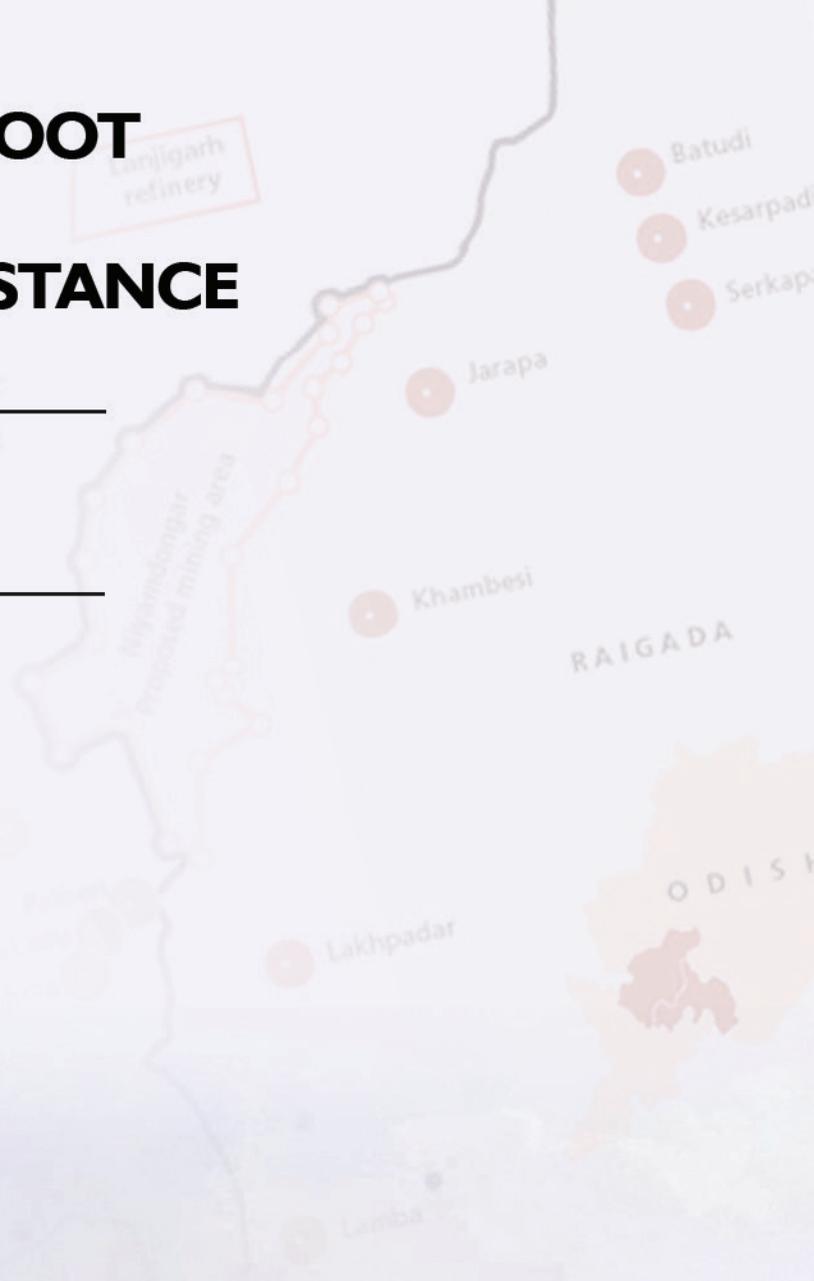


CORPORATE LOOT AND PEOPLE'S RESISTANCE IN NIYAMGIRI

A Fact-Finding Report on
Niyamgiri-Lanjigarh Area
By CDRO and GASS

July 2019



Coordination of Democratic Rights Organisations (CDRO), formed in August 2007, is a coalition of around 18 civil and democratic rights organizations from across India. The CDRO arose in the context of the violent state repression of people's movements in India as well as the arrest of democratic rights activists. CDRO affirms that:

- The right to organize and struggle is a basic democratic right of the people.
- To stand united against all forms of state repression on people's democratic struggles.
- To support with solidarity actions in the event of attacks by the state on any civil rights organizations or its representatives.

CDRO has engaged in broad range of campaigns and issues that include,

- the repeal of brutal laws such as the Unlawful Activities (Prevention) Act (UAPA), the Maharashtra Control of Organised Crime Act (MCOCA), the Armed Forces Special Powers Act (AFSPA), the Chhattisgarh State Public Security Act (CSPSA) and other draconian laws operating in India,
- the arbitrary detention of Binayak Sen and several other political prisoners across jails in India,
- the increasing use of extra judicial, state-sponsored armed gangs such as the COBRAs in Andhra Pradesh and the Salwa Judum in Chhattisgarh to combat the Maoist insurgency,
- death penalties by the Indian State, and narco analysis as a form of police torture.

The coordinating organisations of the CDRO are: Association for Democratic Rights (AFDR, Punjab), Association for Protection of Democratic Rights (APDR, West Bengal); Asansol Civil Rights Association, West Bengal; Bandi Mukti Committee (West Bengal); Civil Liberties Committee (CLC, Andhra Pradesh); Civil Liberties Committee (CLC, Telangana); Committee for Protection of Democratic Rights (CPDR, Maharashtra); Committee for Protection of Democratic Rights (CPDR, Tamil Nadu); Coordination for Human Rights (COHR, Manipur); Manab Adhikar Sangram Samiti (MASS, Assam); Naga Peoples Movement for Human Rights (NPMHR); Peoples' Committee for Human Rights (PCHR, Jammu and Kashmir); Peoples Democratic Forum (PDF, Karnataka); Jharkhand Council for Democratic Rights (JCDR, Jharkhand); People's Union For Democratic Rights (PUDR, Delhi); Peoples Union for Civil Rights (PUCR, Haryana), Campaign for Peace & Democracy in Manipur (CPDM), Delhi; Janhastakshep (Delhi).

Email: cdro@pudr.org

Ganatantrik Adhikar Suraksha Sangathan, Odisha (GASS) is a member-based autonomous democratic rights organization, working for the protection of human and democratic rights of common people in the state and outside. GASS stands for repealing of sedition law and abolition of capital punishment as also opposing communal, caste, gender and state violence.

Email: gassbhubaneswara@gmail.com

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER 1: THE LANJIGARH REFINERY AND VEDANTA	2-7
CHAPTER 2: THE PROJECT AND ITS ILLEGALITIES	8-12
CHAPTER 3: THE MOUNTAIN AND ITS PEOPLE	13-19
CHAPTER 4: STATE REPRESSION AND RIGHTS VIOLATIONS	19-23
SOME REFLECTIONS	24-26

Jointly Published by: Coordination of Democratic Rights (CDRO) and Ganatantrik Adhikar Suraksha Sangathan (GASS), Odisha

Printed at: Progressive Printers, A-21, Jhilmil Industrial Area, GT Road, Shahdara, Delhi-95

Suggested contribution: Rs 25

Participant Organisations:

Association for Democratic Rights (AFDR, Punjab)

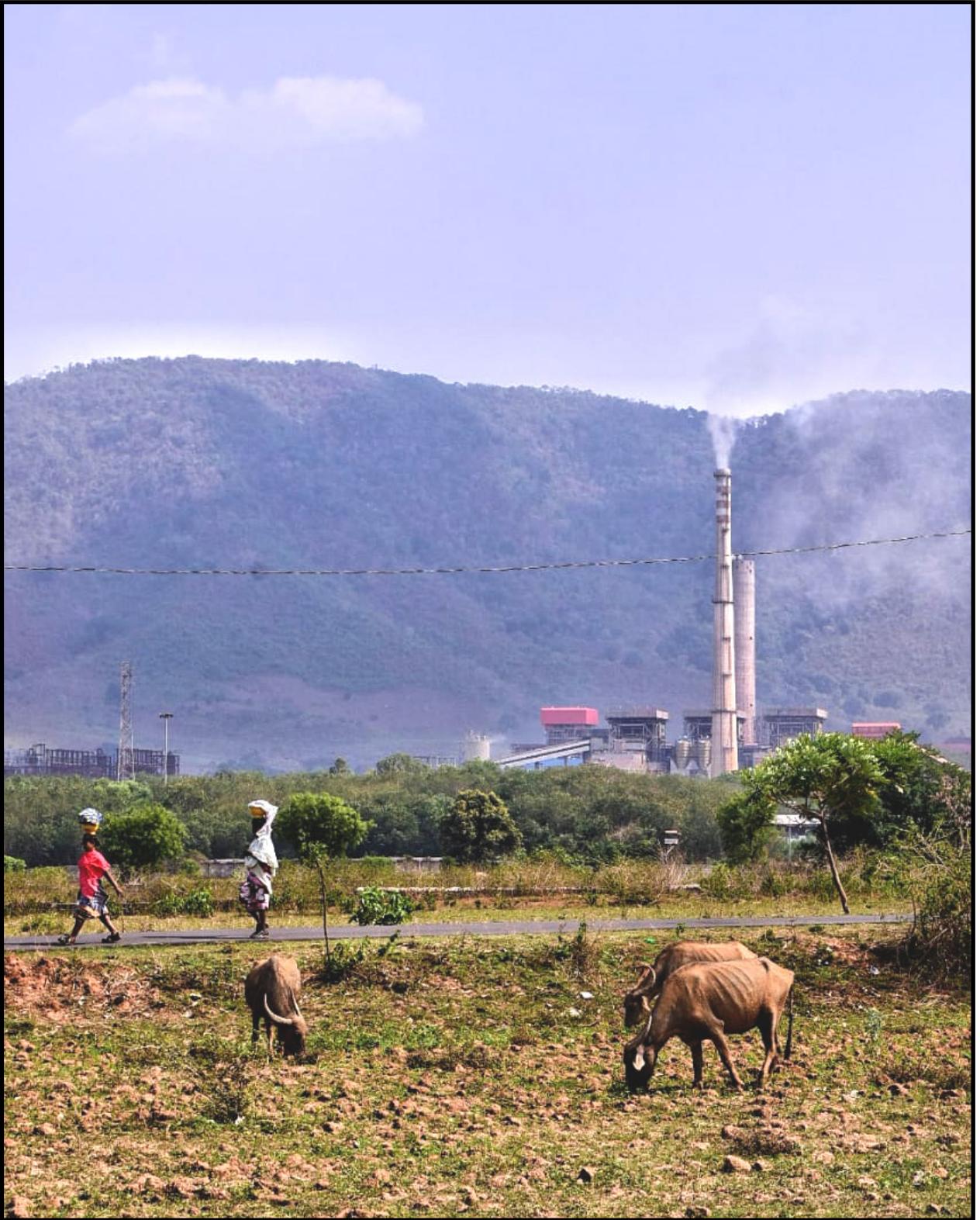
Association for Protection of Democratic Rights (APDR, West Bengal)

