

HUMAN RIGHTS AND CIVIL SOCIETY: A CASE STUDY OF ORISSA

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CERTIFICATE

This is to certify that the dissertation entitled, "HUMAN RIGHTS AND CIVIL SOCIETY: A CASE STUDY OF ORISSA", which is being submitted by SRIMATI NAYAK for the award of the Degree of MASTER OF PHILOPHY is her original work and may be placed before the examiner for evaluation. This dissertation has not be submitted for the award of any other degree of this University or of any other University.


PROF. ASWINI K. RAY

(SUPERVISOR)



PROF. KIRAN SAXENA

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Dedicated

To

My Parents

ACKNOWLEDGEMENT

The completion of this work remains me of the contribution of the people of whom I am indebted in many ways.

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However, I am solely responsible for remaining errors.

New Delhi
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SRIMATI NAYAK

ABBREVIATIONS

NHRC	- National Human Rights Commission.
UDHR	- Universal Declaration of Human Rights.
UNCED	- United Nations Conference on Environment and Development.
UNESCO	- United Nations Educational, Scientific & Cultural Organisations.
PUCL	- People's Union for Civil Liberties.
UNEP	- United National Environment Programmes.
G7	- Group of 7.
WB	- World Bank.
NGOS	- Non-Governmental Organisations.
GASS	- Ganatantrik Adhikar Suraksha Sangathan.
SUCI	- Student's Union Confederation of India.
AIFOPDR	- All India Federation of People's Democratic Rights.
IMSE	- Institute for Motivating Self – Employment.
ANTRSF	- Anti National Test Range Student's Forum.
GSYP	- Gandhamardan Suraksha Yuba Parishad.
BALCO	- Bharat Aluminium Company.
IFAD	- International Fund for Agricultural Development.
MESCO	- Mideast Integrated Steel Company
OKM	- Orissa Krushak Mahasangh.
PFCS	- Primary Fisheries Cooperative Society.
CMM	- Chilika Mastyajibi Mahasangha
ISEP	- Integrated Shrimp Farming Project
PPF	- Planet Protection Fund
UNIDO	- United Nations Industrial Development Organisation.
IUCN	- International Union for Conservation of Nature.

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CHAPTER - I

INTRODUCTION

CHAPTER - I

INTRODUCTION

Human rights, as a focus of concern have come intellectually alive not only in the United States, but also world-wide, in the last few years.¹ The history of mankind has been firmly associated with the struggle of individuals against injustice and exploitation. At national as well as at international level, the issue of human rights is one of the most remarkable manifestations of this struggle. Recognition, protection and implementation of human rights is a very important and complicated issue because there is no agreed definition and understanding of the term "human rights". It is a dynamic concept and it endeavours to adopt itself to the needs of the day.

The issue of human rights has been always an important and interesting aspect in the discourse of history, philosophy, law, politics and international relations. In recent years, however, the issue of human rights has assumed a great deal of international importance particularly after the cold war, and demand for the democratisation of world order. The institutional manifestation of this concern was expressed in the Universal Declaration of Human Rights (UDHR) adopted by the General Assembly of the United Nations in 1948.

¹ Richard Falk, Human Rights and State Sovereignty, Holmes & Meier Publishers, Inc. New York, London, 1981, pp 2-3.

By following the UDHR, the founding fathers of the Indian Constitution adopted various provisions of rights, both civil and political as well as socio-economic and cultural rights in the chapter III & IV known as Fundamental Rights and Directive Principles of State Policies respectively. The Constitution of India adopted the parliamentary form of democracy to give an expression to the rights of the people.

To begin with, human rights in general, it may be regarded as those fundamental rights to which every man or woman living in any part of the world is entitled by virtue of having being born as a human being. In particular, human rights may be said to be those rights, which are inherent in the people by virtue of their being human beings, the rights that are required for fuller development of human personality or in other words, human rights are the fundamental freedom of life, liberty and equality, indispensable for every human being to meet his or her survival and to ensure comprehensive growth. Human rights are based on mankind's demand for a life in which the inherent dignity of the human being will receive respect and consideration. Human rights have become the essential values to build any egalitarian and democratic order, where in the fuller human potential can be realised.

It isn't enough to assess the status of human rights in terms

exclusively of the more obvious political rights-right to life and liberty, the security of the person or fair trial, privacy, the security to home of property and freedom from discrimination. One has to go further and think of how people are living even when they have these basic rights. One must think of the economic social and cultural as well as the political rights. As the doctrine of human rights is originated in the conception of the fundamental value of human dignity, it must comprehend as a unity, the right of man, the rights of citizen and social rights with the relationship of interdependence and reciprocal conditioning so as to develop the principle of human dignity without elementary guarantees in social and economic matters, the other rights indeed lose their meaning.

The notion of human rights falls within the framework of constitutional law and the purpose of which is to safeguard by institutionalised means, the rights of human being against violations committed by the organs of the state and to promote the establishment of human living conditions and the all round development of the human personality.² Our constitution has adopted the liberal democratic concept of democracy where, all people can enjoy and develop their human capacities. The constitution is founded on the basic concept of justice, equality, liberty

² Iyer, V.R. Krishna Justice. Human Rights, A Judge's Miscellany, B. R., Publishing Corporation, Delhi, 1995, pp 3-9.

and fraternity and incorporated the principles of modern socialism. This is amply borne out by the Constitution of India which contains fairly comprehensive chapters on Fundamental Rights and Directive principles of states policy.³ The rights and principles, thus, connect India's future, present and past adding greatly to the significance of their inclusion in the constitution and giving strength to the pursuit of the social revolution in India.

Further more, protection and implementation of human rights is a legal problem which requires the definition and codification of rights in the form of the municipal laws and treaties. It is also a political problem which requires enforcement action by the state and a social problem, requiring the social pressure in the form of public opinion. All these elements involve international, regional and national activities for effective protection of human rights. To advocate human rights, is to inform people about their violation to fortify the morale of certain resistance efforts, to create "space" for human rights concerns within or without the governmental apparatus.

Civil Society

Over the years civil rights organisations have grown in strength and are playing an important role in the democratisation of society. One is

³ S. Kashyap. Human Rights & Parliament, Metropolitan, Delhi. 1988.

reminded of the Civil Rights Movement of the 60s in America, the growing influence of Amnesty International and most significantly, the gradual development and proliferation of thousands of such organisations in Third World countries where basic rights are either denied or exist on paper . Due to concentration of power and privilege in the hands of the ruling elite who claim themselves to be the guardians of the proletariat, or oppressed. People are deprived of their basic rights in the society⁴. On the contrary, it is now felt more than ever that basic human rights as right to information are absolutely necessary for construction of a free and egalitarian society . The years witnessed the denial of basic human rights, state repression, on an unprecedented scale and systematic destruction of democratic institutions and decay of democratic norms.

India's democratic politics had the experience of five decades which is evident from political institutions and political participation. But the expansion of democracy is taking place at the cost of civil society which is showing a receding tendency. This proposal suggests for reconstruction of civil society by generating social capital in the fragmented society. Robert Putnam, in his *Making Democracy Work*, 1993, stresses on the importance of civil society for Government performance and development. To him,

⁴ Bhaskarananda Sur: "What Ails Civil Rights. Movements?"; Frontier, March 14, 1998, pp. 571-72.

reciprocal and trust worthy relationships between citizens, supported by mores and free association make democracy strong. He also says that “strong society results in strong economy as well as in strong state”.⁵

The concept of civil society deserves our attention at this point of our discussion. Civil society refers to that part, or kind of society which is civil in nature. When members of a society possess civic virtues, we may ordinarily call it civil society. Civicness among the inhabitants makes the society civil. A sense of group living, group engagements, and interactions among individuals for their common interests constitute the major features of civil society. It is the sphere in which a community enjoys independence, and acquires the strength to organise itself to achieve common good. According to Calhoun (1993), civil society is “the capacity of political community to organise itself independent of the specific direction of state power.”⁶ Here the emphasis is on the political culture, or the character of society. Men in co-operation and co-ordination provide the base for the growth of civil society. It is that form of society, where the “real will” of individuals plays the decisive role, mutual trust, inter-relatedness, concern for “other-selves,” voluntarily organising and sharing norms are the chief

⁵ Amareswar Mishra. A., “Impact of Civil Society on Government Performance. A. Study of Hocesing, Policy in Orissa” Democracy and Social Capital in Segmented societies. Toshli Sands Hotel, Orissa, India, pp. 51-52.

⁶ Craig Calhoun. “Civil Society and Public Sphere,” Public Culture, 1993,s pp. 267-280.

ingredients of civil society.⁷ The institutions of civil society are therefore, associational and representative in character. Civil society stands outside the arena of political system, free from state authorities. The state may be considered as the product of civil society. For instance, Gramsci, the Italian theorist, has conceived the state as the “political constitution of civil society.” But the essence of civil society lies in its autonomy from the state. The functioning of civil organisations and associations depends upon their recognition by the state. The state, for its parts also needs civil society in order to attain its goals. According to Putnam, “...joint efforts on the part of civil society and the state may offer the most efficient way of carrying out political reforms.”⁸ At the same time, the state has the ability to strengthen civil society. The state can't be abstracted from civil society and vice-versa.

The concept of civil society embraces values and institutions, namely socio-political rights, democratic institutions, free associations, etc., which are essential pre-conditions of democracy. Human emancipation, or promotion of human welfare constitutes the core of civil society's functioning. It is here, where individuals enter on their own into social relationships with each other. According to Hegel, civil society is a stage in

Ibid., p. 280.

⁸ Robert D. Putnam. *Making Democracy Work, Civil Traditions in Modern Italy*. Princeton, New Jersey Princeton University press 1993. pp. 167-68.

the formation of the state. To Gramsci, it is the sphere where the capitalist state its project of hegemony. According to Marx, civil society and the state are product of the same historical processes which give rise to modern society. State can't be comprehended unless it is placed within civil society, and equally civil society can't be conceived unless we consider it as the sphere through which state tries to control society"⁹. So, we find that civil society and state both are closely related with each other. Both are interdependent. Civil society combines in itself the social capital, Civil engagements, and voluntary associations which aim at common benefits the concept social capital refers to three features of social life-interpersonal trust, networks and shared norms-that enable people to act together more effectively to pursue shared objectives Social capital facilitates co-ordinated actions in society.

According to Putnam, social capital refers to social connections and the attendant norms and trust. The theory of social capital defines that the more we connect with other people, the more we trust them, and vice-versa.¹⁰ So, There is strong correlation between social trusts and civil engagements civic engagements, on the other hand, has been conceived by Putnam as people's connections with the life of their communities, not

⁹ Ibid. p. 167.

¹⁰ Robert D. Putnam. "Tuning in and Tuning Out. The Staring Disappearance of Social Capital in America." Political science and Politics. Vol. XXVIII, No. 4. December 1995. pp. 664-65.

merely with politics. We consider civic engagements' as individual's activities aiming towards welfare of the people. It is individual's concern for others. In this way, civil society acts for the welfare of the public which is essential for the people in a democratic society.

Human Rights Situation and the Role of Civil Society in Orissa

The world has experienced tremendous development since second world war in the field of socio-economic sector. Men have come together and been able to prove that they can change the course of civilisation. They have been able to challenge anti-rights establishments. The support for this movement is given through protection of human rights by United Nations Organisation and voluntary associations. Now, men can actively protest any injustice in any front of life done to them. Some state governments have also given a lot of facilities and programmes for political awareness and their basic rights as well. To overcome hardships of increasing lawlessness, governmental deterioration, violation of human rights, the Government of India instituted National Human Rights Commission in 1993. The National Human Rights Commission aims at creating awareness in the field of rights, duties and development under the stewardship of former chairman of National Human Rights Commission, Mr. Rangnath Misra. By the establishment of this commission, it acts as the preservor and protector of

human rights at the national as well as at international level.

The first use of the expression of 'human rights' could be seen in the Charter of the United Nations which was adopted at San Francisco on June 25, 1945.

The Preamble of the UN Charter declared that 're-affirmation of faith in fundamental human rights is one of the objects of the United Nations,'¹¹

However, with the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations (Dec. 10, 1948), it act as a milestone in the legal and judicial history of mankind; in the history of human rights movement.

The Preamble, Article 1, Article 13, Article 55, Article 68, Article 76 of UN charter indicate growing recognition of human rights. The Preamble says, "We the people of the United Nations determined to save succeeding generations from the scourge of war, which twice in our life time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."¹² The Universal Declaration of Human Rights which was adopted by the United Nations General Assembly on 10th December, 1984, as said to be a multilateral

¹¹ Arjun Dev, Indira Dev, and Supta Das, (ed.), Human Rights : A Source Book, Publication Division, NCERT, New Delhi, 1996, pp. 7-8.

¹² K. P. Saksena (ed.), Human Rights : Perspective and Challenges in 1990 and Beyond, New Delhi, Lancers Books, 1994, pp. 9-11.

treaty on human rights.

In addition to these declarations, the various agencies of UNO approves a number of resolutions dealing with various aspects of human rights. These resolutions encompass a broad spectrum of civil, political, economic, social, cultural and educational rights. Right to safe environment and development are also indicated in these declarations. The Constitution of India also declares to secure its citizens, justice, liberty, equality and fraternity. According to Justice Rangnath Misra, India was the home of human rights in the form of tolerance, consideration and acceptance.

We have rule of law. But there is widespread denial of civil rights. The factors responsible for violation of human rights in India are mainly ; growing exploitation, powerlessness of the majority of the urban and rural poor, growing incidence of malnutrition, hunger and starvation, degrading of the physical environment, nursering of the conditions of the women, children, religious or ethnic minorities, the growth of religious fundamentalism, growing trend towards governmental lawlessness, increasingly authoritarian nature of political institutions, large scale building projects such as construction of river dams which displace thousands people and ruin the ecology etc.

Orissa, a maritime state on the ~~Western~~[?] Coast of India, at present

ranking twelfth in population and tenth in area,¹³ in the country has a rich history of culture of its own. Here one finds peaceful co-existence of many races, sects, castes, language and religions. 'Unity among diversities' has been the marked feature of the region. Although highly segmented in its community structure, Orissa has a long tradition of associational life. They have enriched the civil society in Orissa. There are many voluntary associations like community organisations, trade unions, service-associations, student forums, caste organisations have played a crucial role in protecting the human rights and making the society civil in Orissa.

In spite of segmentation, it is assumed that the civil society has played an active role in political and economic spheres of Orissa. The various environmental protest movements, like 'Save Chilka Movement, Save Bhitarkanika, Save Baliapal, Save INDRAVATI, Save BALCO, Kashipur movement, TISCO & MESCO Projects' also speak volume of collective actions in the state.

Relevance of the Study

In this research work, the present scholar would like to focus on the contribution of civil society and human rights towards goods performance of

¹³ India : A Reference Annual (1992), New Delhi, Ministry of Information and Broadcasting, Feb. 93, Ch-1.

democratic government in the state of Orissa. This is to be done through evaluating various environmental protest movements which have recently taken place in Orissa. The main objective of my study is to find out, how does civil society matter in protecting the rights of the people in Orissa, what role does it play in restoring these rights to the people, what is the role of human rights in the state of Orissa and how both of them play an active role to set up a civil society in Orissa.

Method of Study

The method of study in the proposed research is analytical and empirical. Interview and questionnaire method has been adopted while collecting data from environmental activists, various NGOs who are involved in this field, the victims of human rights violations, displaced people of the particular area etc. Apart from these methods, personal interactions with the people of this area is of immense help to have a deep insight into this study.

