

Should sacredness not be equal?

Discrimination in the treatment of holy sites

31 MARCH 2023, ASHISH KOTHARI



Narmada River, sacred to Hindus and other communities, has been dammed in four locations @ Ashish Kothari

In January this year, adherents of one of India's small but influential religions, Jainism, were in agitation mode. They [protested plans to develop](#) one of their sacred sites, Sammed Shikharji in the eastern state of Jharkhand, as a tourist spot.

Jainism is one of India's oldest religions, and with its very strong emphasis on respecting life in all its forms has played an important role in cultural traditions such as vegetarianism well beyond its own adherents. In its heyday it was especially strong in western and parts of southern India; its strongholds are now in the west Indian states of Gujarat and Rajasthan, but small pockets of the community are spread through many other states including Jharkhand. It also commands respect in commerce and business circles, with several prominent industrialists emerging from within its ranks.

The recent protest has brought up some interesting paradoxes of contemporary India and many other parts of the world. The valid concerns of the community that tourism would commercialise and despoil one of their most revered sites, were

immediately responded to by the central government in New Delhi. It directed the Jharkhand state government to ensure that the sanctity of the area is protected. This quick action, unusual as it is, has interesting implications, reflected in situations around the world.

The Jain community has also been protesting against the commercialization of the Shatrunjaya Hill in Gujarat, the site of a major complex of Jain (and other) temples. This landscape has faced multiple threats, including mining, the sale of alcohol and land-grabbing. Though their demands have been voiced for years, the government has not reacted. The state government set up a special investigation team only after widespread angst relating to an incident of desecration of one of the sites in November 2022. It is unclear if there will be any action on the other threats the landscape faces.

Inconsistency about how to treat sacred sites has been a hallmark of the approach of both central and state governments. Over the last few decades, there has been no coherent policy or legal instrument regarding whether or not to open such a site for commercial exploitation or other 'developmental' projects. Several landscapes of spiritual significance for India's Indigenous (Adivasi or tribal) peoples have been allocated for mining, tourism, industries, expressways, and other such projects. These have been justified in the name of development, and protests by relevant communities ignored or even dealt with harshly.

For instance, several communities in the Teesta river basin of Sikkim in Northeast India have [strongly protested against](#) the construction of mega-hydro dams. Their arguments are manifold, including the devastation of the ecosystem and their associated livelihoods, but notably also that the landscape is sacred to them as Buddhists. Members of the Lepcha tribal community as also monks of several monasteries have repeatedly expressed their concern and agitated on the streets. The projects have nevertheless proceeded apace, with relevant government agencies ignoring the protests.

In the Nicobar Islands, India's southernmost landmass, there are populations of some of the nation's oldest Indigenous peoples. The two resident groups, Nicobarese and Shompen, were relocated inland during the tsunami of 2004. Since then, they have been asking to be given their traditional homeland back, stressing their spiritual relationship with it. As [reported by researcher Ajai Saini](#) of the Indian institute of technology, the late Paul Joora, chair of the local tribal council, put this succinctly: "We miss our villages, but they will also be missing us." But the Andaman and Nicobar (A&N) Islands administration has ignored this, in general continuing a trend that was initiated when India (and these islands) were under British colonial rule and carried on in Independent India when the islands came under the direct control of the central government in New Delhi. In this period, A&N has been increasingly settled by people from India's mainland, with many instances of the Indigenous people being displaced or dispossessed. In the latest shocking move, the central government has now identified the same 'vacant' coastal

lands from where the Shompen and Nicobarese were shifted inland, for [an ecologically insane project](#) involving a port, township, airport, and power plant, which will lead to the cutting of 130 sq. km of dense tropical forest.

