

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTH ZONE BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 282 OF 2024**

IN THE MATTER OF:

Suo Moto matter in respect of news item appearing in The Deccan Herald dated 21.08.2024 titled “*4228 acres of forest diverted for mining in Karnataka in 15 years*”

Versus

Central Pollution Control Board and Others

...Respondents

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Filed by



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Date: 17.12.2025

Place: New Delhi

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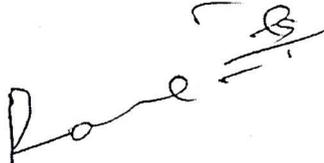
Central Pollution Control Board and Others

...Respondents

**REPORT ON BEHALF OF RESPONDENT NO. 2 (DEPARTMENT OF
MINES AND GEOLOGY)**

MOST RESPECTFULLY SHOWETH:

1. It is submitted that, the mining activities in the area being conducted strictly upon compliance of the directions of the Hon'ble Supreme Court in W.P (C) No. 562/2009.
2. The Hon'ble Supreme Court in SLP No.7366/2010 order dated:06.05.2011 directed the Central Empowered Committee (CEC) appointed by the Hon'ble Supreme Court, to carry out the joint survey. Accordingly, CEC started its survey. In the meantime, Hon'ble Supreme Court vide order dated:29.07.2011 and 26.08.2011 has banned the mining activities in the districts of Ballari, Vijaynagar (Earlier part of Ballari), Chitradurga and Tumkuru. Subsequently, pursuant to the directions of the Hon'ble Supreme Court, 166 mining leases were broadly categorized under A, B and C based on the encroachment and Hon'ble Supreme Court accepted the report of the CEC.



Sl No	Name of the District	No of leases				
		Cat A and A1	Cat B	Cat B1	Cat C	Total
1	Bellary	36	43	7	31	117
2	Chitradurga	9	7	0	8	24
3	Tumkur	1	12	0	12	25
Total		46	62	7	51	166

3. CEC vide its report dated:13.03.2012 has recommended for the preparation of R&R plan from ICFRE. Every lessee has to prepare a Reclamation and Rehabilitation plan through ICFRE/FIMI and get the plan approved by CEC. Upon satisfactory implementation R&R plan, lessee will be allowed to resume its mining operations. Lessee has to carry out the mining activities as per the approved R&R plan of CEC. The broad objectives/parameters of the R&R Plans recommended in the Central Empowered Committee is as under:

8. The broad objectives/parameters of the R&R Plans would be

- (i) to carry out time bound reclamation and rehabilitation of the areas found to be under illegal mining by way of mining pits, over burden / waste dumps etc. outside the sanctioned lease areas;
- (ii) to ensure scientific and sustainable mining after taking into consideration the mining reserves assessed to be available within the lease area;
- (iii) to ensure environmental friendly mining and related activities and complying with the standards stipulated under the various environmental / mining statutes e.g. air quality (SPM, RPM), noise/vibration level, water quality (surface as well as ground water), scientific over burden / waste dumping, stabilization of slopes and benches, proper stacking and preservation of top soil, sub grade mineral and saleable minerals, proper quality of internal roads, adequate protective measures such as dust

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suppression / control measures for screening and crushing plants, beneficiation plants, provision for retention walls, garland drains, check dams, siltation ponds, afforestation, safety zones, proper covering of truck, exploring possibility of back filling of part of over burden/waste dumps in the mining pits, sale/beneficiation of sub grade iron ore, water harvesting, etc.

- (iv) *for achieving (ii) and (iii) above, fixation of permissible annual production; and (v) regular and effective monitoring and evaluation;*

.....

10. *The lease-wise R&R Plan will prescribe / provide for:*

- (i) *reclamation and rehabilitation of the area found by the Joint Team to be under illegal mining by way of mining pits, over burden / waste dumps outside the sanctioned lease area;*
- (ii) *the permissible annual production after considering (a) the mineral reserves in the lease area, (b) area available for active over burden / waste dumps and sub grade iron ore dumps, (c) transport facilities vis-à-vis traffic load of the mining lease and (d) the ceiling for the district for total annual production from all the mining leases;*
- (iii) *stabilization of the existing over burden/waste dumps and sub grade iron ore dumps;*
- (iv) *plan for active over burden / waste dumps;*
- (v) *rectification of the improperly laid down mining pits; and*
- (vi) *soil and moisture conservation, afforestation and other measures.*

4. Further, based on the above recommendation of CEC, Hon'ble Supreme Court on 13.04.2012 has directed to implement the Reclamation and Rehabilitation(R&R) in respect of all mining leases.

5. It is submitted that the Hon'ble Supreme Court in its order dated:03.09.2012 and 28.09.2012 has directed the Monitoring Committee to accord approval to resume mining activities only after satisfactory implementation of Reclamation and Rehabilitation(R&R) work under taken by the mining lease holders. True Copy of order dated 03.09.2012 passed by the Hon'ble Supreme Court of India in WP (C) No. 562/2019 is annexed herewith as **Annexure R-1**.
6. True Copy of order dated 28.09.2012 passed by the Hon'ble Supreme Court of India in WP (C) No. 562/2019 is annexed herewith as **Annexure R-2**

Status of Preparation of R&R plan:

7. Out of 108 A, A1 & B category mining leases, in respect of 97 mining leases CEC approved the R&R plan. Lessees are required to implement the R&R plan. With respect to 11 leases R&R is yet to be approved. Whereas, in respect of 51 C category mining leases State has prepared the provisional R&R plan in respect of 28 leases and in remaining 23 cases inputs have been provided to ICFRE for preparation of R&R plan.
8. The Hon'ble Supreme Court in W P No:562/2009 its order dated:22.03.2024 has directed the Principle Conservator Chief of Forest to prepare the R&R plans in respect of 23 C category mining lease and 11 A&B category mining leases.
9. It is submitted that, the Department of Mines and Geology is insisting strict compliance of the R&R plans apart from the statutory approvals like clearance from Forest Department, EC from MoEF and consent of the Pollution Board. In respect of new leases which are being allotted through auction or reservation, State is insisting the



preparation of R&R plans from ICFRE and approved by CEC. Without R&R plan mining operations are not allowed.

Implementation of Comprehensive Environment Plans For Mining Impact Zone (CEPMIZ)

10. It is submitted that, CEC by its report dated 03.02.2012 had recommended as under;

“(IX) A Special Purpose Vehicle (SPV) under the Chairmanship of Chief Secretary, Government Karnataka and with the senior officers of the concerned Departments of the State Government as Members may be directed to be set up for the purpose of taking various ameliorative and mitigative measures in Districts Bellary, Chitradurga and Tumkur. The additional resources mobilized by (a) allotment/ assignment of the cancelled mining leases as well as the mining leases belonging to M/s. MML, (b) the amount of the penalty/ compensation received/ receivable from the defaulting lessee, (c) the amount received/ receivable by the Monitoring Committee from the mining leases falling in “Category- A” and “Category-B”, (d) amount received/ receivable from the sale proceeds of the confiscated material etc., may be directed to be transferred to the SPV and used exclusively for the socio- economic development of the area/local population, infrastructure development, conservation and protection of forest, developing common facilities for transportation of iron ore (such as maintenance and widening of existing road, construction of alternate road, conveyor belt, railway siding and improving communication system, etc.). A detailed scheme in this regard may be directed to be prepared and implemented after obtaining permission of this Hon’ble Court”

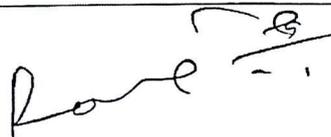
11. True Copy of CEC report dated 03.02.2012 is annexed herewith as **Annexure R-3**.

12. Hon’ble Supreme Court dated 28.09.2012 has also observed that another important suggestion is in regard to the constitution of a Special Purpose Vehicle to carry out the ambitious, but highly essential Comprehensive Environment Plans for Mining Impact Zone (CEPMIZ) to restore the environmental damage caused in the area by illegal and reckless mining and to ensure that the environment may not suffer from any such abuse or damage in future.

13. The Hon'ble Supreme Court directed the CEC to submit a report in regard to the larger reclamation and rehabilitation program to be undertaken by the SPV and matters related thereto. In compliance therewith a report came to be submitted by the CEC on 10.10.2012. In this report the proposed scheme for Constitution of Special Purpose Vehicle for implementation of CEPMIZ came to be detailed by the CEC. In the report dated 10.10.2012 the CEC proposed a broad framework for implementation of the 'larger reclamation and rehabilitation programme' for the Districts of Bellary, Chitradurga and Tumkur comprising the 'Project Area' with a budget of Rs 32,000 crore, with various projects which were to be funded and implemented over a span of 30-year period. So also the projections were made on certain premises that the recommendations made by the CEC regarding contribution made by the mining lessees would be accepted by the Hon'ble Supreme Court. The said report is pending consideration by the Hon'ble Court.