Sources of Material

The sources of materials are both primary and secondary. The primary source would include Orissa Gazetteers, Orissa Review, Reports of various Commissions on various issues on Displacement, Various Debates

on civil society and Human Rights Violation, Debates on Environmental Movements etc. Among the secondary sources, it includes books on Human rights and civil society, periodicals, Journals and press clippings I have referred for my research work.

Scheme of Chapterisation

There are five chapters in my Dissertation work in which I have put my best efforts to make it a complete and successful study.

The first chapter entitles 'Introduction' in which I have tried to focus upon the problem of human rights and civil society in India in general and Orissa in particular. In this chapter, my effort is to highlight the role of civil society in safeguarding the human rights of the people through evaluating the environmental protest movements in the state of Orissa.

The second chapter elaborately discusses the situation of human rights and civil society with regard to the environmental protest movement in Orissa.

The third chapter highlights environmental movements through a series of case studies. Through these case studies, it tries to find out the relevance of civil society and human rights in the state of Orissa in its contemporary situation and how far civil society has become active in this

state.

In the fourth chapter, my effort is to find out the impact of Human Rights and civil society on the people with regard to environmental movements in Orissa. This chapter evaluates the role of civil society in a democratic society like Orissa where people continue to fight for their rights in order to lead a civic life.

The last of fifth chapter entitled 'Conclusion' will highlights the summary findings of this research work with the help of a number of case studies of environmental movements in regard to human rights and civil society.

CHAPTER - II
HUMAN RIGHTS AND CIVIL
SOCIETY IN RELATION TO
ENVIRONMENTAL MOVEMENTS

CHAPTER - II

HUMAN RIGHTS AND CIVIL SOCIETY IN RELATION TO ENVIRONMENTAL MOVEMENTS

Challenges to civil liberties and human rights of the people in our country are becoming more complex, and a time has come when vigorous efforts have to be made to focus on certain systematic changes. While issues relating to criminalisation of politics and the growing nexus between administrator and criminals have been raised, no solutions have been found. Corruption has become a significant issue and the judiciary in India hasn't taken any strong measures to check it properly.¹ It is generally not realised that in respects of those issues, the victims are the poor people who don't enjoy human rights generally. Growing economic disparities along with concentration of economic power in fewer hands, increasing social violence among communities, classes and castes and the increasing insensitivity of the society in general and the administration in particular towards the less secure and the more vulnerable people are other issues which must attract the attention of human rights groups. Some of them violate human rights directly and some others indirectly.

¹ Surendra Mohan, "The State of Human Rights in India," Janata, 5 April, 1998. p. 3.

Universal Declaration of Human Rights - Its Significance

The proclamation by the General Assembly of the United Nations on December 10, 1948 of the “Universal Declaration of Human Rights” ushered in a new Chapter in the history of the struggle for democratic rights all over the world. Three decades after the Universal Declaration of Human Rights, the desire to crystallize the Universal Declaration of Human Rights into a sort of “International Bill of Human Rights”, which could have legal as well as moral force, culminated into three significant instruments :

- A. The International Covenant on Economic, Social and Cultural Rights ;
- B. The International Covenant on Civil and Political Rights; and
- C. The Optional Protocol to latter Covenant.

Since the Indian state has become a signatory ratifying these covenants, the importance of comprehending these instruments is vital to everyone concerned with human rights in India. These rights have acquired tremendous significance to those who are concerned with the democratic rights of the Indian people. The Universal Declaration of human Rights enshrines ideals and values with the cultures and tradition of all peoples. The achievement of the Declaration was to bring those together traditions and to recognise that “human” rights are, by their nature universal, inalienable and indivisible that they belong to all peoples. They are a

standard of achievement which the world acknowledges as the minimum to which every human being is entitled.

Differences of race, sex, language, and colour don't change these rights. Nor do differences of property, social origin, political ideas or religious beliefs. Everyone, regardless of who they are and what they do, is born with human rights. Human Rights are the rights that belong to an individual because of being human. These rights refer to a wide continuum of values which are equally applicable to all human beings and has universal domain. Yet, everyday in our country these rights are being violated. People have the right to food; hundreds of thousands are starving. People have the right to work; millions are unemployed. People have the right to freedom of thought; tens of thousands are imprisoned and tortured for their beliefs. People have the right to be free from discrimination; every where racial prejudices rampant; the poor are victimised, minorities are denied access to equal rights.²

The violation of human rights, wherever it occurs, is a threat to the welfare and dignity to the entire human family. The protection of human rights, therefore, is a world-wide responsibility which transcends all racial, ideological and geographical boundaries. Each of us is entitled to have these

² A. R. Desai, (ed.), 'Violation of Democratic Rights in India,' Popular Prakashan, Bombay, 1986, pp. 21-24.

rights respected and each of us has a responsibility to protect those rights for all others. This is the fundamental belief which has given birth to the international struggle for human rights. The most widely recognised statement of human rights is the United Nations Declaration of Human Rights. This was adopted by the United Nations General Assembly on 10 December, 1948 “as a common standard of achievement for all peoples and all nations”.³

The declaration has had an immense impact through out the world. Many nations have enshrined the various articles of the Declaration in their constitutions and laws. The declaration is a statement of principles with an appeal to “every individual and every social organisation” to promote and guarantee respect for the freedoms and rights it defines.⁴ Member states of the United Nations had already pledged themselves to observe and respect human rights by adhering to the Charter of the United Nations.

To give a legal form to the provision of the declaration, the United Nations have adopted two international covenants which are legally binding upon every nations which becomes a party to them. These are:

1. The International Covenant on Economic, Social and Cultural Rights.
2. The International Covenant on Civil and Political Rights.

³ Ibid, pp. 2-3.

⁴ Ibid, pp. 6-11.

The covenant on civil and political rights is completed by an Optional Protocol which provides individuals with the possibility for making complaints if they believe these rights have been violated. The two covenants and the optional protocol came into force in early 1976. By early 1978, almost fifty nations had become parties to them, The General Assembly of the United Nations has encouraged all its members states to protect and promote the human rights at the regional, national and international level.

A. R. Desai, in his book, *Violation of Democratic Rights in India*, pointed out that all governments should try progressively to improve the living conditions for their citizens. For example, they should try to guarantee the right to work, the protection of the family and right to social security, education and health care. The states which ratify the covenant on economic, social and cultural rights agree to implement these rights without discrimination and to submit progressive reports regularly to the United Nations.⁵

All governments should protect the life, liberty and security of their citizens. They should guarantee that no one is enslaved and that no one is subjected to arbitrary arrest and detention or to torture. Everyone is to be

⁵ *bid.*, pp. 26-28.

given a fair trial. The right to freedom of thought, conscience, religion and to freedom of expression is to be protected. The covenant on civil and political rights establishes an 18 members Human Rights Committee which receives compulsory reports from all states bound by the covenant. Complaints about states violating the covenant may be submitted to the committee by other states where the complaining states and the state complained against have declared their willingness to accept this procedure.

Human Rights In India



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On 10.12.1997, we along with the rest of the democratic world have celebrated the jubilee year of the United Nations Declaration of Human Rights which was adopted by most countries including India. These simultaneous celebrations are appropriate because the movement for India's independence and the movement for human rights have been essentially for the same cause - the cause of the attainment by India of a full fledged multi-dimensional democracy. It is necessary to emphasise that for the majority of the people in India the national movement for independence was a negative movement, aimed at the removal of foreign rule. While the people, in general, wanted foreign rule to go, they were not actively conscious of the necessity of replacing it by a democratic regime in which they, the people, would have the power to shape their destiny, future. It is true that some of

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the freedom fighters for national independence were also inspired by the ideal of establishing a democratic regime in India. They realised that for the achievement of freedom we should aspire to replace foreign rule by people's rule in India.⁶

The fact, however, that the attainment of democratic freedom wasn't the conscious objective of the majority of the Indian people and it was the reason why the attainment of national freedom by India resulted in the formation of a very weak and superficial democracy in the country, where the bulk of the people were not free either from political subjugation or economic exploitation. Imperialism, which was one of the impediments in the way of democratic freedom, was removed by the attainment of national independence, but the bulk of the people remained under the political and economic subjugation of the native vested interests. By the removal of foreign rule, India became a free country but the Indian people didn't attain political or socio-economic freedom.

Every society needs freedom essentially to lead a free and happy life. A society or nation has no consciousness of its own; it is the individual who has consciousness and who either suffers from bondage or feels exultation in freedom. A society or a nation can be said to be free to the extent to which

⁶ Surendra Mohan, "The State of Human Rights in India", Janata, 5 April, 1998, p. 14.

the individuals composing it are free. Since the Indian independence which was attained in 1947, didn't result in the freedom of the Indian people. The struggle for India's freedom has to be continued even after the 50 years of the attainment of India's independence.

Although, the United Nations Declaration of Human Rights was adopted on 10 December, 1948, a more detailed enumerations and classifications of human rights was made by two Conventions adopted by the United Nations in 1960s-first, the International Convention on Civil and Political Rights, and second, the International Convention on Economic, Social and Cultural Rights. Thus, human rights were classified by the United Nations in five categories - Civil, Political Economic, Social and Cultural. Civil Rights are otherwise known as civil liberties and they are covered by the chapter on Fundamental Rights in the Indian Constitution. Political rights are the right to franchise, the right to free and fair elections and the right "to take part in public affairs directly or through freely chosen representatives."⁷ (Article 25(a) of the first convention).

The main economic rights are "the right of everyone to the opportunity to gain his living by work" and "the right of everyone to an

⁷ K. P., Saksena, Human Rights Perspective & Challenges, in 1990 & Beyond, New Delhi, Lancers Books, 1994, pp. 10-11.

adequate standard of living for himself and his family.”⁸ The economic rights also include the rights of workers to form trade unions, to get fair wages and to work in safe and healthy conditions. Amongst social and cultural rights are the rights of equality among men and women, the rights to marriage, and the right to education which shall be directed to the full development of the human personality. Primary education shall be compulsory and free, and secondary and higher education shall be progressively free. Physical and mental health is also recognised as one of the social rights.

The wide range of human rights enumerated in the two United Nations Conventions, bring out the identity of the attainment of human rights with the attainment of a democratic state as well as a democratic society. If democracy is understood not only as a form of government but as a way of life, based on the humanist values of liberty, equality and fraternity, the attainment of human rights amounts to the creation of a democratic society with a fully democratic state would be an essential component. It follows that the movement for human rights is an improvement for the attainment of a democratic state in a democratic society.

⁸ Ibid, p. 8.

Rights Situation in India

In the contemporary society, the focus is limited to three areas of a problem as civil rights in India is concerned. These are :

1) Restoration of rights curtailed or eliminated during the Emergency, (by undoing the legislative and administrative onslaughts which included strengthening of preventive detention law, curtailment of the jurisdiction of courts, censorship on the press, and the like).

2) Punishment of those responsible for excesses which took the form of violation of civil rights (like conspiracy to detain persons without trial, misuse of power to violate the rule of law taking advantage of the fact that normal rights weren't justiciable during the Emergency, and the like) and

3) Safeguards against arbitrary recourse to Emergency provisions out of purely subjective considerations.

The assumption underlying the approach is that civil rights were safe before the June 1975 Emergency and will be safe once the status quo ante is restored. The issue seems to be merely one of the "rule of law". It is often stated that the assault on civil rights predates the Emergency.

In India the attack on civil rights began with an attack on the extreme left-the Naxalites as they are called. The collective conscience of the intellectual and political elites was blunted as brutalisation of politics found expression in the severe repression against the Naxalite movement. It was even suggested that since the Naxalites didn't recognise the system and didn't belong to the spectrum of-parliamentary politics, the extraordinary treatment reserved for them was justified. Laws and procedures came to be perfected for use against the Naxalites but time came when it was used against others, even those within the spectrum of parliamentary politics.

The emphasis now is on the full restoration of civil rights, which as broadly understood, means the Fundamental Rights guaranteed in the Indian Constitution. Fundamental rights (or civil rights) are the basis for the struggle for democratic rights which go beyond civil rights. Democratic rights are needed by those who have to struggle for social justice, while fundamental (or civil rights) rights are adequate for the privileged. In India, the socially and economically weaker sections of the people struggle for their civil rights and liberties in a larger extent. There are areas of laws and procedure which might conform to the needs of what is understood as the rule of law. But in practice, it might be the perverse application of law and procedures and discriminatingly to curb the rights of citizens (or even to

deprive them of the rights) which are normally taken for granted.⁹ And the threat to these rights need not necessarily be from the state. It could come from other sections and interests which have the tacit backing of the state machinery.

Civil rights are the attributes, considered as powers, that a person has because he is that person. As a responsible person he is constituted by his rights. Civil rights give specific embodiment to the natural, or human rights and furnish a basis, although not the basis, for legal rights. In developed societies, civil rights go far beyond natural rights. Legal rights may or mayn't implement the full range of civil rights. We tend to think of civil rights as controversial, or at any rate contestable, that the law protects and that attach to all persons alike, the right to vote, to education, to housing and so forth.¹⁰ But it may equally be a matter of civil rights that a person leaves and works where he chooses, that he keeps what he earns, or that he has (no) more than what he earns. Civil rights extend over a large area of life that is ordinarily taken for granted.

Rights arise only in a community, where every right is in principle contestable and may be opposed by another right.¹¹ Rights that are contested

⁹ Surendra Mohan, "The State of Human Rights in India," *Janata*, 5 April, 1998, p. 5.

¹⁰ Chris Allen, "Who needs Civil Society?", *Review of African Political Economy*, September, 1997, pp. 329-37.

¹¹ Ellen Frankel Paul, Jeffery Paul and D. Miller Fred (ed.), *Reassessing Civil Rights*, Blackwell Publishers, Cambridge, USA, 1991, pp. 41-44.

and are perceived to require the protection of law are those most likely to be designated as civil rights. They are explicitly normative. In all societies in which religious or ethnic minority groups exist, tensions inevitably arise between these groups and the dominant majority. It occurs with frequency in history, usually when a society refuses to grant equal rights to minorities or when a long history of bloody repression is left unredressed. Even in democratic societies, claims of civil rights violations and feelings of social and economic oppressions are common causes of friction between the races and between religious groups.

Lloyd L. Weinreb, in the book, *Reassessing Civil Rights* (1991), tries to focus upon the efforts of democratic societies to construct laws that guarantee that the rule of law will apply to everyone Lloyd L. Weinreb states that “Civil Rights” means to have a status independent of the positive law of a community and, on the other to be rooted within a particular community and variable from one community to another.”¹² Weinreb argues that civil rights are best thought of as normative attributes of persons that overcome the troubling antinomy of physical causality and human freedom and thus validate our perception of human action as self-determined and responsible.

¹² Ibid., pp. 61-62

The demands for civil rights and liberties presuppose the existence of a democratic state or constitution, of a democratic public and leadership, and of a democratic press. The states should become effective precedents for civil liberties, so that as acceptable models of democracy, they should inspire respect, confidence and aspiration for civil rights and liberties among the peoples of the democratic states.

A. R. Desai, in his book "*Violation of Democratic Rights in India*," states that the people's rights are grossly violated in the state's sphere and in other spheres also. And in the societies, most of the socially and economically weaker sections of the people,¹³ they are deprived of their rights and liberties which are basic necessities of life. The pattern and trend of atrocities against Harijans, Dalits, minorities, for instance, suggests that often conflict situations arise whenever they assert the right already guaranteed to them, or when they organise themselves on issues like fair ways in exercise of their right to collective bargaining, or for land. Interaction of a heightened awareness of rights and roused expectations in a state increased the number of such confrontations in the country side.¹⁴ In effect, the caste and class struggles reflect the growing socio-economic tensions.

