Karo area, and the Jan Sangarsh Samiti (People’s Struggle Committee) in the Koel area⁶¹. Initially, the adivasi and non-advasi cultivators had differing opinions about the mode of agitation, but by 1976, the two resistance organizations united to form the KKJS, with Moses Gudia elected as the Chairperson, and Halim Kujur as the General Secretary.

There had been reports by many villagers of poor survey work and destruction of crops during surveys, leading to a general demand that survey work be entrusted to locals, not outsiders. In 1977-78, this culminated in a significant agitation, the kam roko andolan (stop work agitation), which primarily focused on not allowing work to continue in the project area. The villagers successfully constructed a barricade at the village of Derang, and were able to stop the unloading of cement and steel by the Bihar State Electricity Board (BSEB) at the train station in Pakra. On January 5th, 1979, the BSEB invited the KKJS for negotiations. At this meeting, the KKJS presented a 16-point charter, following which it was agreed to unload the materials at the station. In return, the government was required to delay construction until a mutually-acceptable solution to the issue had been found⁶².

In 1980, the project was brought under the National Hydroelectric Power Corporation (NHPC), which meant that the new head of the project was far less approachable. The struggle intensified, with protesters damaging a vehicle used by land acquisition officials. Women also joined the struggle. The government was forced to initiate discussions with KKJS, and several rounds of discussions took place between July 1983 and May 1984, but bore no fruit. By July 1984, the Bihar state government sent in armed forces to secure the area, but they were resisted by the villagers. Women blocked access routes to the area, and prevented any access to drinking water, firewood and so on. In fact, rumours began to spread that the water meant for the troops was being poisoned by the villagers, leading to great panic among the troops. As NHPC started to hold its fort, surveys began to take place and the company started entering the village with paramilitary force⁶³.

61 <https://base.d-p-h.info/en/fiches/dph/fiche-dph-8885.html>

62 <https://www.ritimo.org/The-Koel-Karo-People-s-Movement-in-Eastern-India>

63 <https://www.adviasi-koordination.de/wpdev/wp-content/uploads/2018/02/diplomarbeit-koel-karo-summary.pdf>

Soma Munda, an ex army soldier and President KKJS, pointed us that the fight against the company took a sharp turn hereon,

The ‘force’ created enormous troubles for the adivasis. Villagers formed special groups to keep it under check. The ‘janata curfew’ – a system where the villagers decided what time the forces could emerge from their camp – was enforced. It became impossible for the armed men to continue staying when the non-cooperation of the villagers reached tipping point, and they refused to share water and other basic amenities with them. Finally, the force retreated

In August 1984, B. P. Lakra of the Xavier Institute of Social Service submitted a petition to the Supreme Court. The Court responded favorably, issuing an injunction stating that the government was not permitted to use force to acquire land until a mutual agreement had been reached. This was a shot in the arm for the movement, and the armed forces had to retreat. The next ten years saw relatively limited activity on the project front, with mere official dithering. In 1985, the Government of Bihar announced that it would build two model villages, meant as rehabilitation villages, and then the villagers were free to choose if the new habitation was suitable; however, the government never fulfilled its promise. In October 1986, all developmental activities in the area were halted.

However, near a decade later, activity intensified when the government announced that Prime Minister Narasimha Rao would lay the foundation stone of the project on July 5th, 1995. This announcement was met with strong opposition in the area, with thousands participating in protests and demonstrations. On June 10th, 5000 protesters gathered in Torpa⁶⁴. On June 26th, 15,000 marched in Tapkara. This demonstration culminated in the declaration of a people’s curfew in the area, which meant that government and project officials were barred from entering the vicinity. In fact, the KKJS had declared July 5th to be a Sankalp Diwas (Day of Commitment). This led to the prime minister canceling his attendance. The state’s chief minister Laloo Prasad then announced that he would inaugurate the project, only to be met with similar protests. Backed by opposition political groups, the KKJS declared that it would prevent the Chief Minister from coming to the project site, and more than 25,000 people blocked the road by lying on it, preventing the Chief Minister’s helicopter from landing anywhere, leading to the cancellation of the event. This massive rejection of

⁶⁴ <https://thewire.in/rights/18-years-on-memories-of-jharkhands-ativasi-anti-dam-struggle-endure>

the Chief Minister's entourage received solidarity from several NGOs and human rights organizations from across the world⁶⁵.

In December 2000, the new state of Jharkhand was carved out of Bihar, and the opposition party (the Jharkhand Mukti Morcha) told the newly-formed government, led by the right-wing Bharatiya Janata Party (BJP), to expect dire consequences if the Koel Karo Project was resumed.

On February 1, 2001, on the pretext of a search operation for members of a Maoist guerilla group, armed troops were sent to the site of the project in Tapkara, where they removed the barricade that had been erected by the KKJS. Amrit Gudia, a villager who was passing by, protested to the police contingent about their removal of the barricade, following which he was assaulted until he lost consciousness. Another villager, Lorentius Gudia, then accosted the policemen, only to be assaulted himself, following which the policemen fled the site. The KKJS held a meeting in the evening, to review the immediate steps that needed to be taken to deal with the situation. They decided to hold a peaceful sit-in at the same site where the barricade had been placed. The next day, February 2, a crowd of about four and a half thousand gathered at Tapkara. Under the leadership of Raja Poulush Gudia, Soma Munda, Vijay Gudia, Poulush Gudia, and Sader Kandulna, they submitted a memorandum of their demands to a police officer present on the site. The demands were as follows: "The police officials must replace the uprooted barrier back...with due respect and in accordance with tribal customs. Both the injured victims – Amrit Gudia and Lorentus Gudia – must be paid compensation⁶⁶ of Rs. 50,000 each. The twin guilty officers-in-charge R.N. Singh [from the Tapkara Observation Post] and Akhshay Kumar [from the Rania Police Station] must be suspended with immediate effect and be removed from the area."

This last demand was important because the two offending officers were not from tribal communities. As organizations like the People's Union for Civil Liberties (PUCL) have argued, only tribal police officers should be posted in tribal areas.

