

PRESS RELEASE

Fact Finding by national team of WSS observes continued state repression and violation of rights of adivasi and Dalit communities in Niyamgiri and Lanjigarh region.

Date of Press Release : 26th March 2019, Bhawanipatna, Odisha

A 6-member team of women rights activists representing 'Women Against sexual Violence and State Repression' (WSS), a national network, concluded a fact finding on continued state repression and violation of rights of adivasi and dalit communities in Niyamgiri and Lanjigarh region of Odisha. The fact finding, which was conducted from 24th to 26th March 2019, included the following as members :

01. Mamata Dash, social researcher, New Delhi
02. Puja, legal academic and lawyer, Patna
03. Shobha R, theatre activist and researcher, Bangalore
04. Arundathi V, cultural activist and teacher, Kodaikanal
05. Meera Sanghamitra, environmental researcher and activist, Hyderabad
06. Sharanya, social activist, Koraput

The team interacted with people from Lakhpadar, Dangamati and Patanpadar and surrounding villages in the Niyamgiri Hills and also Kenduburudi, Trilochanpur, Jagannathpur, Rengopalli and Chhatarpur villages in Lanjigarh area. The team had extensive discussions with the villagers, concerned lawyers, government officials and social activists working in the region.

The need for the fact finding by WSS arose in the context of the recent arrests of leaders of Niyamgiri Suraksha Samiti (NSS) and the 18th March violent crackdown on villagers affected by Vedanta's Lanjigarh refinery project demanding jobs and education facilities for their children, leading to the extremely tragic deaths of two persons. The team was also concerned about the status of implementation of the historic verdict by the Supreme Court on upholding the supremacy of the Gram Sabhas in 'land acquisition and mining matters especially with regards to Niyamgiri Hills and the adivasi and dalit communities living in the hills and surrounding areas'.

The national level WSS fact finding team will be coming up with a detailed report of the visit but this may be treated as its interim observations. The main observations are :

The major overarching observation is that the state seems to be utterly non-committal to implementation of the Supreme Court's verdict and other laws of the land as well as non-responsive to the genuine demands of the people be it regard to consultation with the gram sabhas, provision of permanent jobs to project affected families, land based rehabilitation, quality education and health services, abatement of pollution by industries, etc. Instead the State by using repression, intimidation, violence and surveillance, is contributing to the rising tensions in the region and insecurity in the lives of some of the most marginalised and peace loving communities.

The situation for the adivasis is exacerbated by the fact that Vedanta, which prides itself as a responsible corporate, has failed the people on every front be it education, health, employment, compliance of anti-pollution laws, etc and the state machinery, including the regulatory authorities, have made no attempts to make company accountable. Instead the

state has strengthened the hands of Vedanta by raising the Odisha Industrial Security Force (OISF) which has been at the centre of the current tensions in the region.

Setting up of permanent CRPF Camp at Trilochanpur

1. The state government has proceeded with setting up a permanent CRPF camp at Belguda village under Trilochanpur Panchayat despite no written consent from the Gram Sabha and by forcefully evicting four adivasi families who were cultivating on that land for generations.
2. The Trilochanpur Panchayat office has been forcibly taken over by the CRPF for temporary camping at the behest of the Sub-Collector, Block Development Officer and Civil Supply Officer with no consent from the villagers who are the rightful owners of the land.
3. The state government seems to have taken no action against the forced eviction of the four adivasi families despite their written complaint.
4. The elected representatives and activists of Niyamgiri Surakhya Samiti (NSS) were reportedly summoned to the Superintendent of Police's office and told in no uncertain terms that their 'opposition' to setting up the CRPF camp would not be taken well by the administration and hence they must restrain from raising the issue any further.

Land acquisition in Kenduburudi and Jagannathpur

1. The government has a proposal for acquiring another 50 acres from Kenduburudi and Jagannathpur villages for setting up the rehabilitation colony for the displaced families of Rengopalli, Kotduar and Bandhaguda villages and also a permanent CRPF camp. This is in addition to the already acquired 1000 acres from this village in 2005-2006 by using police might.
2. The villagers are opposing this bid for fresh land acquisition in the light of the fact that they still have not been adequately rehabilitated and compensated for the earlier land acquisition and have been informed by the Tehsildar that the land belonged to the government making their claims irrelevant.
3. The villagers are opposing the fresh bid to acquire their lands and fear that they might face repression from the police and security forces.

Construction of red mud pond at Rengopalli

1. We met several women at Rengopalli who shared their reluctance to leave their ancestral lands and were kept totally in the dark about their future and the reasons for their displacement and dispossession.
2. They also shared that they face regular health issues like burning eyes and nose, skin infections, contamination of their food and water, etc due to the dust that flies into the village from the red mud pond that has been built by Vedanta very close to the village.
3. The women shared that on the fateful day of 18th March 2019 the men of their village had gone to the gate of Vedanta to demand two basic supports from the company - a school bus for transporting their children from the village to DAV school and free education for their children at the school. They are now paying heavy fees for their children's education at DAV school.
4. The women also shared that they have not got any health facilities from vedanta for the health problems they are facing and shared that the company's hospital does not have good doctors or medicines whenever they go there.