¹³ A.R. Desai, "*Violation of Democratic Rights in India*", Popular Prakashan, Bombay, 1986, pp. 31-33

¹⁴ Bhaskaranada Sur, , "What Ails Civil Rights Movement?" Frontier 14 March, 1998, pp. 4-

In practice, the state has approached them as mere issues of law and order. The issue simply is : it is not the absence of equal rights for Harijans or the tribal people but their inability to exercise them. In the process of exercising them, they came into conflict with powerful vested interests in the first stage and when they organise themselves for defence against the attacks from these quarters, the state intervenes professing neutrality between the oppressors and the oppressed-all in the name of the rule of law.¹⁵ Often, the state goes beyond mere neutrality in a conflict. Mores, law and procedures are involved to thwart the exercise of the right of defensive action by those on the weaker side of the contradiction.

Concern for the environment isn't a new phenomenon as traditional pre-industrial man always saw the need to protect the environment and treat nature with respect and even reverence. There was something intimate and close between man and nature from time immemorial. The present surge of environment into the forefront of world issues is new, and is the result of the pressure exerted by environmental protection groups in the advanced countries.

Ways and means to resolve the problem is determined by the manner in which the different environmental protection groups see man's

¹⁵ A. R. Desai, 1986; Op. Cit, p 35.

relationship with the environment. Most prominent is the ideology of sustainable development which sees the need to introduce policies and procedures such that the exploitation of the environment doesn't jeopardise industrial development. The exploitation of environment leads to the violation of human rights in societies.

Industrialising countries are increasingly being made to measure themselves with the definition of democracy and human rights as espoused by the middle class in the advanced industrial countries. Although the campaign for democracy and human rights is in the name of protecting the interests and rights of minorities, in essence, it works to secure the view held by the advanced countries on the subject and, thus giving the campaign a hegemonic character.¹⁶ In this sense, their commitments to the principles of democracy like those related to the environment too, are in doubt.

By 'environment' is meant the totality of all extrinsic and intrinsic physical and biotic factors affecting the life and behaviour of all living things. The components of environment are land, water, air, human beings, plant and animals which are to be protected and preserved from degradation to enable maintenance of the ecological balance.

¹⁶ Neelan Thirucheluum, "Development, Democracy and Human Rights", *Mainstream*, 13 March, 1993, pp. 4-7.

Protection of the Environment through the Constitution at Global Level

Over the last two decades, the concept of the right to a safe and clean environment has emerged as one of the basic rights in a number of states. Some states consider that the traditional fundamental rights to life, corporeal integrity and health which they recognise in their constitutions, include the Federal Republic of Germany, Italy, the Netherlands, Hungary and Belgium, France Austria and Japan. Some countries have introduced environmental protection in the constitution by restricting some other human right, e.g. the right of ownership or right of free enterprise. Examples are Malta, Scyhelles, Bahamas and the constitution of several former British colonies. On the other hand, the duty imposed on the State by the Turkish Constitution (Article-10) to ensure that every citizen leads a healthy life, both physically and mentally, is qualified by the words “to the extent that economic development and financial resources permit.”¹⁷

When specific environmental rights have been incorporated in national constitutions they are commonly framed as guidelines, putting the state under an obligation to provide general protection of the environment. For example : Article 24 of the Greek Constitution which says: “protection of the natural and cultural environment is a duty of the state. The state is

¹⁷ K. P. Saksena (ed.), *Human Rights : Perspective and Challenges in 1990 and Beyond*, New Delhi, Lancers Books, 1994, pp. 208-09.

bound to adopt special protection or prohibitive measures for the preservation of the environment”.¹⁸

Article 247 of the Swiss Constitution contains a similar guideline. A number of other countries, e.g. India, Sri Lanka, China and some Eastern European countries have similar guidelines in their Constitutions. Very few countries, however, recognise environmental protection as a fundamental right. Where it is so recognised, the duty to protect the environment is casted both on the state and its citizens. Article 45 of the Spanish Constitution states, “Everyone has the right to enjoy an environment suitable for the development of the person as the duty to preserve it”.¹⁹

The seventies of the present century is the land mark in raising the global awareness about the problem of environment in relation to its growth. The United Nations took a lead in making the environment, a global issue by making declaration on Human Environment in 1972. The UN declaration warned dangerous levels of pollution in the ‘environment’. The report of the World Commission on Environment highlighted the steps taken by the UN and strongly expressed its concern over the rapid deterioration of the environment.

¹⁸ Ibid.

¹⁹ Ibid., pp. 211

Due to the great efforts of the UNEP (United Nations Environment Programmes), environment issues have figured more prominently in the political agenda of developing countries. In the mid 1989, the leaders of the 'Group of Seven' (G7) industrialised countries met in Paris and stressed the need to intensify the efforts to limit omissions of carbondioxide and other substances which threaten to induce climate changes and endanger environment. In the later part of 1989, during the NAM Conference our late Prime Minister Shri Rajiv Gandhi, voiced the need for creating a Planet Protection Fund to preserve our planet from environmental pollution . The Commonwealth Summit also supported India's views on creation of the Fund and advocated for the international funding mechanisms for environmental protection.

The UN Conference on Environment and Development more popularly known as the 'Earth Summit held at Rio de Jenero (in Brazils), in June, 1992, which aimed at focusing the attention of the world on the problems of our environment, and look for ways in which these can be avoided in future. International bodies like UNIDO (United National Industrial Development Organisation), UNEP, World Bank, Multilateral Fund are involved in solving the global environmental issues.

Environmental Protection in India

In India, environmental problems are not confined to the side-effects. Industrialisation as that of the other developing countries, but are reflected due to poor infrastructural facilities to contain pollution, growing population, lack of awareness, insanitary conditions of living and so forth. Mainly environmental pollution is caused by industries, however, it is not only the production process that generates waste, but consumption of the final goods also generates wastes, (like garbage, sewage, etc.) and cause pollution. Due to construction of dams and projects our environment is also polluted to a large extent. There are different types of environmental pollution which are air pollution, water pollution, noise pollution, soil pollution and radiation pollution.

Human beings are dependent on nature and natural resources and both are closely associated with each other. So, the environment has to be free from pollution for the existence of the human beings. The Government of India has taken a number of initiatives to minimise pollution by various policy decisions; such as, the five years plans and the industrial policy devoted attention to the systematic development of industries, conservation of forest resources, urban and rural water supply, sanitation and health. The policies adopted by the Government also had a beneficial impact on

balancing industrial development and reducing pollution in highly industrialised areas.

There are some provisions in the constitution of India to protect and preserve our environment which are the basic rights for the survival of the mankind. Some provisions dealing with improvement of public health, organisation of animal husbandry, preservation of national monuments were placed under the “Directive Principles of State Policy.”²⁰ For the first time, two provisions, namely Article 48A and Article 51A(g), having a direct bearing on environment and to safeguard the forest and wild life of the country.

Article 51A(g) imposes a duty on every citizen of India “to protect and improve the natural environment, including forests, lakes, rivers, and wildlife and to have compassion for living creatures.” These provisions reflect the growing concern of the government over environment.

Article 51 of the Directive Principles of State Policy provides that the state shall endeavour to foster respect for international law and treaty obligations in dealings of organised peoples with one another. There is a rapid growth of international environmental law and the right to

²⁰ Arjun Dev, Indira Dev and Supta Das, Human rights-A source Book, Publication Division, NCERT, New Delhi, 1996, pp. 101-104.

environment has now emerged as an international norm. Under several multilateral and bilateral treaties, India has accepted obligations to protect and preserve the environment.

Article 51A(g) confers the right on every citizen or staff is no excuse for the non-fulfillment of constitutional obligations on the part of the state. No doubt, the fundamental duty isn't really enforceable, but if the state makes any law to prohibit any act or conduct which is violation of any of the duties, the court can uphold such law interpreting it as a reasonable restriction on conduct otherwise permitted. Courts can also take cognizance of these duties while interpreting statutes. The Supreme Court has issued directive, to the state in view of Article 51A(g).

The purpose of the Environment (protection) Act is stated to be the implementation of the decisions taken at the United Nations Conference on the Human environment, 1972, in so far as they relate to pollution, the improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property. Environmental hazards sought to be dealt with also include industrial disasters. Any person carrying on industrial operations is not to allow emissions or discharges of environmental pollutants in excess of prescribed standards.

No doubt, with the growing environmental consciousness, laws

relating to protection and preservation of environment has emerged and remedies of writs, public interest litigation, representative actions and citizens' suit provisions are available to check any injury to environment.²¹ But there also exist uncovered gaps in areas of several environmental hazards. Controlling mechanisms to guard against slow, insidious build up of hazardous substances, especially new chemicals, in environment are weak. There are multiplicity of regulatory agencies causing uncertainty relating to control mechanisms. There is an urgent need for an authority to give direction to, and co-ordinate system of speedy and adequate response to emergency situations.

Environmental Movements in Orissa

The issue of environment and human rights, as I have already discussed has become the cause of concern for the people in the present society. At the present society there is gross violation of human rights and environmental damages at the national as well as at the regional level.

Environmental concerns aren't new, although perceptions as to the nature of the problem have changed and awareness of its scope increased. Initial concerns were in connection with industrialisation and its impact on

²¹ Roy Gill, M. Jahn and Robert Y. Shapiro, "Environment Protection", *Public Opinion Quarterly*, 52(2), 1987, pp. 270-79.

the air we breathe and the water we drink. But, now the emphasis is upon the need for controlling population growth, industrialisation and pollution.²² The degradation of environment affects human development directly as well as indirectly. For example-it can have direct result on health which can decrease human output. It can have an indirect impact by lowering the quality of natural resources available to people which slows down economic development leading to increased poverty and human misery.²³

Economically Orissa is one of the most backward states in India. Besides the socio-political factors, natural factors also seem to be responsible for the backwardness of this state. Although it is rich with natural resources, still it is considered as one of the poor states in the country. Orissa became a separate state in 1936. The demand for socio-economic and civil and political rights by the people of Orissa was very much present during the pre-independence period. Orissa as a part of the federation of India, exercised legislative and executive powers to protect and promote welfare of the people by introducing various policies for their benefits.

As for socio-political movements, the 1980s saw the emergence of a number of people's movements on issues of environment, displacement of

²² Dr. R. Neelamegam and R. Maria Inigo. "Environmental Protection and Awareness," Third Concept, August 1997, pp. 45-47.

²³ Smitu Kothari, "Ecology and Development : The Struggle for Survival", Social Action, Oct.-Dec, 1985.

local inhabitants and deprivation of people's livelihood. The government has no doubt initiated a number of measures ostensibly, transforming the structure or development through industrialisation and eradication of poverty. But they have failed to achieve these objectives in any significant measures. The lack of developmental policies is the failure of industrialisation and development in Orissa.

In general, caste associations have not played a major role in Orissa politics, but pressure groups representing caste interest have been covertly active throughout.²⁴ The upper and middle class monopolies led the political organisation and doesn't allow an autonomous leadership at the lower strata to develop. Considering the small magnitude of the working class and the pattern of socio-political dominance, the Trade Union had little impact on the overall political process of the state.

So, the political process is rooted in the situation of underdevelopment or low level of human achievement at all three levels, political, economic and social. The issue of basic human rights to food and shelter, to the resources in one's environment, co-operation with displaced people, in equalities among the people are some of them. These issues have been highlighted by the vicious circle of the politics of underdevelopment

²⁴ F. G. Bailey, *Politics and Social Change : Orissa in 1959*, University of California Press. London, 1963, pp. 9-27.

and backwardness in Orissa.²⁵ But the denial of freedom at three levels- political, economical and social in the socio-political process of the state contributed towards the under development which is illustrated in the case of Orissa.

The political parties, social movements, their ideologies, policies and preference reflect the condition of backwardness and at the same time they are incapable of transforming those conditions to provide basic rights to the people of Orissa. The organised deprivations of the freedom of the people can be said to define, human rights violations which creates a serious crisis are displacement and disentitlement of tribals, minorities, Dalits, increasing number of bonded and migrant labourers, starvation, death, etc.²⁶

Orissa faces environmental problems at two levels at the contemporary period. One is the impact of high growth oriented development on environment and the other is the direct impact on the improved standard of living through different lifestyles. In the first category are the activities such as construction of large irrigation projects, adoption of modern, input intensive, construction of dams, and projects, technologies for agricultural growth, rapid industrialisation, etc²⁷. The second category,

²⁵ B. B. Jena, "Orissa Politics", *Indian Journal of Political Science*, July-Sept. 1994, pp. 285-98.

²⁶ Pradyuma Bala, Birendra Nayak and Debi Prasad Das, 'Oriya 'O' Orissa Samiksha-96', Bikalpa Sandhani Mancha, Bhubaneswar, 1996, pp. 2-9.

²⁷ Vidhya Das, "Human Rights, Inhuman Wrongs: Plight of Tribals in Orissa," *Economic and Political Weekly*, 14 March, 1998, pp. 571-72.

involves affluent lifestyles which draw heavily on the natural resources. The problem with the present development strategy is that activities at both levels are mutually reinforcing and leads to environmental degradation. In this form of development the best way to stop environmental degradation is the adoption of environment friendly technology fostered through proper policies.

Due to various protest movement, like 'Save Chilika Movement,' 'Save Baliapal Movement' 'BALCO Movement, 'Kashipur Andolan.,' protest against Gopal-pur Steel Plants, protests against Duburi project which is located at JaJpur, very large number of peoples those displaced, are tribals, Dalits and minorities. These vulnerable sections of the society mainly depend upon forest resources for their livelihood. By the establishment of these dams and projects the poor people of the society are deprived of their basic human rights like food, shelter etc. They don't have their own liberty and freedom to lead a happy and free life. Though the state of Orissa became independent in 1936, after 60 years of its independence, the people are still suffering under poverty. starvation, misery etc..

Although Orissa is considered as a segmented society, it is assumed that civil society has played an active role in political and economic spheres of Orissa. Civil society has been conceived as a non-state domain of

challenge and protest. State is the political sphere of civil society and there is deep relationships between civil society and the state.

Presence of civil society, irrespective of forms of states, is universally acknowledged by the scholars of the world. Although both the civil society and the state are complementary to each other; there are incidents of conflicts between the two. When the interests of the majority of the inhabitants of civil society are ignored by the political system, situation arises for conflicts between the state and the civil society. Now, civil society reacts against the decision-making authorities. Civil society becomes active and exerts pressure on the state to change its decision and adopt an alternative policy which would be acceptable to the society at large.

Brautigam and Putnam feel that a pluralistic, democratically organised civil society promotes accountability, transparency and predictability. A democratic state needs democratically organised civil society in order to achieve greater success. A state, or a political system is more strengthen when it faces a vigorous civil society. However, civil society stands in defence of human rights. Civil society plays an important role in the society. It always attempts to preserve and protect the basic human rights of the people. It is this quality of civil society, that has compelled it, since the growth of civilisation, to raise its voice against state,

or ruler's policies that have failed to satisfy the interest of the mass.

Through evaluating various environmental protest movements which are recently took place in Orissa, we can come to know that the role of the civil society in the state of Orissa, and what role does civil society play to restore the basic rights of the people in the society and how far civil society makes the government responsive to meet the people's demand through fair and effective policies.

In order to evaluate all these issues. I have taken an in-depth study of these environmental movements through a series of case studies in the state of Orissa, which will be presented in the third chapter.

CHAPTER - III
ENVIRONMENTAL MOVEMENTS
IN ORISSA: A SERIES OF CASE
STUDIES

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ENVIRONMENTAL MOVEMENTS IN ORISSA: A SERIES OF CASE STUDIES

Environmental consciousness is increasing to the extent that people are demanding safe environment as a fundamental human right. It is a healthy sign that there is concern about saving the world from environmental degradation and disaster for future generation. Demanded as a right is : Preservation of the earth and the life it supports¹.

