

State Against Democracy or State Action for General Will: Rising violent protest in tribal India vis-à-vis imperatives for development. A case study in Orissa, India.

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State wants forest for 'Environment Preservation', 'Ecological Balance' and 'Revenue'. To match with the imperatives for *development* State needs the virgin forests those are rich in mines and mineral resources. Eventually these forests are home to the indigenous tribes of India. The State justifies that it is acting on behalf of *General Will* (the concept of Jean Jacques Rousseau) of all. The *Actual Will* of the tribes is considered as selfish. However, Rousseau could not predict the *General Will* becoming tyrannical. The tribal people are alleged as encroachers in forests. It's again a question, who is the encroacher and who is the preserver. In India the preservation of natural resources includes within its fold the competing claims of humans on these very resources for their sustenance and livelihood. With this understanding any approach for sustainable forest management in India has to necessarily factor in the reality that a very large number of people living in and near the forests - and depending on them - are among the poorest. The forests form life support systems for them. The legal regime governing preservation and use of forests must reflect this understanding.

Different laws and its judicial interpretation have been used by the State to evict the tribal population from their land. State and its coercive apparatus act instantly. Land alienation becomes a serious blow to the tribes to natural right to survive. State tends to quantify the extent of forest crown cover whereas for the tribal people forest is the very basis of their identity and life. In opposition to this coercive action many violent movements have started taking the innocent tribes into their fold, with single focus to oppose the State namely the *Naxalite* Movement, the *Maoist* Movement etc.

In a recommendation Amicus Curiae Mr. Harish N. Salve, Senior Advocate, Supreme Court of India says that the environmental loss due to encroachments on forest land is estimated a mind boggling figure of Rs.4,59,978 crores. This sort of quantification hardly recognizes the emotional slaughter of the tribes when they are evicted from their ancestral lands.

The tribal communities of Orissa face a massive new threat from legislation for conservation and forestry and their judicial interpretations, as well as from the increasing onslaughts of globalisation. The indigenous forest dweller community (mostly the tribal people) as a whole do not get recognition as owners of land that they cultivate from generations, even though they do not possess any records, in fact they do not need to as the entire land is community owned.

Orissa possesses a mineral rich forest. About 31% of its geographical area is covered with forests. However, around 77 mining projects have diverted a major share of forests. Companies like DeBears, Utkal Alumina, Vedanta Alumina, NALCO, JINDAL, Sponge Iron Ore factories etc, are responsible for large scale land alienation and depletion of forests resources. In recent past for land acquisition of an Iron factory put up by the giant Tata Group the district administration opened fire on the protesting tribes killing 13 tribal people. Govt. of

Orissa in a bid for rapid development has allowed these companies to operate surpassing all norms fixed by the Supreme Court and the Central Govt. In some cases this has resulted in violent resistance from the tribal community. In a ridiculous proposition it has been proposed that 'the tribal community be settled in non-forest lands', which itself shows that the planners still do not understand that forests can not be separated from the tribes. Both forest and the tribal population depend on each other and they have a symbiotic relationship.

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