

Case Study 1

Village : Totindangra
Block : Antagarh
District/State : Kanker, Chhattisgarh

Village detail:

Village Totindangra is located around 30 kms from Antagarh. It is a dependent village of Gram Panchayat Baihasalebhat. This village falls in the core area of the proposed and under-construction Raoghat Iron Ore Mines owned and operated by the National Mineral Development Corporation, Bhilai Steel Plant and Steel Authority of India Ltd. (SAIL) and stands to be severely impacted when the large scale mines begin operation. Large tracts of the village have also been acquired (without obtaining ant FPIC from the villagers) for the upcoming and under construction railway tracks which has led to one family lose their land and homestead. There are a total of 36 adivasi families in the village. The mines and the railway tracks have similarly affected all 35 of the villages in and around the Raoghat Hills that fall in Antagarh Block and Narayanpur Block, distts. Kanker and Narayanpur respectively. All the families are mostly forest dependent. For six months a year, they do local and small scale indigenous mode of cultivation around their homesteads, and for six they depend on the forest yields. Welfare schemes of the government have nominally reached the village. The village is far away from the motorable Antagarh-Narayanpur road and even two wheelers cannot reach most of the year because of a huge waterfall that stands to die out when the Raoghat mines begin. This village also has multiple indigenous shrines across the steep hills and passes that surround it, all of which also stand to disappear once the mines begin.

What was life before the project?

The village is an ancient forest-village and the forest cover, till the recent spate of industrial activities in and around the village, there was a dense forest cover. The villagers were remotely placed from the bigger semi-urban sprawls like Antagarh and Narayanpur and were forest dependent tribal people. The villagers had negligible access to government schools or medical facilities. Nearest Primary Health Center is 15 kms away and the Community Health Center is 30 kms away. Education was ghotul-dependent and health was dependent on the medicinal herbs and yields of the forest. But with the gradual withering away of the forest and with the ghotuls slowly being closed with the onslaught of the 'mainstream' industrial development - a concept that for long has been alien to the adivasi villagers like those who reside in this village.

Though the Forest Rights Act was enacted in 2006, the villagers had no idea or knowledge about the forest rights entitlements afforded by the act. Neither had the government taken any interest in disbursing awareness on the same, perceptibly because the area around the village had been earmarked for mining since the late 19th Century. Our involvement with the village began through our efforts in implementing the Forest Rights act and enabling the villagers obtain the Individual and Community Rights land titles (IFR & CFR *pattas*) for the villagers from 2012.

Involvement in the project:

So, ever since 2012, we began engaging extensively and intensively with the villagers, to make them aware of the forest rights *pattas* that they are entitled to under the Forest Rights Act. We helped form the Forest Rights Committee of the village constituting, as the Act and its Rules, of the adivasi villagers, and helped conduct all the legally necessary Gram Sabhas and pass Resolutions thereto so as to facilitate the formation of the Forest Rights Committee as well as facilitate the process of filing the CFR and IFR claims before the Sub-Divisional Level Committee at Antagarh formed under this Act where such claims are legally required to be submitted. We also helped the villagers conduct all other necessary formalities such as GPS-mapping, pencil resource and bio-diversity mapping, getting the 'NistarPatrak' from the government which is an official document identifying the community used lands or 'nistari' lands of the village. With our guidance, the villagers filled out, passed all due Gram Sabha Resolutions and filed final CFR and IFR applications before the requisite authority.

After two years of constant involvement, we helped the villagers file the CFR and IFR applications in 2014. Though the law says that FRA applications have to be settled within six months, but the authorities concerned were silent for a long time. We have enabled the villagers to write general applications, Jan Darshan applications before the Collector, Kanker who is at the helm of the District Level Forest Rights Committee, and also various RTI applications to various authorities envisaged under this Act who are in charge of the due process under this act. Nonetheless, the authorities have been unresponsive. The villagers were also informed lately that the CFR applications have been misplaced by the office. Meanwhile, the government on its own and without following the due process disbursed several separate CFR entitlements for several separate areas and expanses of the village, which is completely illegal.

The law of the land also says that forest rights claims of the forest dwellers have to be settled before diversion of forest land for non-forest purposes, the Raoghat mines were accorded forest clearances in 2009, i.e., after the FRA legislation was passed. This was challenged as a PIL before the High Court of CG at Bilaspur by three adivasi people, two of whom hail from around the Antagarh region. Litigation support was provided by Kanker based voluntary organization Maati. The High Court dismissed the PIL on latches. However, it gave instructions to the district administrations of Kanker and

Narayanpur to settle the forest rights claim of the villagers in 2017. Pursuant to this order, the IFR claims of 35 of the families of Totindangra that we helped prepare and file have been settled, though the CFR claims lie yet to be settled.

Improvements made because of the project / how have the family/group/villagers benefitted?

35 out of 36 families in Totindangra have got their IFR claims settled. One of the families has lost their land to the upcoming railway tracks and their claim did not get settled. Because of this, when their lands get affected or acquired by the mines, it can be expected that they will get some relief because now they have official documents of their lands through the IFR titles.

Hope for the future:

Owing to the spate of industrial development being thrust on the villagers and their environment without their Free and Prior Informed Consent in the form of the mega-capacity mine, the dam /reservoir of the mine in another village that stand to dry up the Totindangra waterfall and the railways, the future of the village looks bleak in general. However, with 35 families getting IFR claims on May 2017, there is still a little bit of hope that all is not lost and the struggle can be taken forward through constitutional and democratic means.