The environmental crisis today isn't just local, scattered here and there, but global and multi-dimensional. It encompasses a long list of continuing and urgent problem such as global warming, destruction of ozone layer, extinction of species, loss of genetic diversity, deforestation, land degradation, contamination of ground water, acid rain, depletion of fisheries, and so on and on. Growing consciousness regarding environmental degradation has given birth to environmental mass movements at national as well as at international level. Throughout the world steps are being taken for the protection of the environment. In the developed countries the concern has led to the rise and fall of political parties based on their approach towards environment.

¹ Shakuntala Mahawal, "Right to Safe Environment", World Focus, March, 1992, Vol. 13, No. 3, pp. 15-17.

In India unplanned growth, euphemistically called development, has caused much damage to environment. In the name of modernisation ... commercial exploitation of natural resources like forests has led to the cutting of a major part of the forests. Big dams cause massive loss of trees which results in environmental problems like acid rain, ozone layer depletion, green-house effect, and other air and water pollution.

In recent times, people have become more conscious of environmental degradation on their lives. Realising the dangers ahead, many movements have come up demanding the protection of the environment and demanding their basic rights to live in a safe environment. The Chipko movement, the Silent valley agitation, the Appiko movement, and the Save Western Ghat March, the Narmada Bachao Andolan, are noted environmental mass movements in India². Big and small movements are agitating against such inherently dangerous activities going on in the name of development. The aim of these movements is to generate public consciousness over protection and preservation of wild life, natural resources afforestation and to maintain ecological balance³.

The seventies saw a number of grass root micro-movements in India,

² Vandana, Shiva, : Ecology and the Politics of Survival : safe publication Ltd, New Delhi, 1991, PP. 11-12.

³ Ibid., pp. 12

such as the ecology movements, the movements for civil liberties and democratic rights, various movements of religious and ethnic minorities and the movements for the human rights, etc. The nature of these movements was different from time to time. Therefore, we need to explain these movements from a different perspective. In this context, it attempts to of through an in-depth study of some contemporary Environmental Movements in Orissa. My study is specific about the case studies of a series of movements, Such as Chilika Bachao Andolan, Save Baliapal Movement. Save 'Balco' Movement, Kashipur Andolan, MESCO & TISCO Movements.

Environmental Protest Movements in the states reflect the local as well as national concerns. It is felt that the study of state's socio-economic and political movement would make some contributions to our understanding of Indian Political Movement at different levels. This environmental protest movement reaffirms its faith in fundamental human rights, in dignity and worth of the human being, in rights to safe environment, in rights to development etc.⁴. People of Orissa are demanding the human rights consciousness as a right to preserve civil so9ciety and welfare of the society as a whole.

⁴ Harsh, Sethi, - "Environmentalism Ecology and Voluntary Movement", Indian Journal of Public Administration, July-Sept. 1987, PP. 52-61.

Environmental movements in Orissa call for an integrated approach which takes into account not only their civil and political components but also the economic and social aspects and the well being of the people against the unprecedented threat emanating from the problems like pollution of human environment, exploitation of the poor and working class people and marginal communities. Protest movement is a political process which leads to a rise in the capacity of the people to preserve and protect their environment. These movements are carried out through effective public participation in order to promote political conscience and consciousness.

Ecology movements are emerging from the conflicts over natural resources and the people's right to survival. These movements are a great challenge to the threat over natural resources which are commercially exploited. In the light of the ecological perspective, an attempt has been made to systematic analysis of the process and structures of modern economic development from an ecological perspective.⁵

For centuries, vital natural resources like land, water and forests had been controlled and used collectively by village communities ensuring a sustainable use of these renewable resources. The first radical change in resource control and the emergence of major conflicts over natural resources

⁵ Vandana Shiva, *Ecology and the Politics of Survival* : Safe Publications Ltd., New Delhi. (1991), pp. 14-15.

induced by non-local factors was associated with the colonial domination of this part of the world. Colonial domination systematically transformed the common vital resources into commodities for generating profits and growth of revenues. The contemporary periods characterised by the emergence of ecological movements in all parts of the world which are attempting to redesign the pattern and extent of natural resource utilisation to ensure social equality and ecological sustainability.

In this chapter, I attempt to analyse environmental conflicts in contemporary human society. In general it relates to the environmental conflicts all over India, but in particular it addresses the most intense and emerging conflicts over natural resources in the state of Orissa. Ecological movements have indicated a new political struggle for safeguarding the interests and survival of the poor, the marginal communities, including women, tribals and poor peasants. These movements arise as the people's response to those new threat to their survival, their livelihood and as a demand for the ecological conversation of vital life support system.⁶ The majority of the poor people of India depend upon the common property resources of water forest and land for their survival. It is the threat to these resources that has been the focus of ecology movements in the last few decades.

⁶ Ibid.

Among the various ecology movements in India, the Chipko movement (embrace the trees to oppose felling) is the most well known. It began as a movement of the hill people in the state of Uttar Pradesh to save the forest resources from exploitation by contractors from outside. In the southern part of India the Appiko movement which was inspired by the success of the Chipko movement in the Himalayas, is actively involved in stopping illegal over-felling in of forests and in replanting forest lands with multipurpose broad leaved tree species. Beyond the Himalayas, the ecology movement in the Gandhamardan Hill in Orissa against the ecological havoc of bauxite mining has gained momentum and it draws inspiration from the Chipko movement. The mining project of the Bharat Aluminium Company (BALCO) in the Gandhamardan Hill is being opposed by local youth organisations and tribal people whose survival is directly under threat.

Large river valley projects, which are coming up in India at a very rapid pace, is another group of development projects against which people have organised ecology movements. Most notable among the people's movements against dams on the issue of direct threat to survival from submission are the Silent valley Project in Kerala, the Tehri High Dam in the UP Himalayas, Icchampalli, Narmada Sagar, Koel-Karo, Hirakud Dam

in Orissa etc⁷.

At the national and international level as well, people are demanding safe environment as a fundamental human right. The Human Rights Policy Research Organisation of USA, has demanded safe environment as a fundamental human right. Most of the ecology movements are based in the need to preserve and protect the nature and the need to strengthen people's collective rights to common resources.⁸ Social movements emerge around environmental issues related to forests and water systems, indicating that it is the marginal communities in the third world countries for whom the protection of nature is essential for survival.

Ecological movements are aimed at opposing these threats to survival from market based economic development. Thus, in the third world countries like India, ecology movements aren't the luxury of the rich ; they are a survival imperative for the majority of people whose survival isn't taken care of by the market economy but is threatened by its expansion. Human survival in India even today is largely dependent on the direct utilisation of common natural resources⁹.

⁷ Ibid., pp. 15-16.

⁸ Biren Roy, "In Defence of Human Rights," *Economic and Political Weekly*, 8, Feb. 1997; pp. 259-60.

⁹ Jayanti Bondyopadhyay, and Vandana Shiva, "Political Economy of Ecology Movements," *Economic and Political Weekly*, 9, June, 1986, pp. 48-52.

Save Chillka Movemnet

Chilika, which is the largest brackish water coastal lagoons of India as well as that of Asia, is a sensitive aquatic eco-system. Chilika is declared as 'Wetland of International Importance' in International Union for Conservation of Nature (IUCN) sponsored Ramsar Convention in 1974 to which India acceded in October 1981. Being a bracking water lagoon, the largest in Asia situated in Orissa, it spreads over 1100 square kilometres, it arches across the length of Puri and Genjam districts and connects the Bay of Bengal in a narrow mouth.

Starting from early Eighties, it has been a centre of highly lucrative prawn trade. This has been affecting not only its bewildering variety of flora and fauna but also causing aquatic, pollution and numerous other environmental problems apart form causing harm to traditional fishermen. Chilika is a commercial lagoon on which nearly the fishermen of 128 villages depends on fishing as the only source of their survival. Fishing and particularly prawn-fishing is their major source of livelihood. Fishing has been the traditional occupation in the Chilika region for centuries. Since 1830, the fishermen have accepted fishing as their sole occupation for their livelihood. But in 1953, the fishermen communities got their own 'Fishing Patta' from the government of Orissa. In 1956, when the government of

Orissa tries to give some parts of Chilika on lease, the fishermen raised their voice against it. In 1959, by the formation of an apex Central Fishermen's Co-operative Society at Balugaon, to which was leased by the Orissa Government, all fishing rights to the Chilika, which in turn further subleased small areas to 65 primary fishermen's co-operatives. So, Chilika has a traditional culture to raise its voice against encroachments. The fishing right of the fishermen was protected even by the British who formed the first co-operative society here in the year 1926 at Balugaon.

In the early Eighties the prawn culture was started by the state government by allotting some patches for prawn culture on the shores of Chilika at Sunamuhin in Brahmagiri of Puri district under the poverty alleviation programmes (ERRP and IRDP schemes) to persons of weaker sections. Gradually people in and around Chilika as well as outsiders were attracted to the highly profitable prawn aqua culture. Both the fishermen and non-fishermen in collaboration with outside merchants and middle men have converted the traditional fishery sources in Chilika meant for capture of fishing to prawn aqua culture units. So the local fishermen around the Chilika region have lost their livelihood under this system.

The Struggle

The struggle for 'Chilika Bachao Andolan' emerged as the protest

against the livelihood of the fishing communities. This struggle is the struggle of the poor against their basic right to leave which is encroached upon by the ruling class people in the society. This kind of struggle is a threat to leave them destitute and exiles from land which has supported them and co-existed with them for centuries. In 1959 the Central Fishermen's Co-operation Society was formed at Balugaon. But in the meantime, the division of the Communist Party in 1964 gave a serious setback to the fishermen's committees in Chilika; Because those people who were leading this movement were the leader of the Communist Party. After that there are forty six families, being helped by the Government of India started living on the bank of Chilika. Though these people didn't have the right to fishing in Chilika, they started fishing as their occupation by dominating over the local fishermen communities.

A co-operative structure was first implemented and strengthened in regard to fishing, although there was only one fishermen's co-operative society at Balugaon prior to this. With a number of primary fishermen co-operative societies at the grass level and an apex society at the top known as the Central Fisherman Co-operative Marketing Society, the central society used to take the lease of the various fishery sources from the Revenue Department of the various Districts in Orissa. By taking the advantage of

this lease system the non-fishermen those who are business class people, the outsiders went on exploiting the fishing sources unauthorisedly. And the govt. failed to study the real situation in Chilika.

By raising the voice against those exploiting non-fishermen people in 1984, nearly 20,000 fishermen protested at Balugaon and become able to drive out those non-fishermen people. And nearly 2 lakhs people those who are living in and around Chilika in 128 villages formed an association named-‘Chilika Matsyajibi Mahasangha.’

The Role of The Government & Chilika

In 1986, the Chief Minister J. B. Pattnaik decided to exploit the resources of Chilika more systematically. The premier house among Indian Industrialists, the Tatas entered in Chilika as per the selection of J. B. Pattnaik, the Chief Minister. In 1990 the Orissa government declared a new policy regarding fishing in Chilika. They demarcated 47319 hectares of land in Chilika to give on lease basis. As a result of this the fishermen got 40% per cent of the land where as the non-fishermen got 60% per cent of the land area. Again according to the lease system the government decided to give 6,000 acres of land to the fishermen co-operative societies at the village level which remained on paper only. The Collector of the concerned district started giving lands on lease basis according to his will. So the local

fishermen became sufferers to a great extent and the non-fishermen people dominated over them which caused a serious threat to their livelihood¹⁰.

The resistance of the fishermen was joined by the opposition political party the Janata Dal leader, Biju Patnaik is claimed to have taken on oath to rescue the region from the clutches of the Tatas. It encouraged the people at large to make active the movement very strongly. Many people from outside came forwardly to participate in the movement¹¹. Among them Chittaranjan Sarangi was an important leader for this 'Chilika Bachao Andolan' who mobilized the fishermen to save Chilika from outsiders. They had a meeting at Bhubaneswar where they proposed a Committee named Chilika Bachao, Andolan. However, in 1989, with the Janata Dal coming to power, the situation once again took a change. The Tatas once again entered in Chilika.

In 1991, the Orissa Govt. turns from the earlier position adopted by the Janata Dal, invited the Tatas to form a joint sector company for prawn development in Chilika. In 1988, the earlier Congress Govt. had in a drastic departure from century old practices, a practice which was legalised since the thirties by the colonial rulers, opened the lease of Chilika to other parties besides the fishermen. This right to lease was extended to farmers from

¹⁰ Dogra, Bharat (1993), "Chilika lake Contravening," Economic and Political Weekly, 2-9, January, pp. 20-21.

¹¹ Meera Mahapatra, "Environment, Politics and the Chilika Project", Link, 35 (13), November 8, 1992, pp. 22-23.

nearby villages, was a deliberate attempt by the government to break the unity of the fishermen and their struggle. In 1991, the Janata Dal Government took a further step. They didn't extend the lease which expired in September 1991 to the Fishermen's Co-operatives. Instead, the Govt. decided to put the fishing resources of Chilika to public action. And in December 1991, the joint venture with Tatas was allowed advanced possession of 4,000 hectares of Chilika land. It encouraged to develop all export-oriented initiatives, to augment foreign exchange reserves of the nation.

The year 1991 also saw the birth of an intense struggle. The fisher people of 128 villages around Chilika united under the banner of "Chilika Matsyajibi Mahasangha" to fight for their right, to fight for the human rights. In August 1991, the students from Utkal University and from other Universities joined together at Bhubaneswar under the banner of "MEET THE STUDENTS" Forum to protest against the exploiting rule of the government towards the fishermen. They also mobilised the local fishermen for the movement and brought public awareness about the dangers of the Chilika and its inhabitants.

It is not the Tata company who entered in Chilika for the first time, there are many companies in Orissa who were very active in prawn fishing.

So, to prevent Tatas from Chilika, the 'Meet the Students' forum in co-operation with banka Behari Das started their agitation which became able to stop the entry of Tatas inside the Chilika lagoon. From 1991 to 1993, they gave a slogan- "Tata Hatao, Chilika Bachao" not only around the Chilika areas but also from Legislative Assembly to Lok Sabha. Here in this forum, many intellectuals, scientists, writers social activists actively participated in this movement¹². The 'Meet the Students' forum gave more importance on the livelihood of the fisher folk in Chilika. Hundreds of students from different Universities took active participation to protect and preserve the human rights of the fishermen and to save the environment of Chilika¹³. Besides this, there were many other organisations like-Ganatantrik Adhikar Suraksha Sammiti (GASS), Narmada Bachao Andolan, Baliapal Andolan, National Fish Worker's Forum, Orissa Krushak Mahasangha, Utkal Sarvodaya Mandal, Bharat Jana Andolan etc. fully cooperated with this movement.

The Environment Ministry also convened a Conference of representatives of various concerned ministries, of the Tatas, of the State Government, of the Orissa Krushak Mahasangha and some prominent MPs and MLAs of Orissa in July 30, 1992. There was decided that the work of

¹² "Chilka: Voice to the People", Krantidarsi Yuba Sangam, Orissa, 1993, pp. 1-9.

¹³ Pradyumna Bala, Birendra Nayak and Debiprasad Das. "Oriya 'O' Orissa Samiksha-96", Bikalpa Sandhani Mancha, Bhubaneswar, 1996, pp. 32-33.

the project should stop and Environmental Impact Assessment should be conducted. They made an environmental study through Water and Power Commission Consultancy Services to push through the project, its report was rejected by the Environment Ministry. At last the project was abandoned by the Tatas and they have intimated the President of Orissa Krushak Mahasangha, Banka Behari Das accordingly.

The Tata Project

Recently an Intergrated Shrimp Farming Project (ISFP) involving the lease of 400 hectares of land to a joint venture of the Tatas with the Government of Orissa has been in the thick of a major controversy. This project has come under heavy criticism for its adverse impact on the livelihood of local fisher folk and on the environment of Chilika Lake¹⁴.