Civil Liberties Committee (CLC, Telangana)

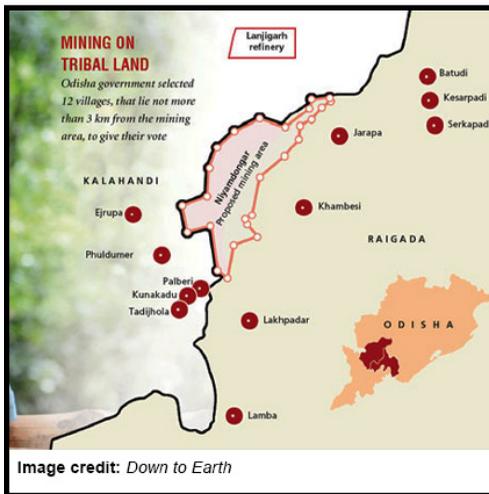
Committee for Protection of Democratic Rights (CPDR, Tamil Nadu)

People's Union for Democratic Rights (PUDR, Delhi)

Ganatantrik Adhikar Suraksha Sangathan, Odisha (GASS)



INTRODUCTION



In 2013, twelve Gram Sabhas of the Niyamgiri region unanimously rejected Vedanta's proposal for bauxite mining in the hills pursuant to an order of the Supreme Court. Six years have passed since then. Reports of random arrests of Dongria Kondhs and routine harassment in villages and weekly markets continued to appear in media. As these incidents began to increase, especially in the last two years, the Coordination of Democratic Rights Organizations (CDRO) and Ganatantrik Adhikar Suraksha Sangathan (GASS) based in Odisha took an initiative to visit the region and inquire into the status of human rights violations of the people and meet people in the villages around the Vedanta refinery plant as well as in the proposed mining area. Even as we were preparing for the visit, two events

were reported widely in the media. Lingaraj Azad of Samajwadi Jan Parishad and Niyamgiri Suraksha Parishad – a veteran anti mining and socialist activist – was arrested on 6 March 2019. Ten days later, a contract employee of the Vedanta Refinery Plant named Dani Batra was killed in a brutal lathicharge on 18 March by the OISF on a protest gathering at the gates of the plant. In the same set of events, a security guard named Sujit Minz also died. These events spurred up our effort to visit the region and prepare a report for wider distribution and awareness.

A 16-member fact-finding team of CDRO and GASS visited these areas from 26-28 April 2019. One team made visits to the villages of the mining areas like Lakhpadar, Belang Mandal and Dangamati to investigate the violation of human rights in the region and met members of Niyamgiri Suraksha Samiti (NSS); another visited the affected villages of the Vedanta plant like Chatrapur, Rengapalli and Bandhaguda. The team met the family members of the deceased Dani Batra; it also met British Kumar Majhi, an anti-mining activist from Karlapat, at his village Ghatikundru, who was allegedly beaten by the SP of Kalahandi. Team members also met the inspector-in-charge at Lanjigarh police station and had telephonic conversations with the District Collector and the SP. The team presented its interim findings at a Press Conference in Bhubaneswar on 29 April.

This report attempts to compile the findings of the team based on interviews with people, providing a context to the conditions and circumstances under which the Lanjigarh refinery has been set up and is operating; as also document the persistent violation of human rights and state repression faced by the Niyamgiri Suraksha Samiti, a broad anti-mining coalition that has been active in the area since 2005.

CHAPTER ONE

THE LANJIGARH REFINERY AND VEDANTA

The bauxite processing refinery plant – Vedanta Aluminum Limited – is located at the foothills of the Niyamgiri region. It is in the Lanjigarh block of Kalahandi district; usually referred to as the Lanjigarh plant, in operation since 2008.

THE DEATH OF A CONTRACT WORKER– 18 MARCH 2019

On 18 March, Dani Batra, a contract worker of the Lanjigarh refinery, succumbed to his injuries inflicted on him when a brutal lathicharge was unleashed by security forces at the gates of the plant. An FIR was registered that very evening by the wife of the deceased, Saindri Batra, at Lanjigarh police station against the Chief Security Officer, Chief Manager and security personnel of the company under IPC sections 147, 148, 302 and 149. In the FIR, she has categorically alleged that her husband died after being attacked by lathis, iron rods and deadly weapons.

When we went to Chatrapur village, his wife had left for her home. We could only meet his parents' 8-year old son and some relatives. Initially, descriptions of the day's events leading to the death by the villagers varied, but gradually a coherent story started emerging, which is as follows:

WITNESS ACCOUNTS

The plant gates open at 6 in the morning every day for the first 8-hourly shift. According to witnesses on early morning of 18 March, about 40 to 70 people, largely from Rengapalli, Bandhaguda and Basantpur villages, had assembled at the gate of the Vedanta Alumina plant at Lanjigarh. They were demanding fee-remission for their wards in the DAV Vedanta International School in Lanjigarh run by the company. The protesters wanted to draw the attention of the management to their long pending demands and negotiate.

Before the negotiations could conclude, a tiff between some security staff with someone from among the protesters took place, as some recalled that a security guard slapped a villager from Basantpur; some others said that as they were stopping the entry of workers, two buses carrying the OISF (Odisha Industrial Security Force) personnel forcibly entered the plant gate [OISF provides security to the plant and the Vedanta township at Lanjigarh]. In the melee that ensued, one of the buses ran over the feet of someone in the protest gathering. Others said that someone pelted a stone at the OISF bus entering the plant without heeding their warning and thereby weakened the collective protest. Whatever the truth behind how it all started, there was almost a 'unanimous view' that emerged about what transpired thereafter that the OISF personnel ran riot indiscriminately beating people, including women, outside the gate and on the roads leading from the plant-gate towards the township and the villages. The road that runs along the wall of the plant towards Bandhaguda did not see much of action. Some were chased by the lathi-wielding OISF staff for a furlong or so, on the road leading towards the Vedanta township as they escaped towards Rengapalli.

The road leading to the villages, on which a few shops have come up largely to cater to the skilled and unskilled workers of the plant, was the one that witnessed the worst assaults by the OISF on anyone who came in their sight – men, women, workers and even bystanders. They

not only beat up people indiscriminately but also chased them in all directions, including into a pond. None, not even bystanders, were spared by the OISF personnel. Women ran helter-skelter through bushes and into the jungle on the right side of the road to save their lives.

We met a survivor who was witness to some of these incidents and whose version has been the least contradicted. Previously an employee of the Vedanta plant, he now earns his livelihood by selling firewood to the eateries at the plant gate and other nearby places. On that fateful day, he had arrived on his bicycle in the morning around nine and after having delivered the firewood to the three eateries, he headed towards the pond to wash himself. He had seen people assembled in protest at the plant gate; and that there were uniformed personnel in the buses. As he entered the water to wash himself, he was hit from behind on the head and back. When he turned around, he saw security personnel above him with lathis raised to hit more. He pleaded with folded hands to let him go as he was merely a wood seller and not from among the protesters. But they did not relent and continued raining lathis on him. He started bleeding from the head. After sometime, other security personnel intervened on his behalf, saying he was a wood seller and they should let him off. When they left he gathered himself to examine his injuries and tried stopping the bleeding. At that point, he saw another man being beaten up with lathis inside the pond and saw the victim fall on his face into the water. He warned also about the fellow drowning, but no one paid heed to his desperate calls and they left the drowning person in the same posture. He himself was feeling weak and nervous but he ran into the hotel, where he had delivered the firewood a while ago. The people there helped him and gave some kind of first aid. Soon the security personnel came in that hotel and asked him to show them the spot where he said the man drowning. He went along with them and showed them the spot. Following his instructions, the security personnel recovered the body of Dani Batra from the pond. It was around 10 AM at that time. He thought that Dani Batra was dead by then. Yet, the security personnel arranged for a vehicle and took him to the government hospital. He was also taken to the hospital and given treatment there.

According to some accounts the doctor on duty conducted a postmortem on the body and then it was carted either to the village or to the gate of the plant. There were also ambiguities in accounts as to when exactly the body was handed over to the relatives, who arranged for the ambulance/vehicle for the body to be carried home, what time it was done, whether the body was taken home or to the gate of the plant demanding compensation, and, who took the body, and so on.

But most accounts converged again. By 8 PM the body of Dani Batra was at the main gate of the plant and a large number of guards were present there. The policemen posted were from the police department and not the OISF. From all the accounts that we heard it was clear that the Vedanta officials were worried about the emerging volatile situation. By about 10 in the night, the body was brought to Chatrapur, which was the village of the deceased. It was cremated early next morning.

Villagers also said that till late evening of 18 March, nobody around the plant knew of any other death besides that of Dani Batra. However, rumour went around the next morning that someone had died inside the plant. They also heard that it was being blamed on the people who enraged by the death of Dani Batra indulged in rioting and arson. Nobody had any clue. The police began its round of arresting people at random for their alleged role in the death of the man inside the plant.

POLICE VERSION

The IIC of the Lanjigarh PS, who gave us the police version of the incident, was not present that fateful day in Lanjigarh. He was away on some official engagement. But some of his staff was present at the gate of the plant when the incident happened.

