

Faith, beliefs cannot stall green clearance to projects, SC told

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New Delhi, Feb 21 (IANS) The Odisha Mining Corporation (OMC) Thursday told the Supreme Court that if beliefs and faiths were allowed to weigh on the statutory and environmental clearances for big ticket projects, then there would be no development.

Senior counsel K.K.Venugopal, appearing for the OMC, made the contention to a bench of Justice Aftab Alam, Justice K.S.Radhakrishnan and Justice Ranjan Gogoi.

“Merely because there is a faith or belief can’t be used to deny the clearance for bauxite mining (at Niyamgiri Hills),” Venugopal said while assailing the stand taken by Solicitor General Mohan Prasaran that habitat did not mean just the living place but the customs, religious, social and customary practices of the tribals living around Niyamgiri Hills.

The court had reserved its order on the petition by the OMC challenging the Aug 30, 2010, decision of the union environment ministry denying second stage clearance for bauxite mining from Odisha’s Niyamgiri Hills, where OMC is a 26 percent stake holder in the joint venture project with Sterlite Industries.

Pointing to the Himalayan ranges, a large part of which was associated with one god or the other and Mount Kailash believed to be the abode of Lord Shiva, Venugopal asked whether on the grounds of religious faith and belief, the entire Himalayan ranges would go undeveloped.

Senior counsel C.A.Sundram, appearing for Odisha government, told the court that the forest rights of the tribals which are bone of contention in the case were not nomadic tribes but were village centric.

“Their habitat is village centric though they collect forest produce for their requirements,” Sundram told the court implying that rights under the Forest Rights Act could not be applicable for them.

Earlier in the course of the hearing, the Central Empowered Committee on environmental matters told the court that the nod for bauxite mining at Niyamgiri Hills for Vedanta Aluminum refinery was subject to the satisfaction of the union environment ministry and the compliance of 18 conditionalities attached to stage one clearance for diversion of 660.749 hectares of forest land for the project.

Amicus curiae A.D.N.Rao appearing for the apex court appointed CEC said that the compliance of the 18 conditionalities that the ministry had tagged with its “in principle clearance” of stage one must be coupled with its satisfaction for the stage two clearance for the bauxite mining at Niyamgiri Hills.

“The apex court can’t substitute its satisfaction to the satisfaction to be arrived by the MoEF (ministry of environment and forests),” Rao told the bench.

Replying to the contention that crores of rupees have been spent on the project, senior counsel Sanjay Parikh, appearing for the tribals, said it is a question of existence of tribals and the same could not be exchanged for the pursuit of profit.

Parikh appeared for Prafulla Samantra and others representing Dongria Kondh tribe that would be severely affected by the implementation of the project.