After some time, a local BJP politician, Koche Munda, arrived and addressed the gathering. He left the site for some time, at which point, a sudden police firing took place, leading to the death of 8 people (seven adivasis and one Muslim) and the injury of some 30 people on the site. There are several contesting versions of what happened. The official police version claims that the crowd got agitated after being incited by a local timber merchant, after which

65 <https://thewire.in/rights/18-years-on-memories-of-jharkhands-ativasi-anti-dam-struggle-endure>

66 <http://base.d-p-h.info/fr/fiches/dph/fiche-dph-8885.html>

they were warned several times, then tear gas shells were released into the mob, following which the shoot order was given. Several eyewitnesses and policemen, after a fact-finding team visited the site, revealed that the two policemen involved in the thrashing the previous day began assaulting women and youth who were sitting in front, following which some of the local youth got enraged and began pelting stones at the crowd. The police fired some shots in the air, after which the crowd began dispersing, and the police started firing indiscriminately at the retreating crowd. The site of the firing was immediately renamed the Shaheed Sthal (Martyrdom Site). The firing was met with outrage across the country.

Every year, henceforth, February 1, 2 and 3 are days when members of the community gather at Tapkara, the site of the martyrdom, to remember the supreme loss undertaken by many against the repression of the police forces⁶⁷. On August 29, 2003, Arjun Munda, the Chief Minister of Jharkhand, announced that the Koel Karo project was being scrapped. The reason stated was financial difficulty, and exorbitant rise in the project costs and estimates, since the initial formulation of the project. Following this momentous announcement, on February 1, 2 and 3, 2004 the KKJS organized a large programme at the Tapkara martyrdom site, and February 3rd was declared as Vijay Diwas (Victory Day).

On July 21st, 2010, the Governor of Jharkhand finally completed the closing of the Koel Karo project, giving official sanction to the announcement made about seven years earlier. All offices of the project were closed, and all employees promised rehabilitatory employment in other government agencies.

The victory of adivasi residents across the Koel-Karo basin is a poignant story of survival. But it has cost them their lives, where, generations have come together to save their land in extraordinary unity⁶⁸. Soma Munda pointed out that this is a living example of how adivasis sweat and blood had saved them. KKJS President said that it would have been the longest canal joining the two dams, then they would have drowned themselves with the water.

The dam's structure might never have come up, but for Soma Munda, it is a living enemy. "They think we have weakened. They must know they are wrong. We are quiet until the dam is quiet, we shall wake up in rage if the dam comes, like we always have," Soma Munda warned.

⁶⁷ <http://base.d-p-h.info/fr/fiches/dph/fiche-dph-8885.html>

⁶⁸ <https://base.d-p-h.info/en/fiches/dph/fiche-dph-8885.html>

The KKJS has maintained its role as a social organization, involving itself in the day to day affairs of the members of the community, and has taken initiatives to run cooperatives in several villages. They have also involved themselves in developmental activities of all villages in the area.

The struggle in the Koel and Karo villages is also a struggle against development policies that have privileged the needs of industries and urban centres over those of the local communities, policies that have been made predominantly by those who have little comprehension of the importance of place and of the critical issues. The Adivasis interest have come into sharp conflict with the national interest of states and of national and global capital and their remote-controlled extractive governance. The processes of economic globalisation that have placed conflicts of interest. The Koel Karo peoples struggle has led them to search for alternatives to large-scale hydroelectric power generated by such dams. In the process they have provided a critique to mainstream definitions of culture and to community-civil society state relations and asserted that collective action can nurture community solidarity and cultural and political affirmation. Another issue that the struggle has highlighted is that while state violence does not always provoke social movements, in the case of Koel-Karo, what was crucial is that sustained State harassment, oppression and violence did not result in violent community responses but in creative non-violent resistance.

VII

Jal, Jangal aur Zameer: the Pathalgadi Movement and Adivasi Rights

The Pathalgadi movement of the adivasi people started in 2017 was marked by the practice of erecting large stone plaques at the entry points of adivasi villages in Jharkhand. They were painted green and covered with constitutional provisions carved in white lettering. The leaders of the movement decided to carve the key provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) 1996 as messages on the stones to enlighten adivasi people about this law, which allows villages to constitute as administrative units. The movement stemmed from a two year long agitation against the government's proposal to introduce land acquisition laws, which would threaten the land rights of adivasi people.

The movement gained popularity in several villages of Khunti district of Jharkhand in late 2016. Khunti district is widely known for being the birthplace of adivasi hero and icon Birsa Munda. Since 2016, the movement has gained

popularity in Chhattisgarh, Odisha, other districts of Jharkhand and parts of West Bengal and Madhya Pradesh⁶⁹.

Historically, the word ‘Pathalgadi’ comes from an adivasi custom of positioning a stone on a dead person’s tomb. According to sociologist Prof. Virginius Xaxa, the custom is more frequently practised among adivasis from the “Austro–Asiatic linguistic family such as the Mundas, Khasis, etc.” Contemporarily, drawing from this custom, Adivasi communities display messages on large stones— known locally as Pathalgadi— that are painted green and measure about 15 ft by 4ft. The movement seeks to replace the power of the central and state government with that of the local Gram Sabha. Thus, the messages they display include excerpts from the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) as well as warnings to outsiders that inform them not to enter the villages.⁷⁰

1) Historical Precedents for Adivasis Land Alienation

Virginius Xaxa argues that while the state government and mainstream media have labelled the Pathalgadi movement as "anti-national" and "Maoist-driven," it brings to the fore long-standing issues Adivasis face, particularly that of land alienation. Xaxa details how this process was institutionalised during colonial rule⁷¹.

What has been happening in the adivasi areas in the heart of India, reminds one of the early phase of the British rule in these areas. The British brought tribes under the same rule and administration as others, once the territories they inhabited were incorporated into British India. There was an imposition of laws, rules, regulation and administration that were alien to the adivasis. The new land and revenue settlements resulting in the introduction of private property in land along with written documents in support of it, was one such instance that played havoc in adivasi areas⁷². This was the beginning of the alienation of adivasi land to non-tribes.

Even after specific legal provisions were made in the Constitution to safeguard adivasi rights, the people and institutions that were given the responsibility to administer them often had little knowledge and understanding of the provisions and laws themselves⁷³.