14. Pursuant to the orders of the Hon'ble Supreme Court in W P No 562/2009, contribution towards Special Purpose Vehicle (SPV) is as under:

Particulars	% of Contribution towards SPV
Non-Auctioned Leases	
Category A	
Fresh Production	10% of IBM Average Sale Price
Old Production	
Category B	
Fresh Production	10% of IBM Average Sale Price
Old Production	15% of IBM Average Sale Price
Category C	Entire Sale proceeds.
Stockyard	Entire Sale Proceeds in case involved in illegal activities.



Auctioned Leases		
Category A and B lease	10% of Value of Mineral Dispatch (Within Auction Premium) to SPV	90% of Value of Mineral Dispatch (Within Auction Premium) to State Govt.
Category C	25% of Value of Mineral Dispatch (Within Auction Premium) to SPV- As per HSC order dated:30.07.2015	75% of Value of Mineral Dispatch (Within Auction Premium) to State Govt.

15. The Hon'ble Supreme Court by its final judgment dated 18.04.2013 accepted the recommendations made in the report dated 03.02.2012 and 28.09.2012. Further the Hon'ble Court by its order dated 02.05.2014 directed that the Special Purpose Vehicle to be formed would be governed by section 25 of Companies Act. These orders resulted in the formation of the Special Purpose Vehicle which came to incorporated on 30.06.2014 as the Karnataka Mining Environment Restoration corporation [KMERC]
16. Original framework of the CEPMIZ was intended to be at Rs 30,000 Crore as this was necessary to meet the requirements of the larger rehabilitation and reclamation process for the affected area.
17. It is submitted that application was filed inter alia for seeking immediate approval of Comprehensive Environmental Plans for Mining Impact Zones. (CEPMIZ) for the mining impact zones namely districts of Bellary, Chitradurga and Tumkur.
18. It is submitted that, the Hon'ble Supreme Court by its order dated:21.03.2017 and 21.03.2018 has observed the various factors involved in the preparation of CEPMIZ and passed the following directions on 21.03.2018:

"We have considered the matter and we are of the view that the present is not a stage where the contribution(s) made by the lessees to the SPV ought to be

Done

discontinued even temporarily. Instead, it will be more appropriate to accept the suggestion made by the CEC and require M/s KMERC to prepare and submit within six months:

(a) a revised comprehensive all-inclusive proposal on socio-economic development and eco restoration incorporating suggestions on missing items made by FIMI Southern Region and the Monitoring Committee;

(b) proposals relating to road infrastructure needed to support mining activities and socio-economic development of the region with short term and long-term targets; and(c) to institute a detailed study relating to the railway backbone required to support the mining activities as suggested by the RITES for connecting all mineral bearing regions of the three districts and submit the findings in 6 months along with the detailed financial implications; and the total financial outlay that would be necessary to be incurred if the aforesaid proposals/ projects are to be implemented over a period of time including the cost escalation that may be involved.”

19. Pursuant to the order dated 21.03.2018, State-KMERC had prepared all-inclusive revised CEPMIZ with an outlay of Rs. 24,997 Crores to be implemented over a period of 10 years. The CEPMIZ was submitted to the Hon'ble Supreme Court during October 2018.

20. The summary of the CEPMIZ proposed to be implemented under various sectors are given below:

KMERC - CEPMIZ ABSTRACT					
No.	Sector/Districts	Bellary	Chitradurga	Tumkur	Total Rs. Cr
1	Eco-restoration				
a	Forestry	1557.79	540.83	500.52	2599.14
b	Pollution Control	27.00	14.81	14.81	56.61
	Sub total	1584.79	555.64	515.33	2655.75
2	Agriculture & allied				
a	Agriculture	442.45	324.85	287.1	1054.4
b	Horticulture	64.73	17.06	14.03	95.82
c	Sericulture	0.00	3.50	3.00	6.50
d	Animal Husbandry	284.76	38.00	22.2.00	344.96
e	Fisheries	89.99	7.63	3.75	101.37
	Sub total	881.93	391.04	330.08	1603.05

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3	Drinking Water, Sanitation & Rural Roads				
a	<i>Drinking Water</i>	2569.98	661.00	236.88	3467.86
b	<i>Sanitation</i>	374.00	37.00	13.00	424.00
c	<i>Rural Roads</i>	520.72	280.68	236.64	1038.04
	Sub total	3464.70	978.68	486.52	4929.90
4	Health				
a	<i>District Hospital</i>	286.17	114.04	131.90	532.11
b	<i>Taluka/CHC/PHC/Ayush/Blood Bank etc.,</i>	151.17	141.9	77.77	370.84
c	<i>Special Medical Centre Sandur</i>	301.63			301.63
d	<i>Medical College Bellary</i>	711.2	0.00	0.00	711.20
	Sub total	1450.17	255.94	209.67	1915.78
5	Education				
a	<i>Pri & Sec Education</i>	413.49	280.58	186.62	880.69
b	<i>PU Education</i>	230.00	50.00	5.66	285.66
	Sub total	643.49	330.58	192.28	1166.35
6	Development of Vulnerable Sections				
a	<i>Women & Children</i>	398.87	94.03	110.78	603.68
b	<i>Social Welfare</i>	200.00	50.00	51.94	301.94
c	<i>Backward Class</i>	78.03	25.31	25.00	128.34
d	<i>Minorities Development</i>	18.70	19.20	10.70	48.60
	Sub total	695.60	188.54	198.42	1082.56
7	Housing	1027.00	106.88	60.00	1193.88
8	Skill Development	436.19	70.79	31.27	538.25
9	Tourism	148.00	34.00	7.00	189.00
10	Irrigation	799.00	154.70	53.00	1006.70
11	Physical Infrastructure	734.99	105.29	44.08	884.36
12	Roads & Communication	1512.55	620.22	426.4	2559.17
13	Railway infrastructure				5271.96
	Grand Total	13378.41	3792.30	2554.05	24996.71

21. It is humbly submitted that, State has prepared the plan and submitted the same to

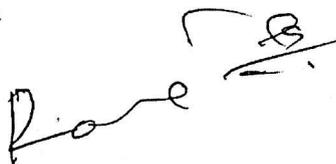
Hon'ble Supreme Court on 21.04.2022 as under:

2. Having considered the submissions made by all the concerned parties and of ld. Amicus Curiae, as recorded in the Note dated 19.06.2020 and on perusing the

reports of the CEC dated 22.10.2018 and 16.04.2019, it is deemed appropriate to order as follows:

- i. With the consent of all the parties, Hon'ble Mr. Justice B. Sudarshan Reddy, retired Judge of this Court is hereby appointed as an Oversight Authority to oversee the works and progress carried out by the Special Purpose Vehicle i.e. Karnataka Mining Environment Restoration Corporation ('KMERC'). Hon'ble Mr. Justice B. Sudarshan Reddy is requested to assume charge as an Oversight Authority in terms of the orders of this Court with immediate effect and inform the State Government of his taking charge as early as possible.
- ii. Hon'ble Mr. Justice B. Sudarshan Reddy is at liberty to take the assistance of one or two officers of the State of Karnataka and/or retired Judge(s) of the High Court of his choice to assist him for this purpose. It is made clear that day to day oversight would not be necessary.
- iii. In-principle approval is granted to the CEPMIZ plan submitted by the State of Karnataka, as recommended by the CEC in its reports dated 22.10.2018 and 16.04.2019. However, the parties are at liberty to place any objections or submissions before the Oversight Authority with regard to the CEPMIZ Plan. The Oversight Authority shall decide the said objections or suggest modifications after hearing the parties and taking the assistance of any expert, including the CEC, as may be required. If any clarification is required, the parties would be at liberty to approach this Court.
- iv. Priority of the projects and/or individual projects to be taken up and implemented by the KMERC under the said CEPMIZ plan shall be as per the discretion of the Oversight Authority.
- v. The amounts as collected in terms of the orders passed by this Court in the present matter shall be utilized by the KMERC under the supervision of the Oversight Authority in the mining affected districts of Ballari (including new district of Vijaynagar carved out from Ballari district vide Notification dated 08.02.2021), Chitradurga and Tumkur.
- vi. The SPV funds accrued, excluding the committed expenditure and contingent liabilities including reimbursement of funds released by the CEC to the Monitoring Committee, is hereby ordered to be transferred by the Monitoring Committee to the KMERC, for implementation of the projects under the CEPMIZ. Future accruals to the SPV account in terms of the

