



Research Paper

Development and Discontent: A Study of Tribal Protest Movement against OCL's Expansion of Lanjiberna Limestone Mines in Sundargarh district of Odisha

*Mr. Kuldeep Lakra
Ph.D Research Scholar
PG Deptt. of Pol. Sc. & Pub. Admn.
Sambalpur University, Odisha

ABSTRACT: *The present pattern of development that involves compulsory land acquisition and involuntary displacement of communities for a large public purpose captures the grave area of tension of development. Development projects have been introduced after independence to empower people and to raise quality of life in its entirety. But they have resulted in the tone of mixed feelings. So, there is a growing concern over the fate of the tribals who are compelled to move for the sake of development projects of one kind or another. A significant number of displaced tribals have historically been dependent on natural and common resources for their existence. The rehabilitation and resettlement process has been minimal due to the inadequate and incomprehensive Rehabilitation and Resettlement policy and therefore has not been that successful as it is claimed to be. To worsen the situation the constitutional and administrative provisions have also failed to safeguard the rights of the tribals. The high handedness of the state government towards the industrial corporate has created widespread discontent among the tribals in the state. They are compelled to protest as their livelihood and survivals are at stake and their voices of resistance are audible from all corners across the state. This paper will therefore, make an attempt to analyze the present model of development, problems of land alienation and tribal agitation reviewing the R & R factor for managing the discontent.*

KEYWORDS: *Development, Displacement, Land Acquisition, Discontent, Constitutional Provisions, Movement.*

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I. INTRODUCTION

The economic development through industrialization, science and technology, has become a major concern of livelihood of the people. The word 'development' is a comprehensive concept encompassing not only an industrial economy but also a programme of social transformation and political democratization. It is multidimensional process involving the reorganization and reorientation of entire economic, social and political systems of creating a better world to live in. The process of LPG has necessitated planners to set high growth rate in an unprecedented pace in all walks of life through the execution of large development projects.

Displacement of the people from their habitats, in order to acquire land for development projects, is a major concern today everywhere. It has become a household topic for debate and discussion. The present model of development has led to great suffering and adjustment difficulties for extremely large number of people, even in cases where success stories are commendable. The development process has cost homes, livelihoods, health, and even the very lives of millions of people around the world. (Courtland 2003:1). Development induced displacement can be disastrous when a particular section of the population accounted for a disproportional share of the costs of development in the forms of neglect, wrongdoing or outright malice. (Ibid: 4)

The Government of Odisha states in its industrial policy that large industrial units are essential to economic growth in the State. The Government of Odisha IPR 2001 draft mentions that "Make Odisha one of the most preferred destinations for industrial development..." (Vasundhara, 2005: 9).

The development in Odisha by way of harnessing mineral resources, establishing factories and constructing multipurpose dams has resulted in the tone of mixed feelings. On one hand, these development projects have brought enormous benefits to society, on the other, they have imposed costs, which are borne by its poorest and most marginalized 'Adivasis' (Nath 2006: 13-14). The development projects in Odisha have adversely affected the lives of the people in the form of displacement uprooting them from their traditional homeland and denying them the very basis of way of life and livelihood (Velath 2009). Time and again there has been vehement opposition to acquisition of lands by the people that has made headlines across the country. People raise the question of dubious character of the state favouring the industrialists at their expense. The current capitalist forces are making systematic efforts to undermine the precious values of equality, cooperation, commonality, consensus decision making, and uprooting them completely of their lands and habitats (*Jal, jangal and jameen*).

Though development process through large scale industrialization has contributed for the prosperity of the state, but it has culminated to protest movement across Odisha raising the question of equity, justice, equality and sharing of burden. (Nayak, 2015: 56).

Industrialization in Odisha today is in cross roads. The fact that it is linked with several crucial issues makes the process of industrialization more complex in the state. The hard reality is that a quest for industrialization in Odisha has not taken a proper shape. Unfortunately, it is linked with corruption, protest movement, popular discontent, massive displacement and environmental degradation.

