
India: Illegal aluminium refinery in Tribal lands in Orissa

India's new Tribal Forest Rights Act came into force in the beginning of 2008. It gives indigenous forest communities rights to continue their forest life. Adivasi communities should not be evicted if they do not agree to be displaced for the establishment of a "critical wildlife habitat" in their area. But still the administration of the forest areas and the corporations often try to displace Adivasi communities, even for mining activities in sanctuary areas.

In the Niyamgiri hills, verified to be appropriate for a sanctuary with an elephant corridor in Kalahandi district of Orissa for example, Vedanta Aluminium corporation (a subsidiary of Vedanta Resources, a British metals and mining company) has planned and prepared bauxite mining and has even built already an illegal aluminium refinery in a nearby area. As a result of local and international pressure, Vedanta's application for mining in this area was rejected by the Supreme Court in November 2007. The Court however proposed a Special Purpose Vehicle (SPV) to take control of the mine. This would be floated by the Orissa state government, with Sterlite (which is also a subsidiary of Vedanta Resources) invited to come on board.

What follows is a report produced in December 2007 by Finnish activist and free-lance journalist Veera Rönkkö about the company's illegal refinery area:

"Before one can even see Vedanta's refinery in Lanjigarh it's presence can be felt, as eyes start to burn and there is an unpleasant feeling in the throat.

The refinery was built on 5th Schedule land (land classified as tribal area due to the high percentage of tribal population). Such land "cannot be transferred to private companies without the consent of the affected tribal peoples." The tribal communities have not given the required written consent to validate the transfer of land to Vedanta, which means that this is a totally illegal operation.

Though forest land was required for the project and since forest clearance requires permission from the Government of India, Vedanta sought the environmental clearance stating that no forest land was required. The Supreme Court Central Empowered Committee regarded this "as a grave breach of laws and regulations" with "the environmental clearance... issued on the wrong basis" and "recommended that the... clearance for the refinery project be revoked and the mining... banned."

In the Gram Sabha (village assembly) meeting where permission was allegedly agreed on, only the district collector (main district government official) was present. The villagers -whose lives would be directly impacted by the refinery- were never consulted and were not even informed about the meeting.

Near the refinery the company has two ponds: the ash-pond and the redmud-pond. The ash-pond is a ghostly site with meters of light grey ash on it's shores and from an open pipe more poisonous 'leftovers' are being poured constantly into the water.

The redmud-pond is hidden from the eye by surrounding walls and there is a guard standing by the

gate. It is established on the banks of river Vamsdhara with a part of the river actually covered by the red mud pond. A flashflood in the river can cause a breach in the pond which could result in a massive spill in the river of noxious and poisonous red mud, which is a mix of highly toxic alkaline chemicals and heavy metals including radioactive element. The river is now so polluted that it has taken both human and animal lives.

All over the area there are also long pipelines, which leak in many places, thus poisoning the ground.

While Vedanta has been eager to tell how they invest money to improve the lives of the locals, there is no evidence to be seen in Lanjigarh about this. Few billboards and road signs painted by the company can hardly make much difference in the local's life quality. Even the jobs created by the refinery have been given to outsiders. So the locals face the environmental disaster brought by Vedanta empty handed, as no work or compensation is given to them by the company.

Almost next to the refinery is Chhatrabur-village, which nowadays has its houses and fields covered with white aluminium dust. From here two people have died after bathing in the river, which caused big boils on their skin and ultimately took their lives. Even though the district collector was brought to see their condition, no action was taken. At the moment 4 people suffer from major skin diseases. Many others have strange patches appearing on their skin, which they show by lifting their shirts up. Eye problems are commonly suffered by everyone. The refinery has also had a serious impact on their agriculture, with rice crop yields dropping from 200kg to only 50kg.

Another village nearby is Belamba, home to 35 families. Originally Vedanta's refinery was going to be built on their land, but these people refused to move, even though they experienced all sorts of harassment, including beatings and death threats. After one and a half years of opposition Vedanta decided to built its refinery on another location where it was easier to force villagers to move. The people from Belamba also tell that their rice crops have diminished almost by half since the refinery was built and that wherever the ash falls the crop 'burns'. Their cows have to be now taken further away to eat and drink, as 17 cows from other villages died after drinking water from the river. Apparently since the death of the cows Vedanta stopped dumping their wastes during the day, but instead do it during the dark hours of night.

By Vedanta's land there is a thick wall which however at one point is suddenly cut for a short distance. This gap opens up to a garden and a house owned by a man, who refused to move from his land. As we stop to see him, we find his frightened mother, who says she doesn't remember his son's name or doesn't know where he is. In order not to frighten her more, we leave telling her that we only wanted to congratulate her son for his brave action.

Behind the refinery rise the Niyamagiri hills, currently threatened by Vedanta's plan to start bauxite mining on an area consisting of 750 hectares of reserved forest. These pristine, forest covered hills have a rich variety of wildlife and many of the animals inhabiting here are listed on IUCN's red list of endangered species. Many rare plants also grow on the Nyamagari hills, including over 70 species of important medicinal plants. From the hills originate two important rivers, Vamsadhara and Nawagali, and there are 36 streams.

In the planned mining area there are 120 villages, inhabited by Jharnca (stream)-Khonds and Donkria (hill)-Khonds, who are on a verge of extinction, only living here on these mountains. For these tribals the Nyamagari hills are very sacred and therefore they don't cut trees, but instead prey to the mountains which they regard as the origin of Life. Living within their traditional lifestyles they are self sufficient -apart from salt which is brought from outside. From the forest they collect non timber forest

products and grow some crops like pineapples, mangos, hill bananas, turmeric, jackfruits, minor millets and different vegetables for daily use.

The last place we visit in Lanjigarh is the re-settlement for the villagers who already have lost their land. The houses are tiny and set in a row. The lady in the last house has made an attachment to get a bit more space. She says she is fine, but thinks about her village. As she talks she keeps on changing her words and views in a confused manner. It's obvious that these people are not supposed to speak out their minds openly. Before there even used to be a guard by the gates as no outsiders were allowed in the village. Now our visit creates a lot of interest and in a matter of minutes a police comes to see what's happening. As we drive away in the darkness, the air starts to get incredibly thick. As I ask about this, the local green belt volunteers explain that Vedanta lets lot of gases out at night time."

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An appeal sent by Friends of the Earth Finland to the Supreme Court of India on 24 January 2008 is available at http://www.wrm.org.uy/countries/India/Appeal_Niyamgiri.pdf For more information on Niyamgiri and bauxite mining, see: <http://www.freewebs.com/epgorissa>

To oppose the planned bauxite mining in Niyamgiri, you can send an appeal or protest letter to the Supreme Court of India, which is likely to decide about the mining soon. You can find models for an appeal against Niyamgiri mining, for example the appeal by Friends of the Earth Finland: <http://www.freewebs.com/epgorissa>

Or you can find a model of a protest letter by Forest Peoples Program :

http://www.forestpeoples.org/documents/asia_pacific/india_mining_adivasi_land_fpp_let_jan08_eng.pdf

You can send your appeal or protest letter to: Justice K. G. Balkrishnan, Chief Justice of India, Supreme Court, Tilak Marg, New Delhi -1, Fax: +91 11 233 83792, Email: supremecourt@nic.in