The Renewed Mining Debate in Niyamgiri: Why Gram Sabha Rights Matter

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Prelims: Forest Rights Act; Gram Sabha; PVTG; Niyamgiri

Why in the News

October 2026's reports have brought up the issue of the attempt to restart bauxite mining in Odisha's Niyamgiri and the opposition of local communities. A detailed report of 16 October mentions the wish to resume mining after a September meeting between Vedanta's chief and the state's Chief Minister. The company chief claimed local acceptance, while people associated with the movement denied that claim. A report of 4 October records the opposition's allegations over the arrest of a movement leader. These are mutually conflicting claims and political allegations; they cannot be treated as a new statutory approval or as proof of any side's guilt.

The exam-useful question of this dispute is not only the availability of the mineral. It is also how, while deciding a project on forest land, livelihood, community forest rights, religious faith and legal process are to be kept together. Its basis is the Supreme Court's judgement of 18 April 2013 and the Forest Rights Act, 2006.

The Significance of Niyamgiri

The Niyamgiri hills are connected to the Rayagada and Kalahandi region of Odisha. The life and cultural relationship of the Dongria Kondh community here are tied to the hills and forests. Odisha's Scheduled Castes and Scheduled Tribes Research and Training Institute has listed the Dongria Khond as a Particularly Vulnerable Tribal Group, that is, a PVTG. This identity points to the community-specific need for protection and development; it should not be treated as an equal synonym for all tribal communities.

The mining proposal relates to bauxite. The need for raw material for the Lanjigarh alumina refinery is also an economic side of the dispute. On the other side, the community has kept raising the question of the religious faith connected with Niyamraja and the defence of its cultural rights over the hills. So the social significance of this area cannot be fully assessed merely by counting the market price.

What the Court Said in 2013

In the **Orissa Mining Corporation v. Ministry of Environment and Forests** case, the Supreme Court made clear the central role of the Gram Sabha in examining forest rights

and religious-cultural rights. The Court said the Gram Sabha would consider whether the proposed mining would affect the religious rights of the communities concerned, such as the worship of Niyamraja. It could also consider individual, community, cultural and religious claims.

According to para 60 of the judgement, in the light of the Gram Sabhas' decisions, the final decision on the second stage of forest clearance was to be taken by the then Ministry of Environment and Forests. So it would be incomplete to say that the Gram Sabha itself issues every kind of mining approval. Its right-determining role and the Ministry's approving role were distinct, but interlinked.

The Court also paid attention to the independence of the process. Para 62 directed that a judicial officer of the rank of District Judge be made an observer, so that the proceedings are confirmed to be free from the influence of the project proponent or the government. This makes clear that merely holding a meeting is not enough; real independence of decision-making is also necessary.

The Gram Sabha and the Ownership of Minerals

Under **Section 6** of the Forest Rights Act, the Gram Sabha is the authority to initiate the process of determining the nature and extent of individual or community forest rights. It receives claims, verifies them and sends proposals forward. The Act's arrangement also has roles for sub-divisional and district-level committees. The Gram Sabha is the assembly of all adult members of a village; understanding it as only a meeting of elected panchayat representatives is not correct.

In para 50 of the same judgement, the Supreme Court also made clear that Section 3 of the Forest Rights Act does not vest in communities the ownership of the minerals beneath the land. The state's role over minerals and the community's forest rights are two separate legal questions. Nor does the state's mineral-related authority become an open licence to disregard the processes of forest, environment and community rights.

The Old Decision and the New Claims

According to contemporary and historical news reports, in 2013 the 12 Gram Sabhas concerned opposed the mining proposal. A report of January 2014 mentions the Centre subsequently rejecting the second-stage forest clearance. This history does not end by itself with a new conversation. To claim a new statutory position, the relevant official orders and the complete process will have to be seen.

October's reports record side by side the company chief's statement about local acceptance and the objections of community representatives. For this article, no such new official approval was found confirming that mining has begun in Niyamgiri. So the news has been limited to the attempt at revival and the debate over rights. News or approval related to the nearby Sijimali has not been treated as Niyamgiri's approval; the two are separate projects.

> To understand the conditions of rights and safety along with opportunity in mining, read: **A new role in the mines: women's opportunities and the test of safety**

Way Forward

The project's assessment should place forest rights, local livelihood and cultural relationships alongside the benefits of employment and mineral supply. Trust can be built through verification of claims, independent participation and public availability of the relevant orders. The allegations raised over the arrest should also be tested through evidence and legal process; neither does an allegation by itself prove guilt, nor does a claim of development make the examination of rights unnecessary.

Examination Perspective

Prelims: Section 6 of the Forest Rights Act; the difference between Gram Sabha and Gram Panchayat; PVTG; forest rights versus mineral ownership; the difference between Niyamgiri and Sijimali.

Mains: GS-II/III - the balance among tribal rights, participatory governance, environmental decisions and mining-based development.

Mains Practice Question

"The development of natural resources cannot be seen separately from the rights of local communities." With reference to the Niyamgiri dispute, examine the role of the Gram Sabha and the challenges of the environmental decision process. (Answer in 150 words. 10 marks)

Answer Outline

Introduction: a brief introduction to the relationship between mineral resources and the community's forest and cultural rights.

Main Body: explain Section 6 of the Forest Rights Act, the examination of religious-cultural claims in the 2013 judgement, the independent Gram Sabha, and the distinct roles of the Ministry's final approval. Do not equate mineral ownership with community rights. Discuss employment, livelihood, transparency and the need for proof of a new approval.

Conclusion: present the protection of rights and evidence-based, participatory decision-making as the basis of sustainable development.

Prelims Practice Questions

Question 1. Consider the following statements about the Forest Rights Act, 2006:

Statement 1: The Gram Sabha includes all adult members of the village.
Statement 2: Under Section 6, the Gram Sabha initiates the process of determining forest rights.
Statement 3: Under Section 3, the ownership of the minerals beneath the forest land vests in the community concerned.

How many of the above statements are correct?

(a) Only one

(b) Only two

(c) All three

(d) None

Answer and Explanation
Answer: (b). Statements 1 and 2 are correct. The Act's definition and Section 6 describe the Gram Sabha's composition and its role in initiating the process. The Supreme Court made clear in the 2013 Niyamgiri judgement that Section 3 does not vest the ownership of minerals in the community.

Question 2. In the Niyamgiri mining case, the 2013 judgement gave whom the responsibility of taking the final decision on the second stage of forest clearance in the light of the Gram Sabhas' decisions?

(a) Only the Gram Panchayat concerned

(b) The project proponent company

(c) The then Ministry of Environment and Forests

(d) Only the state government

Answer and Explanation
Answer: (c). Para 60 of the judgement asked the Ministry to take the final decision on the second stage of clearance in the light of the Gram Sabhas' decisions. The Gram Sabha's rights-related examination and the Ministry's clearance-related decision were distinct roles.

Sources

- Frontline: the new mining attempt and conflicting claims; 16 October 2026; secondary report
- PTI/ThePrint: the opposition's allegations over the arrest; 4 October 2026; a news report of allegations
- Supreme Court report: the Orissa Mining Corporation judgement, 18 April 2013; especially paras 50-62
- Ministry of Tribal Affairs: Forest Rights Act, rules and guidelines; Sections 2 and 6
- Odisha SCSTRTI: the Dongria Khond's PVTG identity and area
- Mint: clearance rejected after the 12 Gram Sabhas' decision; 11 January 2014; historical report