

**THUS SPAKE THEIR LORDSHIPS:  
SOME REFLECTIONS ON THE RECENT SUPREME COURT  
ORDER ON NIYAMGIRI AND BEYOND**

*[Note: This was written after the Supreme Court judgment awarding Sterlite company to mine bauxite in Niyamgiri hills was pronounced in the first week of August 2008. Even after the judgment, the Dongria Kondhs have put up a stiff resistance against bauxite mining in Niyamgiri hills (District Kalahandi, Orissa.)*

**Asit Das**

As a post-graduate student, a poetry poster in Jawaharlal Nehru University (JNU, Delhi), shook my entire understanding of the Judiciary including the Supreme Court. The poem was "*Unhika seher wahi muddai, wahi munsif, hame yakin tha ki kusura hamara hi niklega*", by Dushyant Kumar. Translated into English, it means "Their town, their complainant, their judge; I was convinced that the fault will be mine". The recent Supreme Court judgment on "Niyamgiri"\* has reinforced my belief in the above poem. All of us grew up taking the lessons of our higher-secondary civics tutorials that the court is independent of the society and government to dispense justice. However, our experience of the working of the judiciary of the Post-Independent India is just the opposite.

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\* Niyamgiri is a mountain in southwest Orissa (India), in the districts of Kalahandi and Rayagada.

Is the Indian State and its apparatuses, including the Judiciary, becoming more and more neoliberal with every passing day? This is happening during the worst agrarian crisis in Indian history where more than two lakh farmers have committed suicide in the past decade in India. According to Arundhati Roy, more than 40 million people, including marginal peasants, artisans and landless peasants, have been thrown out of their habitats, so also the commons. Where finance capital is dominating, the most stark symptom is jobless growth unemployment, which is increasing in phenomenal magnitude. There are wild fluctuations of speculative capital in the money market. Hot money flow of trillions of dollars happens in a day at the push of a button. In this era of forcible evictions of farmers, including Adivasis, the worst symptoms are mass poverty with its morbidity pattern in the social sector. The number of people living in poverty has actually increased by 100 millions; an estimated 2,801 billion living on less than two dollars a day in 1998. This happens in sharp inequalities. An average American earns 5,500% more than an Ethiopian, a gap that will double in a century-and-a-half at the current trend. The world's three richest men have a combined wealth of 1 trillion dollars, equal to the income of the poorest 47% of earth's population - some 2.5 billion people. The Arjun Sengupta Committee on unorganized sector says more than 70% Indians subsist on Rs. 20 a day and majority of them are farmers, agricultural laborers and Adivasis.

The Supreme Court order on the Sterlite case will devastate and pauperize thousands of Dongria Kondhs by forcibly displacing them from their

habitats, livelihood and commons. It will be a cultural genocide. The Court order states that a Special Purpose Vehicle be constituted and 5% of the profit be given to the Dongria Kondhs. But the Kondhs, who lead a non-commodified sustainable life, consider the Niyamgiri hills as sacred, which cannot be measured by money. An analogy can be done with the United States of America - while the settlers and American government were killing the native Americans and annexing their land, the then native American Chief of Seattle wrote to the President of America, whom he called the great white chief. In that letter the Chief of Seattle wrote, "How can you buy air, land and water". It is needless to say that the entire capitalist civilization of Australia, Latin America, North America and New Zealand were founded on ruthless genocide and ethnic cleansing for mines, lands and factories. Niyamgiri will be brutally evacuated by the Supreme Court order for mining of bauxite. The million-dollar question is that if diamond mines are found under Parliament House and Rashtrapati Bhawan, will the government demolish them for excavation?