⁶⁹ <https://www.epw.in/engage/article/pathalgadi-movement-nation-autonomy-rights-ativasi-jharkhand>

⁷⁰ <https://beaconias.com/the-pathalgadi-movement-and-ativasi-rights/>

⁷¹ <https://www.epw.in/node/155441/pdf>

⁷² <https://www.epw.in/engage/article/pathalgadi-movement-nation-autonomy-rights-ativasi-jharkhand>

⁷³ <https://www.epw.in/node/155441/pdf>

2) All in the Name of Development

Grounds for the Pathalgadi movement were laid when the Jharkhand government organised a global investors' summit titled "Momentum Jharkhand" in Ranchi on 16–17 February 2017. Replenishing the colonial tradition, it aimed at making the state a hub for investments in mining and industries and a number of memoranda of understanding (MoUs) were signed⁷⁴. The Government started a "land bank" policy in which it included thousands of acres of non-cultivable land, to be given away to the companies for "development purposes". Given that Adivasi people had experienced land alienation and displacement at the hands of the colonial and Indian government, they saw these announcements as renewed attempts to take away their land.

3) Restoration of Tribal Land in Jharkhand

Ramesh Sharan offers a thorough account of how Adivasis in Jharkhand were and continue to be alienated from their land, despite legal provisions designed to address the multiple problems they face. Sharan provides a comprehensive 12-point strategy to restore the relationship both Adivasis and non-Adivasis have with their land. One component of this strategy seeks to address the issue of acquiring land for public purposes.

The largest amount of land has been acquired for public purpose and practically half of this has been taken from Adivasis. In comparison, only 25 per cent per cent of Adivasis were rehabilitated. In a large number of instances no compensation was paid for decades. The use of the principle of eminent domain to acquire land thus seems to many to be grossly unjust... There should be no displacement without prior acquisition; the resettlement and rehabilitation should be for the entire population living within the ecosystem acquired and not just the losers of private land; the area requisitioned should be subjected to social audit; rehabilitation should cover social, religious, economic and psychological aspects; and the land losers should be given a stake in the command areas and the industries created.

4) Forms of Landholding and Safeguards for Adivasis

Two acts—the Chotanagpur Tenancy Act (CNT) enacted by the British in 1908 in response to the Birsa Movement and the Santhal Parganas Tenancy Act

⁷⁴ <https://www.epw.in/node/155441/pdf>

(SPTA) passed in 1949—regulate and largely prohibit the transfer of tribal land to non-tribals and protect community ownership. As a result, Nitya Rao writes that most Santhals have some landholding, albeit often small due to division and sub-division over generations. A range of tenancy and sharecropping arrangements have emerged.

The most common form is land mortgage, locally termed “bhorna” or “miyad”. In this form, grain or money is borrowed during times of need, and a proportionate amount of land given for the crop season. Linked to poverty and indebtedness, bhorna is widespread in most villages⁷⁵.

During BJP’s rule in the State, the then Chief Minister Raghubar Das at the Jharkhand assembly passed amendments to both acts in late 2016 to be able to acquire adivasi land for “development projects.” While widespread protests compelled the government to withdraw the bills, Nitya Rao’s research found that loopholes and infringements of the acts allowed for the transfer of land.

From 2001 to 2005, however, there had been considerable transfer of land through privately negotiated, temporary lease arrangements for stone quarrying and crushing, from adivasis to outside contractors. This has no doubt helped generate local employment, yet has raised issues in relation to the terms of employment, health hazards, the destruction of common property and the long-term implications in terms of the sustainability of local livelihoods. Rather than regulating such mining, in line with its new industrial policy and Vision 2010, the government is supporting such initiatives⁷⁶.

5) Conceiving and Implementing the PESA Act

The Pathalgadis display excerpts from the PESA Act, an act that Nandini Sundar argues was designed to encourage a form of governance that built on local traditions of participatory democracy. The act was passed in 1996 largely based on the recommendations of the Bhuria committee. The recommendations sought to build upon local customary laws and indigenous structures, and to empower Adivasis against displacement and exploitation by equipping the Gram Sabha with various powers.

The committee envisaged a four-tier structure (rather than the usual three) consisting of Gram Sabhas with traditional village councils or nominated heads, village panchayats, intermediate panchayats and district councils: “the

⁷⁵ <https://beaconias.com/the-pathalgadi-movement-and-ativasi-rights/>

⁷⁶ <https://www.epw.in/engage/article/pathalgadi-movement-nation-autonomy-rights-ativasi-jharkhand#:~:text=A%20range%20of%20tenancy%20and,given%20for%20the%20crop%20season.>

Committee felt that while shaping the new Panchayati Raj structure in adivasi areas, it is desirable to blend the traditional with the modern by treating the traditional institutions as the foundation on which the modern supra-structure should be built. (Summary, para 2)⁷⁷... [The act's] watered down requirement of consultation before land is acquired (as against the consent that the Bhuria committee had recommended), the absence of any structure that could include traditional supra-village levels like the Pargana or Parha, or the absence of any effective mechanism to override the forest and police departments. On the positive front, PESA gives the Gram Sabhas (or panchayat at the appropriate level) a number of specific powers. Three that are significant are the ownership of minor forest produce, the power to prevent land alienation and restore land to scheduled tribes, and the power to control money lending⁷⁸.

Pathalgadi Movement, sedition charges by State's BJP Government and now withdrawn

The 10,000 Adivasis accused of sedition constituted two percent of Khunti district's population. The actual number of sedition-accused in the district could, in fact, be higher since it was widely believed that there were more than just 19 FIRs against Pathalgadi supporters

The 19 FIRs that were examined identified 132 people by name, many of whom were named in multiple FIRs. Forty-three of the accused were village chiefs. The rest were "unknown", which had created a chilling effect in the district as villagers feared the police could indiscriminately implicate anyone in the cases in the future.

Strikingly, Khunti district is home to two of the most popular historical figures from Jharkhand. The adivasi iconic hero, Birsa Munda belonged to Khunti was killed in 1900 at the young age of 25 after he led a powerful rebellion against the British. The other is Jaipal Singh Munda, a charismatic hockey player who led India to a gold medal in the 1928 Olympics and went on to become one of the most prominent Adivasi voices in the Constituent Assembly that ratified the Indian Constitution in 1950⁷⁹. Seven decades later, Adivasis said they were being hounded for invoking the Constitution to protect their land rights.