The Odisha government, boasting of the best R & R policy in the country is indeed protecting the hitherto interests of the corporate sector (Mishra, 2007: 823). Despite decades of fore told of fortunes the justice for displaced remains subtle and far from reach. A majority of displaced people have not received the beneficiary package till date and their miseries and struggles for livelihood are numerous to account for. The empty promises of material compensation made by the authorities of the companies and the State Government and the absence of adequate Rehabilitation and Resettlement Policy have made the situation worse. The complex nature of the development and rehabilitation procedures has jeopardized the substantial development of displaced people in Odisha. They have been uprooted from their habitats and livelihoods leading to socio-economic imbalance and deprivation of land making their life harder and difficult. Since majority of the displaced persons in the state so far have belonged to the marginalized section of the population, the impact of such displacement on their socio-economic conditions has been severe and brought untold sufferings in their lives.

The resistance of people revolves around the question of land acquisition without their consent. So, it is important to consider the people's view on land acquisition and make them partners of development, so as to execute development projects with ease consequent upon non-displacement or least displacement of people (Bhaduri and Patkar 2009: 10).

II. UNIVERSE OF STUDY

The expansion of Lanjiberna Limestone Mines project of OCL in seven villages Kukuda Bihabandh, Alanda, Lanjiberna, Kesramal and Jhagarapur in Rajgangpur and Kutra Blocks in Sundargarh district of Odisha has been selected for this study on account of significant reasons. OCL needs a total of 717.10 acre at seven villages in Rajgangpur and Kutra Blocks for the expansion of Lanjiberna Limestone Mines. It proposes to acquire 164.82 acre of land at Kukuda, 29.79 acre at Bihabandh, 162.82 acre at Alanda, 57.80 at Lanjiberna, 293.25 at Kesramal and 8.48 at Jhagarapur. Rajgangpur is an industrial town which is located 400 km to the North West of the capital Bhubaneswar and 30 km east of Rourkela. It is an OCL industrial township. It has a large tribal population, whose main occupation is farming and also works in nearby factories.

In response to these developments, villagers from the surrounding area have been organizing in greater numbers to protest against the project and are gaining huge local support by different organizations, sympathizers, politicians, social activists and many others. The protest movement is taking hitherto interests of tribal people living there to the forefront. Time and again it has hit the headline adopting different means to spear the struggle. The success of the movement is difficult to predict as of now but the protesters are ready to face all hardships to achieve success collectively.

III. OBJECTIVES OF THE STUDY

- i. To study development model of Odisha for generating economic growth.
- ii. To study the problems of displacement and land acquisition due to industrialization and their consequent rehabilitation and compensation measures.
- iii. To analyze the role played by State Government, political parties, NGOs and Civil Society on the project.
- iv. To analyze the nature and magnitude of development discontent with reference to protest movement against OCL Project.

- v. To assess the different legislative measures to protect tribal rights and address the issues of various protest movements in Odisha.

IV. METHODOLOGY

This study is based on empirical work pertaining to both primary and secondary sources. For the purpose of primary data tools of base survey, sampling, questioner, interview, and group discussion were undertaken to examine the socio-economic and political profile of the displaced people and their perception towards development projects. As regard to the secondary data, a number of authoritative works as well as reports and documents were referred to. As part of empirical study, a cluster of villages were taken as the universe of study. For the purpose of selection of respondents sampling (random and stratified) were adopted. Nearly 200 respondents were interviewed to highlight the problem area in its entirety.