According to the IIC, the demand of the people for remission of fees by 80% for their wards was met and everything was settled. But there was a tiff between the people and security personnel regarding the entry of a bus, carrying OISF personnel. Subedar Pradipta Mishra called the barrack for reinforcement and they came and started the lathicharge. He admitted that there were no magistrates or anyone to order a lathicharge on the assembled people; this was done by the OISF purely in self-defense. He said a havildar of OISF rescued Dani Batra from the pond and they took him to the hospital where he was declared brought dead, which enraged the people. This was around 10 AM. The agitated crowd entered the plant and set the security camera control room on fire. There was a havildar of the OISF inside the control room who was unwell and couldn't run when the room was set ablaze and got burnt to death. The IIC added, his feet were tied with a wire when his body was recovered at around 4-5 PM, the same evening. Ranjit Dhal, another OISF personnel, was also present in that room.

However, on the question as to why there was no attempt made to rescue him in time, the IIC had no clue. He claimed that since the CCTV cameras were switched off due to the fire, the police failed to find out who entered the control room at that juncture and tied his feet. There is a 100-meter distance from the gate to the control panel, where the charred body was found. However, he clarified that there was no other damage found between the gate and the control room, and there was also no explanation for why his feet were tied. The deceased person's name was Sujit Minz and he was from Sundergarh district. His body was sent to the Burla Medical College and Hospital, which is about 300 kilometers from Lanjigarh. When asked why his body was sent that far, the IIC replied that the Lanjigarh Hospital was not equipped to do inquests into deaths due to burns.

According to the post mortem report available, the body was brought to the hospital at 1 PM on 19 March. It has been recorded that his death was caused by deep burn injuries.

When the team asked the IIC why no action has been taken on the murder of Dani Batra, whereas arrests had been made on the death of Sujit Minz, the IIC said that the postmortem report concluded that he died by drowning and that he was drunk, therefore, according to him, there was no prima facie case of a murder. However, the people who went to the hospital to collect his body told us clearly that both his arms were broken, which could be a reason for him not to be able to swim to safety. There were injuries on his head as well.

The IIC informed us about another FIR registered by the police against 22 persons with names plus 300 others for rioting and arson leading to the death of Sujit Minz. It seems that by examining video footage, most of the 22 persons named in that FIR had been arrested. It is not clear where the video footage was obtained from.

SOME OBSERVATIONS

Those who were demanding remission of school fees at the gate that morning said that they had been trying this since June 2018 by talking to different officials. The management either plainly refused or would defer the matter to be examined later. So their demands largely remained unaddressed. Therefore, they were compelled to protest so that the management addressed their demands. The strategy worked and negotiations were initiated with the people.

The case made against those who had come to protest has many gaps. How could a mob manage to enter the plant when there were a large number of security personnel present and carrying out a brutal lathicharge? How could they reach and set the building on fire, which is about 100 metres inside the main entrance? The IIC argued that since most of the security men had left by then and the small number that was there was not able to stop the rioting mob from entering. However, there is a catch here that it is very unlikely that the people who were chased away by OISF members and beaten badly just hours ago, reassembled quickly enough and gate crashed into the plant and set fire to a building well ensconced inside the main gate. The IIC had earlier admitted that there was no damage in that distance of 100 meters. Then why would they tie the feet of Sujit Minz? In fact, most of the people present said that the gate site was wearing a deserted look after the people were chased away. Nobody seems to have seen anybody being taken out of the premises of the plant to the hospital or to any other place. Even when Dani Batra's body was brought and put in front of the gate, there were very few present to witness that.

As we go into print, we have credible information that many more arrests have been made in recent days and people from three villages are absconding for fear of random arrests.

Subsequently, Dani Batra's wife was given a 'compensation' of Rs 25 lakh by Vedanta. The officials of the company went and handed over the cheque to her in her village. The question begs the answer as to why has the company been so generous for someone who in their view has 'drowned because he was drunk'? We contacted the PR of the company on the phone and stated clearly that we wanted to speak to him about the 18 March incident. He promised to get back after speaking to his superiors but never did. Our subsequent calls remained unanswered.

The team met other contract workers too. An incident of 2011 was narrated to us by a woman named Jayanti Dakri. She said, 'We were working at the site of the plant and wages were not being paid regularly. So some of us decided to raise this issue and demand immediate payment of pending wages. Instead of paying the pending wages, false cases of robbery were foisted on me and four other women (Kamala, Purnima, Neelabati, and Tulsa Bihar). We remained in jail for six months. Tulsa Bihar's son Topu who was three years old was also in jail.' The targeting of these women happened as a result of their being in the forefront of protests against the environmental damage caused by the company that poses serious health hazards. They have been reduced to become workers on their own land and also run the risk of fabricated cases foisted on them and imprisoned.

Incidents ranging from the process of land acquisition for the plant and compensation; environmental pollution; ill treatment of contract workers have been in media from the beginning. The villagers have also been demanding regularization of contract workers and appointment of more people as promised from the beginning by the company. Instead of providing permanent jobs, the company pays some villagers Rs 8,000 per month in lieu of a job without giving any work to buy their silence.

Let us have a look at the profile of the company and its presence in other parts of India and elsewhere too.

VEDANTA IN INDIA AND ABROAD

In 2003, Vedanta Aluminum Limited, a subsidiary of Vedanta Limited, entered into a Memorandum of Understanding (MoU) with the Government of Odisha for the construction

of an alumina refinery (capacity 1 million tonnes per annum, or 1 MTPA) and thermal power plant at Lanjigarh in Kalahandi. The alumina refinery required at least 3 MTPA of bauxite for its operations, which was to be sourced from the Niyamgiri hills that possess over 74 million tons of bauxite. The rich deposits of bauxite have drawn this global corporation to Odisha. Though the business proposal was mooted through the Odisha Mining Corporation back in 1997, people got to know about it only in 2003. The Industrial Development Corporation of Odisha (IDCO) had the responsibility of acquiring land from the locals and handing it over to the company. The MoU was signed for 24 years.

Vedanta Limited, based in the United Kingdom, is a global natural resources giant engaged in the extraction, processing and supply of iron ore, steel, copper, aluminium, zinc-lead-silver, power, oil and gas. As of August 2018, Vedanta had a market capitalization of US\$ 2.92 billion, with two-thirds owned and controlled by its chairperson, Anil Agarwal, and his family. With operations in India, Sri Lanka, Zambia, Namibia, South Africa, UAE, Ireland, Liberia and Australia, through 12 major subsidiaries, Vedanta is the second-largest producer of zinc and the 15th largest mining company in the world.

Although it was incorporated in 1974, Vedanta's meteoric expansion came close on the heels of public divestment in state enterprises post-1991. Under the National Mineral Policy, Vedanta acquired three state-owned corporations: Madras Aluminium Company Limited (MALCO) in 1993, Bharat Aluminium Company Limited (BALCO) in 2001, and Hindustan Zinc Limited (HZL) in 2002 through Sterlite. Anil Agarwal's eyes are set on acquiring stakes (or larger stakes, as the case may be) in the following five mining PSUs: Hindustan Zinc, Hindustan Copper, Kolar Gold, Uranium Corporation, Shipping Corporation of India and NMDC, as he proposed that the government divest from them at a Niti Aayog meeting with Narendra Modi as recently as 22 June 2019.

Since the nineties, Vedanta's inroads into India increased to several regions. Its zinc operations are conducted through HZL, where it owns a 64.9% stake and the Government of India holds 29.5%. HZL has facilities located in Rajasthan and Uttarakhand. In addition, HZL also has a silver refinery at Uttarakhand. As far as aluminum is concerned, the GoI divested 51% of its shares from BALCO in favour of Sterlite Industries Limited. The company claims to meet 40% of the domestic industry's aluminum needs, primarily through its operations in Chhattisgarh and Odisha. The Lanjigarh alumina refinery, with a capacity of 1 MTPA, is crucial to enlargement of Vedanta's dominance in aluminum internationally. Cairn Oil & Gas, a subsidiary of Vedanta Resources, is the largest crude oil processor in India with operations in Rajasthan, Andhra Pradesh and Gujarat. Talwandi Sabo Power Limited in Punjab is one of India's largest power suppliers. In the field of iron ore, Vedanta caters to the domestic and international markets in China and Japan primarily through its subsidiary Sesa Goa Iron Ore, acquired in 2007 with a 51% stake. The capacity of the Sesa Goa operations at Goa are 5.5 MTPA, while those in Karnataka close to 4.5 MTPA. Through Sterlite Copper, Vedanta meets approximately 36% of India's domestic demand, through plants in Tamil Nadu and Dadar and Nagar Haveli.

Aluminium and zinc constitute a core part of Vedanta's global business. Coinciding with Vedanta's listing on the London Stock Exchange (LSE) in December 2003, the proposed alumina refinery and bauxite mine in Odisha were instrumental in its massive capitalization as the first Indian company to have raised US\$ 876 million in its Initial Public Offering (IPO), counting as the second largest listing on LSE in 2003. The company's assertion that the bauxite mine had already been secured, and its close association with several Indian politicians and diplomats formed part of its profile, with P. Chidambaram sitting on the Board of Directors as a non-executive director in 2003.

The roadblocks in Vedanta securing the Niyamgiri hills for mining eventually caused a loss in rankings from a Financial Times Stock Exchange (FTSE) 100 in 2006 to a FTSE 250 company in 2013 following the banning of mining in Niyamgiri. This is indicative of the significance of the project in Vedanta's market profile. And it also shows the impact of the sustained protests against mining by the people who inhabit the mountain.

