

NIYAMGIRI SURAKHYA SAMITI

RAYAGADA-KALAHANDI

Honorable Shri S.C. Jamir,

Governor of Odisha State,

Raj Bhawan,

Bhubaneswar

June 12, 2013

Sub: **Appeal for reversing ST& SC department's diluted order and request for covering all Gram Sabhas in Niyamgiri in a free and fearless atmosphere**

Respected Sir.

We have been betrayed by the ST and SC department of the state government as they have deliberately notified for conducting Gram Sabhas on Vedanta' bauxite mining project and on our rights and claims as per Forest Rights Act 2006 only in 12 villages unilaterally selected by them which is a clear violation of the Supreme Court order and Government of India's repeated instructions and advice. It is more shocking to learn that the affidavit of the OMC/Medanta who are party to the crime are being treated as reference point though it has neither been accepted or rejected and about which we Dongarias have no knowledge.

As you may be aware, in its judgment of 18.04.2013, the Hon'ble Supreme Court of India has directed all Gram Sabhas of Niyamgiri villages apprehended to be affected, to consider whether the proposed mining in this area will affect our religious rights. It has also stated that the **Gram Sabha has "an obligation to safeguard and preserve the traditions and customs of the STs and other forest dwellers, their cultural identity, community resources etc."** In light of the directions of the Hon'ble Court, We would like to appeal before you Respected Sir, that all our Gram Sabhas would like to resolve the following if we are allowed to express our views in a free, fair and fearless atmosphere which is also part of our rights as guaranteed in Schedule V of our constitution and as reassured to us under Forest Rights Act 2006 and PESA 1996.

We would like to most humbly state that:

1. The entire Niyamgiri Mountains and all hillocks close to our villages are indeed the abode of our God the Niyamraja. We get a shock when some people without talking to us on their own decide what constitutes Niyam Raja keeping our Dongria community in dark. The mountain region and the hillocks are the centre of our identity, our culture, our religion, our history and our society, as members of the Dongria Kondh tribe. Kutia Kondhs are also among us in several villages. **For generations we and the other villages of this area have worshipped it. We use the streams and forest produce on its slopes and we have always protected it from any harm. If this area or part of it is damaged or destroyed, it will mean the end of our tribe as a community. No monetary or other compensation can remedy such an irreparable injury.**

2. The proposed mine, to be operated by the Orissa Mining Corporation and the Sterlite Company in a joint venture, will do severe damage to this area and effectively destroy our sacred sites.

3. Under the Forest Rights Act of 2006 our Gram Sabhas have the power to protect the forests, biodiversity and wildlife of this area as well as our cultural and natural heritage. Hence if Gram Sabhas are conducted in fair and transparent manner we will not permit the damage or destruction of this mountain area. The state government which is working for Vedanta knows it well. Therefore, they are trying to dilute the Court order. We have in the past filed several claims as per FRA 2006 for community rights over Niyamgiri but they have been either rejected, not processed and nothing is communicated to us. They think we are illiterate, ignorant and fool. Saxena sahib had come from government of India and we had given him copies of our claims.

4. We have also learnt that under section 3(1)(i) all Dongria Kondh villages, have a statutory right to protect, manage and conserve the forests of this mountain. As we, members of the Dongria Kondh tribe, are a Particularly Vulnerable Tribal Group we also have a collective right under section 3(1)(e) of the said Act to our customary habitat as a tribe. This mountain area is the centre of our habitat. We also note that we enjoy other community and individual rights under the said Act.

5. Further as held by the Hon'ble Supreme Court, under Articles 25 and 26 of the Constitution of India, all our villages in Niyamgiri do enjoy a fundamental right to practice our religion, which is impossible without the forests and mountains of this area.

6. The way security forces displaying gun power and terrorizing our villages asking them to say yes to Vedanta it may not be possible to come out in open and express our free views in Gram Sabhas. We have no faith in the district administration and police as they have always worked for Vedanta Company.

Our Appeal

In the light of the above facts we would request the honorable Governor as the custodian of rights of all tribal communities in the state to please intervene and instruct the government to do the following as per the order of the Hon'ble Supreme Court as rightly interpreted and instructed to the state government by the union Ministry of Tribal Affairs.

1. To quash the state ST and SC department order to conduct Gram Sbhas only in 12 villages the rationale of which is missing and the steps are misleading.
2. To conduct Gram Sabhas in all the villages to ascertain claims and rights of our communities in all the villages in Niyamgiri.
3. To stop fear and intimidation tactics used by armed security forces in Niyamgiri hills to help Vedanta- this is unethical and undemocratic.
4. To create a positive atmosphere so that our people will come out happily and participate in Gram Sabhas of all the villages and express free and frank views regarding our rights and claims.
5. To stop all Vedanta activities in the area till the Gram Sabhas are conducted in a fair way in all the villages of Niyamgiri.
6. To please investigate in to matters relating to violation of our rights in the region which are already evident and some of which have been reported also in newspapers.

Kumuti Majhi

Convener

Lada Sikaka

President