### **Niyamgiri Land and People**

Niyamgiri is situated in the Lanjigarh area of Kalahandi district of Orissa in the Eastern Ghat range. The mountain system comprises irregular and undulating lofty hills ranging from 400 – 1,516 meters above MSL, extending along Kalahandi and Raygada districts. The 250 km stretch of pristine forests, comprising of a prosperous biodiversity, is on the brink of danger from the proposed open cast mining at the hill top Niyam Donger (1,150 meters). The trees will be cut down for making roads for conveyors and mining; mammals,

birds and snakes will be driven out to perish, and the earth will be wrecked in the name of development. Niyamgiri hills are the source of Bansdhara River as well as the major tributaries of Nagabali River. It also has some of the most pristine forests of Orissa, and is home to a number of vulnerable wildlife species, including leopards, sloth bears, pangolins, palm civets, giant squirrels, mice, deers, langurs, sambars, etc. The Niyamgiri hill range abounds in a number of streams. More than 100 streams flow from Niyamgiri hills and most of the streams are perennial. Niyamgiri hills have been receiving high rainfall since centuries, and drought is unheard of in this area. Some of the major streams originated from Niyamgiri, including Bansdhara, Nagabali, Sakta Nallah, Barha Nall, etc.

### **The People and Culture**

Niyamgiri is better known as the Dongria Kondh country. The Dongria Kondhs have derived their name from Dongar, i.e., manning agricultural land on hill slopes. Dongria Kondhs are one of the primitive tribes of the state and enjoy a critical and symbiotic relation with Niyamgiri forests. The census for 2001 reveals that the total population of this tribe is limited to only 7,987 which includes 3,458 males and 4,529 females, an exemplary sex ratio in the era of female feticides. Niyamgiri, the land of Dongria (for the Kondh tribe living in *dongros* and practicing shifting cultivation) is another evocative name in the area. The Dongrias are a rare and indigenous tribe and they believe that the hill country belongs to Niyam Raja Penu, a male deity represented by a sword and

worshipped during Dussehra and Jura Parab. They claim themselves to be descendants of Niyam Raja. The Dongrias have a distinguished heritage, because of the dress style, mode of living, indigenous skills, cultural pattern and social system interlinked with nature and forests.

The Dongria Kondhs' economy and their major sources of livelihood are directly related with Niyamgiri forests. Around 40 to 50% of their annual income is derived by selling forest products like *siali* leaves, *myrobalans amla* and other minor forest produce. They grow fruit crops like pineapple in the thick forests. Dongria Kondhs are not at all known for hunting, rather they have a symbiotic relationship with nature and forests. This area has rare flora and fauna, hence a sensitive ecological zone.

### **Niyamgiri, Dongria Kondhs, Global Warming and Climate Change**

Today, when the entire world is talking about climate change and ecological disaster, the Dongria Kondhs, with their egalitarian and democratic community life, eco-friendly, harmonious and sustainable relation with nature, show a ray of hope and model for the world.

Climate change and global warming, including a severe ecological crisis, are not to be taken lightly. The U.N. bodies, governments, political forces and social movements are seriously discussing a way out - we have reached the edge of the precipice.

John Bellamy Foster, Brett Clark and Richard York in their article Ecology - The Moment of Truth say, "It is impossible to exaggerate the environmental problem facing humanity in the twenty-first century. Nearly fifteen years ago one of us observed: 'We have only four decades left in which to gain control over our major environmental problems if we are to avoid irreversible ecological decline.' Today, with a quarter-century still remaining in this projected time line, it appears to have been too optimistic. Available evidence now strongly suggests that under a regime of business as usual, we could be facing an irrevocable "tipping point" with respect to climate change within a mere decade.

Other crises such as species extinction (percentage of bird, mammal and fish species "vulnerable or in immediate danger of extinction" are "now measured in double digits"); the rapid depletion of the oceans' bounty; desertification; deforestation; air pollution; water shortages/pollution; soil degradation; the imminent peaking of world oil production (creating new geopolitical tensions); and a chronic world food crisis - all point to the fact that the planet as we know it and its ecosystems are stretched to the breaking point. The moment of truth for the earth and human civilization has arrived." (See John Bellamy Foster et al., "Ecology – The Moment of Truth", Monthly Review, July-August 2008).