Vedanta is notorious across the globe of its operations for non-compliance of laws and regulations, and human rights violations of those affected by its operations, including workers, peasants and adivasis. For instance, in September 2009, BALCO's power plant in Korba, Chhattisgarh witnessed the collapse of its under-construction chimney leading to the death of 40 persons, and injuring numerous others. The state-appointed judicial commission in the matter found grave negligence on the part of BALCO and its officials and recommended action, which was later stayed by the Chhattisgarh High Court. In September 2017, the Chhattisgarh Pollution Control Board ordered BALCO to shut down its power plant in Korba for causing serious environmental damage. Residents of Zambia affected by Vedanta's mining operations through its subsidiary Konkola Copper Mines recently won a suit for damages against the corporation for polluting their waterways and property. Closer home, in 2017, Vedanta's subsidiary Sterlite was complicit in targeted police shooting at activists and protestors outside their Tuticorin copper plant in Tamil Nadu, when people were demanding for its closure on account of serious environmental damage to their resources. Thirteen people were killed and hundreds injured.

CHAPTER TWO

THE PROJECT

AND ITS ILLEGALITIES

The rich deposits of bauxite have drawn this global corporation to Odisha. When Vedanta entered into the joint venture with the state-owned Odisha Mining Corporation Limited (OMC) for bauxite mining in the hills, it applied for environmental and forest clearances for the refinery. What followed is a tale of consistent regulatory non-disclosures and non-compliances. These issues broadly deal with the process of land acquisition for the plant in Lanjigarh; the series of non-disclosures and lack of transparency; and the subsequent damage and destruction caused to the environment and habitat once the plant began its operations.



LAND ACQUISITION FOR THE REFINERY

The Industrial Development Corporation of Odisha acquired land for Vedanta by organizing Gram Sabhas. The consent of Gram Sabhas is essential as per the Panchayats (Extension to Scheduled Areas) Act (PESA) provision for any land acquisition in scheduled areas, and in cases of forest diversion, under the Forest Rights Act (FRA).

On 26 June 2002, a Gram Sabha meeting was conducted at Kenduguda village in the presence of the District Collector, who verbally provided perfunctory information regarding the project (as per the report of the Central Empowered Committee of the Supreme Court). There was a one-line resolution reported of the Gram Sabha: 'This is resolved unanimously that the villagers would give land to the company without any opposition.' The villagers of Lanjigarh area who were present in the first Gram Sabha were not informed about acquisition of 58 ha of forest land for the project. Neither were villagers properly informed about environmental impact and the hazards to be posed by the Red Mud Pond and ash pond, nor was the status of the project made clear and whether any impact assessment study had been done. The company had not yet obtained permission for mining in the area.

ENVIRONMENTAL CLEARANCE

On 19 March 2003, Vedanta applied to the Ministry of Environment and Forest (MOEF) for environmental clearance for the alumina refinery in Lanjigarh, separately from the mining

project in Niyamgiri. In its application, Vedanta stated that the refinery will not require diversion of any forestland, and that there was no forestland within a 10 kilometers radius of the project. The requirement of forest diversion is a crucial factor in the determination of forest clearance. The MoEF initially raised an objection to the delinking of the refinery and the bauxite mining based on forestland, seeking to consider the clearance for both jointly. Vedanta argued that the two were not interlinked projects, and within six months, the MoEF reversed its objection and decided to treat the two separately. On the condition that the refinery will not require forest land, the MoEF granted environmental clearance for the project in September 2004.

Vedanta had not mentioned about Redmud Pond of the alumina plant at Rengapalli village, which would occupy forest land. In fact, the company stated that within 10 kilometers of periphery, there is no forest whereas Niyamgiri stands just in front of the plant with its flora and fauna. Based on this fabricated report, the MoEF issued environment clearance in 2004. The construction work of the alumina plant started. The company went ahead to complete the alumina plant first even before obtaining mining permission.

There are numerous streams originating from the Niyamgiri that form the Vansadhara river, which empties into the Bay of Bengal at Kalingapatnam in Andhra Pradesh. This river, which was the lifeline of the villagers around the plant, bore the maximum brunt of the refinery operations. A part of the river got covered by the Redmud Pond, which is a reservoir to store the toxin discharge from the alumina refinery where the Redmud is mixed with water until it evaporates. This noxious and poisonous red mud: a mix of highly toxic alkaline chemicals and heavy metals, contains radioactive elements. A flash flood in the river can cause a breach in the pond resulting in a massive spill over into the river. This aspect has been glossed over in the Environment Impact Assessment(EIA) and ignored by the MOEF, the Central Empowerment Committee (CEC) report says.

Because there are no efficient methods of its disposal, the red mud is inevitably buried in the ground or dumped in water bodies. It is estimated that more than 50 million tonnes of red mud is buried or disposed of in the ground. In 2017 alone, more than 1.2 million tonnes of Redmud was produced. Residents living close to the plant routinely complain of skin and respiratory problems as a result of the contamination.



The company began its refinery operations by transporting bauxite from Chhattisgarh and Jharkhand. On 16 May 2011 when there was heavy rain, red mud spilled over from the pond and flowed into the agricultural land of Chatrapur village situated behind the plant. Some houses

also got damaged. This caused anger and local villagers protested and stopped the railway track connecting to the alumina plant. The women were at the front. This blockade continued for five days and the company suffered for it. Later the company came into negotiation and gave compensation.

The connecting path between Rengapalli and Basantpur has been blocked by red mud. Water contamination is so wide spread that residents of Bandhaguda did not allow us to drink water from the hand pump. There were stories of animals dying after drinking stream water near plant. People shared many ailments related to skin as well as respiratory problems. There is no attempt as yet to assess the massive scale of pollution and ill health caused by the river. The Vansadhara river, which is 230 kilometers long, might have become a source of pollution for those living all along its journey to the sea. Bauxite processing at Lanjigarh is likely to affect the entire downstream areas dependent on this river.

People said that by disposing red mud in open, the company is making them surrender and leave the village. They have been offered some land near Jaganathpur, which is being used for cultivation by the villagers there. Therefore, they are hesitant to shift anticipating conflicts. They have not been shown any alternative site where they can also do some cultivation.

FOREST RIGHTS AND FOREST CLEARANCE

Vedanta had a land requirement of 723.343 ha for the alumina refinery and 721.323 ha for the bauxite mining of which 58.943 ha and 672.018 ha, respectively, is forest land. One month prior to the grant of environmental clearance, in August 2004, Vedanta separately applied to the Forest Department for diversion of 58.94 ha of forestland, contrary to its representations for the environmental clearance. Even prior to the grant of forest clearance, construction at the site had commenced, for which the Forest Department issued a show-cause notice in February 2005, alleging violation of the Forest Conservation Act. Following this, in May 2005, (MOEF) issued a notice to the company to stop construction of the refinery.

Vedanta responded by arguing that the refinery did not require forest land, and therefore the MoEF's notice to cease construction was inapplicable. Thereafter it withdrew its application for forest clearance, following which the MOEF also withdrew its notice.

When the company started to move its vehicles into the Niyamgiri hills in 2006, the native began to resist by blocking the roads constructed by the company. The state government had not deemed it necessary to take the consent of adivasi forest dwellers as specified in the FRA, 2006. Resistance grew.

In 2004 and 2005, three petitions were filed before the Central Empowered Committee (CEC) of the Supreme Court set up under the ongoing Goadavarman case, challenging the environmental clearance granted to the refinery. The first petition was filed by Biswajit Mohanty and the other two by Prafulla Samantray and R. Sreedhar demanding an explanation from Vedanta, MOEF about the process of land acquisition and the company's intrusion into forest land. This move gained a lot of public attention. The Supreme Court directed the CEC to undertake investigations in the matter, and to submit its report and recommendations. The CEC submitted two reports, one in September 2005, and another in February 2006.

In its report, the CEC found that since the environmental clearance had been obtained through misrepresentation, it should be revoked, and that mining in Niyamgiri should be banned. Some salient points of the report include:

- Besides forest land, the government revenue land and private land also contain thick forests and therefore are eligible for classification as 'forest'.

- The environmental clearance for the alumina refinery could not have been accorded without taking a decision on the mining component which is an integral part of the project.
- Vedanta has deliberately and consciously concealed the involvement of forest land in the project.
- In violation of the FC Act (1980) guidelines, the project has been split into alumina refinery project and bauxite mining project even though the bauxite mining is an integral part of the refinery project.
- A failure to obtain relevant clearances for the mine would render the alumina refinery also infructuous. The site for the refinery was chosen on the basis of its close proximity to the bauxite reserves.

The CEC recommended the Supreme Court to revoke the environment clearance dated 22 September 2004 granted for the alumina refinery plant and to direct Vedanta to halt further work on the project.

In a third report submitted in February 2007, the CEC re-confirmed the findings of its earlier reports, and noted the cavalier attitude of Vedanta to the laws and regulations of the land.

In November 2007, the Supreme Court partially accepted the recommendations of the CEC, and barred Vedanta through its subsidiary Sterlite from undertaking the project. Instead, it ordered Vedanta to apply for relevant clearances afresh, and imposed the Constitution of a special purpose vehicle between the state of Odisha and Vedanta as shareholders of the project.

- Setting aside 5% of profits before tax for reinvestment into the local community.
- Submission of a report on the impact of the project, number of jobs created, etc.

Based on the fresh proposal, the Supreme Court withdrew its injunction against the project on 8 August 2008.

The company swung into action and got two EIA reports done by the Central Mining Planning and Design Institute, Ranchi and Wild Life Institute of India, Dehradun. The Supreme Court accepted these reports and permitted Sterlite instead of Vedanta to do mining in Niyamgiri. The findings of the CEC – a body set up by itself – was brushed aside by the Supreme Court and the project was approved. The project was allowed by a mere change of name!

In response, Kumuti Majhi on behalf of the Niyamgiri people, filed an appeal before the National Environment Appellate Authority (NEAA) in 2009, which, in turn, constituted two teams to give detailed reports. One team was under Dr Usha Ramanathan while the other was headed by Dr N.C. Saxena.

The NC Saxena Report recommended against granting approval to the project, noting serious violations of the Fifth Schedule, Forest Conservation Act and the Forest Rights Act among others. The Saxena Committee observed several counts of non-compliance with existing laws, concluding:

This Committee is of the firm view that allowing mining in the proposed mining lease area by depriving two Primitive Tribal Groups of their rights over the proposed mining site in order to benefit a private company would shake the faith of tribal people in the laws of the land. Since the company in question has repeatedly violated the law, allowing it further access to the proposed mining lease area at the cost of the rights of the Kutia and Dongria Kondh, will have serious consequences for the security and wellbeing of the entire country.

