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INDIA

Repression against indigenous rights activists opposing bauxite mining in Odisha

Informative note by IRAC (Indigenous Rights Advocacy Centre)

Ahead of the International Day of the World's Indigenous Peoples, the Odisha Police launched a crackdown on the anti-bauxite resistance movement of tribals in Odisha and the crackdown has continued. Activists associated with the Niyamgiri Surakhya Samiti, Sijimali Kutrumali Suraksha Samiti, and Maliparbat Surakhya Samiti have been targeted. These organizations have been opposing bauxite mining projects of Vedanta Co., Adani Co., and HINDALCO in Odisha.

1. Alleged kidnapping of two activists namely Krushna Sikoka and Bari Sikoka on August 5, 2023

As per reports received by IRAC, on August 5, 2023, at around 9 A.M., two young activists of Niyamgiri Surakhya Samiti (NSS) namely Krushna Sikoka and Bari Sikoka were 'kidnapped' in a Bolero vehicle by alleged plainclothes policemen from Lanjigarh market in Kalahandi district of Odisha. The activists belonging to Dongria Kondh tribe had gone to the Lanjigarh haat (market) to hold a discussion regarding celebration of the International Day of the World's Indigenous Peoples which falls on August 9.¹ Another tribal namely Pushpa Sikara managed to escape while being taken to the police station and informed his villagers.² However, the police denied having detained the indigenous activists.

A Habeas Corpus petition was filed at the Odisha High Court on August 7. On August 8, Bari Sikoka was released, whereas Krushna Sikoka was sent to jail after being falsely implicated in a 2018 FIR related to a rape case.³

¹, <https://countercurrents.org/2023/08/withdraw-uapa-cases-against-leaders-activists-and-supporters-of-the-movement-led-by-niyamgiri-surakhya-samiti/>

², "Tribals Oppose 'Detention' Of 2 Youths, Gherao Police Station In Odisha's Rayagada", OdishBytes, August 6, 2023, <https://odishabytes.com/tribals-oppose-detention-of-2-youths-gherao-police-station-in-odishas-rayagada/amp/>

³, <https://maktoobmedia.com/latest-news/jailed-for-fighting-repression-corporate-loot-protest-over-uapa-against-9-activists-leading-niyamgiri-movement-in-odisha/>

2. Registration of FIR against nine activists under UAPA for protesting

With respect to alleged kidnaping of Krushna Sikoka and Bari Sikoka when NSS leaders went to the local police station to inquire about the whereabouts of their fellow activists, the police denied any involvement. So, in the morning of August 6, the NSS organized a protest in front of Kalyansinghpur police station. During the protest, the police tried to forcibly arrest another Adivasi activist named Drenju Krisikaa, but the villagers' collective efforts prevented this arrest. Thereafter, on the same day (August 6), an FIR No. 87/2023 was registered at K. Singhpur police station in Rayagada district against nine activists associated with the Niyamgiri Suraksha Samiti (NSS) under UAPA and several sections of Indian Penal Code (IPC). The FIR named Lada Sikaka, Drinju Krushka (senior NSS leaders), Samba Huika, Manu Sikaka, Upendra @ Dravid Bag, Lenin Kumar (a poet), Govind Bag, Lingaraj Azad (senior Dalit activist and advisor of NSS), and British Naik (and activist associated with Khandualamali Surakhya Samiti).⁴

As per the FIR, the protestors were armed with "lathi and deadly weapon i.e. (Axe)" and tried to murder police men. The nine activists were booked under (1) Indian Penal Code, 1860 sections 147 (punishment for rioting), 148 (Rioting being armed with deadly weapon), 109 (offering bribe to a public servant), 294 (singing or uttering obscene song, ballad or words in public place), 188 (disobedience to an order lawfully promulgated by a public servant), 353 (assault upon a public servant by causing hurt or grievous hurt), 332 (voluntarily causing hurt to deter public servant from his duty), 307 (attempt to commit murder), 149 (unlawful assembly); (2) the Unlawful Activities (Prevention) Act, 1967 sections 10 (penalty for being member of an unlawful association), 11 (Penalty for dealing with funds of an unlawful association) and 13 (Punishment for unlawful activities); and (3) the Criminal Law Amendment Act, 1932 section 7 (Molesting a person to prejudice of employment or business).⁵

It is alleged that Upendra Bag who was booked under UAPA was picked up by the police in Rayagada on August 10. His arrest was not acknowledged until his son filed a habeas corpus application. He was subsequently found in Raygada jail on August 15.⁶

Background of resistance by Dongria Kondh tribals: The Dongria Kondh tribe has been leading the Niyamgiri movement against bauxite mining in Odisha. The Niyamgiri movement started after the Government of Odisha in 2003 signed a Memorandum of Understanding (MoU) with Vedanta Aluminium Limited (VAL) to set up an alumina refinery and a bauxite mining plant in the Niyamgiri hills in Rayagada and Kalahandi districts which is held sacred by the Dongria Kondh tribe. In 2013, the Supreme Court held that the consent of Gram Sabhas (village councils) was

⁴. FIR No. 0087/2023

⁵. FIR No. 0087/2023

⁶, <https://maktoobmedia.com/latest-news/jailed-for-fighting-repression-corporate-loot-protest-over-uapa-against-9-activists-leading-niyamgiri-movement-in-odisha/>

mandatory for the mining project to go ahead.⁷ All the 12 Gram Sabhas rejected the mining project. In May 2016 the state-owned mining company Odisha Mining Corporation (OMC) filed a fresh application in the Supreme Court to consider afresh the possibility of holding Gram Sabhas to decide bauxite mining on top of Niyamgiri hills which the apex court rejected.⁸

Despite the cancellation of the Vedanta company's contract following the denial of consent by the gram sabhas, the state government of Odisha did not assure the local Dongria Kondh tribals that the Niyamgiri hills will not be handed over to any company.