Death of Dani Batra and 18th March incidence of violent crackdown

1. According to the villagers of Chhatrapur, the strike of 18th March 2019 was organised by the villagers of Rengopalli, Bandhaguda and Kotduar from 6.30 am and by about 9.30 am the strike concluded following some oral assurance to the people by one of the officials of Vedanta. The contract labourers from nearby villages, including Chhatrapur, were waiting at the gates to enter the factory for their work. At this point a vehicle and bus full of OISF personnel reportedly descended on the villagers and company's labourers and lathi charged them mercilessly. In this chaos, Dani Batra, who also received severe beatings in the lathi charge, ran into a pond nearby to escape further beatings. But the OISF personnel allegedly dragged him out of the pond, and broke his hand and legs and crushed his private parts and threw him back into the pond leading to his death. His wife, Sayindri Batra, however shared that they are awaiting the post mortem report.
2. As of yesterday, Sayindri shared that she has yet to receive the declared compensation of INR 25 lakhs which was promised to her in a written assurance on behalf of Mr H K Bhatia, HR Manager of Vedanta who met her on 18th March 2019 after Dani Batra's death. The written assurance also talks of taking care of the education expenses of her three sons and providing a permanent job to her in the company.
3. The reign of terror post the 18th March 2019 incident by Vedanta on its own workers has been such that for the last ten days the workers have been in fear of going back to work at the factory. They fear that the company would foist false charges on them for the burning and striking because the police would use CCTV camera footage to track down all those who were present at the scene that day. The company has also washed its hands off any responsibility towards the emergency critical care of its workers injured in the lathi charge. The villagers also said that they have no idea about who torched the offices and other property of the company on that day leading to the unfortunate death of OISF personnel Sujeet Minz. This was also corroborated by the lawyers and other sources the team interacted with.
4. Our interactions with the villagers of Chhatrapur revealed that there is an ongoing large-scale violation of the workers' rights within the company. We learnt that workers from about 10-15 villages near around the company have been working in the factory for more than 18 years as contractual labourers. As a result of this there have been regular dharnas and lock downs by the workers and villagers affected by the activities of Vedanta in the area.

Intimidation, alleged false arrests and alleged false encounters

1. The fact finding team was able to gather detailed evidence about the intimidation, alleged false arrests and alleged false encounters in Tadijola, Gorata, Dongamati, Kandel, Lakhpadar, Nisanguda, Ambadhuni, Nachinguda, Ningundi and Patanpadhar. In almost all these villages there have been instances of kidnapping, illegal detention in forests, being beaten up and interrogated and accused of being Maoist supporters by the police and CRPF.
2. In the case of Kuni Sikaka, which was also covered by the media, she was picked by the police at midnight in 2017 from her marital home in Gorata by women police and was held in custody and forced to surrender as a Maoist. When her family went to demand her release, they were forced to sign on blank papers and their pictures were taken and released to the media as surrendered Maoists. Until this day, Kuni Sikaka, her husband Jagli Pusika and father in law Dadi Pusika do not know what is written on the blank sheets of paper that they were forced to sign on as a condition for release.

3. In all the villages visited, there have been cases where the police/CRPF have illegally detained villagers in the forests and intimidated and interrogated them about whereabouts and other information about Maoists, which they do not have. They have also been cases of where innocent villagers have been accused of being Maoists and Maoist supporters, arbitrary cases slapped on them and arrested. The cases slapped on them have included false and random accusations such as murder, rape, domestic violence and so on. Furthermore, many of the falsely accused and illegally detained have not been informed about the cases that are being filed against them. Almost all the villagers who have faced intimidation, arrests, detention, kidnapping or murder are/have been active members of the NSS. The villagers feel these are intimidation tactics employed by the police to silence them.
4. In all the villages visited, there are many people who have been implicated and accused in various cases about which they have no information, whatsoever. The only time when they come to know about such cases having been framed against them is when they are picked up by the police, detained or interrogated. Spaces such as the forest, paths between villages are increasingly becoming unsafe for the villagers of Niyamgiri. Women particularly feel unsafe by the presence of the CRPF in the forests.
5. The people who have been arrested and sent to prison have also testified facing custodial torture, including electric shocks and solitary confinement for more than 7 days at a time. Illegal ways in which arrests have happened include kidnapping, blindfolding, torturing, detention in forests before taking them to the station, not informing about the reasons for arrest or the charges they have been accused of. Not a single person had seen a copy of their FIR, chargesheet or any other case documents pertaining to them even after spending years in prison. Arrested people who were out of bail were not informed of the bail conditions as a result of which they were in a constant state of fear of imminent arrest, whenever they would go to the market or the forests.
6. The fact finding team discovered that the only presence of government projects in these villages have been those that have attempted to rob the Dongria Kondh of their identity and agency. For instance, the DKDA has for the past 30 years consistently influenced young minds to stay away from their cultural roots and identities and adopt new consumerist and mainstream ways of life. As a result, some of the villagers have consciously chosen to not send their children to school.

Interim Recommendations:

The Governor of Odisha, as a custodian of the scheduled areas, should act upon the memorandum submitted to him by NSS with regard to the forced eviction of 4 families for building the CRPF camp at Trilochanpur.

Implement the Forest Rights Act and PESA in Niyamgiri in letter and spirit as re-affirmed in 2013 and 2016 Supreme Court verdicts

Immediately stop all plans of constructing or setting up of any further CRPF camps without the explicit and informed consent of the concerned Gram Sabhas.

Action to be taken against erring officials responsible for illegal detention, kidnapping, illegal arrests and false encounters of innocent villagers of Niyamgiri. An independent inquiry to be set up in consultation with Niyamgiri Surakhya Samiti

Adequately compensate the families and the villagers affected by State supported violence in consultation with the Niyamgiri Surakya Samiti

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