V. CONSTITUTIONAL PROVISIONS

The founding fathers of Independent India realized the need to make special provisions for the development and safeguard of the disadvantaged people specially the tribal community. Their apprehensions are pertinent from the fact that they have been accorded special rights and protections as for their traditional culture and identity.

i. Fifth Schedule

The fifth Schedule of the constitution of India deals with the administration and control of scheduled areas. The fifth schedule is intended by the founding fathers of the constitution as an innovative device for monitoring the welfare and development of Scheduled tribes and the administration of scheduled areas. The fifth Schedule under Article 244 (1) of the Indian constitution defines 'scheduled areas' as the President of India by order declare to be Scheduled areas after consultation with the Governor of the state.

ii. Law applicable to Scheduled Areas

Scheduled areas designed to protect and benefit tribal people. It empowers the Governor prohibit or restrict the transfer of land from the Tribal communities. The Governor can regulate the business of money lending to members of the Scheduled Tribes in such area. In making any such regulation, the Governor may repeal or amend any Act of Parliament or the Legislature of the state or any existing law which is applicable to the area in question. The Governor may by public notification direct any Act of Parliament or of the State Legislature shall not apply to a Scheduled Area or any part thereof in the state or shall apply to such area subject to such exceptions and modifications as he may stipulate. The governor is required to report to the President annually or as and when asked for regarding the administration of the Scheduled areas and executive power of the union shall so extent to the giving of directions to the state. Tribes Advisory Council shall be established in each state having Scheduled Areas. A TAC may also be established in any state having Scheduled Tribes but not Scheduled Areas on the direction of president as desired so. The TAC shall consist of not more than 20 members of whom three fourth shall be from the representatives of the STs in the Legislative Assembly of the state. The role of TAC is to advise on matters pertaining to the welfare and advancement of the Scheduled Tribes in the state as may be referred to it by the Governor.

iii. Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA)

PESA Act is enacted on 24 December 1996 to extend the provisions of part IX of the Constitution to Scheduled Areas. It seeks to ensure self governance through Gram Sabha. It introduces a new paradigm of development in Scheduled Areas. The tribal communities are left to themselves to decide the pace and priorities of their development.

The government of Odisha has also implemented PESA Act, 1996 with a spirit to endow Gram Sabha and Panchayats with the power to enforce prohibition, ownership of minor forest produce, prevent alienation of land and restore illegally alienated land, manage village markets, exercise and control over institutions and their functionaries in all social spheres and control local plans and resources for such plans. It recognizes the community's ownership over the natural resources and empowers the Gram Sabha to identify and restore alienated tribal lands and to protect the long cherished tribal way of life. The PESA Act empowers the state to define the appropriate level to be consulted regarding the administration of tribal land. Taking this into account, the state of Odisha has identified Zilla Parishad as a consultative body in the administration of tribal land in Odisha (Ambagudia 2015:42).

iv. Forest Rights Act, 2006

The Forest Rights Act (FRA) was enacted by Parliament in 2006 and came into effect in 2008. It is considered as a landmark legislative basis to redress the historical injustices against forest dwellers in the colonial era and in independent India. The increasing land alienation and eviction of forest dwellers from the forest delineated the outcome of FRA. It aims to protect the interests of the tribal and forest dwellers pertaining to their habitats. It provides safeguards against arbitrary relocation of tribals and other forest dwellers that live on the forest produce and in protective areas. It recognizes individual rights of forest dwellers over their land and the rights of the village to manage and conserve the forest (Sahu 2016: 30).

Individual Forest Rights: The Act recognizes the rights of a person belonging to a Scheduled Tribe to live in and cultivate up to 4 ha if he has occupied it and is depended on prior to December 13, 2005. A non tribal, has to provide proof of his family's residence in the surrounding area of the forest for 75 years prior to December 2005.

Community Forest Rights: The Act recognizes the rights of a gram Sabha over forest land within the village area. This empowers villagers to own and collect, use and dispose of minor forest produce other than timber, including the right to use grazing land and water bodies and the right to protect and regenerate any community resources.

VI. Discontent and Protest Movement

The development paradigm has resulted different magnitudes and a tone of mixed feelings. It has brought prosperity to some parties and despair for others. The Government of Odisha in its successive IPRs down the line has clearly stated its commitment to make Odisha as one of the preferred destinations for industrial development. It has signed MoUs with various corporate sectors to establish industries and to extract natural resources. Since, the enactment the Fifth Schedule has been under constant threat of amendment in order to give way for transfer of tribal land to non tribal land people and corporate houses (Shah 2010:18). The harnessing of natural resources from the tribal areas has potential to impact the livelihood of tribal communities of Odisha. They have an age-old relationship with land, water and forest. But this has been under constant threat now. In response to this perceived threat to their means of livelihood the tribal communities have launched protest and resistance culminating an organized tribal movement. Magnitude of resistance to mega-industrial & other developmental projects by the project affected peoples has gradually been noticed in a greater scale in Odisha.