THE ODISHA GOVERNMENT'S PERSISTENCE SINCE THE GRAM SABHA VERDICT OF 2013

Based on the Gram Sabha verdict of the people against bauxite mining, on 9 January 2014, the MoEF rejected the final forest clearance. But the Odisha government moved a fresh petition before the Supreme Court in 2016 asking for a fresh consideration of the project, on the basis that the Gram Sabhas had exceeded their mandate in 2013 by rejecting mining in the area entirely, whereas the directive was merely to consider the impact on their religious and cultural rights. The Supreme Court rejected this petition of the Odisha government.

As the hurdles to mine in Niyamgiri continued, the Odisha government opened up other bauxite sources for Vedanta. The Lanjigarh plant's capacity to produce alumina is 2 MTPA, although it is underutilised. However, the company's plan to increase its capacity to 6 MTPA has the complete support of the Odisha government to mine bauxite from nearby sources. It ventured into the Karlapat bauxite reserves. The resistance of the people of Khandualamali people grew in the face of police repression. The government obtained all clearances for the Kodingamali mines in February 2018 and introduced a new bauxite linkage policy to fulfil 70% of Vedanta's bauxite requirement at market price. See Chapter 4 for details of these mining activities and people's resistance in these new sites of bauxite mining. Meanwhile, neither the company nor the government has given up on Niyamgiri.

The Niyamgiri Mountain, which is so much coveted for its bauxite reserves, needs to be looked at closely. The mountain and its people have a unique ecosystem and habitat. The fight to preserve the mountain draws its strength from this relationship. They protect the mountain that protects them.

CHAPTER THREE

THE MOUNTAIN AND ITS PEOPLE

The Niyamgiri Hills are spread over 250 sq. kilometers and form the cluster of northernmost hills in Odisha that run through the southwest alignments. This is part of the East Coast Bauxite Zone as characterized by the Geological Survey of India. The zone begins from Gandhamardhan hills in west Odisha and stretches up to the southern district of Koraput. The Niyamgiri region straddles across both Kalahandi and Raygada districts.

This range of hills is also the abode of the Dongria Kondhs, an adivasi community that mainly stays on the hill slopes and valleys. Their economic, socio-cultural and livelihood practices are intricately linked to the Niyamgiri mountain. The mountain is their god and their protector. They sustain themselves from the natural resources of the Niyamgiri forests and mainly practice horticulture and shifting cultivation. Kutia Kondh is the other adivasi community that also survives on the forests and cultivates varieties of crop through practicing shifting cultivation. In the lean season they collect minor forest produce and other food stuff. Desia Kondhs is yet another community that mainly stays in the plain area and survives on agriculture and other allied activities. These three communities are settled in geographically distinct areas. They speak the Kui language.

The mountain is most sacred to the Dongria Kondhs and other communities in the region. There is deep abiding faith in their god – Niyam Raja (King of Law). They believe they are the children and subjects of Niyam Raja who has nourished and protected them over centuries. They, in turn, protect the god from predators. Besides their daily worship and rituals, there is festival called Toki Mara Parba that is celebrated each year in the month of February. There is animal sacrifice and rejoicing all night with people from across all villages participating.

Under the Panchayats (Extension to Scheduled Areas) Act, the Niyamgiri Hills are protected under special measures of the Fifth Schedule of India's Constitution.

FOREST, FLORA AND FAUNA

Niyamgiri hills are covered with dense forests. There are regular species of trees such as jamun, sisu, amla, kendu, bel, arjun, champa, etc. which are helpful in supporting wildlife and people of the area. There are also numerous medicinal, wild ornamental plants and orchids. Some of the crop plants found in the hills could be used for research and development of hybrid crops.



Niyamgiri hills abound with a number of streams. Some of the important streams include Saktanallha and Barhanallaa. These streams join and form mighty rivers. The Vansadhara river, which passes through a number of districts of Odisha before crossing over to Andhra Pradesh, is considered as the lifeline of Kalahandi, providing water for drinking as well as for agriculture operation in both the states. Similarly, the Nagabali river also plays an important role. Both these rivers are fed by small and perennial streams that originate from different parts of Niyamgiri.

Apart from commonly found animals such as leopard, tiger, elephant, sambar, hyena, chital, wild dogs, etc., the forest area of Niyamgiri hills also supports some of the endangered and vulnerable species listed in Zoological Survey of India's Red Data Book such as four-horned antelope; rarest lizards like golden gecko, large termite hill gecko, skinks; unrecorded variety of snakes such as pit viper, Travancore wolf snake. Grass growth found on the open spaces on the top of Niyamgiri provides feeding sites to many of the herbivores such as barking deer, mouse deer, etc. Whereas the vertical rock surfaces near hill streams is considered an ideal place for the survival of rare species such as golden geko and other endangered varieties of lizards which have been listed in Schedule 1 of the Wildlife Protection Act, (WPA), 1972. And other most important aspects of Niyamgiri hills is that its location acts as a path of migration corridor of elephants.

PEOPLE'S LIVES AND LIVELIHOODS

The Niyamgiri area that comes under the Lanjigarh block of district Kalahandi and the Muniguda, Raygada and Kayansinghpur blocks of Raygada district has primarily an adivasi population, mainly Dongrias, Kutias and Desias as mentioned earlier. In Raygada and Kalyansinghpur, the tribal population accounts for 67-74% in rural area, while the other 10-14% are dalits.

Dongria Kondhs among these adivasi populations are considered to have developed expertise in horticulture although they still practice shifting cultivation. It is a long history how they have been gradually evicted from low-land or plains and forced to go up the mountains find cultivable land. Their socio-cultural and economic life revolves around the Niyamgiri hills and its forest and wildlife. The topmost hill of the Niyamgiri ranges is considered as the seat of Niyam Raja, a male deity, who is worshipped during the month of Ashwin and round the year. Therefore, for all tribal population residing in these hill ranges consider the area sacred and worship. Land, forest, trees, stream and all natural resources are considered to be the common property of Kondhs residing in the area. Dongria Kondhs who mainly stay on slopes farm the slope of hills, harvest many agricultural produce such as varieties of millets (ragi/mandiya, Kongu/ fox millets, pearl millet, barnyard millet, little millet, etc.); upland varieties of paddy; 12-13 varieties of pulses such as koti, jhudung, harad; vegetables and spices such as jackfruit, turmeric and ginger. The area is also full of old fruit trees such as mango, pineapple, jackfruit, orange, etc. People also grow banana orchards. All these produces are consumed by the residents of over 100 villages, an estimated 8,000 Dongria Kondhs and other around 4,000 belonging to Kutia and Desia Kondhs. Most of these crops are not water intensive crops and suitable to grow in dry weather.

Dongria Kondhs, who are majorly involved in agricultural activities are aware of the ecosystem and practice sustainable agriculture. They have been preserving traditional millets and pulses which require less and even no water. Therefore, the importance of Niyamgiri area is for the survival of Dongria Kondhs, who also believe and identify themselves with hills owing not only to its importance for survival but also on account of their religious belief.

They consider that Niyamgiri's ecosystem along with its mountains, trees, plants, streams and gorges have a life that supports animals and people for their survival.

Both adivasi women and men play an important part in agriculture activities. While men are responsible for clearing the forest, cultivation and harvesting of crops, gather forest produce such as fruits and herbs, arrange for firewood and bring them back to the village; women, on the other hand, play the role of managing and cleaning crops, and most importantly selling these them in the market after keeping for their family's consumption.



Therefore, all agriculture produces such as millets, pulses, and fruits are cleaned by the womenfolk. They also do packing and travel to markets, mostly located on the foothills and even towns such as Muniguda, Lanjigarh, Rayagada and even Bhawanipatna, and sell their produce to people, who are mostly traders. After selling their produce they do purchasing of their requirements such as salt, vegetables, cloths and basic household requirement and travel back to their villages.

To understand life, livelihood and concerns of these tribal people more closely, our team travelled to two villages Lakhpadhar and Dongamati – and interacted with the people, who are on the forefront of the struggle. Both these villages had around 30 households with population of around 200-250. Mostly all of them are engaged in shifting or jhoom or dongar (the local reference) cultivation system, which is practiced by nearly all the villages. Under this system, after every 4-5 years a piece of land on the slopes of hills is selected for farming. It is cleared by joint labour of all the villagers and is divided into small plots called dongars. These plots are then allotted to each family for cultivation. After tilling it for 4-5 years, the cultivation is then shifted to another piece of land so that the forest regenerates.

However hard and difficult it might be, their lives are marked by complete autonomy and self-reliance. Some marked improvement can happen in their lives certainly but not until they fight off the mining giant.

OTHER ASPECTS OF LIFE

The literacy rate in these two districts – Kalahandi and Rayagada – is 49% and 59% respectively. However, in the Lanjigarh block it is 49% whereas in the rural areas of three blocks of Muniguda, Rayagada and Kalyansinghpur in Rayagada districts, it ranges between 30% to 37%. In the Lakhpadhar village, not a single person had gone to school. The 2011 census data shows that almost all, except one, were recorded to be illiterate in Lakhpadar. The nearest school is located in Kalyansinghpur a distance of about 10.5 kilometers which takes around 3 hours to reach. In Dongamati also, the situation was almost similar. This year all, except two girls, who had joined residential schools at Kalyansinghpur, were unable to cope up because of Odia as the medium of teaching. All the school drop-outs are now engaged in agriculture.