Writing on "Nature as Accumulation Strategy", Neil Smith says, 'The production of Nature under capitalism generates its own Ideologies'. On the one

hand, the radical objectification of nature in the process of industrial production both generates and reaffirms the positing of nature as an external reality vis-a-vis society, humanity, the social-nature is broadly conceived as a repository of biological, chemical, physical and other processes that are outside the realm of human causation or creation, and the repository too of identifiable objects-subatomic and molecular, specific organisms and species, terrestrial bodies and so forth. Modern science serves up such objects conceptually as discrete targets of social labor and simultaneously ratifies this purview of an external exploitable natural world. On the face of it, of course, nature wholly beyond and different from society is an untenable idea, quite literally absurd, and the externalist conception fostered its own alter ego: nature may indeed be external to society but is simultaneously universal. That is, the entire world, human and non-human - is subject to natural events and processes. The contradiction between these externalist and universalistic conceptions has grown into a hallmark of capitalist Ideologies of Nature (see “Nature as Accumulation Strategy” by Neil Smith, in “Coming to Terms with Nature”, Socialist Register, 2007).

### **The Economics and Social & Environmental Costs of the Project**

If Niyamgiri is mined, the environmental cost at the present value of forest loss alone would be 448 crore rupees. That is without accounting for the loss of valuable plant species, wildlife, and abundant water resources. The cost of carbon dioxide emissions from this project will set India back 653 crore rupees.

The incalculable religious and cultural values preserved by the Dongrias for millennia have not been, and cannot be, accounted for this cost benefit analysis. Mining in Niyamgiri is akin to sacrilege for the tribe. Dongrias are still accorded with colonial construct primitive, yet they preserve a rich civilization and their ethos far beyond any financial calculations. Vedanta/Sterlite will pay only Rs.160.00 per ton of bauxite whereas the market price is nearly Rs. 200 per ton. After investing some 3,200 crore rupees, Vedanta/Sterlite will be availed a subsidy of over 6,132 crore rupees at the cost of people's money on the market price of alumina, which would have fetched 7,300 crore rupees to the government. Now, the state will get only 467.2 crores. Moreover, considering the entire cycle - from extracting bauxite to production of aluminum, the value of aluminum extracted from Niyamgiri at the present value is going to be a whopping 156,000 crore rupees. All this after paupersing and displacing the Dongria Kondhs.

It is to be noted that Sterlite is a frontal company of the tainted company Vedanta, which was blacklisted by Norway. The Norwegian Government withdrew its pension fund invested in Vedanta.

In a letter to the Chief Minister of Orissa and Directors of Vedanta, social activists and researchers like Mamta Dash and Felix Padel et al., wrote: when the question first arose and a deal was signed in 1988 with Balco, the area on Niyam Dongar (the mountain whose summit forms the lease area) was about to be declared a wildlife sanctuary and should have been none of the other bauxite capped mountains of Orissa which have this unique quality of a forest on top,

which is the best in the Niyamgiri range and centered on one of the largest stands of unspoilt forests remaining in Orissa, stretching away towards Karlpat. This is why so many environmental and conservationist groups are so strongly opposed to this project.

No forest management or reforestation plan, however much money is spent, can even begin to compensate for what will be lost if mining happens here. These are likely to disappear soon if the project goes ahead. In every mining project in India unfortunately, the timber mafia and hunting mafia enter alongside the mining contractors using the roads that are constructed. Already a leopard photographed for *Down to Earth* magazine in 2007 was shot last winter. As for the timber mafia, it is already entering the Niyamgiri range simultaneously with Sterlite. In some places, Dongria villagers have managed to stop trailer-loads of trees from being taken out at night because the damage being done is already extensive and needs to be stopped at once.

As the Wildlife Institute report said, 80% of Niyam Dongars' summit is covered by the *saal* forest that has never been cut. Sterlite's environmental impact assessment incorrectly states that there is almost no forest up there, and the trees are stunted. Situated at 4,000 feet, they are smaller than the trees in the valley and mountainsides, but the *saal* forest at this altitude is extremely rare and has a unique value. The local Adivasis understand the role of the forest as something highly sacred because it conserves moisture in the soil up there, and makes this summit the source of fertility for miles around, through perennial streams that are rich in mineral nutrients.