The tribal mass has responded with heavy tone whenever state has attempted to violate the customary practices and laws prominently visible in the 1990s. This revolves around the question of people's rights over natural resources. This is because the tribal people have so long been neglected and have not been rehabilitated and compensated adequately in earlier projects. The laws and policies of Odisha seem to be operating on the principal of maximization of profit and maximum exploitation of resources and lesson social justice and social welfare. This has resulted resentment of people towards state policies and consequently the state is witnessing various protest movements.

In the year 1946 Birsa Limestone Ltd. was given lease of mining in the small pocket of Lanjiberna. The construction of Hirakud Dam began in 1948 with the purpose of controlling flood and irrigation. This necessitated the supply of cement in bulk for the construction work. To address this necessity a cement factory was constructed at Rajgangpur. OCL was given the sublease of Lanjiberna mines in 1951 for 20 years till 1970 and was renewed for another 20 years till 1990. The land was acquired in two phases in 1951, two phases in 1952, 1978 and 198. The land was acquired through mediators. The immovable property act 19556 necessitated the tribal land can be acquired by tribals only. So land was sold to tribals who worked as mediators of OCL on commission. In 2004 11 acres land was acquired. In 1990 the lease was transferred to OCL. In 28 February 2010 the lease expired. 62.44 hectares of forest land revenue land was proposed to be acquired. But it had to obtain forest clearance to acquire the proposed land. 717 acre land proposed to be acquired under Odisha Zilla Parishad Act 1964. The Collector of Sundargarh published resolution for proposal of land acquisition on 6th January 2020 in Kukuda, and Khatang and on 10th October 2021 in Alanda, Kesramal and Jhagarpur. The five Panchats held Gram Sabha on 26th January 2020 and voted against the mining project. They passed a resolution that no inch of land is to be given to the OCL for mining project. This got highlighted in the media and had a mixed response of the media and society. The people were criticized of halting the development initiative and were branded as anti-development and anti-national. The affected people lamented that since land was to be acquired under LARR Act 2013 which stated that the tribal land was to be acquired as last resort. It mandated that Gram Sabha has to give its consent in Form M and 80 percent consent in Form GA. Despite five Panchayats voting against the mining project, no consent, no NOC it was declared to make compensation award to Khatang. This made people skeptic about the move of the company and government and were united to fight against this menace of land acquisition. Time and again, the tribal people of Sundargarh district have organized themselves under Adisvasi Vikash Parishad, Jal Jangal Jameen Surakhya Manch, Adivasi Mahasabha, Adivasi Mulvasi

Bachao Manch, Adivasi Mulvasi Surakhya Manch, Sundargarh Mahila Surakhya Manch etc. These organizations have spearheaded the tribal movement in the district. But in the case the movement against OCL there is no permanent organization or forum to lead the movement. However, Gram Sabha Committee and people's movement are notable in this regard imbuing and inculcating a sense of unity among the people of different communities to exert opinion freely and boldly. They have organized protest rally before Collectorate at Sundargarh several times. They have even sat in dharnas before Vidhansabha at Bhubaneswar and dharna at Governor Bhawan expressing their grief, despair, and discontent about what is going on in the tribal region of Sundargarh district.

A proposal for public hearing on Draft of Social Impact Analysis Studies was to be held on 22 January 2017 at Khatang, on 8 August 2017 at Jampali and on 2 October 2018 at Dalmia Training Institute. The ADM selected Dalmia Training Institute without announcement for hearing instead of selecting an area of reach and within affected region. The people blocked the road from 2 October to 4 PM of 3 October 2018. There was a massive protest and conflict between anti and pro OCL people. The arrest order was issued against the people who led road blockage. In response to this the Five Panchayat Affected Core Committee threatened to gherao Rajgangpur Police station on 27 October 2018 and looking into the gravity of situation the DIG gave the proposal for compromise.