- orders passed by this Court shall be transferred to the KMERC by the Monitoring Committee at the end of every quarter.
- vii. The State Government is directed to issue specific orders for operationalization of the bank accounts for channelizing the receipts and expenditure as was done vide Notification dated 29.08.2017 issued by the Finance Department, Government of Odisha.
 - viii. Quarterly reports of performance shall be filed by the SPV before the Oversight Authority during the first year. Thereafter, the same shall be filed by the SPV every six months.
 - ix. In addition, having regard to the nature of the funds and quantum of funds involved in the matter, the CEC may also undertake complete on-the-spot verification about utilization of the moneys and file a report before Ld. Oversight Authority.
 - x. The Oversight Authority may consult the Comptroller and Auditor General (CAG) and the Principal Accountant General to ensure that idle and reserve funds may be deposited in the highest yielding risk-free instruments/securities.
 - xi. It will be open to the Oversight Authority to approve the appointment of such Auditors as he may consider appropriate or request the CAG to get a distinct and accurate account of the expenditures incurred by the KMERC from the SPV funds.
 - xii. Implementation of the railway infrastructure as per the Railway Backbone Report, including DPRs of railway sidings and sublines submitted to this Court may be considered by the Oversight Authority and implemented as may be required.
3. The Oversight Authority may submit the first report to this Court, as and when he deems appropriate.
 4. We request the Oversight Authority to send his proposal as to remuneration and office expenditure to enable us to pass orders.
 5. In terms of the aforesaid directions I.A. No. 150757/2018, I.A. No. 143074/2019, I.A. No. 48538/2020 and I.A. No. 129650/2020 filed by the State of Karnataka stand disposed of.



22. The Hon'ble Court has given in principle approval to the CEPMIZ plan on 21.04.2022 and has appointed an Oversight Authority for selection and oversee the implementation of the project.
23. Hon'ble Oversight Authority has approved 368 project proposals with an outlay of Rs. 7955.49 Crores till the end of September 2024. The projects are under various stages of implementation.
24. The KMERC has also taken steps to establish two railway sidings and sublines at Dharmapura and Susheel Nagar of Ballari district. The Project Management Consultancy is assigned to M/s. RITES, a Government of India organisation. The tendering process would taken up by the RITES.

MAXIMUM ANNUAL PRODUCTION LIMIT FIXED BY THE HON'BLE SUPREME COURT

25. The Hon'ble Supreme Court in its order dated 13.04.2012 in W P No 562/2009 filed by Samaj Parivartana Samudaya & Ors had accepted the recommendations of the Indian Council of Forestry Research and Education ("ICFRE" for short) and fixed a ceiling of 25 MMT as the maximum production of iron ore from all the mining leases in the district of Bellary and 5 MMT in respect of the mining 4 leases in the districts of Chitradurga and Tumkur.
26. Thereafter, vide orders dated 3.09.2012 and 28.09.2012, The Supreme Court had permitted resumption of mining activities in respect of Categories 'A' and 'B' subject to strict observance of the Reclamation and Rehabilitation Plan ("R&R Plan" for short) and other conditions.

Done

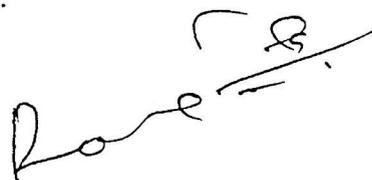
27. The Hon'ble Supreme Court in its judgment dated 18.04.2013 in Writ Petition (C) No. 562 of 2009 has mentioned that permissible annual production would be subject to review/ modification depending upon:

- (a) Change in the assessed mineral reserves because of subsequent exploration;
- (b) Identification of additional area for the disposal of the over burden/waste dump; and
- (c) Creation of additional physical infrastructure to remove/reduce transportation bottlenecks.

28. CEC in its meeting dated: 01.12.2015, has clarified with regard to increase in the permissible annual production limit in respect category A and B the same is reproduced hereunder:

- (a) any change in the stripping ratio or in the bulk density used by the ICFRE for assessing the dump capacity will not be considered except where calculation mistakes are found to have taken place;*
- (b) increase in the infrastructure capacity, except in respect of the roads within the mining lease, will be considered only after the SPV becomes operational and additional infrastructure capacities are found to have been created;*
- (c) additional mineral resources found during the exploration and/or additional areas identified for over burden dumps will be considered for increase in the permissible annual production provided the same are incorporated in the approved Mining Plan/Scheme of Mining and/or approved by the IBM; and*
- (d) out of the mineral resources found during the exploration, the mineral exploited during the subsequent years are to be deducted and thereafter the permissible annual production based on the mineral resources needs to be assessed.*

29. Accordingly, production enhancement proposals are being scrutinized and submitted to CEC for its concurrence. Upon its concurrence, lessees are allowed to get the clearances for the enhanced quantity.



30. The State Government has requested for increase in the cap on total production from all the mining leases to 40 MMT per annum on approval of the CEPMIZ and to 50 MMT per annum, with flexibility of 20% additional production, based on the progress of implementation of the mining and railway infrastructure plan outlined in the CEPMIZ. The Supreme Court by its order dated 14.12.2017, enhanced the production ceiling to 28 MMT for all mining leases in District Bellary and to 7 MMT for all leases in Districts Tumkur and Chitradurga. In the said order, Hon'ble Supreme Court made certain observations for granting the relaxation merit. The relevant portion of the order is reiterated as follows:

"16. The cap fixed by this Court by Orders dated 5.08.2011 and 1.09.2014 was in a situation where there was virtually no control or effective regulatory measures as to the maximum output that could be generated by a particular mine. There was no scientific study of the iron ore reserves allocated to a particular mine in the lease granted. As a result, it was virtually a free for all exercise designed to achieve the maximum profit within the shortest possible time frame. There was rampant and illegal mining with encroachments into forest land, particularly for use as overburdened dumps resulting from excessive mining. This had led to environmental and ecological depredation to an extent that necessitated judicial intervention to resolve a situation which is the normal course may have fallen within the executive domain. It is on the basis of the intervention by the Court that R&R Plans have been prepared for each mine by an expert body, ICFRE, based on a scientific study of various parameters including mining reserves. R&R Plans have been drawn up specifying a particular/permissible limit for each mine on the basis of limitations of reserves, dumping areas, available infrastructure etc. Accordingly, recommendations have been made for increase of MPAP for 13 different category 'A' mines and also for increase of MPAP in respect of 2 leases held by the public sector lessee, i.e., NMDC. Similarly, 10 mines are anticipated to undertake operations within a short time....The solution offered by the Court has to be realistic. Therefore, it is the various features of the current scenario on the ground as highlighted in the report of the CEC that would deserve a close look/consideration. In this regard,

we may also take note of the fact that the assessment of reserves has also changed over the years and today the iron-ore reserves across the State of Karnataka, comprising of haematite and magnetite reserves, is to the tune of 10.071 BMT (Billion Metric Tonnes). All these reasons impel us to accept the recommendations of the CEC for enhancement of the cap for category A and B Mines in the 3 district of Bellary, Tumkur and Chitradurga as well as the recommendations with regard to MPAP of NMDC and MML, as mentioned in paragraph 12 hereinabove, with the further direction that all pending proposals for enhancement of MPAP shall be decided without delay, naturally, subject to the cap as above.” (emphasis supplied)

This Court has generally accepted the recommendations of the CEC when it comes to the ceiling limit. In the present case, the CEC has recommended a complete relaxation of the ceiling limit. But we are not inclined to allow the same in toto. Rather, the situation merits a cautious approach, keeping in view the concerns raised and to ensure that any changes in the situation with respect to the mining activity in the State of Karnataka is brought about gradually, we are of the opinion that the ceiling limit of iron ore mining may be raised from 28 MMT to 35 MMT for District Bellary, and from 7 MMT to 15 MMT for Chitradurga and Tumkur Districts collectively.

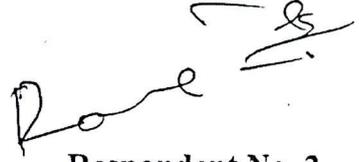
31. Further, Hon'ble Supreme Court on 26.08.2022 has enhance the production capacity as under:

..... keeping in view the concerns raised and to ensure that any changes in the situation with respect to the mining activity in the State of Karnataka is brought about gradually, we are of the opinion that the ceiling limit of iron ore mining may be raised from 28 MMT to 35 MMT for District Bellary, and from 7 MMT to 15 MMT for Chitradurga and Tumkur Districts collectively.

32. It is submitted that, presently the production of iron ore in these districts is within the production limit fixed by the Supreme Court. It is submitted that, conservation of the ecology and the environment must go hand in hand with the spirit of economic development and the fine balance between the two goals is what is sought to be achieved even now.



