

'God' poser for Vedanta

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New Delhi, Feb. 19: The Supreme Court today put some searching questions to the Vedanta group and the Odisha government, asking whether they could “banish God” and “destroy the faith of the tribals” who deem sacred a hill picked for bauxite mining.

The bench of Justices Aftab Alam, K.S. Radhakrishnan and Ranjan Gogoi asked whether “you can dig out the Nizamuddin Dargah or the dargah at Ajmer” when the Naveen Patnaik government insisted the Niyamgiri Hills was its property and contested the tribals’ belief that God existed there.

“Even if nothing is there, you can’t destroy the faith of those people. We are not talking about the entire hills but the highest point where the tribals believe their God exists. They believe he is on the hilltop. Can you tell them take away your God to another place? Are you banishing the God?” the bench asked.

The Union ministry of environment and forests had in 2010 cancelled the state’s permission for the mining on the ground that green norms and the tribals’ special rights to occupation and worship had been violated.

The judges today posed the queries after senior state counsel Aryaman Sundaram assailed the ministry’s decision and said there was no record or proof to show any temple or tangible idol that the tribals worshipped on the hilltop.

The court said it would be appropriate for the company and the state to seek the consent of the gram sabha for the mining activities as mandated under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

“Under the act, the gram sabha has to decide the issue. Its consent has to be obtained, why should we interfere? Why did you put the cart before the horse?” Justice Alam, heading the bench, asked.

Sundaram argued that while prior consent was essential, it was not “imperative”. “Consent is not imperative at all. I am the state government, it is mine. I can’t be prevented from taking up industrial activities.”

The judges then asked what would happen to the faith of the tribals for whom the hilltop was sacred. “For them it is faith. Can you dig out the Nizamuddin Dargah or the dargah at Ajmer?” the court asked.

Sundaram responded by saying the hilltop did not give tribals any right to worship and that “the hill is not sacrosanct”. The court retorted: “Yes, nothing is sacrosanct except bauxite mining!”

Solicitor-general Mohan Parasaran will tomorrow begin arguments putting forward the Centre’s position. But the ministry had earlier opposed the state’s claim that there is no habitat on the hills.