People and the way they live.										
Area and People							Household with Source of Lighting			
Dist	CD Block	Area (sq Km)	Persons	SC	ST	Literate	Electricity	Kerosin	Solar	
Kalahandi	Lanjigarh	Total	660.59	93,179	23.8%	45.8%	38.9%	25.2%	72.8%	0.7%
		Rural	660.59	93,179	23.8%	45.8%	38.9%	25.2%	72.8%	0.7%
		Urban	---	---	---	---	---	---	---	---
Raygada	Muniguda	Total	648.39	93,564	25.9%	31.1%	39.4%	30.9%	68.3%	0.3%
		Rural	645.69	85,218	28.5%	33.3%	36.7%	21.7%	77.6%	0.3%
		Urban	2.70	8,346	19.4%	8.4%	67.6%	77.4%	20.8%	0.1%
	Raygada	Total	530.7	1,27,333	10.8%	64.4%	40.0%	50.4%	48.5%	0.2%
		Rural	525.53	1,08,781	9.9%	73.5%	35.1%	26.4%	72.9%	0.2%
		Urban	5.17	18,552	16.1%	10.8%	68.3%	84.8%	13.7%	0.1%
	Kalyana-singpur	Total	418.21	63,753	14.5%	64.1%	32.3%	16.8%	81.6%	0.2%
		Rural	409.69	59,093	14.0%	66.9%	30.4%	13.7%	85.1%	0.2%
		Urban	8.52	4,660	20.9%	27.9%	56.9%	53.5%	39.9%	0.0%

Source: Census Data 2011

For both the villages the nearest hospital is also at Kalyansinghpur. In case of small complications villagers said that they use their own traditional methods, using herbs that are found in abundance in forests and nearby villages. Since there is no road and telephone connectivity to both the villages, villagers in case of complicated delivery, travel around 10 kilometers to reach the nearest motorable road and telephone connectivity, along with the patient and then make a call to hospital for ambulance. Mobiles have come into use, especially in emergency situations.

There are hardly any government facilities available as reported by the villagers. Apart from non-existence of schools and PHCs, there is no electricity in most of the villages. As per the 2011 census, nearly two-third households of the rural area of the four blocks covered in the report depend on kerosene oil. In Kalyansinghpur block, over 85% of rural households depend on kerosene. The government, instead of rural electrification, has tried to install solar panel for the individual houses in some of the villages. In both villages covered by the team, all houses had individual solar panels that were provided recently with the assistance of some NGO.

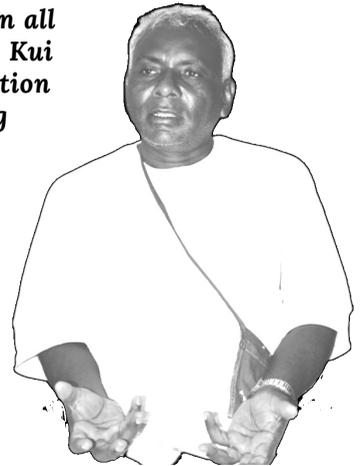
There is no kutchra or pakka (metalled) road connecting to most of villages with surrounding villages and towns. The distance is covered on foot. Our discussion with villagers on this aspect revealed that they are not in favour of pakka road as that would create problem of outsiders who come to extract from their land/forest/mountain and exploit them. Their own need of pakka road is minimal or almost not there.

People in both the villages told us about a non-existent Anganwadi Center in the village that is being shown as functional in government records. Some people come here once a year to make enrolment of children. Thereafter they come once in three months to distribute rice, eggs and sattu. However, ration is being supplied under various welfare schemes.

The team met Lingaraj Azad, one of the most prominent leaders of the Niyamgiri Suraksha Samiti. He suggested some steps that can be taken for improving the lives of people. They include:

Establishing ayurvedic and herbal treatment health facilities in all the three directions of Niyamgiri area; residential schools with Kui as the medium of learning' research and development of education resources for the development of Kui language and preparing course material in Kui language; and employment generation for the Kondhs of Niyamgiri.

Formation of cooperative society, involving people for the production and distribution of agriculture products; agro and fruit processing units for adding value to the agriculture products such as millets, pulses, fruits and vegetables; small units involving locals for developing ayurvedic and herbal medicines; finding an alternative for shifting cultivation based on research by ensuring provisions of round the year irrigation such as check dam or any other alternate suitable and viable technique; a mechanism to ensure good prices for the agriculture produces as the present mechanism of adivasi bazaar is not benefitting people; and, not allow outside high breed plants and agriculture seeds which can be nonproductive and harmful for local flora and fauna.



The team found the people of Dongria Kondhs to be nature loving with firm belief in equity. Nobody owns the forest land, trees and source of water. These are treated as common property by the Dongrias. They believe this rule was laid down by Niyam Raja himself. The rules include protection of hills and forests, collective custodian and sharing fruits of their labour. Fruit trees are found in abundance and they are community-owned and anyone is free to pluck and sell those in adjoining markets.

THREATS AND CONCERNS

The interaction with the villagers in both Lakhapadar and Dongamati revealed that there is constant fear of livelihood. Despite outright rejection of mining plan by the local Gram Sabhas in 2013, they fear that state and central government is capable in circumventing laws which protect them. They have seen the misery of the Kutia Kondh community in Lanjigarh who were given false promises in exchange of their land. They are pushing their struggle in order to protect their identity, livelihood, culture and hills and its flora and fauna by challenging the notion of 'national development and growth' that has no regard or consideration for nature and the ecosystem. There is no doubt that both government and corporation, in order to appropriate tribal resources, have subverted the law. This fact has been well documented even in the report of the High-level Committee on Socio Economic, Health and Education Status of Tribal Communities of India, set up by the Ministry of Tribal Affairs in 2014. The Committee in its report questions the model of development being forcefully imposed on tribal; laws and rules meant for their protection are routinely manipulated to accommodate corporate interest; and, tribal protests are met with violence by the State's paramilitary forces and the private security staff of corporations involved.

According to some, there is no choice but to confront the state, in a peaceful and democratic manner, to argue and place their point of view to the people of India and outside world with various modes: public meetings, delegations and representations. And above all they are keen to share stories of their lives, culture and importance of Niyamgiri not only for their survival and livelihood, but also for the sustainability of the entire ecosystem.

Their demand is to be heard on everything related to the lives of adivasi people located in Niyamgiri, or for that matter in any tribal area, whose life and livelihood are primarily based on agriculture, with little engagement with the market. They struggle at great cost for unfettered rights over forest and other natural resources.

NIYAMGIRI SURAKSHA SAMITI: THE LONG FIGHT

On 22 June 2002, the media reported that an MoU had been signed between Vedanta, then known as Sterlite, with the Government of Odisha for an alumina plant and bauxite mining at Lanjigarh. Within four days, the District Administration in the presence of a local MLA conducted the first Gram Sabha at Kenduguda village on 26 June, which was a mandatory requirement as per the PESA guidelines since Lanjigarh was covered under the Fifth Schedule. As the word spread, the local people started mobilisation to oppose the entry of the mining company. It was against this backdrop that the people formed the Niyamgiri Suraksha Samiti (NSS) in 2003 with Kumuti Majhi of Jaganathpur as its first Convenor. On 18 April 2003, a huge demonstration took place outside the Lanjigarh PS in which thousands of adivasis and dalits participated. That was the first action programme that was taken under the banner of NSS. Several other organisations like Kalahandi Sachetana Nagarik Manch, Samajwadi Jana Parishad, Prakrutik Sampad Suraksha Parishad, Lok Shakti Abhiyan and others extended their support to the movement. Till today, NSS brings together people and organizations from different political persuasions and ideological beliefs that are bound together to oppose bauxite mining and protect the Niyamgiri mountain.

The Chief Minister Naveen Patnaik laid down the foundation stone for the construction of the alumina plant on 8 June 2003 amidst protest. Within three days, local villagers destroyed the foundation stone. Two villagers were arrested.

NSS gave a call to observe Kranti Divas on 7 April 2004 and activists from different parts of Odisha converged at Lanjigarh. While returning from the programme that night, some villagers set fire to temporary camps set up by the company. Thirteen people were arrested the next day by Kalahandi Police. There was a huge protest against these arrests on 29 April in front of the Office of the District Collector.

On 9 August 2005, five activists of Niyamgiri Suraksha Samiti and Kalahandi Nagarik Manch entered the Odisha Assembly while its session was going on. They shouted slogans and threw leaflets inside the Assembly. This spectacular action elicited national attention. Several journalists and Commissions began heading for Niyamgiri to address the issues raised by those who inhabit the region.

The company began luring the local youth to attack activists. Goons were hired to spread violence and intimidation. The losses that began since then have only been increasing with time. Sukru Majhi, a fearless adivasi activist, was killed on 28 March that year. Police arrested six villagers of Kapaguda village on 3 August 2008. Arsi Majhi was killed on 20 February 2010.

NSS mobilised almost 122 villages when the news of mining plans in the mountain spread. One of the most memorable rallies took place on 5 October 2009 when Dongria Kanhas in their traditional attire came from villages near and far to congregate at Muniguda in Rayagada District. It was the first major protest rally against the proposed mining. The Lok Sangram Manch, Rajurguda and Ma Dharitri Club, Karadabandha of Muniguda Block, Rayagada District were also part of it.

Repression grew. On 14 March 2010, five women including from Chatrapur village were arrested on charges of dacoity. On 6 January 2011, 46 villagers of Rengapalli were arrested for protesting against the hazards of the Redmud. Opposing all these police actions, the NSS organised Black Day on 26 January 2012 at Lanjigarh. They gheraoed the police station for six hours.

The legal battle took many twists and turns until the Supreme Court in its order of 18 April 2013 upheld the religious and cultural rights of the Dongrias over the Niyamgiri hills. The Maoists initially ordered a boycott of the Gram Sabhas. But the NSS put all its resources and energy into mobilizing by having discussions and interactions in all villages and preparing for the meetings. Indeed, the decision of the people was unanimous with all Gram Sabha meetings upholding the sanctity of the Niyamgiri. It was a major victory for the people.

A seven-day padyatra took place in 2016 spreading the message of the movement far and wide. It ended on 5 June, World Environment Day, in Jaganathpur (Lanjigarh). The padyatra, led by the NSS celebrated the legal victory of the Supreme Court turning down OMC's appeal to review the order on the 2013 referendums which had put an end to mining plans on the mountain. The demand for dismantling the Lanjigarh refinery was made loud and clear. The protests grew.