33. The Hon'ble Supreme Court is already seized of the issues pertaining to mining in Ballari, Vijayanagar, Chitradurga and Tumkuru Districts. Hence in the interest of avoiding parallel proceedings before this Hon'ble Tribunal, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the instant Petition.



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Date:17.12.2025

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO...../2012INW.P. (CIVIL) NO.562 OF 2009SAMAJ PARIVARTANA
SAMUDAYA & ORS.

... PETITIONERS

Versus

STATE OF KARNATAKA & ORS.

... RESPONDENTS

[REGARDING: CEC REPORT DATED 27.04.2012 AND CEC
REGARDING R & R SCHEME]

WITH

I.A. NOS.68 OF 2012 AND 103 OF 2012 IN W.P. (CIVIL) NO.562
OF 2009

AND

**[REPORT DATED 29TH AUGUST, 2012 OF THE CEC
REGARDING IMPLEMENTATION OF THE R&R PLANS,
RESUMPTION OF MINING OPERATIONS IN "CATEGORY-
A" MINING LEASES AND ASSOCIATED ISSUES]**

ORDER**Aftab Alam,J.**

1. The Central Empowered Committee has submitted a report dated August 29, 2012 regarding implementation of the R & R Plans, resumption of mining operations in “Category A” mining leases and issues incidental thereto.
2. Heard Mr. Shyam Divan, the learned *Amicus Curiae*, Mr. Prashant Bhushan, appearing for the applicant in I.A. No.68 of 2012, Mr. Krishnan Venugopal appearing for M/s. R. Parveen Chandra, Mr. C.U. Singh, learned senior counsel appearing for the Association of Indian Mini Blast Furnaces and other learned counsel.
3. The recommendations made in the aforesaid report of the CEC dated August 29, 2012 are accepted subject to any modification that the Court may feel necessary to make later on.

4. At Annexure R-1 to the report, there is a list of 16 “Category A” mining leases in Bellary district and two in Chitradurga district in respect of which the R & R Plans have been approved. One of the 18 “Category A” mines, namely, MEL (ML-2346) (103.81 ha) has all the statutory sanctions, permissions and approvals in place and the rest of the 17 mining leases, according to the CEC, are also likely to get all the statutory sanctions, permissions and approvals within a few months as indicated in the table at pages 15 and 16 of the report. It is also stated in the report that the R & R Plan in respect of the 18 “Category A” mines has been duly approved and its implementation on the ground has also commenced.

5. In light of the recommendation of the CEC, the ban imposed on mining operations in all the mining leases (excepting two mining leases of M/s. NMDC Ltd.) in the districts of Bellary, Tumkur and Chitradurga by orders dated July 29 and August 26, 2011 is lifted in respect of the 18 “Category A” mines as enumerated in Annexure R-1 to the report. Mining operations in those 18 “Category A” may commence to the extent of the permissible annual production as determined by the CEC and as indicated in the table at page Nos.15

and 16 of the report. The commencement of the mining operations shall be subject to:

- (I) compliance with all the statutory requirements;
- (II) the full satisfaction of the Monitoring Committee, expressed in writing, that steps for implementation of the R & R Plan in the leasehold area are proceeding effectively and meaningfully, and
- (III) a written undertaking by the leaseholders that they would fully abide by the Supplementary Environment Management Plan (SEMP) as applicable to the leasehold area and shall also abide by the Comprehensive Environment Plan for Mining Impact Zone (CEPMIZ) that may be formulated later on and comply with any liabilities, financial or otherwise, that may arise against them under the CEPMIZ.
- (IV) The CEC shall, upon inspection, submit a report to this Court that any or all the stated 18 “Category A” mine owners have fully satisfied the above-mentioned conditions. Further, it shall be reported that the mining activity is being carried on strictly within the specified parameters and without any violation.

Such report should be filed within one month of leave to commence mining activity by the concerned leaseholder.

6. It is made clear that no mining operation under any of the mining leases shall take place unless all the statutory sanctions, permissions and approvals are subsisting. In case, after the resumption of mining operations in terms of this order any statutory sanction, permission or approval is lapsed or is not renewed in time, the mining operations would remain stopped until the required statutory sanction, permission or approval is duly granted.

7. Similarly, in case the Monitoring Committee finds any slackness in the implementation of the R & R Plan in leasehold area under a mining lease, the Monitoring Committee shall apprise the CEC in that regard and it would be open to the CEC to direct suspension of the mining operations under the concerned mining lease and to report the matter to this Court.

8. Among the 18 “Category A” mines, there are six mining leases to which the general directions given above shall apply subject to further conditions as indicated below.

8(i). In the case of mining lease, namely, RBSSN (ML-2576) (31.56 ha), mining operations are stopped in terms of the orders passed by this Court in Jambunathanahalli Temple Case. Further, in the case of this mining lease, if the CEC wishes to re-examine whether it falls in “Category A” or any other category, the directions given above in this order shall apply in the case of this mining lease subject to its retaining its position in “Category A” and further subject to any orders passed by this Court in Jambunathanahalli Temple Case.

8(ii). In the case of three other mining leases, namely, Kariganur Minerals (ML-2075/1799) (199.43 ha), RBSSN (ML-2524) (76.09), RBSSN Beneficiation Plant, mining operations are stopped in terms of an order passed by this Court in Jambunathanahalli Temple Case. Therefore, the above directions shall apply to these three mining leases subject to the further orders passed by this Court in Jambunathanahalli Temple Case.

8(iii). In mining lease, namely, RMML (Dalmia) (ML-2010) (331.ha), an order to maintain *status quo* has been passed by this Court in SLP(C) No.32226/2009. Therefore, the above directions shall apply

to this mining lease subject to any further order passed by this Court in SLP(C) No.32226/2009.

8(iv). In mining lease, namely, MML-Timmappanagudi (ML-2605) (136.97 ha), the general directions given above, shall apply subject to the leaseholder abiding by the conditions stipulated in the CEC report, as indicated in the table at page 40 of the report.

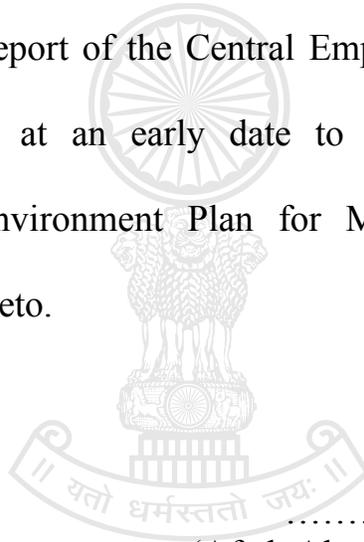
9. Among the 18 “Category A” mining leases M/s. R. Parveen Chandra (ML No.2294) is cited as an accused in a criminal case registered as PCR No.4/2011, re-numbered as Special CC 171/2011. Needless to say that the investigation of the case shall proceed in accordance with law and the permission for resumption of mining operations shall have no effect on the pending investigation.

9(i). It is made clear that the permission for resumption of mining operations shall not come in the way, in any manner whatsoever, in any investigation, inquiry or proceedings that may be pending against any of the 18 mining leases covered by this order or that may be instituted against any one of them in future. The report of

investigation, inquiry or proceeding in respect of any of the 18 leases should also be submitted before this Court.

10. The interlocutory applications relating to the opening up of “Category A” mines are disposed of.

11. Put up the report of the Central Empowered Committee dated February 3, 2012 at an early date to expedite framing of the Comprehensive Environment Plan for Mining Impact Zone and matters related thereto.



.....J.
(Aftab Alam)

JUDGMENT

.....J.
(K.S. Radhakrishnan)

.....J.
(Swatanter Kumar)

New Delhi;
September 3, 2012.

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ITEM NO.301 & 302
PIL

COURT NO.5

SECTION

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA No. of 2012 in
Writ Petition (Civil) No. 562 of 2009

SAMAJ PARIVARTANA SAMUDAYA & ORS. Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

(With CEC's final report dated 03.02.2012 and other reports)

WITH

Connected IAs in WP (C) No. 562/2009
SLP (C) Nos. 7366-7367 of 2010
SLP (C) Nos. 32690-32691 of 2010
WP (Crl.) No. 66 of 2010
SLP (C) Nos. 17064-17065 of 2010
SLP (C) No...CC 16829 of 2010
SLP (C) No...CC 16830 of 2010
WP (C) No. 411 of 2010
SLP (C) No. 353 of 2011
WP (C) No. 76 of 2012

WITH

IA Nos. 3486-3487 in WP (C) No. 202 of 1995

WP (C) No. 180 of 2011 (Mentioned by Mr. C.A. Sundaram, Sr. Adv.)

WP (C) D.No. 32067 of 2012 (Mentioned by Mr. Prashant Bhushan, Adv.)

