

NOTE

Mining Means Displacement

A Correspondent writes :

The recent order of the Supreme Court in TN Godavaraman Thirumulpad vs Union of India and Others in the matter of M/s Sterlite Industries (India) Ltd will pave the way for forcible displacement of thousands of tribals (adivasis) for the mining of bauxite in Niyamgiri, Orissa by Sterlite Industries Ltd, a frontal company of the Vedanta Aluminium Industries, which is already tainted with its corporate malpractices.

Most of the inhabitants here are Dongria Kondhs who are classified as Primitive Tribes (which itself is a colonial construct) who know no other way of life, hence need to be dealt with due sensitivity and precaution and who will be uprooted and marginalised once they are removed from their natural habitat. Today, the UN bodies, all the governments, international and national civil societies including the progressive and democratic organisations world over are worried and deliberating on global warming and the impending ecological disaster and death of the planet. The issue raised by this judgement has become of crucial importance. The Dongria Kondhs who live a harmonious and symbiotic relationship with their environment show the way to mankind on how to lead a sustainable, meaningful and egalitarian life.

Incidentally the present judgement of the apex court contradicts the 89th Amendment of the Constitution which clearly stipulates that no industry, mines or townships or any other construction activity can be undertaken without the consent of the *Gram Sabhas of adivasis* residing in the areas demarcated under the Fifth Schedule of the Constitution.

This order will also nullify the implementation of the recently passed Forest Rights Act, under which the adivasis tilling forestland should get the ownership of the land they have been tilling for years.

For all practical purposes mining in Niyamgiri area will seriously upset the ecological equilibrium; this area is very rich in bio-diversity including rare flora and fauna and many species of rare medicinal herbs. Niyamgiri hills are also the source of important rivers like Nagavali, Vansdhara, which cater to the need of many districts in Orissa including the southern coastal districts. The mining in that area will contravene the provisions of the Environmental Protection Act 1986 because it will seriously violate the letter and spirit of the Act.

What is urgently needed is to scrap the draconian and colonial land acquisition act of 1894. If mining in the Niyamgiri Hills starts by Sterlite Industries Dongria Kondh Tribals will be destitutes in no time.□