Over a decade back, when mining was proposed by the United Kingdom-based Vedanta corporation in the Niyamgiri hills of Odisha in eastern India, and given preliminary clearances by the state and central governments, the [resident Dongria Kondh Adivasis protested](#). They said it would be a desecration of their sacred landscape, and that their deity, Niyamraja, would not permit it. The matter went to the Supreme Court which, in a noteworthy order, took recourse to the Panchayat (Extension to Scheduled Areas) Act, a law giving powers to local bodies of self-governance in areas with significant tribal populations. It stated that this law “stipulates that the state legislation on Panchayats shall be made in consonance with the customary law, social and religious practices and traditional management practices of community resources” and that “every Gram Sabha (village assembly) shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.” It concluded that “if the Bauxite mining project, in any way, affects their religious rights, especially their right to worship their deity, known as Niyam Raja, in the Niyamgiri range of hills, that right has to be preserved and protected.” Subsequently, the project was unanimously rejected by 12-gram sabhas, specially convened for the purpose.

Sadly, the Niyamgiri case has also not become a precedent. Ideally, state and central governments should have taken the cue from it to ensure that similar processes of careful consideration, and consent from the relevant community, are built into the decision-making process for all projects coming up in or around sacred sites. This has not happened.

Even in the case of Samman Shikharji, the [local Santhal Adivasis](#) have pointed out that this is a sacred landscape for them too, belonging to their deity Marang Buru, and yet their claims on it are not recognized. They also allege that some of their own members (as also Muslims and Kurmis) are not allowed into or near the Jain sites. Lobin Hembrom, the elected Member of the legislative assembly from the area, has also expressed displeasure that in a committee set up by the central government to suggest ways forward for the area, there are two representatives of the Jain community but only one of Adivasis.

In itself, it is commendable that the Jain protests are being heard, and that their cultural claims are being considered in deciding on the future of a site like Sammed Shikharji. But when similar claims by other communities are ignored, or a protest by the same community at a different site is treated differently, one wonders: why such divergent approaches? Is it because the sacredness of nature, of landscapes, rivers, lakes, and wildlife, is considered less important than that of human-made monuments? Is it a factor of how influential the relevant community is, how much of a voice they have in central and state corridors of power? Is it also a factor of *what* development is being proposed and by whom (for instance, in the above two cases involving Jains, one of tourism and the other of mining), including the

amounts of money and the identity of the agencies involved? Do political party considerations come into play also; Gujarat and the central government are both under the ruling Bharatiya Janata Party (BJP), whereas Jharkhand is under a local party, Jharkhand Mukti Morcha, along with Congress and other parties, so perhaps BJP is happier interfering with the commercial interests of the Jharkhand government than those of the Gujarat government? If any or all of these factors come into play, there is clearly an issue of inconsistency, unfairness, and bias, and in doing so, the probable violation of constitutional values of equality and non-discrimination is involved.

These instances in India are echoed across the world. Would anyone countenance the demolition of St. Peter's church in Vatican City, or the Meenakshi temple in Madurai, or the Masjid al-Haram in Mecca, if gold was found under any of them (and was worth more than the pilgrim and tourism revenue it generates)? Is there anything *intrinsic* that makes them more sacrosanct than the sacred landscape of an Indigenous people? If it is the cultural and spiritual value that a community attaches to a site, natural or human-made, which is the defining feature in taking a decision, then why such discrimination? It is about the power of who decides, for whose benefit and at whose cost; it is a political issue.

In the Sammed Shikharji matter, the Indian Ministry of Environment, Forests and Climate Change stated that the site is of significance not only for Jains but for the nation as a whole. If so, are the sacred landscapes of Adivasis and other communities also not of national significance? Who is the nation?