Date: 28/09/2012 These Applications and petitions were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

Amicus Curiae Mr. Harish N. Salve, Sr. Adv. (NP)
Mr. U.U. Lalit, Sr. Adv. (NP)
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Mr. A.D.N. Rao, Adv.
Mr. Siddharth Chowdhary, Adv.

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Mr. Wasim A. Qadri, Adv.
Ms. Gunwant Dara, Adv.
Mr. M.P.S. Tomar, Adv.
for Mr. B.V. Balram Das, Adv.

UPON hearing counsel the Court made the following
O R D E R

IA No. of 2012 in WP (C) No. 562 of 2009
and other connected matters
Put up on October 12, 2012 as first case.

IA Nos. 3486-3487 in WP (C) No. 202/1995
Issue notice to the MoEF and the Central Empowered
Committee (CEC), returnable October 19, 2012.
Mr. A.D.N. Rao, amicus appearing for the CEC, accepts
notice. Reply affidavit, if any, may be filed within two weeks.

WP (Civil) No. 180 of 2011 (Mentioned by Mr. C.A. Sundaram)

Put up on October 05, 2012 as first case.

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WP (C) D.No. 32067 of 2012 (filed by Mr. Prashant Bhushan)
(Goa Foundation vs. Union of India & Ors.)
Put up on October 05, 2012 as second case.

|(N.S.K. Kamesh)

| |(Sneh Bala Mehra)

| Court Master

| Court Master

ITEM NO.301(A)

COURT NO.5

SECTIONS PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Part-Heard

I.A. No...../2012 in W.P.(C) No.562/2009

SAMAJ PARIVARTANA SAMUDAYA & ORS.

... Petitioners

VERSUS

State of Karnataka & Ors.

... Respondents

(REGARDING: CEC FINAL REPORT DT.03.02.2012 ALONG WITH OTHER REPORTS)

Date: 28/09/2012 These Matters were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

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Mr. Harsh Parikh, Adv.
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V.S. Lad: Mr. K.N. Phanindra, Adv.

Mr. S.J. Amith, Adv.

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Mr. T.V. Ratnam, Adv.
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UPON hearing counsel the Court made the following

O R D E R

This Court, by orders passed on July 29 and August 26, 2011, had imposed a ban on mining operations in all the mining leases (except two mining leases of M/s. NMDC Ltd.) in the districts of Bellary, Tumkur and Chitradurga in the State of Karnataka. Later on, the ban was lifted and permission was given for resumption of mining operations in some of the 'Category A' mines, as enumerated in Annexure R-1 to the Central Empowered Committee's (CEC) report dated August 29, 2012, subject to certain conditions, as stipulated in the order passed by the Court on September 03, 2012.

We now propose to deal with the Category B mines.

The CEC has put 65 mining leases in 'Category B', besides 7 mining leases in 'Category B-1' (vide Annexure R-10,

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pages 112-114 of the CEC Report dated February 03, 2012). The 7 mining leases in 'Category B-1' will be dealt with later on, separately. Further, there are two mining leases [one in respect of M/s. S.B. Minerals (ML No. 2515) and the other in favour of Shanthalakshmi Jayaram (ML No. 2553) at Serial Nos. 1 and 2 of Annexure R-10 of the afore-mentioned Report] which the amicus suggests, for various reasons, should be dealt with along with the 'Category C' mines. The amicus's suggestion is accepted and the aforesaid two mining leases will also be dealt with later on while dealing with the 'Category C' mines. Resultantly, this order is in

respect of the 63 'Category B' mining leases enumerated at Serial Nos. 3 to 65 of Annexure R-10 of the CEC Report dated February 03, 2012.

The amicus has submitted a Note, dated September 27, 2012, which actually gives a gist of the main features of the earlier CEC Reports on the subject. In this Note, the amicus suggests certain steps which are essential before the Court may consider granting permission for resumption of mining operations in the 63 'Category B' mining leases. The suggestions of the amicus are contained in paragraphs 6 to 9 and paragraph 10 (which has a number of sub-paragraphs) of the Note. The suggestions include, compensatory payments by the leaseholders for repairing the environmental deprecation wrought by the leaseholders by unplanned, and to an extent, illegal mining done in their respective areas and the implementation of the Reclamation and Rehabilitation (R&R) plan by each of the lease holders. Another important suggestion is in regard to the constitution of a Special Purpose Vehicle (SPV) by the State of Karnataka to carry out the ambitious, but highly essential Comprehensive Environment Plans for the Mining Impact Zone (CEPMIZ) in order to restore the environmental damage caused in the area by illegal and reckless mining on a very large scale

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and to ensure that the environment in the area may not suffer from any such abuse and destruction in future.

On hearing Mr. Shyam Divan, the amicus, Mr. C.A. Sundaram, senior counsel appearing for Karnataka Iron and Steel Manufacturers' Association, Mr. C.U. Singh, senior counsel appearing for the Association of Indian Mini Blast Furnaces, Mr. Altaf Ahmad, senior counsel appearing for FIMI, Mr. Krishnan Venugopal, senior counsel appearing for NSPL Ltd., Mr. Prashant Bhushan, and on a careful consideration of the amicus's Note and the earlier reports of the CEC on the subject, we pass the following directions as the absolute first step before we consider any resumption of mining operations in the 63 'Category B' mining leases:

I. Compensatory Payment

(a) Each of the leaseholders must pay compensation for the areas under illegal mining pits outside the sanctioned area, as found by the Joint Team (and as finally held by the CEC) at the rate of Rs.5 crores per hectare, and (b) for the areas under illegal overburden dumps, roads, offices, etc. outside the sanctioned lease area, as found by the Joint Team (as might have been finally held by the CEC) at the rate of Rs.1 crore per hectare.

It is made clear that the payment at the rates aforesaid is the minimum payment and each leaseholder may be liable to pay additional amounts on the basis of the final determination of the national loss caused by the illegal mining and the illegal use of the land for overburden dumps, roads, offices, etc. Each leaseholder, besides making payment as directed above, must also give an undertaking to the CEC for payment of the additional amounts, if held liable on the basis of the final determination.

At the same time, we direct for the constitution of a Committee to determine the amount of compensatory payment to be

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made by each of the leaseholders having regard to the value of the ore illegally extracted from forest/non-forest land falling within or outside the sanctioned lease area and the profit made from such illegal extraction and the resultant damage caused to the environment and the ecology of the area.

The Committee shall consist of experts/officers nominated each by the Ministry of Mines and the Ministry of Environment and Forests. The convener of the Committee will be the Member Secretary of the CEC.

The two members nominated by the Ministry of Mines and the Ministry of Environment and Forests along with the Member Secretary, CEC shall

co-opt two or three officers from the State Government. The Committee shall submit its report on the aforesaid issue through the CEC to this Court within three months from today.

The final determination so made, on being approved by the Court, shall be payable by each of the leaseholders.

II. Guarantee money for implementation of the R&R plan in the respective sanctioned lease areas

The CEC shall make an estimate of the expenses required for the full implementation of the R&R plan in each of the 63 'Category B' mines and each of the leaseholders must pay the estimated amount as guarantee for implementation of the R&R plans in their respective sanctioned lease areas and in the areas where they carried on illegal mining activities or which were used for illegal overburden dumps, roads, offices, etc. beyond the sanctioned lease area. In case, any leaseholder defaults in implementation of the R&R plan, it will be open to the CEC to carry out the R&R plan for that leasehold through some other proper agency from the guarantee money deposited by the leaseholder. However, on the full implementation of the R&R plan

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to the complete satisfaction of the CEC and subject to the approval by the Court, the guarantee money would be refundable to the leaseholder.

III. In addition to the above, each leaseholder must pay a sum equivalent to 15% of the sale proceeds of its iron ore sold through the Monitoring Committee as per the earlier orders of this Court. In this regard, it may be stated that though the amicus suggests the payment @ 10% of the sale proceeds, having regard to the overall facts and circumstances of the case, we have enhanced this payment to 15% of the sale proceeds.

Here it needs to be clarified that the CEC/Monitoring Committee is holding the sale proceeds of the iron ores of the leaseholders, including the 63 leaseholds being the subject of this order. In case, the money held by the CEC/Monitoring Committee on the account of any leaseholder is sufficient to cover the payments under the aforesaid three heads, the leaseholder may, in writing, authorize the CEC to deduct from the sale proceeds on its account the amounts under the aforesaid three heads and an undertaking to make payment of any additional amount as compensatory payment. On submission of such authorization and undertaking, the CEC shall retain the amounts covering the aforesaid three heads and pay to the concerned leaseholder the balance amount, if any. It is expected that the balance amount, after making the adjustments as indicated here, would be paid to the concerned leaseholder within one month from the date of submission of the authorization and the undertaking.