The reason why this forest still exists is the Dongria Kondhs and their religion, which blends spiritual with material values in a way that is extremely highly developed. Their lifestyle is sustainable in the true sense of the world, in that they have lived in these hills for centuries, without destroying their environment. The summits - and especially the summit of Niyam Dongar, are sacred to Niyam Raja and, therefore, taboo for cutting and hunting. Niyam Raja is their conception of a supreme deity - King of law, in a sense very similar to the concept of Dharma. Hence, it is deeply ironic that the ancient spiritual name Vedanta is now involved in undermining the ecosystem of a people who have a lot to teach the modern world about real sustainability and a sense of upholding the law. The whole history of mining projects worldwide shows that if you go ahead and mine the incredible biodiversity, which the Dongrias have preserved, it will be destroyed forever, along with their culture.

To Adivasis, the project demonstrates a disrespect which they meet constantly nowadays. Mainstream society has a very jaundiced stereotyped view of the tribal society in general, still seeing it primitive when the reality is that tribal societies are extremely highly developed, but in a different direction from the mainstream Hindu society. This is why the mainstream idea of development imposed top down is not development at all for tribals.

Most Dongria Kondhs see money offered as tribal development and compensation as a bribe designed to destroy their culture. In fact, this will lead to culture genocide.

Dongria Kondhs' attachment to their land and village is something much sacred for non-tribal people to comprehend. It is linked to their gods and memories of their ancestors. They will be divested of their habitat and pauperized once they are removed and exposed to sadistic market fundamentalism, which will turn them into beggars and destitutes.

The central empowered committee appointed by the Supreme Court has categorically recommended scrapping of the mining project in Niyamgiri for its ecological importance. The Wildlife Institute at Dehradun has also recommended scrapping the project due to the presence of endangered animals. The Sterlite bauxite mining project makes a total mockery of the Environment Protection Act and the Forest Conservation Act.

The Orissa government on Nov 24, 2004 wrote to the Central Environment and Forests Ministry that the Vedanta Alumina for its refinery and captive power, out of 723.34 hectares of land 58.94 hectares is reserved forestland, blatantly contravening the Forest Conservation Act. The CEC appointed by the Supreme Court filed a report in September 2005 recommending revocation of the environmental clearance to the refinery, as it wrote about the state's casual manner, lackadaisical approach and undue haste in sanctioning clearance. The CEC fact-finding team sent in December 2004 confirmed that the forestland was cleared in violation of the Forest Conservation Act, 1980 and raised a crucial question as to why environmental clearance was granted before grant of forest clearance to the project. The CEC

also stated in the report that the MoEF had approved Vedanta's application with regard to forestland at an unusual speed. The application was sent by the Government of Orissa on a Sunday, and the MoEF approved it the very next day.

The CEC has also strongly recommended against mining in Niyamgiri citing immense ecological damage and devastation to the tribal population. The Wildlife Institute of India also submitted a report stating that mining in Niyamgiri would cause irrevocable damage to the existing biodiversity, water resources and lives of the tribal. These two reports comprised enough evidence to have the case wrapped up there. However, the three-judge forest bench directed the CEC to submit another report, in which the latter reiterated its observations clearly stating that permitting mining in Niyamgiri would amount to sacrilege. After that, the forest bench decided to widen the scope of the petition in September 2007 and directed MoEF to file a report on the impact on forests and tribals, if mining takes place.

Moreover, despite the CEC recommendations, Vedanta continued its work on the refinery with full knowledge of the state government and had already completed it by the time the issue came up for hearing in May 2007 in utter disregard to the country's judicial process. However, strangely, the Supreme Court had nothing to say about it. More to one's surprise, none of the petitioners was allowed to speak before the judges during the hearing (see Subrat Kumar Sahu: A requiem for the Dongria Kondhs).

The recent Supreme Court order handing over Niyamgiri to Sterlite says, "a special purpose vehicle to be created and giving 5% of the profit for local development". This is like throwing crumbs to a self-reliant proud people who don't require anything from the exploitative system. While Sterlite will be extracting thousands of crore rupees, it will give some chicken feed to the local people turning them into undignified beggars. This Supreme Court order has sounded the death knell for the Dongria Kondhs.