⁷⁷ <https://beaconias.com/the-pathalgadi-movement-and-ativasi-rights/>

⁷⁸ <https://www.epw.in/engage/article/pathalgadi-movement-nation-autonomy-rights-ativasi-jharkhand#:~:text=A%20range%20of%20tenancy%20and,given%20for%20the%20crop%20season.>

⁷⁹ <https://scroll.in/article/944116/10000-people-charged-with-sedition-in-one-jharkhand-district-what-does-democracy-mean-here>

In its first decision, after being sworn in as Jharkhand's Chief Minister Hemant Soren in 2019 dropped all cases filed against supporters of the Pathalgadi movement in 2017 and 2018.

VIII

FRA 2006 and its dismally slow implementation, as injustice continue...

Jharkhand has a vast tract of forest area and there is a sizeable population of adivasis and traditional forest-dependent communities. It is among the prominent states for the implementation of the Forest Rights Act (FRA). In the state, activists and scholars espousing the cause for the forest rights of the adivasi and traditional forest-dwellers, raise some ambiguities in the Act alongside, it's faulty implementation. The communities control over forests and its protection and thwarting the land mafias and corrupt officials from damaging the forest are not recognized. Forest bureaucracy in tandem with the district administration creates hurdles in filing the Community Forest Resource (CFR) Rights claims. The villagers are not provided even the minimum support for filing CFR claims. Most worrisome are consistent reports of massive irregularities as the lowest officials in Forest department indulging in corruption. Forester and forest guard selling the CFR and individual claims forms though being it free of cost as villagers have to cough up money and even they have to pay 'approval fee' during the measurement of land and other processes. Now consider this: community rights under the Act include the right to collect minor forest produce, like bamboo and tendu leaves, which accounts for half the forest department revenue. Reason enough for states to scuttle community rights, which the Centre is trying desperately to enforce⁸⁰.

The implementation of FRA 2006 in Jharkhand has been the most shameful one as compared to other states. The progress is horribly slow and fractured. But more importantly, the implementation process and its outcome have been causing more injustice rather than doing away with it. The average land under cultivation recognised under the Act has been only 2.46 acres per family, much lower than what was claimed. No family, consisting of at least five members can live in the forest on this paltry and un-irrigated land. The District Administration and the Forest Department distributed an unwarranted 'record of rights recognition' to some villages in Godda District of Santhal Parganas that allowed the villagers only to pluck Tendu and Sal leaves, consume Mahua flower and fruits and undertake sericulture. No community forest resources rights have been recognised. It is quite clear now that not only the Forest Department

⁸⁰ <https://www.downtoearth.org.in/coverage/forests/how-government-is-subverting-forest-rights-act-2187>

but the District Administration is also involved in frustrating the Act in the state.⁸¹

Sanjay Bosu Mallick of Jharkhand Jungle Bachao Andolan (JJBA) has played an important role in the Forest Rights Act (FRA) brought in 2006, which despite its flaws and weakness forced the Government to recognize community rights of adivasis all over India. However, like all other well intentioned Indian legislations that could have dented the interests of the profit driven system, this Act also suffers from lack of implementation⁸².

The JJBA started in 2000 as a grassroots movement for restoration of forest rights for the adivasis, provides them a common platform for sharing of experiences, coordination and cooperation in Jharkhand. As a result, adivasis of Jharkhand have become conscious of their rights, as well as the importance of forest conservation. They have started to act and make demands, to confront and challenge forest officials, contractors and the timber mafia, and they have filed a case at the High Court of Jharkhand to restore the Mundari Khuntkatti villages' rights over their ancestral forests.

Hemant Das of Jharkhand Mazdoor Kisan Union (JMKU) has prepared a detailed report of villages based on the RTIs filed by the local community against the process of harassment and threatened eviction of local communities despite them having filed claims for Individual Forest Rights (IFR) and submitting the necessary proof of cultivation prior to the cut-off date of 13th December 2005 and CFR claims under FRA including the right to collect minor forest produce, like bamboo and tendu leaves. Reason enough for states to scuttle CFR, which the Centre is trying desperately to enforce⁸³.

Forest department consider adivasis or forest-dependent communities' as encroachers on the land, which they have been living for generations. Even after filing IFR claims under the provision of FRA, villagers were booked under Bihar Public Land Encroachment Act, 1956 for tilling the land, which their forefathers followed by generations cultivating for centuries. Agriculture has been their sole livelihood option but constant harassment by the forester and forest guard for tilling the land, then followed by court cases or arrests has forced many men and women migrate to Tamil Nadu, Kerala, Chhattisgarh or other states in search of livelihood. Many among them have taken bail and left the village out of desperation. But still then, they can't escape the harassment, when they return to the village taking vacation from their work for meeting their families again they are booked as encroachers. Whatever they earn the amount is spent

81 <https://www.downtoearth.org.in/coverage/forests/how-government-is-subverting-forest-rights-act-2187>

82 <http://www.socialism.in/?p=1753>

83 <https://www.barandbench.com/columns/policy-people-forest-rights-act>

on getting the bail bond. Many of the villagers are facing 8 to 10 cases that too booked in a year. Pushed to such circumstances, they have sold their domesticated animals, jewellery, utensils or saved earning in the false cases⁸⁴. In each case, the villagers have been fined to the tune of Rs. 1 to 10 lakh. Even after the enactment of FRA in 2006, there is no respite for them.

Whenever the villagers try to till their land the forest department becomes active and puts its all efforts in turning them into encroachers booking them by framing frivolous charges against them⁸⁵. It's breaking their backs and pushing the adivasis and forest dependent communities to the condition of servitude.

However, the Forest Department in tandem with the district administration have been constantly trying to banish the adivasis or forest-dependent communities from the forest. They have working as 'land mafia'. FRA is grossly violated in Palamau, Garhwa and Latehar districts, which are the most backward districts of India. In such challenging conditions, JKMU has been trying to get them all the legal assistances, within its reach. ⁸⁶

Forester and forest guard in collusion with timber mafia are indiscriminately cutting the trees. They shift the blame on adivasi villagers or traditional forest-dwelling communities in order to punish by extracting exorbitant fines from them. The intimidation of the impoverished villagers continues unabated. In the last 3 to 4 years they have been terrorized in such a way, that out of desperation, many of the men had migrated to other states in search of livelihood. Forest bureaucracy has been trying persistently to trample down the adivasis and forest dependent communities by violating all the provisions of FRA. Majority of the villagers it was amply made clear that the lands, which their forefathers earlier and now they have been tilling for generations, are harassed and intimidated. The FRA was passed in December 2006 to recognise the rights of the tribals and traditional forest dwellers, who had been treated as 'encroachers' until then. Still now, it continues in many of the villages. The law claimed to right the historic wrongs committed against forest dwellers in India. Even after its enactment 14 years back, the Forest Department has been assiduously trying to hold its bastion, which they have been holding for 73 years, they would try to forestall all the attempts so that it doesn't go in the hands of the Gram Sabha.