In the case of any leaseholder, if the money held on his account is not sufficient to cover the aforesaid three heads, he must pay the deficit within two months from today.

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IV. The R&R plans for the aforesaid 63 'Category B' mines may be prepared as early as possible, as directed by orders of this Court dated April 13, April 20 and May 05, 2012, and in case where the R&R plan is already prepared and ready, the leaseholder may take steps for

is comprehensive implementation, both within and outside the sanctioned lease area, without any delay.

Survey in District Anantpur, Andhra Pradesh:

The Joint Team constituted by the order of this Court dated May 06 and August 26, 2011 is directed to prepare survey sketches on the same terms for the 6 mining leases in the Bellary Reserve Forest falling in District Anantapur, Andhra Pradesh and which are identified in the tabulated statement at pages 27-29 of the CEC Report dated January 07, 2011. For the purpose of the survey and preparation of the survey sketches, the Joint Team is authorized to co-opt one or more officers of the Andhra Pradesh Forest Department and/or the Mining Department as special invitee(s). The mining operations, including transportation of minerals from those six mining leases, shall remain suspended till further orders by this Court.

Setting up of Special Purpose Vehicle (SPV)

In paragraph 10(vi) of the amicus's note, it is stated as under:
 "(vi) the State of Karnataka be directed to set up Special Purpose Vehicle (SPV) for the purpose of ameliorative and mitigative measures as per the "Comprehensive Environment Plans for the Mining Impact Zone" (CEPMIZ) around mining leases in Bellary, Chitradurga and Tumkur. The SPV would be under the Chairmanship of the Chief Secretary, Government of Karnataka and would have senior officers of the concerned departments of the State Government as Members. The SPV would function in a transparent manner and the accounts of the SPV would be subject to an

...11/-

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annual audit by the CAG. A detailed scheme containing the details of the works to be undertaken, process of selection of implementing agencies, accounting procedure and other details of CEPMIZ may be directed to be prepared and submitted to this Hon'ble Court by the State of Karnataka, in consultation with the CEC within four weeks. The amounts received/retained by the Monitoring Committee towards (a) 10% of the sale proceeds, (b) compensation, (c) other receivable be directed to be transferred to the SPV (after its formation) for implementation of the provisions/ prescriptions of CEPMIZ."

The formation of the Special Purpose Vehicle and the drawing up and implementation of the Comprehensive Environment Plans for Mining Impact Zone is perhaps the most essential part in the process of reclamation and rehabilitation of the area devastated by illegal mining.

In order to pass suitable directions in that regard, we need further inputs. We, accordingly, direct the CEC to submit a detailed report in regard to the larger reclamation and rehabilitation programme to be undertaken by the SPV, the phased manner in which the programme is aimed to be implemented and the total period over which the programme would be fully implemented, its estimated cost, both on the phased and the overall basis, and the sources from which the money required for implementation of the programme should come.

The Report may be filed by October 10, 2012.

The CEC is at liberty to forward the representation dated January 15, 2012 received by it from M/s. Laxmi Narayan Mining Company to the Central Bureau of Investigation.

| Court Master | (N.S.K. Kamesh) | | Court Master | | (Sneh Bala Mehra) |

CENTRAL EMPOWERED COMMITTEE
(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITION (CIVIL) No. 202/95 & 171/96)

11nd Floor, Chankya Bhawan, Chankyapuri, New Delhi 1100021, Tel. 26884921,26884923, 24101926, FAX No. 24101925

File No. 1-19/CEC/SC/2008-Pt.XXXII

Dated: 13th February, 2012

To

The Registrar
 Supreme Court of India
 New Delhi - 110001
 (Atten: PIL Section)

Sub: Report (Supplementary) of the CEC regarding preparation of the Reclamation and Rehabilitation Plans (R&R Plans) for mining leases in Districts, Bellary, Chitradurga and Tumkur, Karnataka

Sir,

The Report (Supplementary) of the CEC on the above subject is enclosed (four copies). It is requested that the Report may please be placed before the Hon'ble Court.

Yours faithfully,
 -Sd-

(M.K.Jiwrajka)
Member Secretary

Copy to:

- i) Shyam Divan, Sr. Advocate & Amicus Curiae.
- ii) Mr. Siddartha Choudhary, Advocate & Amicus Curiae.
- iii) Mr. A.D.N. Rao, Advocate & Amicus Curiae.
- iv) Secretary, Ministry of Environment & Forests, New Delhi.
- v) Chief Secretary, Government of Karnataka, Bangalore.
- vi) Principal Chief Conservator of Forests, Karnataka Forest Department, Bangalore.
- vii) Standing Counsel for the MoEF.
- viii) Standing Counsel for the State of Karnataka.
- ix) Applicants / Respondents.

CENTRAL EMPOWERED COMMITTEE

REPORT (SUPPLEMENTARY) OF THE CEC REGARDING PREPARATION OF THE RECLAMATION AND REHABILITATION PLANS (R&R PLANS) FOR MINING LEASES IN DISTRICTS BELLARY, CHITRADURGA AND TUMKUR, KARNATAKA.

Pursuant to this Hon'ble Court's order dated 10th February, 2012, the CEC on 16th and 17th February, 2012 held detailed discussions, regarding the preparation and implementation of the R&R Plans, with (a) the senior officers of the Mines and Geology Department and the Forest Department of the State of Karnataka (b) representatives of the ICFRE engaged by the State of Karnataka for the preparation of the R&R Plans and (c) the Federation of Indian Mineral Industries (FIMI) representing the lessees. Thereafter, in the meeting convened by the CEC on 18th February, 2012, this issue was discussed with the Chief Secretary, the Additional Chief Secretary (Forest), the Secretary, Commerce and Industries and other officials of the State of Karnataka, the representatives of the MoEF, the Petitioner, the representatives of the ICFRE and the representatives of the FIMI. The CEC, after considering the findings of the Joint Team, the R&R Plans prepared by the ICFRE for two of the mining leases, the inputs provided by

the officers of the State of Karnataka, the ICFRE and the FIMI, and the relevant information / documents, has prepared the "guidelines for the preparation and implementation of the R&R Plans for the Districts Bellary, Chitradurga and Tumkur" for the consideration of this Hon'ble Court. A copy of the same is enclosed at **ANNEXURE-SR-1** to this Report. These guidelines reflect the broad consensus reached between the CEC, the State of Karnataka, the ICFRE and the FIMI (representing the lessee) and deals with the principles / parameters and broad outline proposed to be followed for the preparation, implementation and monitoring of the R&R Plans. Mr. S.R. Hiremath, the Petitioner, did not provide any inputs for the proposed guidelines stating that he has serious differences with the Recommendations made by the CEC in its Report dated 3rd February, 2012 and will be filing his objections to the said Report before the Hon'ble Supreme Court.

2. The salient features of the proposed guidelines are:

- i) the basic objectives of the R&R Plans would be
 - (a) to carryout time bound reclamation and rehabilitation of the areas found to be under illegal mining
 - (b) to ensure scientific and environmentally sustainable mining
 - (c) to ensure

compliance with the various standards stipulated under the environment / mining statutes and (d) regular and effective monitoring, evaluation and corrective measures;

- ii) the lease wise R&R Plans will be prepared for all the mining leases surveyed by the Joint Team and will have two broad components: (a) R&R Plan for areas found to be under illegal mining by the Joint Team and (b) Supplementary Environment Management Plan. In addition Comprehensive Environment Plans for the Mining Impact Zone (CEPMIZ) for the areas surrounding the mining leases will prepared;
- iii) to ensure that the mining is undertaken in an environmentally sustainable manner, the R&R Plans will fix the permissible annual production for each of the mining lease and which may be substantially lower than what is permissible as per the environment clearance and / or approved Mining Plan and / or consent to operate granted for the respective mining leases. For this purpose, the annual production feasible would be determined on the basis of the (a) mineral

reserves in the lease area (b) area available for over burden / waste dump(s) and sub grade dump(s) and (c) existing transport facilities vis-à-vis traffic load of the mining lease and adjoining mining leases. The permissible annual production would be the minimum of the quantity that may be feasible based on the above three parameters. However, if the sum total of the lease wise annual production exceeds the ceiling fixed for the annual production from all the leases in the District then in that case the lease wise permissible annual production will be reduced on pro rata basis in such ratio so as to ensure that the ceiling for the District is not exceeded;

- iv) the lease wise R&R Plans for areas found to be under the illegal mining will provide for:
 - a) filling up of the illegal mining pits with the existing over burden waste / dump (preferably the illegal dumps);
 - b) soil and conservation measures to stabilise the area of the illegal mining pits;
 - c) afforestation with the indigenous species;