The people confronted with police several times. The district administration to conduct a Gram Sabha in Kesramal on 25 August 2021 marched with 14 platoon police. This invoked the people in and around Kesramal and blocked all the roads connecting to Kesramal and also closed the shops and dismantled tube wells so that they could not get food and water. The women slept on the road to stop the movement of the police vehicles. They did all possible means to stop them and got uphill success. But they finally allowed the movement of vehicles. On the same day, a Gram Sabha was to be conducted in Jhagarpur and it was also opposed vehemently and strongly.

A number of strategies being implemented to crusade the movement like to get the support of public, support of Media, using media platform for disseminating information, build link with political parties, and judicial intervention. The Gram Sabha Committee is working in collaboration with NGOs like Samajik Seva Sadan and Tata Institute of Social Science Team. The women have also worth mentioning contribution and participation in the movement. They are given training and encouraged to appear before media. They are also taking phenomenal leadership making their grievances heard and women participation is equally important for the success of any movement. The people have alleged that the company is applying divide and rule policy to lure and convince people of giving their consent in Form GA. This has given rise to a conflict like situation between anti-project and pro OCL people. There is a continuous mistrust and blame game but efforts are being made to unite and ignite the mass on the phrase united they stand divided they fall.

VII. Issues associated with Movement

The movement of local people is attributed to the issues of land alienation, loss of livelihood, proposed displacement, and violations of constitutional provisions.

i. Land Alienation

A total of 717.10 acre is required for the proposed expansion of Lanjiberna Limestone Mines. It proposes to acquire 164.82 acre of land at Kukuda, 29.79 acre at Bihabandh, 162.82 acre at Alanda, 57.80 at Lanjiberna, 293.25 at Kesramal and 8.48 at Jhagarpur. The tribal people have a close relationship with land, water and forest. The land is the permanent source of their livelihood. The dispossession of land will impact upon their economic capability. They will become homeless and jobless. They will lose political, economic, linguistic, cultural and traditional identity. The land alienation process has often been involuntary. They will be compelled to leave their habitats with heavy hands resulting de-peasantization, a change in land holdings and land use pattern. Alienation of tribal land is the most important factor of pauperization of tribal communities. The lands are very fertile and productive.

ii. Loss of Livelihood

The majority of people living within the mining site depend on cultivation and natural resources for their survival. They live on cultivation and collecting forest products. They grow paddy and vegetables. They collect non timber forest produce from the forests like mahua flower, mahua seed, char seed, sal seed, mushroom, bahada, harida, amla, jhuna, kusum seed, flora and fauna etc. and sell it in nearby markets to generate income. The local economy is more labour intensive based on agriculture. The dispossession of land would lead to the loss of permanent and self sustained source of livelihood and exponentially give rise to labour activities undermining the dignity and status of the people. They invariably apprehend that due to lack of requisite skill they may not get employment benefits as compared to their secured livelihood.

iii. Proposed Displacement

Displacement invariably leads to socio-economic deprivation. Displacement predominantly affects the people who are politically, socially and geographically marginalized (Mathur 2006). The tribal people have an emotional bonding with mother land and this testifies the tribal culture and life. Thus, displacement poses a threat to their socio-cultural fabric. It would lead to community degradation. Their social and cultural life will be severely affected. Their traditional way of life, cultural celebrations, festivals, worships and prayers will be affected to the core of their philosophy. They will have degeneration of their language amidst multi-cultures. Their philosophy of life, religion, cooperation, values based life, unity and sense of belongingness will be at verge of depleting. It will also impact their political life as villages are homogeneous by character decide things locally. But the relocation will hamper their unity and find it difficult to come together for common cause of political unity with new vivid ideas and identities. The present development offers material development but it makes a little sense for them as they consider community living of sharing and caring as the real development index to be accounted for. They are being lured of cash reward of 4 times of the land value. But they hold the opinion that this would not last long and soon they will be forced to bonded laboures. As per the respondents, the mining expansion project will displace around 600 hundred families affecting 50,000 people directly and indirectly.