The arbitrarily declared unplanned lockdown across the country brought hardships to several sections of the society, but Adivasis and forest-dwelling

84 <https://www.barandbench.com/columns/policy-people-forest-rights-act>

85 <https://www.barandbench.com/columns/policy-people-forest-rights-act>

communities have been among the worst hit. According to the activists who work for land rights, policy decisions for forest diversion taken during the COVID-19 lockdown, which potentially dilute the Forest Rights Act, 2006 (FRA) and undermine the decision-making authority of the Gram Sabhas, is the biggest threat faced by the communities⁸⁷.

FRA requires completion of the recognition and vesting of forest rights, and obtaining free prior informed consent of Gram Sabhas before diversion of forest lands, which has been specified in the Ministry of Environment, Forests and Climate Change (MoEFCC)'s own guidelines (2009), the Forest Conservation Rules (2016), and also upheld by the Supreme Court in the landmark Niyamgiri judgment (2013)⁸⁸.

IX

Adivasi women woes have increased

Adivasi women face trafficking, migration, unemployment, deforestation etc. as the transformation of agrarian economy to mining economy degrades women's economic, social and cultural status. Hence non-existent social evils like wife battering, alcoholism, indebtedness, physical and sexual abuse, prostitution, polygamy and desertion are common in the mining region. The patriarchy gets reinforced when mining industry downplays this brutal transformation wreaking havoc on women. Women marketed as vulnerable, entertaining and sexy objects by the media. Trafficking of women in mining and other industries are rampant in districts of Jharkhand⁸⁹. In Ranchi, still there are placement agencies running the trafficking racket. Adivasi adolescents or women fall to the lure of the agents and are employed as domestic maids in big cities like Delhi and Mumbai. Newspapers and TV channels maintain a 'conspiracy of silence' on the mining stories affecting the lives of Adivasis. Formation of Jharkhand in November 2000 added to the influx and emergence of a new class of exploiters, the contractors, politicians and bureaucrats. The major outflow of resources to the urban market-industrial complex has further uprooted millions of Adivasis and major inflow of non-Adivasis with the skills of expropriation, increased pressure on the land.

87 <https://www.ethicoindia.com/forest-rights-have-been-crushed-during-lockdown-say-activists/>

88 <https://www.newsclick.in/forest-fights-crushed-during-lockdown-activists>

89 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

The root cause of all sorts of exploitation, which girls are subjected to and from adolescence onwards, is illiteracy⁹⁰. Disparity between the genders, particularly in rural areas, is a reflection of the social attitude of discrimination towards the girl child. Social and cultural traditions perpetuate the disadvantages deriving low status early marriage, poor health and poor nutrition. Girls don't go to school because of distances, inflexible timings, irrelevant and gender-insensitive curricula. First, solving these problems and implementation of compulsory education for girl has to be sorted out. Technical education can be an effective entry point to women's economic and overall empowerment. The level of mother's education is a vital factor in determining infant and child mortality. Education leads to direct economic benefits in the form of higher lifetime earnings for women while the society and community also benefit from higher productivity of its labour force. Female education also leads to greater ability on part of females to communicate with their spouses on birth control⁹¹.

Even after dream of *abua desh* (our country) became a reality for the Adivasis of the state, the Adivasis face brutal detachment from Jal, Jangal and Zameen (Water, forest and land). Women bear the brunt of social and ecological paradoxes as a result of displacement⁹². The practice of witchcraft pushes women to the condition of servitude. When women from villages and moffusil come to the cities in search of job, then either falls in the trap of the trafficking racket. Traffickers have carved out specific territories for themselves. Many mine owners procure adolescent girls and women by using women traffickers for liaison.

Women or men dalaals (agents) go deeper into impoverished villages and pick up adolescent girls or women. They go into 'labour catchment' villages during festival time and contact village pradhan, panch or influential men or any women who liaises for them with the parents of adolescent girls for procuring them for road construction, stone crushing mines or brick kiln units. They induce the parents to send their wards to work in the city assuring them a sizeable wage. But it happens the opposite⁹³.

90 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

Authored by Tarun Kanti Bose)

91 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

Authored by Tarun Kanti Bose

92 <https://www.jstor.org/stable/4406173?seq=1> Women's Labour and Migration: The Case of the Santhals

Authored by Nitya Rao and Kumar Rana

93 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

Authored by Tarun Kanti Bose

Women employed in mining range between the age of 25 and 35 years, walk 10 to 20 kilometres from their villages to gather at the main square of Dumka and Pakur districts of Santhal Pargana region, to earn their day's meal. Slowly potential employers come to the square, walk around talking to the labour and decide whom to employ. Then they pick up women and men, for working in the stone crushing mines. Most of the employers are crafty and clever who try to extract more work from the labourer by pushing back their clocks⁹⁴. If women stop work to drink water or relieve themselves, their employers even taunt them. They rebuke them, while simultaneously entices women labourers to provide the employers some personal services⁹⁵. Sexual abuse is a constant fear gnawing at the women labour. If women refuse the employer then they scold them for not working well and pay them less which were agreed upon as a wage. As it is, a woman's wage is less than that of a male labourer. Apart from Santhali women, Muslim and Pahariya and Birhor women also work in the stone crushing mines. Barharwa in Sahebganj, bordering West Bengal and Bangladesh adolescent girls and women are trafficked. Dalaals of the trafficking racket operate in collusion with the local police and there is illegal infiltration from Bangladesh, too. Dumka and Pakur, predominantly Santhali districts where women tend lose from all sides. Deprived from inheriting land and quite victims of polygamy, thrown out of the house without maintenance, a large number of Santhali women are forced to lead unimaginably hard lives, with hardly any resource support⁹⁶.

Hapless, battered and dejected Santhali women have no other option left but to fall in the trap of the traffickers deployed by stone crushing mines or other mines. There is miserable plight of adolescent girls or women selling coal at a Coal Market in Girdih. Many of buyers ask about the price of the girl along with the coal loaded in a basket. Pushed to impoverished condition, they keep mum by stomaching all the humiliations. Females selling coal in the market have to bribe the police, if they refuse then they would be intimidated, terrorised or put behind the bars⁹⁷.