3. Alleged abduction of more activists

Though the state government of Odisha decided to hand over bauxite mining from Sijimali located in Kashipur area of Rayagada district to the Vedanta Company the public hearing and the Gram Sabha approval process have not been completed. Yet, some office bearers of Maitri Infrastructure and Mining India Private Limited, claiming that they have been awarded by the Vedanta company to start mining work at Sijimali went to the mining area on August 12, 2023 with the help of the local police. When the local tribals protested the visit by mining company officials, repression started against the local tribals. 21 villagers have been arrested by the police from Sijimali area under different sections of IPC, Criminal Law Amendment Act and Arms Act.⁹

On August 16, 2023, Dhanafula Majhi, the former sarpanch of Sindurghati Panchayat and office bearer of Sijimali Kutrumali Suraksha Samiti, Sitaram Majhi and Anil Majhi, both former members of Sijimali Kutrumali Suraksha Samiti, were allegedly picked up/abducted by Rayagada police in civilian dress. They were shown arrested on 19 August. The organization has been opposing bauxite mining by Vedanta company in Sijimali in Rayagada district.¹⁰

On August 23, 2023, two office bearers of the Maliparbat Surakhya Saamiti (Koraput) namely Dasa Khora and Abhi Sadapeli were allegedly picked up/abducted by the police in civilian dress in Koraput district.¹¹ They were later let off on August 26 near Dantewada, Chhattisgarh.¹² The Maliparbat Surakhya Saamiti has been opposing bauxite mining project of HINDALCO (one of India's biggest aluminium manufacturing company).

⁷ <https://indianexpress.com/article/india/india-others/supreme-court-tells-vedanta-to-get-gram-sabha-nod-for-niyamgiri-mining/>

⁸ https://www.business-standard.com/article/current-affairs/supreme-court-quashes-odisha-s-plea-on-niyamgiri-116050601256_1.html

⁹ . Press Release of Ganatantrik Adhikar Surakhya Sangathan, Odisha, August 27, 2023. @meeracomposes, Twitter, August 28, 2023, <https://twitter.com/meeracomposes/status/1695881579380539580>

¹⁰ . Press Release of Ganatantrik Adhikar Surakhya Sangathan, Odisha, August 27, 2023. @meeracomposes, Twitter, August 28, 2023, <https://twitter.com/meeracomposes/status/1695881579380539580>

¹¹ . @meeracomposes, Twitter, August 24, 2023, <https://twitter.com/meeracomposes/status/1694611078037278843>

¹² . Statement issued by Peoples' Union for Civil Liberties (PUCL), August 29, 2023. @IndigenousLLK, Twitter, August 29, 2023, <https://twitter.com/IndigenousLLK/status/1696566590290923877>

4. Alleged abduction of activist Prafulla Samantara on August 29, 2023

On the morning of August 29, 2023, environmental and social activist Prafulla Samantara (72) was reported missing from his hotel room in Rayagada, Odisha. He was allegedly abducted just before he was about to address a media conference at Rayagada on the plight of those tribals who were opposing the mining activities in Rayagada, Kalahandi and other adjoining areas.¹³ He was the Winner of the Goldman Environmental Prize for 2017. Samantara has been an advocate against proposed bauxite mining in the Niyamgiri hill range. According to the State Coordinator of Indian Social Action Forum (INSAF), Narendra Mohanty, it is suspected that the police “had abducted him to suppress the voice he raised against illegal usurping of tribal and forest land. This is a tactic the Odisha government has devised to crush the uprising against it”.¹⁴

Samantara was later found at his home in Berhampur. He claimed that some miscreants kidnapped him just before the press conference from the hotel and dropped him in Berhampur. He accused the Odisha government of unleashing terror in the mining areas to stifle the voice of the Opposition as well as the local tribals.¹⁵ Samantara filed a First Information Report (FIR) with Rayagada police. He alleged that three individuals in plainclothes entered his hotel room, took his phones, tied his hands, covered his head, and forced him into their vehicle.

Intervention by IRAC

On August 28, 2023, IRAC wrote a petition letter to Naveen Patnaik, Chief Minister of Odisha, demanding withdrawal of the false cases lodged against the human rights activists and release all those who have been detained/jailed and to respect the free, prior and informed consent of the Adivasis before any project including mining can be allowed.

¹³. <https://www.telegraphindia.com/india/social-activist-and-environmentalist-prafulla-samantara-slams-odisha-government-over-abduction/cid/1962696>

¹⁴. <https://www.deccanchronicle.com/nation/current-affairs/310823/eminant-social-activist-prafulla-samantara-dropped-at-home-hours-after.html>

¹⁵. <https://www.telegraphindia.com/india/social-activist-and-environmentalist-prafulla-samantara-slams-odisha-government-over-abduction/cid/1962696>