The Chilika Aquatic Farms Ltd. is a joint sector project promoted by the House of Tatas and the Orissa Government. The project is to be located on the Chilika Lake nearby villages. It is an integral part of the Chilika Lake system. The total area covered by the Shrimp farm is 400 hectares of land. A further 200 hectares are in the process of being leased out.

There are a number of important objections to the project, both from

¹⁴ "Chiliko Bachao Andolan", Krantidarsi Yuva Sangam, Orissa, pp. 1-6.

the environmental and a social point of view these include :-

1. Pointing out some of the most important causes of concern of Chilika Laka, a research paper says, rapid siltation, decreasing salinity and explosive growth of macro-phytes turning them into weedy proportions are accompanied with a number of other changes which are a cause of concern for the future of the lake Chilika. Most important among them are the decline in fish yields and shrinkage of lake area.
2. The 600 hectares landmass allotted to the project has great economic significance to the region. During the rainy season the entire landmass gets covered by water which is necessary for the natural breeding of prawn. It has been estimated that upto 80,000 heads of cattle used this land for grazing during that period. The left over grass and cattle dropping is good food for the prawn and the fish when this peninsula is submerged in monsoon. By this way the ecological balance is maintained, involving grass, biomass, cattle and fish and using only sunlight and water as inputs.
3. The fishermen communities of Chilika those who solely depend upon fishing for their livelihood, they would be deprived from their earning by the setting up of the Tata Project.

4. The modern technologies used by the project is a serious threat to the environment of Chilika. The project will use high power chemicals and pesticides in the artificial lake for prawn breeding which is a great damage to the inhabitants of Chilika.
5. The fish and prawn from the Chilika move from the brackish waters to the sea (Bay of Bengal) through the magarmukh Channel. The embankment being constructed by the project, and the resultant situation will greatly hamper this movement and significantly affect natural regeneration of prawn in the lake.
6. The water from many rivers enter Chilika and a proper balance of sea water and river water is maintained.

The Tatas propose to build a rign-shaled embankment, about 13.7 km long, 40 feet wide and 30 feet high, on the Bhubania Channel, near the outlets of Chilika to the sea. This would seriously hamper the flow of still heavy water from Daya from and Bhargavi rivers and also other rivers, which reach the Bay of Bengal through the Bhubania Channel and Chilika. This will have a serious impact on the quality of water in Chilika and the aquatic life it can support.

Wapcos Study

The manner in which the Tatas have tried to go ahead with the project is totally illegal. In fact, at a high level meeting in August 1992, the former Environment Minister Kamal Nath has said that he would initiate another enquiry into the environmental situation of Chilika and made it clear that the work of the project must stop. The Environment Impact Assessment study commissioned by the project and the report submitted by the consultants WAPCOS, is a further indication of the way in which the Tatas are trying to muscle the project through the report while giving the project a clean chit, by ignoring the vital aspects of the project, its impact of the embankment on the surrounding regions.

The year 1991 is the birth of an intense struggle. In 1992, the fishermen around Chilika region united under the banner of “Matsyajibi Mahasangh” to fight for their rights. The struggle was also became more active by uniting various University students under the banner of ‘Meet the Students’. They protested against the commercial exploitation and to restore to the people their right to manage Chilika. In August 13, 1992 a meeting of intellectuals and supporters at Puri led to the formation of a platform “Chilika Suraksha Parishad” to co-ordinate its activities¹⁵.

The year 1993 was the most remarkable year in the history of Chilika Bachao Andolan. Under the banner of ‘Matsyajibi Mahasangha’ the whole fishing communities united together and protested to restore their basic rights, to save Chilika from Tatas. They decided to prevent tatas from Chilika completely. On 27, September 1993, these people formed “Olenda Primary Fisheries Co-operative Society.” According on first October, 1993, near Barunkhati which is nearby Muggermukh channel more than three thousand boats and 30,000 fishermen people united together over there to restore their rights, their livelihood. In the mean time, the government officials from Puri District, Bhubaneswar and from the concerned areas reached there to prevent them from this great agitation. But they couldn’t stop them from breaking the embankments of Prawn which was made by

¹⁵ Santosh Pattanayak, “Chilika : The Blue Lagoon”, Yojana, 1996, pp. 27.

Tata inside Chilika Lake. Finally, the Government of Orissa was bound to agree with them and supported the fishermen to make their struggle successful.

Steps are taken to ban shrimp farming in Chilika

The recent Supreme Court Judgement banning shrimp culture within 500 metres of the high-tide line along the 6,00 km coast line and dismantling of all structure within the restricted zone can be considered as the culmination of the struggles of traditional fishermen against big industrial houses, private entrepreneurs, fish mafias from outside, etc., who won large-scale shrimp farms.

In Chilika lake which is considered as the centre of prawn trade in Orissa, effect, of this judgement will be felt rather actually. The Report of the fact finding on Chilika Fisheries submitted to Orissa High Court in 1993 says, that the actual number of traditional fishery sources of Chilika which have been converted till date as reported by Puri Collector is about 206. These 206. These 206 traditional fishery sources out of a total of 333 have been converted to 248 culture. The same report says that a large number of fishermen population of some Primary Fishermen Co-operative Society

(PFCS) have lost their livelihood due to the activities of their non-fishermen counter parts as well as outside encroachers. For example, about 1200 acres of Bahar Chilika (implies deep water of Chilika) meant for capture fishing at Subalia under Khalikote Tahasil have been encroached upon both by the non-fishermen villages nearby and some outside merchants from the nearby and some outside merchants from the nearby cities of Cuttack and Bhubaneswar for shrimp culture.

This kind of activities causes problems for the traditional fishermen to go into the deep waters of Chilika for capture fishing. This caused grave distress to about 2,000 fishermen families of nearby villages. The Chilika Aquatic Farms limited (a collaboration of State Government and Tata Companies) envisaged to cultivate Prawns by creating an artificial lake inside Chilika by enclosing 1,400 acres of land, with a 13.7 km. long ring embankment. These venture which would have proved disastrous consequences to Chilika's eco-system, is now postponed due to the orders of Orissa High Court in 1993. But this wasn't before a strong fishermen movement in Chilika under the leadership of various NGOs like, Orissa Krushak Mahasangha, Chilika Bachao Andolan, and Krantadarsi Yuba Sangam.

The practice of prawn aquaculture is no doubt very lucrative for both

government and for the individuals or companies which practise it. But this doesn't reflect its social and ecological cost. Many fishery scientists and environmentalists have unanimously agreed that the adoption of shrimp farming is dangerous for the lake and its eco-system. It leads to a decline in juvenile fish population since the shallow and grass covered juvenile nursery grounds are lost.

Apart from ecological problems, prawn aquaculture leads to numerous social problems. According to the High Court Committee Report, 1993, there is rampant subleasing of fishery sources and illegal encroachment on Chilika. The Primary Fishermen Co-operative Societies sublet the fishery sources which are legally leased out to them. The person who 'buy' these fishery sources for prawn aquaculture and employ anti-social elements to guard. The local fishermen say that the more the distance between their village and the allotted fishery source, the greater is the chance of its illegal encroachment by the non-fishermen. The subleasing is rampant in Chilika mainly because of the negligence of the apex body the State Marketing Federation¹⁶. There is lack of clear-cut demarcation of fishery sources (which is meant for capture fishing and prawn aquaculture). Also the apex body has no power to enforce the lease

¹⁶ Debarata Patra, "Conflict over fisheries in Chilika", Third Concept, April - May, 1997. pp. 57-58.

terms or to prevent illegal and unauthorised intrusion into the leased fishery sources or to resolve the dispute over Chilika Fisheries.

The State Government's leasing policies have been very controversial. These policies have been giving more and more rights to the non-fishermen communities over the fisheries of the Chilika¹⁷. Firstly, in 1990-91, the Government allowed the non-fishermen caste people to form primary fishery co-operative society by which they can get the lease of capture fisheries in Chilika. Secondly, as per 1994 leasing policy, the landmass may be jointly shared by primary fishermen societies and the non-fishermen people of the same village. The non-fishermen who are about 60 per cent of the population of the area obviously are in advantageous position to exploit the landmass. The entry of big industrial houses to start large scale prawn aquaculture in Chilika, highlights the anti-people and anti-ecological policies of the State Government.

On 6 December, 1996, a report was presented at the State Legislative Assembly which ordered to ban the intensive and semi-intensive prawn & cultivation in Chilika. It was also said that 31,600 hectares of land are being used for illegal prawn cultivation of the state. Fishing and capture fishing should be confined only to the traditional fishermen of the local areas. In

¹⁷ Pradyumna Bala, Birendra Nayak and Debiprasad Das, Oriya 'O' Orissa Samikshya - 96, Bickalpa Sandhani Mancha, Bhubaneswar, 1996, pp. 36-40.

this report it was stated that the State Government must implement certain laws and regulation for the protection and development of Chilika and its people. (Asian Age, 8-012- 1996).

In this context of conflicts over the fishers of Chilika, the recent judgement of Supremen Court is bound to have for-reaching effects. Justice Kuldeep Singh & Justice S. Sagir Ahmed have given their statements regarding the restoration of Chilika and its inhabitants. These are :-

- a. The Shrimp Forming which was made by the multinational companies and big industrial houses must be banned by 31st March, 1997.
- b. The fertile lands, industrial areas willn't be allowed for prawn cultivation.
- c. The Collectors and S-Ps of the concerned areas will break these shrimp farm off.
- d. Banning of shrimp farms within 500 metres of high-tide line would mean that most the of shrimp farms located in Chilika would have to be dismantled (Pragatibadi, 12-12-1996).

These would definitely prove beneficial to the eco-system of Chilika.

Apart from this, the conflict between traditional fishermen and non-fishermen people and private-entrepreneurs practising large-scale prawn aquaculture will definitely lessen. The shrimp farms which was supposed to be banned by 31st march 1997 it was extended till 30th April 1997 by the Supreme Court. (Economic Times, 22-03-1997). On behalf of the Union Government, the Supreme Court Judges-S.C. Sen and S. Sagir Ahmed have passed this order. The Attorney General of India also so said that by banning the shrimp farm would be a great loss to the livelihood of the lakhs of people in the country.

To improve the ecology of the lake, several other steps have to be taken. Immediate desilting and dredging of the narrow channel opening (Muggermukh) into the sea, dewatering afforestation programmes and silt control measures are some of the steps which should be taken to preserve and conserve the rich aquatic system of Chilika. While encouraging the capture fishing, Government should discourage the used of ecologically destructive fishing devices like small-mesh size nets and purse-seines, earmark the fishing seasons and should also prevent over fishing. Both the Government and the local people should try to look for alternative livelihood like coconut plantations, cashewnut plantations, etc., because over dependence on the fisheries of Chilika can be counter-productive on the long run. The greatest danger is that the fishermen are facing at present is the large-scale illegal encroachments that have taken place with in the last twelve

years of outsiders. They include Ministers, M.L.A.s, Politicians, high bureaucrats and bring businessmen with the full convenience of the State Government. However, the movement is continuing because many causes for the lake's degradation for which the State Government and the people are responsible. So the Government should give primary rights and responsibilities of the fisher is in Chilika to the traditional fishermen of the area. However, the solution of all these problems regarding the eco-system of Chilika and its people depends on collective endeavour of both the Government and the local people.

Baliapal Agitation

The struggle in Baliapal against the establishment of the National Test Range (NTR), India's first missile testing project, in the Baliapal and Bhogarai blocks of Orissa's Balasore District has become as unique protest among all the people's movement which took place in Orissa recently. This has become a symbol of protest against National Test Range not only at the State Level, but also at the national and international level as well¹⁸. The growth of this agitations has been a significant development in the Indian Polity, for it has been able to mobilise all the inhabitants of the area, cutting across the lines of class, caste, gender and tribal affiliation, on the issue of displacement.

¹⁸ Ibid., pp. 42-43.

The agitation in Baliapal was formally launched in December, 1985 with the formation of the Uttar Balasore Khepanastra Ghati Pratirodh Samiti (KGPS) and since there has become one of the most militant agitations that this country seen has seen in recent times. It is an agitation which has been able to mobilise people from all classes in society and has broken down barriers of caste, age and gender in making it a mass agitation. What is most interesting and significant is that it has been able to get the support of all the mainstream political parties as well as political groups on the bringses of the parliamentary process for its objectives.

The localisation of the struggle in Balipal is a result of the consolidation of certain economic, political and social processes in one conjecture. The twenty year have seen some major charges in the economy of this area as a result of two development. On the one hand, the commercialisation of existing crops like rice and cocunut, fish, and the introduction of new cash crops such as peasant, cashewnut, and, most important is betelvine or pan. The specific nature of paan cultivation which made it possible to cultivate it on homestead land and the significant role played by paan traders who by disseminating knowledge regarding paan cultivation among the lower un-cultivating castes, expanding its production over large tracts of this area. Moreover, Baliapal Paan has a monopoly in the

market for Banarasi Patta. This paan cultivation had a large scale profit at the local and national market also.

Two phases in the class dynamics of Baliapal preceded the crystallisation of the agitations. The first was initiated in the early fifties with the growth of the cash crop economy among the landed peasantry in this area, which mainly consists of upper castes like-Khandayats, Goalas and Rajus¹⁹. The changes came when the cash crop economy in this area put pressure on land increasing the volume of disputes and creating conditions for the crystallisation of class tensions among the upper castes, given that the fertile land was mainly cultivated by the upper caste small and medium peasantry. The conflict emerged when the mobile upper caste first encroached on the common property land, displacing the herders, the caste of gopals and later on fertile lands of small cultivators, who were mainly Khandayats. The people of this area earn cores of ruppees by paan cultivation. And nearly 30,000 fishermen, they earn their livelihood from the river Subarnarekha by fishing . The poorer sections of the society solely survive on these resources.

The process of consolidation of the upper peasantry and the displacement of the small cultivators and other castes dependent on common

¹⁹ Sujata Patel, "Baliapac Agitation : Leadership Crisis" Economic and Political Weekly, June 9, 1990, pp. 1260-62.

property resources which received a serious set back after the sixties with the growth in the cultivation and production of paan. The stage of development occurred when the outsider paans traders were eliminated and substituted by the Baliapal traders, by establishing direct links between the national and the local market increasing the demand for paan in Baliapal.

The features which distinguish the Baliapal agitation are, its mass character, its independence from political parties, in spite of having obtained support from all political parties and its well articulated ideology of BHEETAMAATI that formed the basis for various section identifying themselves with the struggle²⁰.

In 1984, when the government announced to acquire land from Baliapal Block to establish the National Test Range, it was the poor traders who initiated discussions to confront this move. With elections on the anvil, the Congress (I) attempted to channelise lose this discontent by forming the KGPS in December 1984. It was reconstituted under the leadership of Gadadhar Giri, an ex-socialist, with the Janata Party and the Assembly representatives from this constituency. The new KGPS was dominated merely by paan traders of the twelve member KGPS, eight were poor traders, and the other three, apart from Giri represented the upper caste

²⁰ Ibid.

personating which had dominated the earlier KGPS. Though the leadership of KGPS rested in the lands of Giri and the poor traders, mobilisation was largely done by all sections of the society, through the front of students, youth, women and fisher people.

In October, 1985, the students of Baliapal and Bhogarai blocks formed a forum 'Anti National Test Range Student's Forum' to protest the human rights of the people. They brought awareness among the common people by personally meeting with the people, pamphlets, newspapers, procession, etc. They protested against the Test Range at the state and national level to stop it completely. On 18th October 1985, late Chief Minister of Orissa visited the place and supported their struggle.