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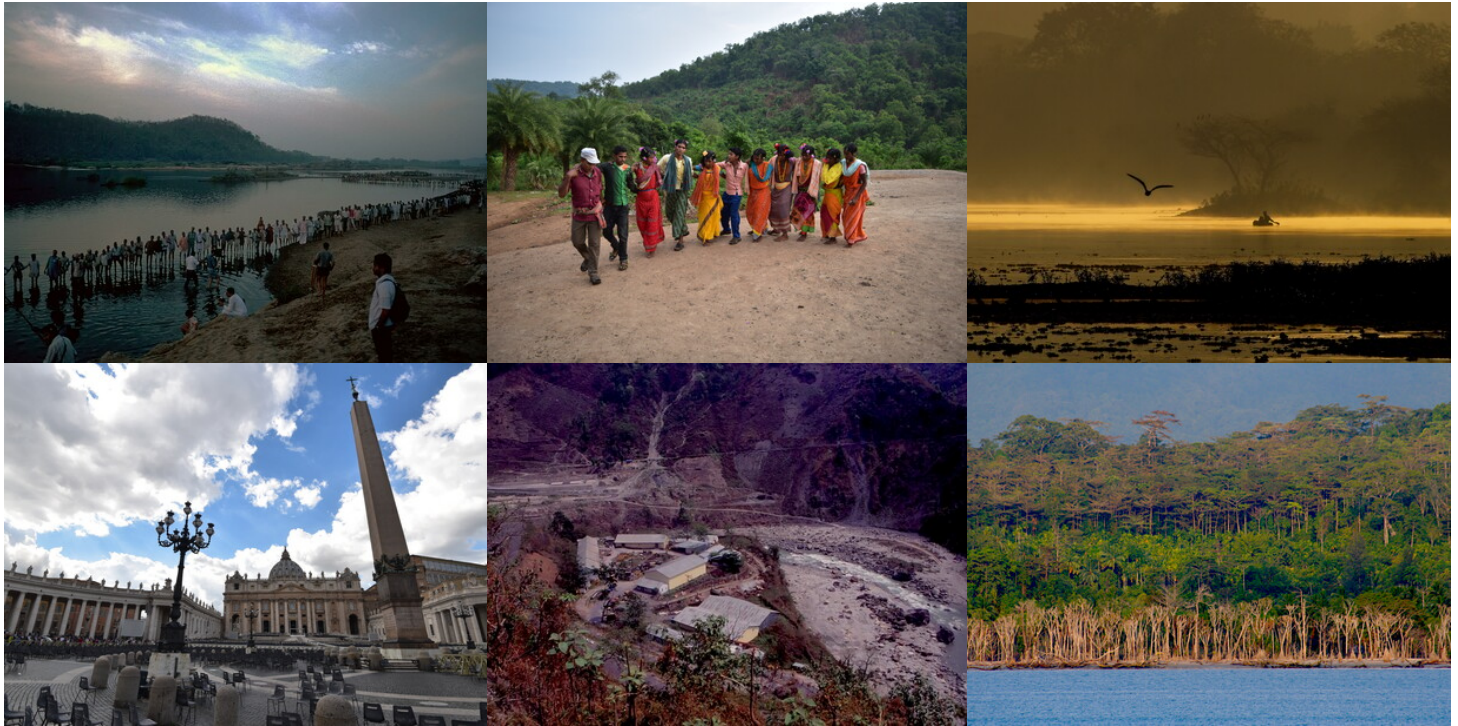
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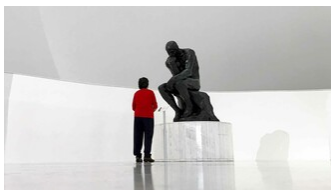
Founder-member of the Indian environmental group, Ashish studied Sociology and taught at the Indian Institute of Public Administration.

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1. Adivasis protesting proposed mega-dams on Indravati river (central India), "the river is our mother" @ Ashish Kothari
2. Dongria Kondh adivasis in their sacred landscape (Niyamgiri, Odisha), saved from a mining project @ Ashish Kothari
3. Sacredness of nature has been recognised by Indigenous peoples, but not modern industrial societies @ Ashish Kothari.jpg
4. St. Peter's cathedral, the Vatican, would anyone agree to demolish it if gold was found underneath? @ Ashish Kothari
5. Teesta-Rangit hydro-project (Sikkim) despoiling a sacred river basin @ Ashish Kothari
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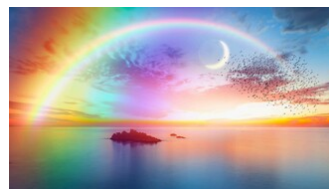
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