- d) removal of illegal over burden dumps and its scientific disposal within the lease area of the encroacher (wherever found environmentally feasible); and
- e) in other cases stabilization of the illegal over burden / waste dumps by modifying the gradient of the dump, construction of retaining walls, gully plugs and garland drains, geo-metric / geo-matting of dumps, afforestation and soil conservation measures.
- v) the proposed guidelines provide that in the areas found to be under illegal mining (except the areas falling in the sanctioned lease areas of the adjoining lessees), mining operations will be prohibited for next ten years to ensure that such areas are properly rehabilitated;
- vi) the lease wise Supplementary Environment Management Plan (SEMP), to ensure environmentally sustainable mining, will provide for:

- a) permissible annual production (as dealt with above);
 - b) stabilization of the existing over burden dumps;
 - c) plan for proper gradient and other protection measures for the active over burden dumps;
 - d) afforestation, soil and water conservation measures and other protective measures;
 - e) pre determined parameters for assessing the successful implementation of various provisions / prescription provided in the R&R Plans; and
 - f) Monitoring Mechanism.
- vii) the Comprehensive Environment Plan for Mining Impact Zone (CEPMIZ) for the areas surrounding the mining leases will have:
- a) Bio-diversity Conservation Plan;
 - b) Afforestation and Soil Moisture Conservation Plan;

- c) Physical Infrastructure Development Plan;
 - d) Social Infrastructure Development Plan;
and
 - e) Regional Monitoring Plan and Mechanism.
- viii) it has been proposed that:
- a) the existing environment clearances, approved mining plans, the Consent to Operate and other statutory approvals will stand modified to reflect the permissible annual production prescribed in the R&R Plans for each of the mining leases;
 - b) the prescriptions / provisions of the Supplementary Environmental Safeguards Plans (SESP) provided in the R&R Plans will be binding on the respective lessees and will be considered as a part of the approved Mining Plans / EMPs;
 - c) before permitting commencement of the mining operations in a mining lease the Monitoring Committee will ensure that the environment clearance, the approval under

the Forest (Conservation) Act, 1980, the Consent to Operate and other applicable statutory clearances have been obtained by the concerned lessee; and

- ix) the lease-wise R&R Plan will be implemented by the respective lessee at its own cost. However, if the area under encroachments falls in another lease, depending upon the ground situation, the responsibility for the implementation of the R&R Plan for the area under encroachment may be assigned to the concerned lessee but at the cost of the lessee responsible for the encroachment;
- x) in the event of the failure of the lessee to implement the R&R Plan for the area under encroachment or if the quality and/or the progress of the implementation of the R&R Plan is found to be unsatisfactory by the Monitoring Committee the same may be implemented by the State of Karnataka through appropriate agency(ies) and at the cost of the lessee;
- xi) in the event of the failure of the lessee to implement the prescription of the SEMP within the stipulated time, the Monitoring Committee

may suspend the mining operations, including transportation or reduce the permissible annual production till the remedial measures are taken by the lessee and are found acceptable by the Monitoring Committee. The decision of the Monitoring Committee will be binding on the lessee;

- xii) the Additional Principal Chief Conservator of Forests, MoEF, Regional Office, Bangalore and the present Deputy Commissioner, District Bellary will be associated as additional Members of the Monitoring Committee for monitoring the implementation of the R&R Plans.
- xiii) for the preparation of the R&R Plans the concerned lessees will through the FIMI provide the background information, as per the Annexure-III of the guidelines at Annexure-SR-1, to the ICFRE. The background information provided by the lessees will be critically reviewed by the FIMI and thereafter alongwith its specific inputs / observations will be forwarded to the ICFRE. The ICFRE will prepare the lease wise R&R Plans consistent with the principles /

parameters / provisions given in the proposed guidelines and after considering the inputs, if any, provided by the concerned officers of the State Government and the FIMI;

- xiv) the lease wise R&R Plans for the mining lease falling in "Category-A" and having lease areas of 50 ha and above (about 20 leases) are planned to be prepared on priority (Phase-I). In Phase II the lease wise R&R Plans for mining leases falling in "Category-B" and having lease areas of 50 ha and above (about 29 leases) are planned to be prepared. The above lease wise R&R Plans for mining leases in Phase-I and Phase-II are expected to be completed within a period of next two months. In Phase-III the balance leases falling in "Category-A" and "Category-B" (about 68 leases) are planned to be dealt with while the R&R Plans for the mining leases falling in "Category-C" are planned to be prepared in Phase-IV. The Phase-III and Phase-IV are expected to require another three months;

- xv) in respect of some of the leases on account of
 - (a) relatively smaller lease area
 - (b) being located

in environmentally sensitive areas (c) inadequate mineral reserves (d) inadequate area available for over burden / waste dumps (e) lack of infrastructure facilities and (f) other environmental considerations, the mining operations may not be environmentally feasible / sustainable. It is proposed that the R&R Plans for such leases will provide for determination of the leases or amalgamation of two or more leases (if found feasible); and

- xvi) it has been proposed that the process of the assignment / allotment of the mining leases falling in "Category-C" may be undertaken only after the R&R Plan(s) for the respective lease(s) is / are prepared and the mining operations are found to be environmentally feasible / sustainable – either individually or after amalgamation of two or more leases.

3. The FIMI, as a representative body of large section of iron ore mining industries in the Districts Bellary, Chitradurga and Tumkur has agreed to the broad principles and parameters of the R&R Plans and also regarding the recommendations made by the CEC for the mining leases

falling in "Category-A" and "Category-B". The FIMI has set up a dedicated team for assisting the State of Karnataka and the ICFRE for the preparation of the R&R Plans. In this regard a copy of the letter dated 28th February, 2012 of the FIMI is enclosed at **ANNEXURE-SR-2** to this Report;

4. The "Guidelines for Capacity of Roads in Rural Areas" published by the Indian Roads Congress has been proposed to be used for assessing the existing transport facilities vis-à-vis the traffic loads of the mining leases. These guidelines provide for the maximum volume of the vehicles feasible on various types of roads. A copy of the above said guidelines is enclosed at **ANNEXURE-SR-3** to this Report.

5. It is submitted that in view of the existing status of the internal roads as well as the external roads, lack of facilities for down hill transportation of mineral through conveyor belts, status of other infrastructure facilities such as railway sidings, the sum total of the permissible annual production from all the mining leases (as per the proposed guidelines) could be much below the proposed district wise ceiling on production of iron ore from all the mining leases in the District. However, as and when the Physical Infrastructure Development Plan for improving the quality of the existing roads, construction of the new roads, railway siding, railway

connectivity, railway transportation, water and power infrastructure etc and Social Infrastructure Development Plans are prepared and successfully implemented, the permissible annual production from a number of mining leases may increase significantly.

6. The R&R Plans for two mining leases namely ML No. 2524 and ML No. 2575, prepared by the ICFRE, have been filed by the State of Karnataka for consideration of this Hon'ble Court. The ICFRE, based on the proposed guidelines and after considering the relevant information / documents and the inputs provided by the FIMI, has prepared modified / supplementary R&R Plans for these two leases. As per the Mining Plans approved by the IBM as well as the environment clearances granted by the MoEF for ML 2524 and ML 2576 the annual production of 6.0 lakh MT and 1.5 lakh MT respectively is permissible. As against this, based on the proposed guidelines, the permissible annual production for these two leases have been assessed to be only 2.5 lakh MT and 0.96 lakh MT respectively. In the case of ML 2524 the area available for over burden / waste dump has been found to be the critical factor for fixing the level of the annual production while in the case of ML 2576, the mineral reserves has been found to be the critical factor. As regards the beneficiation plant set up in the lease area, as

against the annual production of 50.0 lakh MT permissible as per the environment clearance and the Consent to Operate, the permissible annual production has been assessed to be only 10.0 lakh MT (on finished product basis). In this case, the existing transport facilities / bottlenecks vis-à-vis the traffic load has been found to be the critical factor for deducting the permissible annual production.

Copies of the inputs provided by the FIMI to the ICFRE and the summary of the modified / supplementary R&R Plans prepared by the ICFRE are enclosed at ANNEXURE-SR-4 and ANNEXURE-SR-5 respectively to this Report.

7. In view of the proposed "guidelines for the preparation of the R&R Plans" and in partial modification of the Recommendations No. (I) to (IV) made by the CEC in its Report dated 3rd February, 2012 the following Recommendations duly modified are made by the CEC for the consideration of this Hon'ble Court. The other Recommendations No. (V) to (XIV) made by the CEC in the said Report remain unchanged:

- (A) the findings of the Joint Team and as modified after careful examination by the CEC may be accepted and directed to be followed by the concerned authorities and the respective leases,

2. The Indian Council of Forest Research and Education (ICFRE), pursuant to the Hon'ble Supreme Court's orders dated 5th August, 2011 and 26th August, 2011, has carried out macro level EIA Studies for the Districts Bellary, Tumkur and Chitradurga, and the same have been filed before the Hon'ble Supreme Court for its consideration. The Hon'ble Supreme Court by orders dated 2nd September, 2011 and 23rd September, 2011 has through the Monitoring Committee constituted by it, permitted the sale of the existing stock of about 25 million MT of iron ore.

