

Tribals too need modern-day benefits, facilities: Supreme Court

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NEW DELHI: The [Supreme Court](#) has sought the Centre's view on inclusion of tribal people in the mainstream, saying they should be allowed to choose facilities such as roads, schools, hospitals and electricity in the wider debate over preservation of their habitat.

The remarks were made by a three-judge bench on Wednesday in response to [Solicitor General](#) Mohan Parasaran's opposition to the Odisha government's plan to mine the Niyamgiri hills for bauxite, the raw material that [Anil Aggarwal-led Vedanta Group](#) wants for its plant at Lanjigarh.

"You want tribals to continue to be tribals for the next century? Have you found out if they were given modern-day benefits such as roads, schools, hospitals and electricity, will they not accept?" the bench, led by Justice [Aftab Alam](#), said. "Will the FRA (Forest Rights Act) generate employment?"

The controversial plant has remained shut since December due to shortage of bauxite. The state has so far been unable to offer the company an alternative source of raw material.

"The tribals should be told of all these benefits and they should make the choice. What if the tribals want this (development facilities)? What do they want?" the bench said. "You want them to stay tribal, stick to grazing?"

Parasaran claimed that the tribals prima facie seemed opposed to the project in view of the devastation to their habitat.

Vedanta has been agitating against a 2009 decision of the [environment](#) ministry to deny stage 2 clearance for mining [the hills](#) because it violated the religious and cultural rights of the tribal people under the Forest Rights Act.

Sterlite, Vedanta's Indian wing, and joint venture partner [Orissa Mining Corp](#) (OMC) too have challenged the order. At the outset, Justice Alam asked the [counsel](#) for the ministry to state clearly whether it was opposed to mining of the hills or whether it would consider permitting operations under certain conditions while protecting the tribal people as well.

"We are completely against mining operations," Parasaran said, citing repeated violations by Sterlite in complying with conditions of the environmental clearance vetted by the court in 2007 and violations of the FRA and religious and cultural rights of the tribals. He argued that the 2007 order had only cleared the environmental nod for the proposed alumina plant.

According to Parasaran, the FRA came into effect after the order. Forest clearance for diversion of forestland for mining was to follow, but Sterlite had faulted on far too many counts, he said.

Vedanta had completed 50% of its proposed expansion plan without completing a formal environmental impact assessment of the expansion from a 1-million tonne plant to a 6-million tonne plant, he claimed.

Parasaran contested the state's argument-that since there was no habitation on the hilltop, no clearance was required from the 'gram sabha' to mine the area-saying the hilltop was part of the larger cultural claims over the area, which was yet to be settled by the gram sabha. Three such claims were pending, he said, adding that these rights were yet to be determined under the FRA.

OMC is expected to reply on Thursday when arguments resume.