The Home Ministry, in its Annual Report of 2016-17, declared Niyamgiri Suraksha Samiti a Maoist outfit! It was a ruse to further increase surveillance and the presence of CRPF on the mountain.

NSS and the people have borne many losses in facing police repression and intimidation round the year. Villagers are subject to routine surveillance, combing operations and police excesses. Yet, NSS continues to protect the mountain undeterred!

CHAPTER FOUR

STATE REPRESSION AND RIGHTS VIOLATIONS

As the team went up the mountain and spoke to people in different villages, the daily harassment of CRPF was a common refrain. The rationale given by the administration and State Government is ostensibly to curb the presence and movement of Maoists. But the surveillance operations make daily activities and mobility very difficult.

One of the leading activists of NSS, Lada Sikaka, told the team that their struggle for the protection of Niyamgiri is often labelled as Maoism. He denied NSS's link with any Maoist outfit. The state is constantly trying to curb their protest activities on the pretext of keeping watch over Maoist activities. Security forces have been accused of misbehaving with people and even beating them up. The CRPF is all the time ostensibly on the lookout for Maoists, their supporters, arms and ammunition and literature.



Here are the details of the many incidents of intimidation, torture, arrests and confinement:

- Haribandhu Kadraka, an adivasi leader, was arrested on 30 October 2014 under charges of planting landmines at Sarabali village. He was accused of having links with Maoists and other offences and released after the Dongria people persistently protested and had a demonstration before the Odisha Assembly.
- Drika Kadraka of Damnpanga village who was part of the working committee of NSS committed suicide in November 2015, fearing arrest. He was arrested earlier and was on bail.
- Manda Kadraka (16) was killed by a patrolling team of CRPF and police, in the early hours of 27 February 2017. He along with one more boy had gone to collect tadi. The police claimed his death to be an 'encounter killing'. However, the boy accompanying Manda Kadraka escaped being arrested and exposed the police story. Although at the insistence of villagers a case was registered, no action has been taken up till now. Even a copy of the FIR that is supposedly registered in the matter and postmortem report of the deceased has not been made available to family members.
- Dasuru Kadraka from Gorata village was arrested in May 2016. He was charged with nine cases that included arson, murder, planting explosives to killing a police informer, and attacking paramilitary forces during combing operations. A case filed before the National Human Rights Commission against his arrest was closed in February 2017. Dasuru Kadraka was released after spending two years in jail during which he was severely tortured. He has complained of being administered electric shock by the police to make him agree to 'surrender' as a Maoist. Meanwhile, mining operations began at Kodingamali despite the resistance of the local people.

BAUXITE MINING AT KODINGAMALI BY VEDANTA

Kodinga Hill is part of same East Coast Bauxite Zone where Galikonda (Vizag of AP), Panchaput Mali (occupied by NALCO in Koraput district of Odisha) and Deomali (Pattangi block of Koraput in Odisha) are located. This hill spans seven Gram Panchayats of Laxmipur and Dasamantpur block of Koraput district and one Gram Panchayat of Kashipur block of Rayagada district. People of almost 25 villages depend on this hill. When the news came on 10 January 2017 that the government of Odisha would hand over the Kodinga hill to Vedanta. People of the area started their agitation.

As per the environment report, the mining lease area is 715.078 ha. The mining area covers 406.385 ha reserved forest in Koraput district and 21.69 ha reserved forest in Rayagada district. As per the FRA, the Gram Sabha resolution is essential before transferring that land for mining purposes. None of the eight Gram Panchayats have passed any resolution in favour of mining. On 11 August 2017, all villages of Koraput district came together at Bankampanchayat and resolved not to permit any conversion of forest land in the area. They had sent the copy of the report to various authorities. The people of the area came together on 19 October 2017 on top of the Kodinga Hill and took an oath to oppose any proposed mining. As in other bauxite-rich areas, villagers do vegetable cultivation on the perennial streams of the hill. This forest area is house to bears, leopards and other wild animals.

The Vedanta-OMC conglomerate started mining bauxite forcibly. When people resisted, the company used police force and five people were arrested on charges of 'instigating tribals' against the company. It is alleged that the OMC engaged one private company Maitri for mining bauxite. The company is supplying bauxite to Vedanta.

Reeling under the impact of bauxite mining, the biggest problem of the local inhabitants is the damage caused to their agricultural land by the release of effluents from the mine. There is great deal of fear and uncertainty among them. Many people are migrating to neighbouring states too. Those who had taken small contract jobs are realizing they have been cheated. The rights of the adivasi communities whose lands are covered under by PESA, FRA and the Fifth Schedule of the Constitution have been violated.

In its annual report in April 2017, the Union Home ministry declared that the activities of NSS continues to be guided by the Maoists. The NSS leadership denied such involvement and gave a memorandum to the Governor alleging that even as they have been seeking protection of their culture, tradition, language and environment, corrupt government officials with the help of police administration and CRPF jawans are on a witch-hunt to suppress their voices by torturing them physically and mentally. This led to the intensification of repressive measures on NSS activists.

- Kuni Sikaka was picked by Raygada police on the night of 1 May 2017. She is an activist of the NSS and also related to Lada Sikaka and Dadi Pusika. Armed police surrounded her house in Gorata village and took her husband outside. When she went out, they caught hold of her and forced her to walk up to the vehicle without any women personnel. In Raygada, the SP compelled her to accept being Maoist cadre and to surrender. After two days, she was released from police custody. She, her husband and her father-in-law were forced to sign a note that they would not be involved with any 'Maoist activities'.
- Lada Sikaka was picked up on 20 October 2018 by the Muniguda police up from the weekly market where he had gone to sell oranges. He was dragged by his hair, blindfolded

and beaten up with hands tied on the way to the thana. He was interrogated on the allegation of his supposed connection with the Maoists. The motive of detention at that time was to prevent him from organizing a rally in Raygada against repression on adivasis. The Tehsildar at Muniguda wanted him to call off the rally for which NSS had already obtained police permission. The Tehsildar insisted it was a Maoist event. The rally was to demand the withdrawal of CRPF from the area and to put an end to the daily intimidation. It had to be called off.

- Dadi Kadraka of Damanapanga village was picked up by Raygada police on 8 October 2018. He suffered four hours of interrogation and beating to forcibly admit being in touch with Maoists. He was let off the next day. However, he was again arrested on 15 May 2019 when he had gone to the Gram Panchayat office to pick up PDS rice. He has been charged under sections 302, 307, 147, 148 and 149 read with 38, 39 IPC and some UAPA sections. He is 22 years of age and has two small children.
- Lingaraj Azad was arrested on 6 March 2019. A circular by the Odisha police stated he was a Maoist sympathiser. It also said, 'Azad makes a lot of nuisance in the District by organising meetings against bauxite mining in Niyamgiri area and mobilising leaders like Lada Sikaka and others.' The police had registered two cases against him and had arrested on allegations under sections 147, 148, 294, 391, 506 and 149 IPC and Section 27 Arms Act. Police alleged that he was organising rally opposing the CRPF camp at Trilochanpur. As protests took place in several parts of the country, he was released on bail on 17 March 17. Within a few days of his release, he was issued a notice u/s 110 of IPC which is usually issued out to habitual offenders.
- British Kumar Majhi, a young adivasi leader of the Khandualmali Suraksha Samiti (Save Khandualmali Organisation) and the Bhumi Adhikaar Surakshya Samiti, was picked up by Kalahandi police on 22 December 2018 in Bhawanipatna. He shared with the team how he was taken to the office of the SP who arrived at 8 in the evening and interrogated him about his association with Niyamgiri and Khandualmali struggles. The SP threatened to get him killed and accused him of supporting Maoists. British Kumar argued that this struggle is part of their rights to their land and not to brand it as Maoist. Then he was whipped by the SP with a rubber pipe for quite some time. He went to a hospital the next day for treatment of injuries. He was made to report daily at the Bijepur PS. Complaints have been registered at both the SHRC and the State SC/ST Commission on his behalf. It was learned that till that date no case had been filed against British Kumar by the Kalahandi police.
- A journalist named Padmanabha Choudhury was similarly summoned to the Office of the Kalahandi SP. On 19 June 2019 the SP interrogated him about a meeting on forest rights that he had attended, insisting that it was a Maoist organized meeting. The journalist was verbally abused and threatened to be killed. He sought the protection of the SHRC and filed a petition in the High Court. This happened as we prepare our report.
- To our knowledge, sections of the Unlawful Activities and Prevention Act have also been framed against Haribandhu Kadraka, Dasuru Kadraka and Dadi Kadraka.
- The team was also informed how the Administration has recently converted the Trilochanpur Panchayat office into a CRPF camp. There is construction of a new camp that has started on encroached land. This is happening in violation of a Gram Sabha resolution that opposed the setting up of the camp in this Fifth Scheduled area. None

of the officials attended the meeting. The land belongs to Layi Majhi of Belaguda village. He was cultivating that land since generations and had applied for patta under Forest Rights Act. His right to cultivate the land was recognized by the villagers. He never had a patta (title deed) to the land. But he had paid fines in the revenue department for using government land at the rate of Rs 150-200 per year for some years. He has Voter ID and AADHAR card which mention that he belongs to the ST community. He had applied for patta under the FRA but to no avail.