94 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

(Authored by Tarun Kanti Bose)

95 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

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96 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

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97 https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

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Central Industrial Security Force (CISF) deployed for security of the coal mines help in the theft of coal from the mines.⁹⁸ CISF jawans demand money for allowing men or women for lifting the coal from the mines. Tribal girls have to shoulder the burden of the family and face physical and sexual abuse in her workplace, home and outside.

Physical and sexual assault at the mining areas is high because most of them work without their husbands and families. Women and girls are picked up by single men or by groups and dumped after being used. Such incidents are becoming common in brick kilns and mining areas. ⁹⁹With the influx of outsiders, destruction of forests and erosion of primary economic activities- agriculture and collection of forest produce- gender equilibrium has gone for a toss in Dumka and Pakur districts. As women form the bulk of the active workforce in the tribal society, they have been sucked into underbelly of progress.

X

Father Stan Swamy, UAPA and Institutional Murder

Father Stanislaus Lourduswamy, popularly known as Stan Swamy, a human rights defender and Jesuit priest working for adivasi rights for over 30 years was arrested by National Investigation Agency (NIA) on Elgar Parishad – Bhima Koregaon case on 8th October 2020.

Father Stan Swamy based in Jharkhand, who defends the rights of Adivasis is the founder of the Vistapan Virodhi Janvikash Andolan, an all-India platform that works to secure and protect the land rights of Adivasi and Dalit peoples. Stan Swamy has been a prominent advocate against the enforced displacement of Adivasi communities, which typically occurs for development purposes or for mining mineral rich lands¹⁰⁰. Currently being held at the Talaja Jail in Mumbai, is among the fifteen other human rights defenders who have been arrested over the past two years for their alleged involvement in the violence that broke-out at Bhima Koregan on 1 January 2018.

On 16th February 2021, Father Solomon, Director of Bagaicha Social Centre in Ranchi, said “Stan Swamy, had told the NIA on at least four occasions during his interrogation that fake evidence had been planted on his computer. During

⁹⁸ https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

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⁹⁹ https://www.academia.edu/3371485/DO_MEDIA_HAVE_A_SPACE_FOR_WOMEN_TRAFFICKED_IN_MINING_IN_JHARKHAND

Authored by Tarun Kanti Bose

¹⁰⁰ <https://www.frontlinedefenders.org/en/case/human-rights-defender-stan-swamy-detained-national-investigation-agency>

Stan Swamy's interrogation in Ranchi by the NIA between July and August 2020, told the agency at least on four occasions that he disowned the documents cited by the agency as incriminating, and that such documents might have been "intercalated" (to insert among existing elements), said Father Solomon, Director of Bagaicha Social Centre in Ranchi.

Some letters by the Lokmanch had been edited and words had been added or inserted. For instance, a letter started with the greeting of 'Johar' that is common in Jharkhand¹⁰¹. But the unusual word Lal' had been added. This made Stan raise questions on the authenticity of the documents, Solomon added.

Several activists incarcerated on fabricated charges in the Elgar Parishad-Maoists link case, which the United States based digital forensics firm's report punched a major hole in the concocted cases as the prosecutor consistently relied on electronic evidence in the case to oppose bail pleas, seek extension of custody etc. An independent probe should be conducted into the malware report and the 16 jailed for raising the voice of the marginalised be granted bail immediately and released.

83-year old Father Stan Swamy, whom I used to meet during Jharkhand visits at Chaibasa- based Jharkhandis Organisation for Human Rights (JOHAR) office or at Ranchi's SDC during workshops on Koel Karo Movement, I found him the gentlest and kindest human being I have ever met. His arrest under UAPA is shocking and preposterous. Who knows him closely, would find that Stan Swamy believes in non-violence and his integrity is above reproach. He is oldest among all the 16 arrested and incarcerated for years together under UAPA on fabricated and concocted charges. Their fault is that they have been serving the marginalised and voiceless forsaking their careers and comforts.

Xavier Dias, who has been close to Father Stan since he came to Jharkhand said, "You have to first understand that people of Jharkhand for 150 years they have been organising movements against colonialism-imperialism, which they understood then. Stan Swamy was the person, who came and stood by them. Stan helped them to understand colonialism better thereby the Adivasis enhanced their thinking and their ability to fight back. I don't go with the argument that Stan is 83 year old, he is a patient and he is a priest, all these things. Stan Swamy is a political person and by his long associations and activities with the movements, he has now become the icon of the movement and I have seen there has been no demonstration, which Stan has not attended. Any demonstration on Albert Ekka Chowk in Ranchi, Stan was there. He was one of the few, who cared to come out in the open and ask for the release of Dr

101 <https://www.outlookindia.com/newscroll/fr-swamy-told-nia-about-planting-of-evidence-says-colleague/2030814>

Binayak Sen, when other human rights organisations were slightly apprehensive and were still thinking of coming out in open. In that way, I think Stan Swamy is an important person and the Indian State wants to crush him. Here I think, it's not only the State, there is certain group within the centre's ruling party that has done all the research, drafting of the First Information Reports (FIRs) and they are doing with vengeance against Stan Swamy and all other 16 activists, lawyers, academicians, poet and journalists, who are best of the brains, which India can be proud of. If you see Sudha Bhardwaj, Gautam Navlakha, Varvara Rao's cases as Anand Teltumbde has been arrested as he is grandson-in-law of Dr Babasaheb Ambedkar that is very clear. The strategy that National Investigation Agency (NIA) has taken is bound to fail. Well what they have succeeded in creating a torture chamber for this people. It's a slow way to the guillotine if combined with the arrest of Disha Ravi and farmers' movement. But, this is again to backfire immediately.