In the meantime, there arose a revolutionary slogan among the people of Baliapal "Stop Baliapal Test Range." At the sometime the fishermen of the locality raised their voice against Test Range by foreign IMSE (Institute for Motivating Self-Employment) which was working very actively over there. In collaboration with IMSE there are many fronts-Fisherman's Front, Women's Front, Peasant's front etc. It was actively protesting against Test Range of Baliapal. In 1986, they formed the women's Front, named "Women's Forum Against Test Range"²¹. On 15th January 1986, the

²¹ Pradyumna Bala, Birendra Nayak and Debiprasad Das, 'Oriya 'O' Orissa Samikshya - 96', Bickalpa Sandhani Mancha, Bhubaneswar, 1996, pp. 44.

revolutionising Communist Student's Front agitated against Test Range and they celebrated from 62 January to 28 January as Black Dog. Around 30,000 people had participated in this procession to fight for their rights. Former Lok Sabha Speaker ^{abc} ~~Rao~~ ^y Range also supported their struggle at the end.

In 1986, 1st February, Chief Minister J. B. Pattnaik Government was surrounded by the people of 128 villages to protect against the range. On 2nd March around 3,000 students activists surrounded the District Collector to claim their demands and on 10th March, 1986, they made a Barricade at Kalipada, Around one lakh people assembled over there to restore their rights. That was a great landmark in the history of Baliapal Andolan. In April, 1986, some MPs and MLAs leading by Shri. Gadadhar Giri and Samrendra Kundu met to the late PM Rajiv Gandhi in New Delhi. But he wasn't able to do anything to save the people and the Baliapal region.

So, the revolutionary Communist Student's Front started their struggle at the district and state level and also at the inter-state level. This movement was also supported by different units like Democratic Union of different states, Union Against Test Range, Student's Front, Women's Front, Fishermen's Front and progressive writers, freedom fighters, they all came forward to support the struggle against NTR. At the same time, part of C.P.I., S.U.C.I. (Students Union Council of India) and some old Gandhian

people, they also played an important role in this movement.

Two political currents integrated the various sections to Baliapal society and the block of interests based on cash crop economy and created a political entity. These currents were represented between Gadadhar Giri and Gananath Patra. The two together were able to integrate all sections without disturbing the fine lines of class, caste and gender and political division.

The organisation of structure of the KGPS reflected the authority structure of that society and the political dexterity with which Giri manipulated these to provide for lower caste participation in the struggle. While the KGPS and the general assembly were empowered to take political decisions and co-ordinate the struggle, the students, youth, women and fisher women's fronts were asked to mobilise the masses. While Giri managed the KGPS and the assembly, Patra managed the fronts.

Since land had been an issue of contention and dispute in this region which could divide the struggle, Giri revived the institution Vichaar, which used to have discussions to arrive at a consensus. The institutional structure and the political block was defined by the ideology of BHEETAMAATI, a word which can be loosely denoted to mean 'home', 'hearth' and the

emotions that are rooted in these words.²² This ideology converted a cultural sentiments for land into a political demand for the absolute right of the people. The fight was thus for Sonar Maati, the golden land and for the protection of Ma, the mother, who was the symbol of Prakriti, nature, a fight conducted by the entire community against the state which wanted to destroy all three : Sorar Maati, Ma and Prakriti.

The articulation of this ideology of Bheetamaati, in this manner brought out the economic, political, social, cultural and environment as dimensions of the struggle. Though the ideology as it was articulated and extended during the struggle emphasised economic issues rather than the cultural and the environmental. The political implication of this ideology was clear. As the community had absolute right over land, the KGPS couldn't negotiate over its parcelling, rather it could only represent the community and influences the state to revoke its decision. This created a political block against narrow party interests, for the struggle was willing to accommodate any political interest so long as the basic principle that the community had absolute right over land was accepted After the death of Gadadhar Giri in January, 1987, there was a leadership crisis in Baliapal agitation. At the same time, Patra's ousted from the political parties gave a

²² Sujata Ptel, "Baliapal Agitation: Leadership Crisis", Economic and Political Weekly, June 9, 1990, pp. 1262.

set back to direct the movement. Active support for the agitation extends all the way from Marxist-Leninist groups to the Congress (I) at the village and the block levels²³. In a dominant political climate, the support of the mainstream political parties and groups for the agitation reflects not only the political strength that it commands but also its political maturity for not compromising for narrow political gains.

The year 1989 is the year of great achievement not only for Baliapal people but also for the people of the country as a whole. Even though the law and order machinery in the form of police post has remained, people have boycotted it, effectively by preventing any presence of the state in the area. The KGPS has functioned very effectively by mobilising all sections of the society to demand for their rights. It became successful by preventing all the government machinery to the human barricaded area.

There is no doubt that the militancy reflected in the agitation is the product of poorer class participation and support. The National Test Range Project at Baliapal in rice-bowl Balasore district perhaps saw the most concerted people's protest when local women played a crucial role. The methods of protest were very unique and effective-human barricade brigades were called in Baliapal to protest against their rights.

²³ Pradyumna Bala, Birendra Nayak and Debiprasad Das, "Oriya 'O' Orissa Sanikshya , '96", Bikalpa Sardhani Marcha, Bhubaneswar, 1996, pp. 47-49.

No doubt the people's demand not to set up NTR has become definitely successful. But the most crucial problem that people of Chandipur are today is-the project "Dhamara" which is being set up in Chandipur, ensures to set up NTR over the same areas. It has given more tensions to the people and their livelihood. The people of Chandipur those who live on the costal areas are deprived from their traditional occupation like agriculture, fishing etc. The multinational companies, landlords, bureaucrats, fish mafias and other outsiders dominating over them and encroaching upon their rights illegally.

So, to protest against their rights the movement is continuing at the present society. There are many organisations like Student's Front, Fishermen's Front, Women's Front, continuing there movements to fight for their rights. So, Baliapal agitation hasn't come to an end in the history of people's movement in the country. Time well tall how far it is continuing and to what extent it will be able to achieve its goals.

Save 'BALCO' Andolan

The public sector Bharat Aluminium Company (BALCO) is facing an uphill task, emburdened with its proposed multicrore bauxite mining project atop the Gandhamardan hill in Sambalpur district of Orissa. This movement appears condemned to pursue a task that knows no end.

Caught in a vortex of politics, religion, red-tapism and apathy, BALCO's much publicised and controversial bauxite mining project, for feeding its integrated aluminium plant at Korba in Madhya Pradesh, is facing a troubled present and an uncertain future. Ever since, the foundation for the project was laid on May 2nd, 1983, the company has been fighting frustrating battles on many fronts with agitators, politicians and officials. The state government's own role in the controversy has been intriguing, to say the least²⁴. Meanwhile, a host of politico-socio-religious organisations have stepped up their agitation against the project on grounds of environmental pollution, ecological imbalance, damage to temples and uprooting of tribals. The heterogeneous leadership of the agitation have resented the project for its potential damage to forest reserve and claimed that it would affect 50,000 people, uproot a large number of rare medicinal herbs, dry up perennial streams, endanger the fauna, damage the ancient Nrusingh Nath temple, 600 metres below the hill, and leave a large number of people landless. The project would affect 6,238 people comprising 1,24 families in 16 Villages, according to BALCO and it rules out any threat to the streams, temples, or to the flora and fauna. As regards destruction of rare medicinal herbs, it quotes 'experts' in support of its claim that there are no rare or threatened medicinal herbs or plants found only in Gandhamardan.

²⁴ "Balco's never - ending battles", The Times of India, 26 January, 1994.

Following the agitation of thousands of people work on the project has been suspended since December 1985. BALCO has already spent about Rs. 25 crores on the project and it has claimed that the project on the hill top would involve only 0.8 percent of the total forest area in the region.

The Gandhamardans Surakshya Yuba Parishad (GSYP), which emerged in 1985, by all the youths of the locality, started the agitation by about 50,000 local inhabitants of Gandhamardan region, has launched a Chipko-type resistance movement demanding scrapping of the bauxite mining project. The GSYP alleges that the project will not only upset the ecological balance of the region which is in the vulnerable rain shadow belt of Kalahandi, but also destroy the forest based livelihood of locals, mostly tribals, and also disrupt the social, cultural, economic and religious ethos of the inhabitants of the region. In this agitation the students of various university took a very role to make it successful for the people.

The agitators is to lie down on and hug the grounds to obstruct the movement of workmen and vehicles engaged by BALCO and the contractors. The agitators raised their slogans "BALCO HATAO"²⁵, Gandhamardan BACHAO" (Drive away BALCO, Save Gandhamardan). isolated incidents of minor violence have also been reported but the agitation

²⁵ R.P. Bagchi , "Gandhamardan Movement Continues", The Deccan Herald, November 9, 1986, pp. 6-8.

has, by and large been peaceful so far. In 1986 the agitators joined by the prominent environmentalist and Chipco movement leader, Mr. Sunderlal Bahuguna, have since then strengthened their blockade across the road leading to the project site, assulted and absued BALCO officials at Paikmala in Sambalpur, 25 km away, and held the people in the area to ransom, the authorities alleged. So, he brought the movement at the rational level.

Meanwhile, in deference to the wishes of the wishes of the State Government and also at the insistence of the agitators, the Union Government set up an expert Committee headed by Dr. B.D. Nag Choudhury, former Vice-Chancellor of Jawaharlal Nehru University in Delhi, to study the ecological effects of implementing the project. The committee submitted is report which contained several recommendations on how to safe-guard the ecological balance of the region and protect the prevailing lifestyle of the inhabitants. According to Mr. Bhabani Shankar Hota, leader of the GSYF, the central and the state governments have allegedly joined hands with BALCO "to destroy Gandhamardan hill and the ecological balance and livelihood of the people in the region"²⁶. Referring to BALCO's virtual refusal to implement the "inconvenient" recommendations of the Nag Choudhury Committee, Mr. Hota says that the whole exercise

²⁶ Devmuni Gupta, "BALCO'S never-ending battles", The Times of India, March 13, '19988. pp.11.

was only meant to hood wink the local people.

The State Government under the J.B. Patnaik Ministry, the Chief Minister would have taken a firmer stand had this been a localised and isolated issue. But greater things are at stake for it at Baliapal in Balasore district where local inhabitants have been resisting the Defence Ministry's move to set up the National Test Range. The Biju Patnaik-led Janata Party and other opposition parties have lent their support to the agitators at Gandhamardan and Baliapal. They have also threatened to launch a state-wide agitation if force is applied to crush the agitations.

After the general election in 1991 when Biju Patnaik became the Chief Minister of Orissa, he planned again to set up BALCO project in the region. When the agitationists and large number of people protested against the scrapping of this project he promised with the leaders of GSYF that the BALCO project will never be set up in future.

Contemporary Situation of BALCO

In 1996, the present Chief Minister of Orissa declared that the BALCO project will be set up in Gandhamardan Hill of Orissa. By hearing this declaration the GSYF launched their agitation very effectively to wipe out the project. More than five thousand people agitated near Khaprakhol

of Bolangir district, of Orissa in January, 1997, against BALCO.

It seems whenever the Government attempts to permit any company to set up the aluminium project in the Gandhamardan hill of Orissa, the people who are very actively protesting against it, will raise their voice to protect their environment as well as their livelihood. The storm raised by Gandhamardan shows no signs of ending with a whimper.

Kashipur Andolan

While the Orissa government is handing over on a platter land, forest and water resources to transnational corporations for mining and processing it is ruthlessly suppressing the rights to livelihood of thousands of tribals in those regions, rendering them refugees in their own homeland.

The Kashipur agitation formally launched in 1996 at the state-level. When the government of Orissa Proposed to set up two big aluminium project by Utkal Aluminium in 1995, in Kashipur areas of Rayagada district, again the tribals of kashipur signalled a similar 'no' to the project though it is going to set up two Aluminium project in such an under developed area, the state Government is least concerned about it.

The first project is related with three companies, such as-Indal, Tata & Hydro-Aluminium Companies, in collaboration with Utkal Aluminium

International Limited. The estimate of this project is Rs. 24,00 crores. This project will be setup at kucheipadar which is supposed to be the rice-bowl of Kashipur people. It plans to produce bauxite from Baflamali Hill which is 14 km. from this place.

The 2nd Aluminum project is associated with two companies :

- i. Larsen and Tubro (L&T)
- ii. Aluminium Company of America (ALCOA)

This will be set up at Kalyansinghpur block nearby Kashipur. This project plans to produce bauxite from Sijmali and Kutrumate hills & 25,00 crores will be spent on this project. To set up the first aluminium project, it has got the provisional clearance from the Environment Ministry of the Union Government. So, the work has been started for the establishment of this project. The roads and railways have already been constructed for the project. For the second project any work hasn't started yet.

Meanwhile, the people of Kashipur raised their voice against the project and they launched their agitation to protect and preserve their rights and their livelihood from the clutches of these multi-national companies. The joining of environmentalist Medha Patkar, which gave a new direction to the agitation and a state-level conference was held at Kucheipadar on 14-2-1996. To protest against these projects they formed an Organisation, named

'National Alliance For People's Movements' which strongly protested against the encroachment of their rights²⁷. To run this movement they had also formed two local institutions they are :

- i. "Council for the Protection of Natural Resources"
- ii. Council for the Regional Protection'.

In 1995 the people of Kucheipadar raised their voice against the aluminium project which is going to set up on their agricultural land. They united thousands of local people to fight for their rights and livelihood. On behalf of the 'Council for Regional Protection' the people stopped the entry of company people and their vehicles to the hills.

Kucheipadar is one of the important villages of Kashipur from political and economic point of view. This village is considered as the life of the inhabitants of that area. In 1985, Late Prime Minister Rajiv Gandhi Visited Kalahandi district and Kashipur are. After that on behalf of IFAD (International Fund For Agricultural Development), in collaboration with the World Bank they had taken some developmental activities for the economic prosperity of that area. On behalf of IFAD, they cultivated coffee, rubber, sisil etc. on their agricultural lands. As a result of which the inhabitants of that area become deprived from cultivating traditional foodgrains and they

²⁷ Pradyumna Bala Birendra Nayak and Debiprasad Das, 'Oriya 'O' Orissa Sanikshya- 96, Bikalpa Sandhani Mancha, Bhubaneswar, pp. 76-79.

gradually occupied the lands of the local people²⁸. Being aware of this fact the people protested against the illegal encroachments of IFAD, they cultivated coffee, rubber, sisil etc. on their agricultural lands. As a result of which the inhabitants of that area became deprived from cultivating traditional foodgrains and they gradually occupied the lands of the local people. Being aware of this fact the people protested against the illegal encroachments of their rights. In 1990, the government ordered to stop this IFAD.

During Janata Dal Government in 1993, people came to know about this project and launched their agitation against it. At that Biju Patnaik's Ministry supported the project, whereas the opposition Congress leader Shri Akhil Saunta who is now the M.L.A. from that area supported the people's movement against the project.

With the 1st project one of the biggest Hydro-Aluminium Companies of Norway is associated and 'ALCOA' as the biggest Aluminium Company of American which is associated with the second Project. The State government and the Companies aren't going to give detail information to the people to put them in darkness. In 1996, when the Company announced that the people of 41 village will be displaced to set up the project, the people

²⁸ Ibid.

who only survive on these natural resources agitated against it. On the other hand, the business class, middle class people, those who are unemployed they support the project.

Contemporary Situation

The thousands tribal people of Kashipur continue their struggle for their rights over minor forest produce which becomes as tougher challenge ahead: the struggle for their livelihood and for their survival. The State Government has already handed over thousands of acres of their land to multinational corporations for mining and processing of bauxite. It wasn't just a question of rights for minor forest products, but the question of the right to live in the region, which the state had already taken away from them. The tribal people in Kashipur had lost their rights not just to the minor forest products, but the rights to their home, their land and livelihood.