The recent order is a cruel paradox of our judicial system. In the Sterlite judgment, the Supreme Court presided over many contraventions and violation of many acts and constitutional provisions. This judgment violates the letter and spirit of 89<sup>th</sup> Constitutional Amendment known as Pesa Act, which categorically says that in the 5<sup>th</sup> schedule area in which Niyamgiri lies, the Gramsabha has to be consulted and its consent sought to implement any project. This was not done in the Sterlite case. Right to life and livelihood guaranteed under Article 21 is also violated in Niyamgiri case. The Sterlite order violates the Environmental Protection Act, the Forest Conservation Act and the Forestland Rights Act, in which the Adivasis should get the title deed of the land under occupation. The Supreme Court in its judgment in the year 2000 in the Narmada case gave the verdict to go ahead with building the dam, violating the provisions of the Narmada water disputes tribunal constituted under the Interstate River Disputes Act, 1956. This same Supreme Court refused granting of bail for Dr. Binayak Sen who was illegally imprisoned by the Chattisgarh Government. This same Supreme Court silently watches as the private army called Salwajudum kills, maims and displaces thousands of Adivasis in

Chattisgarh. The same Supreme Court is silent on the illegal Jati Panchayats giving death verdicts, Dalit women being paraded naked, killing of Dalits all over the county, custodial rapes and deaths, thousands of fake encounters, it is silent on thousands of youth who disappeared in Punjab and Kashmir, the genocide and atrocities in northeast - the list is endless. In the Niyamgiri case, serious miscarriage of justice was done when Justice Kapadia, a member of the three-member bench openly declared that he holds shares in Sterlite. Judicial callousness reached its height when Justice Pasayat, another member of the same bench, denied Advocate Sanjay Parikh to argue for Niyamgiri Adivasis.

### **The Neoliberal State**

The way in which the Supreme Court behaved in the Niyamgiri case is a serious pointer to what is happening to important organs of state, the judiciary, and the executive who go out of their way to oblige the national and international big business. The state is supposed to be a neutral apparatus standing above the society and enforcing the rules of the game. But under the neoliberal regime, it has become a slave of the corporate sector. Writing about the role of the state in the neoliberal era, eminent social scientist David Harvey says, "Neo liberalism is in the first instance a theory of political economic practices that proposes that human wellbeing can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and the trade. The role of the state is to create and preserve an institutional framework

appropriate to such practices. The state has to guarantee, for example, the quality and integrity of money. State interventions in market must be kept to a bare minimum because, according to the theory, the state cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias state interventions for their own benefits". (See "Introduction: A Brief History of Neoliberalism", by David Harvey, Oxford University Press, London).

There has everywhere been an emphatic turn towards neoliberalism in political-economic practices and thinking since the 1980s. Deregulation, privatisation and withdrawal of the state from many areas of social provision have been all too common.

This, however, does not mean that the state has weakened; infact the state has emerged much stronger and intensified to facilitate capital accumulation. The globalization theory postulates decline of the nation state and national capitalist classes, the transfer of sovereignty from state to the organs of some kind of unified transnational capital; however, nothing like this has happened and seems unlikely to ever happen. Instead, the transnationalization of capital's original political forms, the national state, and this state is more universal today than ever before. Again, as globalization has it, an inverse relation exists between the inter-nationalization of the economy and the power of the state. Instead, globalization presupposed the state and while the state may have lost some of its traditional functions, it has gained many more new ones, especially as the main conduit through which national

and multinational capital is inserted into the global market. Far from being rendered irrelevant, the state is today the main agent of globalization with its penetration of the capitalist logic deeper into societies of advanced capitalism and spatially throughout the world. The neoliberal state plays a central role as capital is channelised into the global market, as the creator of the right environment for capitals accumulation, and as the capital's main line of defense against internal disorder. As the main agent of globalization, states are becoming more and more attuned to accommodating and fostering capital accumulation on a world scale. They do so by creating and sustaining global markets. It is they who are making the necessary changes in the rules governing capital movements, investment currency exchange, trade and forcible acquisition of land for capital accumulation. (For details, see “Globalization in Marxism, Socialism, Indian Politics - A View from the Left”, by Randhir Singh, Aakar Books, New Delhi).