On 9 October 2020, the day after the NIA arrested Father Stan Swamy, a group of 125 activists assembled at Ranchi's Albert Ekka Chowk holding placards demanding his release. Their spirit intensified as Jharkhand Chief Minister Hemant Soren tweeted, on the same morning, against the BJP-led Central Government. Soren asked, referring to Stan Swamy, "What kind of stubbornness is this to suppress every protesting voice raised against you [BJP]?"¹⁰²

Father Stan Swamy has a core of steel, an indomitable strength that comes with moral conviction and a commitment to truth and to the powerless. His fellow Jesuits who rushed to the prison with his medicines, say he has refused even a sip of water.¹⁰³

Since 1986, Father Stan Swamy when he came to Jharkhand, he has been raising awareness among Adivasi community for their rights guaranteed under the Indian Constitution, especially their rights provided in the Fifth Schedule and their right of self-governance through Gram Sabhas as provided in Panchayats (Extension to Scheduled Areas) Act (PESA). Stan has also tried to make the Adivasis aware of the judgment of the Supreme Court that "the owner of the land is also the owner of the subsoil minerals". He has also raised his voice against the formation of a 'land bank' that intends to take over the "commons"

102 <https://www.newsclick.in/Protests-Against-Stan-Swamy-Arrest-Show-Nation-the-Way>

103 <https://thewire.in/rights/the-indomitable-spirit-of-father-stan-swamy>

such as roads, rivers, ponds, burial grounds and community forest lands which are traditionally used by the community.

However, behind the concoction against Father Stan along with Sudha Bhardwaj was that he has been the Convenor of Persecuted Prisoners Solidarity Committee (PPSC), which was formed in December 2015. PPSC was formed purely to help under trial prisoners and has no link whatsoever with Maoist. Stan Swamy had filed a Public Interest Litigation (PIL) in the Jharkhand High Court for the speedy trial of under trial prisoners languishing in the jails of Jharkhand. Taking serious note of Stan Swamy's PIL, the High Court on January 8, 2020 ordered the state of Jharkhand to provide all relevant and necessary information from every jail, which must have revealed the reasons for undue delay in the trial of these under trial prisoners. The proceedings in that PIL were still on going in the High Court, when he was arrested.

Father Stan's activities angered the powerful interests within the Government. They have not only foisted a case of sedition against him in Jharkhand, but also included him in a false case that links him with banned organisations in order to discredit him together with other intellectuals, legal professionals and social activists raising their voices for the rights of the poorest, not just in Jharkhand, but all over India.

Father Stan Swamy since when he came to Jharkhand, he had identified himself with the adivasi people and their struggle for a life of dignity and self-respect. As a writer, he had tried to analyse the different issues Adivasis confronted. In this process, Stan Swamy had clearly expressed his dissent over several policies and laws enacted by the Government in the light of the Indian constitution questioning the validity, legality and justness of several steps taken by the Government and the class-in-power¹⁰⁴.

Father Stan had questioned the non-implementation of the 5th Schedule of the constitution, Article 244(1), which clearly stipulates that a 'tribes advisory council' (TAC), composed solely of members from the adivasi community, will advise the governor of the state about any and everything concerning the protection, well-being and development of the adivasi people in the state.

The Governor is the constitutional custodian of the adivasi people and he/she can make laws on his/her own and can annul any other law enacted by the parliament or state assembly, always keeping in mind the welfare of the adivasi people. Whereas the reality is that in none of the states, during all these nearly seven decades, has any state governor ever used his/her constitutional discretionary power to reach out to the adivasi people proffering the excuse that

104 <https://www.indiancurrents.org/article-what-is-the-crime-im-supposed-to-have-committed-stan-swamy-93.php>

they have to work in harmony with the elected government of the state. The meeting of the TAC takes place rarely, and it is convened by and presided over by the chief minister of the state and is controlled by the ruling party. TAC has thus been reduced to a toothless body and certainly a constitutional fraud meted out to the Adivasi people¹⁰⁵.

Father Stan Swamy, who actively participated in all the Adivasi struggles of Jharkhand had questioned on the following issues:

1. Why the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996, has been ignoring which for the first time recognised the fact the Adivasi communities in India have a rich social and cultural tradition of self-governance through the Gram Sabha¹⁰⁶. Whereas the reality is PESA has deliberately been left unimplemented in all nine states. It means the ruling capitalist class does not want Adivasi people for self-governance.
2. The silence of the government on Samatha Judgment, 1997, of the Supreme Court which came as a huge relief to the Adivasi communities in Scheduled Areas. It came at a time when consequent to the policy of globalisation, liberalisation, marketization and privatization. National and international corporate houses started to invade Adivasi areas in central India to mine the mineral riches. The Government machinery gave its full cooperation to these companies. Any resistance by the adivasi people was put down with an iron hand. The judgment was meant to provide some significant safeguards for Adivasis to control the excavation of minerals in their lands and to help develop them economically.
3. In reality, the state has ignored the verdict of the Supreme Court. Several cases have been filed by affected communities, but the 'law of eminent domain' of the colonial rulers are invoked to alienate adivasi land and to loot the rich mineral resources¹⁰⁷.
4. The half-hearted action of government on the Forest Rights Act, 2006. "*Jal, jungle, zameen*", are the basis of the economic life of the adivasi people. Their traditional rights in the forest have been infringed upon systematically over the decades. At long last, the Government realised that a historic injustice has been done to the adivasis and other traditional forest-dwellers. To correct this anomaly, it enacted this Act.
5. The inaction of the Government to carry out the Supreme Court order that the 'owner of the land is also the owner of sub-soil minerals'. In the

105 <https://thewire.in/rights/pathalgadi-movement-adivasis-stan-swamy-sedition>

106 <https://sanhati.com/articles/18646/>

107 <https://www.hindustantimes.com/delhi-news/ownership-of-mineral-wealth-lies-with-owner-of-land-sc/story-MjoE46p7fKBNN4k0kvlruN.html?isab=true>

order, the court said, “We are of the opinion that there is nothing in the law which declares that all mineral wealth sub-soil rights vest in the State, on the other hand, the ownership of sub-soil/mineral wealth should normally follow the ownership of the land, unless the owner of the land is deprived of the same by some valid process.”

6. The reasons why the SC observation is being ignored that “mere membership of a banned organisation will not make a person a criminal unless he resorts to violence or incites people to violence or creates public disorder by violence or incitement to violence”. The court rejected the doctrine of ‘guilt by association’.¹⁰⁸
7. The enacted amendment to the Land Acquisition Act, 2013, by the Jharkhand Government which sounds a death knell for the adivasi community. This does away with the requirement for “social impact assessment’ which was aimed at safeguarding the environment, social relations and cultural values of affected people. The most damaging factor is that the government can allow any agricultural land for non-agricultural purposes. So any and every thing can be included¹⁰⁹.
8. The ‘land bank’ which was the most recent plot to annihilate the adivasi people.