iv. No Consent

The Gram Sabha is a constitutional grass root democratic body to give its consent on any economic driven project in the tribal region. The consent of Gram Sabha is must. On 26 January 2020 five Panchayats took resolution to oppose the project. Despite, opposition the compensation award was declared. Without announcement the hearing was called for on the Draft of SIA Studies. And people alleged that the draft was prepared hurriedly without making detailed studies. The people were not taken as partners of development. Their views were marred and no consent was sought for. They were not taken into confidence which is a basis of success. And, this is another factor of popular discontent and disassociation of people with government.

v. Ineffective Use of Constitutional Provisions

The government of Odisha has enacted a number of legislative measures to address socio-economic necessities and constitutional commitment. The Orissa Scheduled Area Transfer of Immovable Property (by Scheduled tribes) (OSATIP) Regulation, 1956 was passed to protect the tribal rights. The law was amended in 2002 to make it more effective. This was again amended in 2008 to ban the transfer of tribal land to non tribals but with certain relaxation.

Under the Panchayat Extension to Scheduled Areas Act, 1996, (PESA) it is stated that the Gram Sabha will exercise ownership rights over the minor forest produce. It seeks to protect tribals against arbitrary land acquisition. But the state has never consulted Gram Sabha on the type of development people desire to achieve (Bharati 1999). The role of Gram Sabha is must for undertaking development projects. It is a local democratic institution to propose and approve the project. But this role of Gram Sabha is hardly noticeable as in many cases it is taken for granted and disfavours the involvement of people in the process of decision making. The LARR 2013 is exploitative in nature when it comes to 'Public Purpose'. The project is to be undertaken in the tribal region as last resort when all the possibilities elsewhere have failed to meet demands. But it hardly matters for those who are on the driver seat to make the project happen by all means at all costs. Under article 19 of the Indian constitution, all people have the right to freedom of speech, expression and peaceful assembly. The people can demonstrate peacefully to ventilate their grievances. But the peaceful demonstration of people is disrupted with heavy hand by the police and protesters are tortured physically and mentally. They are treated as non residents often branding them to be anti-development and naxalites. Although, PESA Act and 73rd Amendment Act have recognized and indentified revenue villages but have direly failed to constitute and recognize traditional and customary conflict resolve mechanism. They oppose the existing system of self rule where there is absence of conformity of the constitutional provision with regard to power sharing, right to life, community living, conflict resolution, people partnership and value based living. The FRA has not been implemented in Odisha in a comprehensive manner and that it has focused more on providing land right to individual claimants than community claimants.

VIII. CONCLUSION

Development is necessary for improving the living conditions of marginalized communities of Odisha in particular and the whole society in general. However, it cannot take place without the participation of the potential displaced people. The tribal movement in the proposed mining project is rooted with the larger question of their survival. It is a struggle for living. They largely depend on agriculture and forest products for their livelihood. The eviction and dispossession of their rights over natural resources poses a serious challenge to their existence. Despite the protective legislative frameworks in the Scheduled Areas, there is erosion of tribal

lands occurring in massive scale. This has created wide spread discontent among tribal communities. They have been leading movements to resist and reassert their rights over resources. They are protesting against the corporate character of the state. They are making persistent demand for the restoration of their rights over natural resources (land, water and forest) and this can be seen in different parts of Odisha. They should be taken into confidence for greater collaboration and execution of projects. The R & R measures should be participatory. The protest movement, however, has slowed down development driven projects. The Odisha has also been witnessing such problem of land acquisition and posing a challenge for project implementation. The need of the hour is to address the problem and find solutions sooner than later so as to implement the laws and legislation effectively and meaningfully for inclusive and participative development.

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