But the people weren't going to give in just like that, and so refusing to accept the mining companies and their surveys and constructions. The non-governmental Organisation 'Aragamic' which has it important role to bring public awareness about their rights and exploitation. It enable then to protest for their rights and livelihood. The President of that Organisation Achyuta Das to the Union Environmental Minister about the details of this movement. But the Union govt. being silent on this movement appears to

support for the implementation of these projects.

The projects in Kashipur are just some more such instances, where a 'few' will have to sacrifice for the good of the nation, but with a serious difference here the 'few' have waken up to the injustice of this process that is termed national development and they continue to assert for justice and their rights.

Agitation Against TISCO & MESCO

Orissa is richly endowed with mineral and the Govt. of Orissa have initiated meaningful efforts for development of the identified areas to set up Steel Plants in the State. Different sites have been identified to locate all the Steel Plants, mainly Industrial Complexes at Duburi in the District of Jaipur in Orissa and Gopalpur in the District of Ganjam.

At Duburi Complex, which includes eight Mega Steel Plants and one power plant are proposed to be set up. At Duburi the Steel Plants are going to set up in collaboration with two companies named :

- i. MESCO (A) – Mideast Integrated Steel Ltd-PigIron, Duburi Industrial Complex.
- ii. MESCO (B) – Kalinga Steel Limited, New Delhi.

At Duburi, land is acquired and their infrastructure facilities created

at the cost of the Government. All the projects located there have been allotted land so acquired and they are charged the cost of land, cost of rehabilitation and resettlement.

To ensure their investment and implementation of the Project, Govt. of the Orissa (Deptt. of Steel and Mines.), have so far placed Rs. 38.84 crores for development at Duburi integrated, Industrial Complex in the District of Jaipur. Government have also created two Special Land Acquisition and rehabilitation work at Duburi and Gopalpur. The steel plants at Duburi Complex was likely to commence by March 1997. They already have started its site levelling and construction of boundary wall, etc.

The people of this industrial complex those who are going to be displaced by the steel plants they have raised their voice to protect their livelihood being confronted by the agitationists, the Govt. of Orissa haven't gone ahead to set up these Mega Steel Plants at the present situation. The people demand that the state should have a clear-cut mining and industrial policy which would benefit the common mass as a whole²⁹. Moreover, the State Government should implement proper rehabilitation policies for the resettlement of the displaced persons. So, time will tell whether these Mega Steel Plants are going to set up or not in future and it will be decided by the

²⁹ Ibid., pp. 80-81.

activists of the movements. In 1993, the JD Government had recommended the renewal of the Tata iron and Steel Company's (TISCO) lease of 1,261 hectares of chromes and iron mines, which the company had held for the last few decades. The inaction of the Government has led to accusations that it is showing special favours to TISCO by allowing it to continue its operations in the entire area of 1,261 hectares and lift are worth Rs. 30 crores per month.

Two Mega Steel Plants are going to set up at Gopalpur of Ganjam District. Everybody is looking ahead whether the TISCO is actually going to set up the giant steel plant in Gopalpur. Neelachal Ispat Nigam, TISCO Steel Plant and MESCO Steel Plant-these three plants are in the pipeline.

The situation TISCO is facing to get its Rs. 35,000 crores Steel Plants which are going to set up in Gopalpur it has however blown the lid off this dream of late most projects which would result in the displacement of the original inhabitants in Orissa are facing strong resistance at the grass roots and by they captained by green or 'red' activists³⁰. On 25th October, 1997, the TISCO Managing Director, J.J. Irani pointed out that the company which was committed to set up its Gopalpur Steel Plant and was now awaiting infrastructural project related to ports, railways water supply and mines to

³⁰ "TISCO Reiterates its Commitment", The Statesman, October 25, 1997, pp. 13.

come up to a certain level of readiness before going in for construction activity of the steel plant. (Hindustan Times, 25.10.1997)

Addressing a joint press conference along with Chief Minister J. B. Patnaik, Dr. Irani said, although there had been some delay, he would like to emphasis in the strongest terms that TISCO was committed to set up the plant, but unless the infrastructural projects are in readiness it would be impossible to put up the plant stressing on the crucial linkage of these projects to the proposed steel plant.

Moreover, he felt that the most important cause of delay as far the steel plant project is concerned had been due to local agitations which caused problems in land acquisition. He claimed that by now 3,000 acres at the plant site and 1,000 acres at the rehabilitation site have been acquired and 300 families shifted to the rehabilitation site.

On 21st June, 1998 in a significant order the Orissa High Court comprising Chief Justice S. N. Phukan and Mr. Justice C. R. Pal after hearing two separate petitions from the villages and the Orissa Unit of the people's Union for Civil Liberties (PUCL), was directed the State Government not to evict the villagers of Sindhigaon for up a mega steel plant by TISCO at Gopalpur without following the due process of law.

Still the local agitation is continuing to prevent these companies to go ahead with the encroachments of the people's right. So, there is gross violation of human rights which is happening in Orissa at the present situation. If one will go through an in depth study of these environmental movements, once will find that in every part of Orissa people are fighting for their rights, for their livelihoods, for their basic needs which they deserve in the society. The Governmental Organisation though it is considered as democratic, isn't in favour of the restoration of the human rights to the people, rather it violates human rights in the name of development in a large extent.

CHAPTER - IV
IMPACT AND ITS ASSESSMENT

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The last fifty years have been both years of progress and of failure. The human rights situation has improved in numerous countries. The civil and political rights of the people have been generated to an increasing extent. Many developing countries have successfully responded to the aspiration of their citizen for standards of living defined by human rights principles. The empowerment of the people have been done through treaties and covenants upholding Universal Declaration of Human Rights¹.

Failures to safeguard human rights have been more dramatic and mark out the areas where work remains to be done, or indeed, must be begun again. The gross violations of human rights are undoubtedly associated with the numerous regions where civil wars have deprived millions of life, home, safety and livelihood to the people. The existence of oppressive regions founded not on democratic principles but which maintain their power by widespread violations of civil and political rights. In this context, the success of democracy is needed to prevent the violations of human rights in the country.

¹ K.P. Saksena (ed), 'Human-Rights, Challenges in 1990, Beyond New Delhi, Lancers Books, 1994, pp. 3-5.

The Universal Declaration of Human Rights recognises the inherent dignity and equal and inalienable right of all the members of the human society. Further, it represents a reaffirmance of the faith in the dignity and worth of a human person. Article 5 of the Universal Declaration of Human Rights, 1948 enjoins “no one shall be subjected to torture, in human or degrading treatment or punishment”. International covenant on Civil and Political Rights insists “All persons deprived of their liberty shall be treated with respect or the inherent dignity of the human person²”.

India is a signatory to all these declarations and covenants. Despite the setting up of the National Human Rights Commission in 1993, the use of torture by the Police and Security Agencies has continued in India. Human Rights are essentially the rights of people both as individuals and in groups. The problems emanating from denial of human rights in various forms are so massive and complex that no single group could adequately provide vigilance and launch movements relating to various aspects of human rights. Again, while denial of civil and political rights, arbitrary arrests, extra-judicial executions have attracted world-wide attention of the media as also inter-governmental organisations, hunger, poverty, shelterlessness, illiteracy, disease, widely prevalent in developing countries

² Ibid., pp-21-22

have not attracted the attention they deserve; nor have adequate steps, at national and much less at international level, been taken for removal of these social and economic menace which results in negotiation of basic human rights.

The elevation of the right to a safe and clean environment, the status of the human rights advances the rights of citizens to the highest possible level of protection that can be secured through law. With such constitutional guarantees, citizens can call the state and its organs to accounts for their acts and omissions, before the judicial system. All national laws will be measured from the constitutional yardstick making it possible for citizens to obtain remedies against the state³. To preserve and protect the environment the citizens of the country would force the governments to fulfill their demands and take important decisions only after meaningful public participation and in accordance with the majority wishes.

The third world countries like India face environmental problems at two levels-One is the impact of high growth oriented development on environment and the other is the direct impact of the improved standards of living through different lifestyles.

³ V.S. Vyas & V. Ratna Reddy : 'Assessment of Environmental Policies and Policy Implementation in India', Economic and Political Weekly, 10 January, 1998, pp-48.

In the first category, there is construction of large irrigation projects, construction of dams, technologies for agricultural growth, rapid industrialisation etc.. The second category involves affluent lifestyles which draw heavily on the natural resources. The problem with the present development strategy is that activities at both levels are mutually reinforcing and hence lead to the environmental degradation to a great extent.⁴ In this form of development the best way to prevent environmental degradation is the adoption of environment friendly technology fostered through proper policies.

Everybody should feel concerned over environmental problems the world is facing today. This growing consciousness has led to the growth of many environmental mass movements at national as well as at international level. These mass movements have acted as pressure groups in law-making. These have influenced not only the executives but also the legislatures and the judiciaries. So, the world-wide efforts are needed for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

The public awareness at a grass root level is necessary to challenge the environmental problems the country is facing. Many environmentalists

⁴ Ibid., p. 49.

view that the best way to prevent environmental degradation and promote sustainable use of environment is to ensure the central participation of the people, especially the tribal and rural poor, in the control and management of natural resources⁵. Sunderlal Bahuguna, an eminent environmentalist has said that - administration can play vital role in making the voice of the people effective. The present need, therefore, is to make people aware of environment and environmental resources and educate them for the preservation of it. Environmental education makes one conscious of the need to understand the consequences of such human activities which cause harm to environment and the manner in which the degree of harm can be reduced. Many people are unconcerned of their surroundings. It is only through a proper and sustained environmental education the general mass can be aware about the protection of environment. The urgent need, therefore, is to maintain a proper balance between the man and environment by generating a sense of environmental awareness among the different segments of society through a vigorous and sustained environmental education. There is also on urgent need for eco-friendly government policies and programmes which lead to the development of a safe environment.

⁵ R. Neelamegam, & R. Maria Indigo, "Environmental Protection and Awareness: Third Concept, August 1997, pp. -45.

At the present society, there have been numerous write ups by journalists, environmentalists, leaders of civil rights movements, and academicians about the positive and negative aspects of big dams in India. While some of the works have highlighted the benefit-cost issues, ecological imbalance and discussed the relevance of big dams vis-à-vis the medium and minor irrigation works, some other studies have highlighted the problems and prospects of the oustees in their new habitat. In this context, any attempt is to highlight the human rights situation at the present time and the role of the civil society in restoring the rights of the people with regard to the environmental mass movements in Orissa. Economically Orissa is one of the most backward states in India. In the poverty-stricken Orissa, live the communities of tribal people, who solely depend on natural resources for their survival. They live a life wedded to work, and ask nothing of anybody and know nothing of their own. What is human rights for these peoples, who know no state other than the one that demands and extorts, that makes them run to the hills for their livelihood?

What is right, and what is wrong for a people long denied even the right to two square meals a day? When they demand minimum wages in return of their hard-work, the government and its various departments say 'no' by justifying non-payment on several pleas. While the world talks of

the rights of children, the tribal child lives and dies without ever knowing what is his right save that of suffering and deprivation. Among the most vulnerable sections of the people are tribals-especially tribal women, children, disabled and other weaker sections of the society.

Though Orissa got its Independence in 1936, people are still striving under poverty and malnutrition. They continue to fight for the basic rights which is indispensable for their existence in the society. The human rights of the people are greatly violated by the government and its various agencies. Tribal regions of Orissa are seen as the resources sumps of the state, to be preserved for 'national development' which inevitably means for the sake of the powerful. The government of Orissa is exploiting forest and water resources by handing over thousands of acres of land to multi-national corporations for mining and processing of bauxite. It wasn't just a question of rights to minor forest products, but the question of right to live, which the state had already taken away from them.

The tribal people of Orissa have been sacrificed for the sake of industrial and infra-structural development. For example, construction of big dams like Hirakud, Hydel Power Projects like the Upper Indravati, the Upper Kolab, the Balimela project taken up since the fifty years our country got independence have driven tens of thousands of families from their

homes for many times⁶. In Orissa very large number of people those who are displaced, are tribals and Dalits. But the government fails to provide adequate means of livelihood to those displaced people.

When the common mass, the marginal communities, the weaker sections of the people realised the consequences of the so called 'national development' they raised their voice against the exploitative attitude of the ruling elites, the government and its various authorities. These movements came out in society in the form of environmental mass movements in Orissa.

The civil society has played an active role for the protection and preservation of human rights of the people in the contemporary situation. The activists of the society, various non-voluntary organisations like-people's Union for Democratic Rights (PUDR), People's Union for Civil Liberties (PUCL) and the common mass have been able to protest against every front of life whenever they are exploited in the society.⁷ And it can't be denied that they have gained their success to the some extent, though not fully in the state of Orissa.

Since independence, development projects have displaced about

⁶ Manipadma Jena, "Development and Deprivation", Economic and Political Weekly, 11 April, 1998. pp.821-22.

⁷ Prasad, Mani Shankar, "Need for Environmental Awareness", Thard Concept, January 1996, pp. 51-52.

lakhs of people each year as a direct consequences of administrative land acquisition. Hydroelectric and irrigation project are the largest source of displacement and destruction of the habitats. Other major sources are mines, super thermal and nuclear power plants, industrial complexes as well as military installations, weapons testing grounds, construction of railways and roads, sanctuaries and parks and use of profit-improving technologies (causing large-scale displacement of traditional fisher folk). Most of these interventions adversely affect artisans communities and other self-employed people.

The other neglected dimension of displacement is its adverse impact on women. Their trauma is compounded by the loss of access of fuel, fodder and food the collection of which inevitably requires greater time and effort. An overwhelming majority of planners invariably see people who happen to live at or around the sitting of a development project, as impediments to progress, as those who “must make securities for the development of the nation”.⁸

Planners and administrators invariably capitalise on and manipulate the relatively weaker socio-economic and political position of most of the people facing displacement. Besides, there is also a basic institutional

⁸ Usha Ramanathan, “Displacement and the law”, *Economic and Political Weekly*, 15 June, 1996, pp. 1486-87.

weakness in comprehensively addressing the displacement of people. For instance, there is a continuing inability of government departments, ministries, corporations and development authorities to better co-ordinate their activities.

The impact of industrialisation on environment is one of the regions in Orissa (Talcher-Angul industrial belt) reflects the grim reality which is shared by many such regions. The concentration of coal mining, thermal power plant, fertiliser plant in the areas has led to serious problems with regard to air water and land pollution explosion in these regions has further increased pressure on natural resources like forests, mangroves, etc. Besides, the failure to realise the link between poverty and environmental sustenance has further aggravated the problem.

Most of these problems are mainly due to the short-sighted policies pursued by the government rather than due to the development paradigm itself. Unfortunately, these policies still continue despite the increased environmental concerns. Such policies include (i) bias in agricultural policies towards well endowed regions to the neglect of environmentally fragile regions, (ii) inefficiency in water use due to lopsided irrigation policies which have enhanced the environmental degradation; (iii) lack of proper land use policy; (iv) absence of environmental concerns in the

industrial policies;(v) lack of integrated policies on natural resource management, and (vi) more importantly, lack of co-ordination between macro-policies and grass roots level realities, resulting in the neglect of age old institutional structures which encouraged people's participation. Most of these policies are likely to continue in the near future because of pressures from defferent pressure groups, lobbies and various segments of the society. Besides, the environmental degradation on India is accelerated due to inefficiencies in implementation. Even within Asia, India's environment is more seriously affected than others.

At the national level, the ministry of environment and forestry was set up in response to environmental problems the country was facing. The specific objectives of thus ministry are : (i) to prepare environmental law and policy, (ii) pollution monitoring and control, (iii) survey and conservation of natural resources, (iv) management of forests and conservation of wild life, (v) environmental education, awareness and information and (vi) international co-operation.