However, during ‘Momentum Jharkhand’ in February 2017, the government announced that 21 lakh acres in the land bank, of which 10 lakh acres was ready for allotment to industrialists. People were in dark that their land is being written off. The TAC has not given its approval as is required by the Fifth Schedule. The respective Gram Sabhas have not given their consent as required by the PESA Act. Affected adivasi people have not given their consent as required by Land Acquisition Act.

Father Stan Swamy had consistently raised questions if that made him a ‘*deshdrohi*’ then so be it!¹¹⁰

Protests have been brewing up against Father Stan Swamy’s arrest¹¹¹. Though it was happening at every place in Jharkhand—Bokaro, Jamshedpur, East and West Singhbhum, Gonda and Giridih There have not been a heavier turnout because people fear stepping out in crowded places and contracting Covid-19.

108 <https://timesofindia.indiatimes.com/india/Just-being-member-of-banned-outfit-not-a-crime-Supreme-Court/articleshow/7428601.cms>

109 <https://www.counterview.net/2020/10/standwithstan-its-about-constitution.html>

110 <https://thewire.in/rights/pathalgadi-movement-adviasis-stan-swamy-sedition>

111 <https://www.newsclick.in/Protests-Against-Stan-Swamy-Arrest-Show-Nation-the-Way>

People might have feared there could be consequences for protesting against the Central Government.

Advocacy groups, in most circumstances, lack the wherewithal to mobilise people against the state's violation of civil rights¹¹². With the media tamed and the judiciary failing to provide succour, only political parties can emerge as a counterfoil to the state's imperious behaviour.

Xavier Dias explains, "Political parties do not know how to respond when an issue is framed in national security terms." Thus, Opposition parties did not want to be dubbed as anti-national on the Kashmir issue. They have not intervened in the Bhima Koregaon case because they did not want to be seen as supporting "urban Naxals." Likewise, with the anti-CAA protestors booked under UAPA, the Opposition parties are wary of being seen as supporting a group accused of conspiring to defame India.

By contrast, Sudha Bhardwaj or Gautam Navlakha—both accused in the Bhima Koregaon case—have spent years to give a voice to marginalised groups. Their intervention involves mounting pressure on the state to fulfil its constitutional obligations towards citizens. They do not emphasise the Dalit-ness of citizens, but their Indian-ness; they focus upon their class, rather than caste or religious, identity. While a Bhardwaj's social group will see her politics a threat to its interests, parties espousing the Dalit cause will perceive her caste identity as having little appeal for their supporters.

This connection between civil rights and the politics of identity has led to the tragic loneliness of academician and activist Anand Teltumbde, another accused in the Bhima Koregaon case. He is married to the granddaughter of BR Ambedkar, whom all parties wish to appropriate. Yet even Bahujan Samaj Party leader Mayawati has not forcefully spoken against his targeting. Why?

This is because Teltumbde does not subscribe to the traditional form of Dalit politics. He believes the "core character of caste is like amoeba. It only knows splitting". In a conversation with this writer in 2018, he explained, "Unless Dalits transcend caste and forge a class unity with other marginalised people, their struggle can never reach a fruition." This is the primary reason why the Ambedkarites have not expressed their fury over the mistreatment of Teltumbde.

By contrast, Jharkhandis have publically expressed their solidarity with Father Stan Swamy, whose politics is that of *Jal, Jungle and Zameen*. He would write

112 <https://www.newsclick.in/Protests-Against-Stan-Swamy-Arrest-Show-Nation-the-Way>

articles in newspapers to inform Adivasis of their rights. Has there been any priest of any religion raising socio-political issues? Father Stan Swamy is far more than [just] Christian to all of the Jharkhandis. Jharkhand has shown the way to the nation to break the connection between the politics of identity and civil rights.

On 18th February 2021, when contacted Bagaicha at Namkum, in Ranchi came to know that 6 days have passed NIA has come down from Pune, Maharashtra harassing and terrorising those who have been working closely with Father Stan Swamy's in Ranchi. NIA is hell bent in extracting evidences against Father Stan.

On 5th July 2021, Father Stan Swamy breathed his last at Holy Spirit Hospital in Mumbai. Coincidentally at that time, when his bail petition was being heard by the Court. Arrested in October 2020 during the pandemic and was in Taloja prison on the charge of Bhima Koregaon case. He was 83 year old, when he was arrested to have been accused of terrorism by NIA and was in prison under the draconian UAPA law, in which the hearing of the case is not time bound and the person can be incarcerated for long time, without any tangible reason.

Mary Lawlor, Special Rapporteur on Human Rights Defenders, who had been raising her concerns since Father Stan Swamy's arrest in connection with the Bhima Koregaon case but Indian Government kept mum and didn't respond.

After Father Stan's 'institutional murder', which was plotted by BJP led Central Government and RSS, executed by NIA right under the nose of National Human Rights Commission (NHRC) and Court Mary Lawlor said, "The news from India today is devastating. Human Rights Defender and Jesuit priest Father Stan Swamy has died in custody, nine months after his arrest on false charges of terrorism. Jailing Human Rights Defenders is inexcusable," said Ms. Lawlor. The U.N. official expressed concern about the deteriorating health condition of Father Stan Swamy. She had described the charges against the Jesuit priest as "unfounded".¹¹³

On Father Stan's 'institutional murder' Viren Lobo, Ecologist and Livelihood Expert through his poem has paid his solemn tribute, in a most befitting manner. As the poem says:

Long live Stan Swamy

A beacon light for Adivasis to follow

¹¹³ <https://www.thehindu.com/news/national/other-states/fr-stan-swamy-was-jailed-on-false-charges-says-top-un-official/article35156145.ece>

To bring in the world of tomorrow
The picture of Jesus crucified on the \$
The politics of neo colonialism
Brought about by finance Capital
Control of natural resources the key
Criminalisation of the people
And if that not enough then State enemy
So whose State is this?
The State of the people
Or the State of the Capitalist
Stan has shown that religion need not be subservient to State politics
The Beatitudes taught by Jesus
Blessed are the meek and humble
To the power of nature
To living in harmony with nature
As Adivasis do
So Stan Swamy may you live forever
In the minds and hearts of the adivasis you worked for
As a candle that lights up the darkness
Showing us the way ahead.

TARUN KANTI BOSE