BAUXITE MINING AT KHANDUALAMALI BY VEDANTA

Khandualmali is part of same East Coast Bauxite Zone where the other hills lie like Niyamgiri, Baphlimali and Kudrumali. Its area is spread to three blocks of Kalahandi district (Lanjigarh, Thuamulrampur and Bhawanipatna Sadar) and one block (Kalyansingpur) of Rayagada district. Khandualmali Suraksha Samiti (Save Khandualmali Forum) was formed soon after the news came that the government of Odisha would hand over the hill to Vedanta. This became more evident when the Supreme Court cancelled the mining lease given to Vedanta after the Gram Sabha resolution of 2013. The Samiti says there are 1,220 villages on the hills. The land is inhabited by mostly adivasis and dalits (Dom). This is the origin of Tel river that flows down to the Mahanadi. And this is also the origin of Indravati river, which starts from Mardiguda village of Thuamulrampur block in Kalahandi district, flowing through Chhatishgarh and Maharashtra and then meeting the Godavari. British Kumar Majhi, Convener of the Samiti says, 'There are lakhs of companies in India. And even after that people are starving. People who had gone to work as migrant workers come back dead. We are opposing the Vedanta Co. We want our environment, our river and hill should be protected. Then only we will have an independent economy.' Khandualmali comes within Karlapat sanctuary area. Every year on 28-29 March people observe the Mali Puja on top of the hill. On 22 March 2017 when they were organising meetings for the festival, anti-naxal forces (CRPF) took 11 people forcibly to the Bhawanipatna town. Later people in hundreds came and gheraoed the SP office and took them back. On 15 November 2015, three people – Jaya Majhi, Hari Shankar Nayak and Sukru Majhi– died in an encounter alleged to be 'Maoists' at Nisanguda village of Jugsaipatan panchayat of Bhawanipatna Sadar block in Kalahandi district (PUCL Report). The struggle continues.

Lada Sikaka said that as their struggle against mining and atrocities is growing, the CRPF personnel refrain from entering their villages. But whenever they chance upon someone alone in the forest area, they harass them by asking questions related to giving shelter or food to Maoists. Children are often asked whether they have seen Maoists!

There are many more incidents. The rampant violation of human rights through arrests, detention and interrogation is yet to be documented in its entirety.

SOME REFLECTIONS

Our observations and familiarity with the range of issues involved in this struggle to protect a mountain from being destroyed for bauxite mining helps us highlight the following

1. The refinery plant has been thrust on the lives of the people of Lanjigarh as fait accompli. The administration manipulated half-hearted support for the refinery project, production of aluminum and to some extent mining also, among the non-tribal community. Some of the younger adivasis also admit having been influenced by false and exaggerated promises by the agents of companies offering them cash and alcohol. The support of these landless and non-tribal communities, engaged in backbreaking agricultural work, in the hope that something is better than nothing and to earn daily wage, even for half of the month, has yielded nothing. Today, where are the tall claims the company made about employment?
2. Specifically, our concern is that the death of the security guard Sujit Minz and the long list of suspects made by the Lanjigarh police will lead to more random arrests. There is already a witch hunt where villagers are absconding in fear of false arrests just as it had happened with the arrests and imprisonment of the workers of Maruti Suzuki Limited in Haryana who were accused of the HR Manager's death when wage negotiations by the union were at its peak. We fear the current situation is already making the company and the administration curb the Niyamgiri movement and silence people's voices.
3. Subjecting the indigenous population to pollution and other hazards of industrialization is plain unjust. People in Chatrapur and Rengapalli told us that Vedanta employees are enjoying TV in their air-conditioned houses in the township whereas we are exasperated by the red ash that poisons everything we possess. Who will give an answer? In Bandhaguda village (which is right behind the captive power plant) there is an alarming number of TB patients. It is not only the question of pollution and threat to the lives of people who cannot afford costly treatment. One could easily see the large amount of greenery being devoured by the Red Mud Pond. The ever expanding pond is the toxic waste of the Vedanta Plant. It not only threatens the greenery or the carbon sink but also various local species. The noisy power plant next to Bandhaguda village has made the avian population disappear. The destruction caused by the refinery plant to the ecosystem is incalculable. Who will assess that? The damage the effluents have done to the Vansadhara river, at a time of scarcity of fresh water for human and other living beings, has been ruthlessly ignored. But it is time to sit up and ask as to how we can stop it.
4. Events in both Lanjigarh villages and those in the higher reaches of the mountain need to be understood in their entirety to understand how capitalism works. Clearly, those who have sold or surrendered their land are suffering from ill health and disease while being reduced to wage workers. They face the threat and intimidation of security forces and police constantly. The events of 16 March have revealed the sinister face of the company. The people in the villages of Lanjigarh fervently hope for just treatment from the company and this, in turn, strengthens the resolve of the Dongria Kondhs to carry on the fight against bauxite mining despite overwhelming odds.
5. The Dongria Kondhs are very clear that as long as the Lanjigarh refinery plant is there, the company and the government will not give up the quest for bauxite mining. They want the plant to be shut down and all security forces to move out. They feel threat

to their livelihood. There is constant fear of being uprooted from their history, their natural habitat, their only resource of livelihood, their land and their water streams. People staying in Niyamgiri understand the moves and counter moves of Vedanta and the government that patronise it more deeply than the outside world. The state, on



the other hand, in connivance with the company, has the tendency to put pressure on people, through carrot and stick policy, to accept the compensation and force them to support the plant and show them fear of pauperization, if they are forcefully evicted from their land with no compensation whatsoever.

6. It is clear that Vedanta is subverting the laws of the land in every which way possible and going scot free. The local administration is favouring Vedanta for the purpose of promoting industry and profits. There is orchestrated deliberate violation of the Forest Conservation Act (FCA) and the FRA. In an area that is clearly a Fifth Schedule area, the rights of the adivasi population, and more specifically their rights to land, are consistently being compromised. Firstly, the government collaborated with Vedanta to get clearances to set up its refinery and the captive power plant, as well as the township and in the process evicted hundreds of people from their homestead and agricultural land; secondly, the surreptitious expansion of the Red Mud Pond and the consequent eviction of the villagers is another way to dispossess people of their land and resources; and thirdly, the claims under FRA are not being settled. The CRPF camp at Trilochanpur on the lands of Layi Sikaka is an instance of this.
7. With complete disregard to provisions of the Constitution, the governments both at State and the Centre are aiding Vedanta. To keep the Lanjigarh refinery in operation, there is sourcing of bauxite from Kodingamali and Khandualamali. It is happening through arrests and intimidation of locals who are being dispossessed while the company and the administration openly flout the laws of the land.
8. If both the Centre and the State governments are to protect the rights and wellbeing of the adivasi and their habitats, it is only to be reminded that they are constitutionally mandated to do so. The Fifth Schedule envisages a constitutional duty upon the state to uphold autonomy and self-governance of peoples over land, forests and resources. It is not only the provisions of FRA that have been violated but also the provisions of the FCA.

9. Under the current paradigm of development, there is no doubt that there are few takers of the reality and assertions of Dongria Kondhs, who are struggling against bauxite mining in order to protect their distinct way of life and environmentally sustainable livelihood, belief and culture. The fears and reservations of this section of people, who live away from the din and noise of urban civilization mostly imposed by the capitalist model of development, has been persistently ignored and refuted. In fact, an entire narrative has been built and getting strengthened everyday legitimizing the anti-people development paradigm in the interest of state and capital. It is our firm belief that righteous definitions of any ideology, person or set of people cannot be given credence over the question of liberty. The Right to Liberty as a right of every individual is enshrined in the Constitution of India. But people have been pushed into an unequal contest to protect their rights and enjoy their liberty. We demand again the restitution of liberty of the struggling people of the entire Niyamgiri region, including the people of Lanjigarh.
 10. The people of Niyamgiri fight twin battles: one against the label of being Maoist activist, sympathizer or providing assistance to Maoists in the area; and, second their struggle against Vedanta, which is seen as a threat to the ecosystem and habitat of Niyamgiri. They are thus paying a heavy price in the daily persecution of an authoritarian State. The bogey of Maoism is used to arrest villagers on charges as grave as murder and attempt to murder and even sections of the UAPA are invoked. Constant surveillance and random combing operations affect economic and social activities. Threats and intimidation of being killed in encounters is being issued by senior District officials without any substantial charges. We assert that the CRPF must be withdrawn immediately from the area to restore the faith of the people in the Government. Most importantly, the immediate implementation of the Gram Sabha verdict of the people against mining made in 2013 as ordered by the SC is top most priority. We call upon all democratic forces across the country to stand by the Niyamgiri struggle and ensure its implementation.
-

We in CDRO and GASS demand the following from the Odisha government:

- Implement the verdict of the people to stop all mining plans as expressed in the 2013 Gram Sabha resolution ordered by the Supreme Court.
- Stop all operations of the Lanjigarh refinery plant and shut down the refinery.
- Stop bauxite mining at Kodingamali and Khandualamali.
- Return the lands of the people dispossessed by the plant in all these regions.
- Withdraw all false cases put on all ant-mining activists and villagers.
- Withdraw immediately all security forces from the area and stop police repression.

In our view, the Niyamgiri mountain needs to be protected not just for its inhabitants but for the future of the planet and future generations.

Reports on similar and related issues

1. Encountering Resistance: State Policy for Development in Gadchiroli (2018)
2. Tuticorin Massacre: A Corporate Developmental Tourism (2018)
3. War and the Lightness of Being Adivasi: Security camps and villages in Bijapur, Chhattisgarh(2015)
4. Fake Encounters in Odisha: How the State Picks, Arrests and Kills Its 'Maoists'(2013)
5. Dams, Development and the North East: A Report on the Resistance to Mega Dams in the Brahmaputra and Barak Valley (2013)
6. Loot of the Land, Livelihood and Life: A joint fact finding into incidents of crime against people in Odisha (2011)
7. Unkept Promises: The struggle for Forests, Land and Wages in Harda (2010)
8. A system of Injustice: The Displacement and Impoverishment of Pardhis in Multai, Madhya Pradesh (2013)
9. Living in the Shadow of Terror: Lives and Security Operations in Jharkhand (2013)
10. Halting the Mining Juggernaut: Struggles Against Alumina Projects in Orissa (2005)



The Earth needs but a little time,
And she will set herself free
From your rules and regulations.
Her wounds she shall heal,
And make the lands once more green.
She shall invoke once again the ancient civi-
lizations sunk into oblivion,
And their languages, too, lost to extinction.]

Jacinta Kerkette, 2018

Jacinta Kerkette's poem titled Waapsi originally in Hindi has been published by Bharatiya Gyanpeeth in a collection called Jadon ki Zameen (Land of the Roots).