Despite growing evidence from projects all over the country, a host of environmental problems remain unacknowledged. For instance, this concentration of large numbers of people on increasingly fragile eco-systems most often leads to further unsustainable use of resources. In 1988-

89, a group of scholars, activists, lawyers and other concerned people, after consultations with community representatives and social movement all over the country, they had drafted a National policy on developmental Resettlement.

What was highlighted was the need to also do a class-benefit analysis of development projects, in addition to an analysis of their economic and ecological impacts. The growing awareness among the communities who face displacement, who becomes deprived of their rights, has given rise to a wide range of protests all over the country. So, the state must develop a structure policy, although it is late, for the distribution of land for industrial projects.

Legislative Approach for Environmental Protection

Indian is the first country which has made the provisions in the constitution through amendment for the protection and improvement of environment. The 42nd Amendment to the constitution provides the environmental protection in India with effect from 3rd January, 1977. Insertion of Article 48 A in the Directive Principles of State Policy in Chapter IV of constitution endeavor for protection and improvement of the environment and safeguarding the forests and wildlife of country. Article 51A (g) of Constitution stipulates that it shall be the duty if every citizen of

India to protect and improve natural environment⁹.

Besides, there are number of legal provisions in various enactment, such as, Indian Penal Code, Criminal Procedures Code, the Factories Act, Indian Forest Act, etc. for solving the problem of environment pollution. In the post-Independence era, there were no effective checks on degradation of environment.¹⁰ However, a significant development took place after the Stockholm Conference on Human Environment, which held in June, 1972. After this conference, India thought it appropriate to have uniform laws on environment all over the country for tackling the broad environmental problems which are threatening the health and the safety of living being and flora and fauna.

As a result, number of enactment like Water (Prevention and Control of pollution) Act. 1974, Water (Privation and Control of Pollution) Rules 1975, Water (Prevention and Control of Pollution) Cess Act, 1977, Water (Prevention and Control of Pollution) Cess Rules , 1978. The Air (Prevention and Control of Pollution) Act, 1981, Air (Prevention and Control of Pollution) Rules, 1982, Air (Prevention and Control of Pollution) (Union Territories) Rules 1983.

⁹ Ibid., pp-51.

¹⁰ S. Chandra, "Pollution Control Laws and Environmental Damages in India," *Third World Impact*, January 1998, pp. 30-31.

In 1986 parliament enacted the Environment (protection Act, 1986, to deal with the environment of the entire country. In 1989, the Hazardous Waste (Management and Handling) Rules, 1989 and Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 came into force to protect the environment. Over the years number of amendments have been made in the Acts and Rules. A new legislation, Public Liability Insurance Act, 1991 was also enacted to deal with environmental issues.

Despite all the above Acts and Rules, there is a serious environment degradation in the country.

India is probably the only democratic country whose constitution prescribes a national commitment to environmental protection and improvement.¹¹ All the basic life-support systems in India have recently been under serious stress and strain. Both the human and animal population pressures have now reached a level where the flora, fauna, soil and water and also the atmospheric conditions are becoming more and more depleted, polluted and adversely affected. Consequently, environmental degradation has taken place in the name of development.

Besides the governmental policies various non-governmental

¹¹ Debabrata Patra, "Environmental Conservation in India: Some Socio-political Issues," Politics India, May 1998, pp. 41-42.

organisation (NGOs) have emerged at the local levels and cities in India at the local levels and cities in India to assist the government in matters of environmental protection and improvement. The NGOs not only help in enhancing awareness about environmental issues through seminars, workshops, publications, competitions, etc., but also attempt practical studies and projects it carry out or demonstrate environmental protection and are involved in environmental activism, there by serving the needs of the community and helping the government as a valuable source of practical knowledge and independent opinion. So, these organisations have been playing an active role for the protection and conservation of environment in a developing country like India.

The structure of policy making and execution looks well knit on paper only, in practice the organisations are not as effective as expected.

Moreover, due to lack of trained local people in this regard the environmental impact assessment are often carried out with the help of outside organisations and consultants, whose understanding of the local conditions is limited. The main problem is the lack of environmental awareness among the people. In some cases, though people are aware they can't afford to think of environment issues due to the pressing problems of meeting the basic needs. Number of NGOS are involved in the activities of

making people aware of the environmental problems, to create an open forum for dialogue among all concerned, to critically analyse and priorities the issues, to co-ordinate with the agencies involved, etc. In Orissa, there are 21 NGOS who are working actively to establish the district action group (DAG) for the environmental protection at the district level. Besides, they are also involved at the policy-making and execution level though to a limited extent.

Environmental awareness is the prerequisite for effective tackling of environmental degradation in our country. The states should facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings should be provided. All concerned and enlightened citizens should be provided participatory rights in the enactment, enforcement and implementation of environmental regulations. It is desirable that public participation in environmental decision making be conferred with a legal status at national, regional as well as international level.

Undoubtedly, human rights is a topic of global concern that cuts across major ideological, political and cultural boundaries. Knowledge and awareness of human rights is essential as a tool for the observance and protection of human rights. Education of human rights can create moral and

mental inhibitions and a sense of shame on the part of violators and potential violations of human rights. It also acts not only as negative restrictions on the State but also as positive obligations for creating environment in which man could live with dignity and honour. The solution to this is to develop a strong human rights movement and builds up a sensitive human rights conscience throughout the country which will act on the belief that human rights are indivisible and their protection is the abiding responsibility of the entire humanity.

CHAPTER - V
CONCLUSION

CONCLUSION

Gross violations of human rights are taking place all around us in societies. Human rights in societies are violated not only by the state but by the political and religious institutions at the national and international sphere. After fifty years of independence, people are denied freedom of expression, political and religious rights, economic and civil rights or are oppressed and discriminated against because of their race, religion, colour or class etc., those who are sufferers includes both men and women.

In spite of the Universal Declaration of Human Rights in 1948, violations of human rights continue to occur in various parts of the world. The task of making the protection of human rights general, permanent and effective still lies ahead. The protection of human rights is a cause of concern for everybody at the present society. The developing countries face more problems of the protection of human rights in comparison with developed countries at the present society. The developing countries experience difficulties not only in regard to economic and social rights, but also in regard to the civil and political rights. India has inherited its commitment to human rights from our freedom struggle. These have been enumerated and enshrined in 46 articles concerning fundamental human and civil rights in the Indian Constitution. India has a credit worthy record on

human rights which has been universally recognised.

When we think about human rights, the question comes here is that- Is Government serious about human rights? Are the Government officials truly concerned about violation of human rights by their own apparatus of government or are they are more worried about the adverse international publicity that India has been receiving about the record of its police and security forces in states like, Punjab, Jammu and Kashmir, and the North-East, besides death, torture and rape in police custody?

In a society, where corruption has become the buzzword for success, how serious can the agenda for human rights be? When those who plunder the economy and environment, are in command; when the media project and glamourises aggression, terror and violence, how can human rights be protected from plunder by those who control the economics and politics of our increasingly unparliamentary democracy? Moreover, the thrust of the civil liberty movement has to continue in the direction of keeping a check on the abuse of state power. It should not be understood that the political and judicial system and the bureaucracy consist only of those who have a scant regard for civil liberties and democratic rights.

The struggle for democratic rights in essence is the struggle to assert the rights already guaranteed formally but not ensured in practice. Denial of

democratic rights takes the form of an attack on the right to assert rights already guaranteed. In this context, Atul Kohli, in his book, *“Democracy and Discontent: India’s Growing Crisis of Governability (1990)”*, has argued that the crisis of governability may be attributed to increasing, indeed unchecked, democratic mobilisation and participation. The state needs a successful democratic policy for the well-functioning of the system, “Public policy is to be governed by the freely expressed will of the people whereby all individuals are to be treated as equals”. (Delhi 1971)

Democracy is a system of government “characterised by its continuing responsiveness to the preferences of its citizens, considered as politically equals”.

In all fronts of life people are fighting for the protection of civil liberties and democratic rights. It is generated by individuals, groups and organisations who are actively involved in the struggles carried out by different sections of the oppressed and exploited people in the country, such as; workers, agricultural labourers, tribal peoples, by women, by religious and other minorities and ethnic groups and also other categories of oppressed and exploited sections of Indian people. There are also certain international organisations and groups such as, Amnesty International or Minority Rights Group, who are also actively involved in creating public

awareness against the violation of 'democratic and human rights' by governmental authorities of different states.

They continue their protests against these violations through a number of activities like, informal or formal meetings of activists and organisers of various voluntary action groups conducting agitations, movements and other activities among different sections of the people. By focusing the issues through seminars and conferences, in the course of demonstrations, processions and other forms of struggles, they try to bring public awareness against the violations of human rights and civil liberties.

In India there is a mounting pressure on the existing civil rights from all sides the political system, the rise of fundamentalism, widespread corruption and the dramatic decay of democratic institutions including the judiciary. Millions of law suits are pending for years with various Indian Courts, A fact which points out that people are suffering in the largest democracy of the world. Neither the governmental system nor the law-enforcing agencies are bothered about it. Therefore, a civil rights organisation has a great role to play here by making people aware of the existence of the problem, its magnitude and possible remedies.

From this research studies, the present scholar would like to conclude that civil society has a long historical growth in the state of

Orissa. Due to the presence of the civil society, the ruling elites recognize the specific issues while formulating public policies. It prevents the governmental machinery from making such policies which endangers the interests to the public. In Orissa, as the civil society is very strong, it results in high government performance. The formulation of the policies are the foremost requirement prior to every activity of the political systems and for the administrative management. Though it is a democratic government in Orissa, it is not effective in making public policies which would serve the larger needs of the community as a whole.

The civil society plays a very active role for the protection of human rights of the people. It is this society which raises its voice against state, or ruler's policies that have failed to satisfy the interests of the mass. Civil society checks the arbitrary action of the state which goes against the common mass of the society. It becomes active and exerts pressure on the state, on the law making authorities for the restoration of the basic rights of the human being. And a democratic state needs democratically organised civil society in order to achieve greater success.

There are a number of voluntary associations, the neighbourhood communities, the caste organisations and the set of collective written and unwritten rules that regulate their actions in safeguarding the rights of the

people in society. The voluntary associations in India in general and in Orissa in particular, centred around the caste associations and social reform organisations which sprang up in large numbers in the 19th century. The situation changed drastically in the post-Independence era. A large number of voluntary organisation with varied aims, objectives and interests began to develop. (These organizations occupy the broad space between peoples the one hand and the government on the other. These associations go) beyond the tasks of development and raise more basic socio-political issues which are essential for the welfare of the public good and they always protest against the violation to human rights in the society.

Orissa is often dubbed as a rich state where poor people live. Orissa has, in fact, one of the richest mineral deposits in India. But, till date no serious efforts has been made to improve its industrial development. The construction of huge dams and projects like the Hirakud Dam and the Upper Kolab Hydro-Electric Project have caused havoc and displaced thousands of local inhabitants. But very few protest movements have been organised in the state resulting in grossly inadequate compensations and poor rehabilitation facilities for the displace people.

The construction of huge dams in the country leads to displacement and environmental degradation to a large extent. From the beginning of the

1980s, opposition against the dam projects has been steadily increasing. The grass-root involvement, mobilisation of the people, awareness of positive as well as negative effects of the project have led to success of these protest movements, which have been able to achieve its objective in giving adequate compensation to the affected population. The displaced people from their households have not been properly resettled by the state government. The number of operating local NGOs and community organisations are not adequate in safeguarding the rights to the people and in preventing the environmental degradation in the society.

Lack of awareness among the people of Orissa is also responsible for the violation of human rights in society. The problem is continuing because we have a democratic system which is very ineffective. The people are not fully aware about the protection of their environment which they survive. Due to governmental lawlessness, the human rights in the society are violated to a large extent. There is no political stability in the country and the politicians are more worried about their seats than what the general public is going through everybody in a society.

In this connection, public policies and measures must be adopted to protect the interests and human rights of those displaced by the projects, to reconstruct their livelihood and improve it, and to redress losses by the local

economy. Governmental lawlessness is increasingly becoming difficult for ordinary citizens even to exercise their rights which are given to them by 'law' in the society. Therefore, a systematic attempt against governmental lawlessness and its grave implications for the very democratic functioning of the country has become urgent.

The setting of the Human Rights Commission and the Fundamental Rights enshrined in the constitution become meaningless, if such atrocities are allowed to be perpetrated on helpless person who are at the mercy and under the control of the detaining authorities. A few examples of merciles dealing, including dismissal from service followed by the prosecution, with the law breakers in the uniforms of law enforcers will go far in ending this menace than setting up of any number of commissions and Departmental Inquiries. At the same time it is essential to sensitise the law enforcement agencies to the fundamental rights of the citizens including the human rights by making their study compulsory during the training period. Given the political will all things are possible including firm aspect of the human rights. Without it nothing will happen, if hundreds of Committees and Commissions are set up.

Though the protection of human rights has been guaranteed in the Preamble of the Constitution, rampant violations continue to take place,

ironically at the hands of law-enforcing officials officials. In regard to this, former Chief Justice, A.M. Ahmadi views that 'a sustained human rights campaign and proper training of officials are essential to curbing rights violations'. In our country the citizen is rarely aware of the rights, he or she enjoys when confronted by law enforcing officials. Justice P.N. Bhagwati says that a legal awareness campaign would be relevant in a country like India where the economically deprived can rarely afford a lawyer. Courses on Human rights should be introduced in schools and colleges. Erring officers should be severely punished.

Though the Constitution has no specific provision banning torture, in a Supreme Court judgment, prevention or prohibition of torture is implicit in the spirit of the constitution. Further, India is a signatory to the International Covenant of Civil and Political Rights and Article 7 of the covenants prohibits torture. Despite this, most police officials resort to torture to extract confessions. The law-enforcing officials must be remembered that India is a signatory to the anti-torture convention. The former chief Justice Bhagwati opines that a massive human rights campaign can check violations. So far as Supreme Court orders are concerned, it must be remembered that Article 144 mandates that every civil and judicial authority shall action in aid of the Supreme Court. According to Justice

Ahmadi, 'the media can play a very significant role by making people aware of the types of violations and informing about what is the position in law. The NHRC, is attempting to spread this knowledge through the media.

We cannot talk of human right unless we talk of the right to live in safe-environment. People are demanding safe environment in every part of life as a fundamental human right. If one cannot breathe clean air and have safe drinking water and healthy food, how can one talk of human rights! In fact it is a multi-dimensional problem which needs a joint and co-operative endeavour on the part of the government and the people and technocrats of the country. To generate public awareness in environmental conservation the role of the voluntary agencies and individuals cannot be ignored, persons like Sunderlal Bahuguna, Medha Patekar have awakened people to fight the encroachment on nature.

This awakening of the people, although very slow, is quite noticeable. With its help, human rights organisations working on a voluntary basis can meet the great problems with which we are faced and see that there is a gradual improvement in the political, economic, social and cultural atmosphere in the country. Human Rights have been attained by us only to a small extent upto now, but the future of human rights movements is bright, and there is every reason to hope that the country will

advance in the direction of a more genuine democratic state and a more genuine democratic society in which the people will enjoy human rights to an increasing extent.

Grass root efforts are essential to improve the human rights situation not only at local and national level but also at global level. However, neither the Courts, nor the government alone can protect environment unless there is a strong people's movement at the grass root levels supporting the human rights and environmental issues. This can only become possible if people become aware of their rights and duties regarding these issues. To achieve success, efforts to create an environmental awareness and encourage public participation, will play a major role in crystallising pro-people and pro-environment movements.

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