

Vedanta's wait for Bauxite to get longer as environment ministry denies forest clearance

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NEW DELHI: The [environment](#) ministry has defended in the Supreme Court its decision to deny forest clearance under the Forest Rights Act (FRA) to Orissa Mining Corporation's plan to mine the Niyamgiri Hills to source bauxite for Vedanta's alumina plant, while simultaneously leaving the door open for possible dilution of the Forest Rights Act in other project areas. The alumina plant was granted environmental clearance in 2007. Forest clearance to mine [the hills](#) for bauxite for the plant was to follow, but was denied during former environment minister Jairam Ramesh's tenure.

Both OMC and Vedanta's Indian arm Sterlite have challenged in court the MoEF's refusal to give forest clearance to mining. The MoEF has defended its refusal to give permission to divert forest land for mining in the hills on several counts — that it violates the fundamental rights of the Dongria Kondhs, a vulnerable tribal group living in this scheduled area, and also their right to inhabit and use the forests as traditional forest dwellers under the FRA. The plan to mine a 7 sq-km area atop the hills held sacred by this tribe violates their right to religion, the MoEF affidavit, filed on Friday, said.

OMC, Sterlite and the Odisha government had accused the MoEF of indulging in doublespeak on the FRA to deny clearance only to OMC's mining plans and asked the court to direct it to explain whether no forest land can ever be diverted for development under FRA or they were only making an exception for Vedanta.

In a reply affidavit, the MoEF defended its refusal to deny forest clearance to 26% joint venture partner OMC's plans to mine the hills, but left scope for the Act to be diluted in other cases, possibly to take care of development considerations raised by the PMO, experts suggested. The ministry was asked to state whether the FRA did not envisage any diversion of forest land for development activities or whether it could be permitted under some terms. In its affidavit, the ministry said eligible forest dwellers cannot be evicted "till the process of recognition and vesting of individual and community forest rights under the Act is complete." Even in areas where rights have been recognized or are "likely to be recognised" diversion of forest land should be "avoided" and that it should be "the last resort after examination of alternatives."