### **Accumulation through Dispossession Contextualizing Niyamgiri in Global Capitalism in the Neoliberal Era**

What we are seeing today is history repeating itself as a tragedy. Horrors of Dickensian Capitalism are being re-enacted through ruthless global enclosures where millions of peasants and Adivasis are thrown out of their habitats, livelihood and commons in a bloodthirsty primitive accumulation of Global Capitalism. All over the third world, including India, millions of peasants are thrown out of their land for mines, factories, townships, ports, luxury villas, golf

courses, entertainment parks, highways, etc. Iraq was devastated and decimated for oil. Through the connivance of the neoliberal state, national and international big business swallow up natural resources and commons. These are the bloody symptoms of the present era of accumulation through violent dispossession. The present epoch is brilliantly explained by Samir Amin in a review article in *Social Scientist* “The centre/periphery contrast is inherent to the global expansion of the actually existing capitalism at every stage of its development since its inception”. Imperialism as an outcome of capitalism assumed naturally diverse and successive forms in close relation with specific characteristics of successive phases of capitalist accumulation. Mercantilism (1500-1800), classical industrial capitalism (1899-1945), post-Second World War (1945-1990), and the ongoing project of globalization beyond the particularity of each these phases, the actually existing capitalism has always been synonymous to the world conquest by its dominant sites. We will, therefore, not be surprised that colonialist dimension would entail an important element in the formation of political culture of the countries concerned. Nevertheless, articulation of this colonialist dimension in other aspects of political culture is specific to each of the regions and countries in question. For Europe colonialism was external, in America it was internal. A difference worth noting (see Samir Amin, review article page 79, *Social Scientist* No. 420-421, New Delhi).

Taking a cue from the above logic, one can safely infer that places like Niyamgiri have become new internal colonies. Internal colonies like Niyamgiri are the logical outcome of the present structural logic of neocolonial plunder by

the core capitalist countries of the third world. The great teacher of the working class, socialist thinker and exemplary revolutionary Rosa Luxemburg taught us that Capitalist cores create dependant exploited colonial peripheries. According to her, "one concern is that commodity market and the place where surplus value is produced is the factory, the mine, the agricultural estate". Regarded in this light, accumulation is a purely economic process, with its most important phase a transaction between the Capitalist and the wage laborer... Here, in form at any rate, peace, property and equality prevail, and the keen dialectics of scientific analysis were required to reveal how the right of ownership changes in the course of accumulation into appropriation of other people's property, how commodity exchange turns into exploitation, and equality becomes class rule. The other aspect of the accumulation of capital concerns the relations between capitalism and the non-capitalist mode of production which start making their appearance on the international stage. Its predominant methods are colonial policy, an international loan system - a policy of spheres of interest and war force, fraud, oppression and looting are openly displayed without any attempt at concealment, and it requires an effort to discover within this tangle of political violence and contests of power the stern law of the economic process. These two aspects of accumulation are organically linked. The historical career of capitalism can only be appreciated by taking them together (see Rosa Luxemburg, "The Accumulation of Capital", Monthly Review Press, New York).

### **Niyamgiri, Neoliberalism, Globalisation and Imperialism of Our Times**

Niyamgiri should be seen in the context of the present neoliberal regime, popularly known as Globalisation.

In the early 1970s, after the oil shock and end of the post-war boom, advanced capitalist countries entered into recession and then they imposed neoliberalism all over the world to bail out the crisis ridden global capitalism.

### **The Neoliberal Order**

Neoliberalism asserted that intervention into the market by government only triggered inflation while it slowed growth and fostered unemployment. On the contrary, market forces free of government regulation would create jobs and spark strong economic growth. Based on these principles or ideology, neoliberalism helped to justify a sweeping revival of the economic and political power of the capitalist class in the United States and the rest of the world in the following two decades. Under the neoliberal regime, economic growth and profits recovered in the first world but to a level well below the golden age. More seriously, weaker average growth and the decline of the states' economic role were accompanied by rapidly increasing inequality and declining levels of public welfare. Under the aegis of neoliberalism, the fate of the third world was much worse. Overwhelmed by debt, most of the countries of Latin America and Africa were forced to surrender control of their economies to western banks and international financial agencies controlled by western governments. As a condition for loan bailouts, such countries had to raise interest rates, lower tariffs, and open their economies and massively reduce social health and

education spending in an effort to clean up their financial balance sheets. Such neoliberal prescriptions were designed to restore economic equilibrium and stimulate growth and exports. In only a few cases did they do so? Rather than growth, most underdeveloped countries suffered massive economic regression. Wages fell while unemployment, poverty and social inequality grew. Major new capital investment was evident in Asia. But in the rest of the developing world, the US and European capitalists generated profits instead by taking over land, or publicly or locally owned manufacturing capacity, and through the privatization of financial resources such as pension funds, accumulation occurred through dispossession rather than investment. Everywhere the wealthy enhance their position by simply appropriating a greater share of existing wealth at the expense of the rest of the society.

(For details, see *The Neoliberal Order* in Henry Heller – “The Cold War and the New Imperialism - A Global History, 1945-2005”, Monthly Review Press, New York.)

The general capitalist accumulation which governs the dynamics of capitalism and generates increasing wealth and affluence at one pole of society and growing poverty and degradation at the opposite pole does so not only within nations but as a global or world system, among nations as well, leading necessarily to the polarization of the world into centre and periphery nations between rich and poor nations, and between rich and poor within a nation. This double process of polarization is imminent in capitalism - its permanent and basic feature, a product of structural logic of capitalism. Contemporary

globalization is no exception, in relation to third world it is imperialism all over again. Thus, we have to see Niyamgiri in the context of imperialism today, or imperialism of our times. Aijaz Ahmad, writing on "Imperialism of Our Time" says, "The fundamental novelty of the imperialism of our time is that it comes after the dissolution of the two great rivalries that had punctuated the global politics of the twentieth century, namely, what Lenin called inter-imperialist rivalry of the first half of the century as well as what we might, for lack of better word, call the intersystemic rivalry between US and USSR, lasted for some seventy years. The end of those rivalries concludes the era of politics inaugurated by the First World War and it is logical that the sole victor, the United States, would set out most aggressively to grab all possible spoils of victory and to undo the gains that the oppressed nations of the world had been able to achieve during that period. This new face of imperialism arises not only after the dissolutions of the great colonial empires but also the definitive demise of the nationalism of the national bourgeoisie in much of the third world. Far from being an imperialism caught in the coil of inter-imperialist rivalries, it is the imperialism of the era in which (a) National Capitals have interpenetrated in such a manner that the capital active in any given territorial state is comprised, in varying proportions, of national and transnational capital, (b) Finance Capital is dominant over productive capital to an extent never visualized even in Lenin's export of capital theories or Keynes warnings about the rapaciousness of the rentier, and (c) everything from commodity markets to movements of finance has been thoroughly globalised that the rise of a global state, with demonstrably globalised military capability, is an objective requirement of the system itself, quite aside from the national ambitions of the

US rulers, so as to impose structures and disciplines over this whole complex with its tremendous potential for fissures and breakdowns.”

(See Aijaz Ahmad, "Imperialism of Our Time", Socialist Register, 2004).

### **Niyamgiri and Resistance to Imperialism Today**

Imperialism today has produced its own contradictions and fault lines. The occupation in Iraq is far from over - the brave Iraqis having put up stiff resistance to occupying US troops. In India, massive peasant resistance to forcible acquisition of land is going on in Singur, Nandigram, Raigad, Kalinganagar, Narmada Valley, Kakinada, etc. Niyamagiri has emerged as an advanced outpost of the struggle against imperialism. Therefore, it is imperative that all patriotic, progressive and democratic forces rally behind the Adivasis in their struggle against Sterlite and Vedanta.

The Niyamgiri struggle has also added its contribution to the forms of popular struggle, like liberation theology in Latin America. The Dongria Kondhs have made their religion into a formidable instrument of struggle. In March this year, thousands of Dongria Kondhs assembled in Niyamgiri hills to preserve its sacredness, making it a festival of resistance.

In dark times when communal fascists of the Sangh Parivar are carrying out hate campaigns against minorities in Orissa, Karnataka and Gujarat, the Dongria Kondhs' creative use of religion as an instrument of resistance is inspiring.

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