3. The Hon'ble Supreme Court by its orders dated 5th August, 2011 and 26th August, 2011 directed the State of Karnataka to submit within three months the Reclamation and Rehabilitation Plan(s) for the Districts Bellary, Tumkur and Chitradurga. The Government of Karnataka vide its proceedings dated 11th August, 2011 constituted a Committee under the Chairmanship of the Director General, Environmental Management and Pollution Research Institute for the preparation within two weeks of a Comprehensive Plan for the Reclamation and Rehabilitation of the mining leases in District Bellary. A copy of the above said proceedings is enclosed at

ANNEXURE-I of these guidelines. Subsequently the State of Karnataka vide letter dated 29th September, 2011 has assigned the work of the preparation of the R & R Plan to the Indian Council for Forest Research and Education (ICFRE). A copy of the above said letters are collectively enclosed at **ANNEXURE-II** of these guidelines. The CFC has filed its Report dated 3rd February, 2012 regarding the status of the survey of the mining leases by the Joint Team and related issues and wherein a number of recommendations have been made regarding the mining leases falling in different categories depending upon the level of illegality found.

4. The ICFRE has prepared the R&R Plans for the two mining leases of M/s RBSSN, namely, ML No. 2524 and ML No. 2576 and the same has been filed by the State of Karnataka before the Hon'ble Supreme Court for its consideration.

5. The Report dated 3rd February, 2012 of the CEC and the above said R&R Plans prepared by the ICFRE were considered by the Hon'ble Supreme Court during the hearing held on 10th February, 2012 when the following order was passed:

“The petitions shall stand over for two weeks in order to enable Central Empowered Committee to take into account the responses of the parties to its Final Report dated 3rd February, 2012. We make it clear that this Court would like to hear the parties on Reclamation and Rehabilitation aspect of the case at the earliest. We want the parties appearing before us to cooperate with CEC and work out appropriate principles/parameters for expeditious rehabilitation.

XXXX XXXX XXXX XXXX”

6. The CEC, thereafter, on the 16th and the 17th February, 2012 held detailed discussions regarding the preparation of the R&R Plan with the senior officers of the Mines & Geology Department and Forest Department of the State of Karnataka, the senior officers of the ICFRE and the Federation of Indian Mineral Industries (FIMI) representing the lessees. Thereafter, in the meeting convened by the CEC, on 18th February, 2012 this issue was discussed with the Chief Secretary, the Additional Chief Secretary (Forest), the Secretary Commerce and the other officials of the State of Karnataka, the representatives of the MoEF, the Petitioner, the

representatives of the ICFRE and the representatives of the FIMI.

7. The CEC, after considering the findings of the Joint Team, the R&R Plan for the two mining leases prepared by the ICFRE, the discussions held with the officers of the State of Karnataka, the ICFRE and the FIMI and the relevant information / documents has prepared the "guidelines for the preparation and implementation of the R & R Plans for the Districts Bellary, Tumkur and Chitradurga" for the consideration of the Hon'ble Supreme Court. These guidelines reflect the broad consensus reached between the CEC, the State of Karnataka and the FIMI representing the lessees and dealt with the principles / parameters and broad outline proposed to be followed for the preparation, implementation and monitoring of the R & R Plans.

II. BROAD OBJECTIVES / PARAMETERS OF R&R PLANS

8. The broad objectives/parameters of the R&R Plans would be:

- (i) to carry out time bound reclamation and rehabilitation of the areas found to be under illegal mining by way of mining pits, over

burden / waste dumps etc. outside the sanctioned lease areas;

- (ii) to ensure scientific and sustainable mining after taking into consideration the mining reserves assessed to be available within the lease area;
- (iii) to ensure environmental friendly mining and related activities and complying with the standards stipulated under the various environmental / mining statutes e.g. air quality (SPM, RPM), noise/vibration level, water quality (surface as well as ground water), scientific over burden / waste dumping, stabilization of slopes and benches, proper stacking and preservation of top soil, sub grade mineral and saleable minerals, proper quality of internal roads, adequate protective measures such as dust suppression / control measures for screening and crushing plants, beneficiation plants, provision for retention walls, garland drains, check dams, siltation ponds, afforestation, safety zones, proper covering of truck,

exploring possibility of back filling of part of over burden/waste dumps in the mining pits, sale/beneficiation of sub grade iron ore, water harvesting, etc.

- (iv) for achieving (ii) and (iii) above, fixation of permissible annual production; and
- (v) regular and effective monitoring and evaluation;

III. PREPARATION OF R&R PLANS

9. The following R&R Plans will be prepared:

- i) lease-wise R&R Plans for all the mining leases including the presently non working leases - it will have two broad components (a) R&R Plan for the area found to be under illegal mining and (b) Supplementary Environment Management Plan (SEMP) for incorporating additional environmental safeguards;
- ii) Comprehensive Environment Plans for Mining Impact Zone (CEPMIZ) for the area surrounding the mining leases and providing

for (a) short term measures and (b) long term measures.

10. The lease-wise R&R Plan will prescribe / provide for:

- (i) reclamation and rehabilitation of the area found by the Joint Team to be under illegal mining by way of mining pits, over burden / waste dumps outside the sanctioned lease area;
- (ii) the permissible annual production after considering (a) the mineral reserves in the lease area, (b) area available for active over burden / waste dumps and sub grade iron ore dumps, (c) transport facilities vis-à-vis traffic load of the mining lease and (d) the ceiling for the District for total annual production from all the mining leases;
- (iii) stabilization of the existing over burden/waste dumps and sub grade iron ore dumps;
- (iv) plan for active over burden / waste dumps;
- (v) rectification of the improperly laid down mining pits; and

- (vi) soil and moisture conservation, afforestation and other measures.

11. The Comprehensive Environmental Plan for the Mining Impact Zone will comprise of / provide for:

- (i) Biodiversity Conservation Plan;
- (ii) Afforestation and Soil and Water Conservation Plan;
- (iii) Physical Infrastructure Development Plan;
- (iv) Social Infrastructure Development Plan; and
- (v) Regional Monitoring Plan and Mechanism.

IV. PROCEDURE FOR PREPARATION AND IMPLEMENTATION OF THE LEASWISE R&R PLANS

12. For preparation and implementation of the leasewise R&R Plan the following procedure / principles will be followed:

- (i) the concerned lessee will provide the background information to the ICFRE through the Federation of Indian Mineral Industries (FIMI). The details of the information required to be provided by the lessees are given at **ANNEXURE-III** of these guidelines;

- (ii) the background information provided by the lessee will be critically examined by the FIMI and thereafter will be forwarded to the ICFRE along with its specific observations. The FIMI for this purpose, will set up a team of technical experts;
- (iii) the ICFRE will prepare the lease-wise R&R Plans consistent with the various principles / parameters dealt with in these guidelines and after considering the inputs provided by the concerned officials of the State Government and the FIMI;
- (iv) in the areas found to be under illegal mining (except the areas falling in the sanctioned lease areas of the adjoining lessees), mining operations will be prohibited for next ten years to ensure that such areas are properly rehabilitated;
- (v) the existing environment clearances, approved mining plans, the Consent to Operate and other statutory approvals will stand modified to reflect the permissible

annual production prescribed in the R&R Plans for each of the mining leases;

- (vi) the prescriptions / provisions of the Supplementary Environmental Safeguards Plans (SESP) provided in the R&R Plans will be binding on the respective lessees and will be considered as a part of the approved Mining Plans / EMPs;
- (vii) before permitting commencement of the mining operations in a mining lease the Monitoring Committee will ensure that the environment clearance, the approval under the Forest (Conservation) Act, 1980, the Consent to Operate and other applicable statutory clearances have been obtained by the concerned lessee; and
- (viii) the Additional Principal Chief Conservator of Forests, MoEF, Regional Office, Bangalore and the present Deputy Commissioner, District Bellary will be associated as additional Members of the Monitoring Committee for monitoring the implementation of the R&R Plans.

- (ix) the lease-wise R&R Plan will be implemented by the respective lessee at its own cost. However, if the area under encroachments falls in another lease, depending upon the ground situation, the responsibility for the implementation of the R&R Plan for the area under encroachment may be assigned to the concerned lessee but at the cost of the lessee responsible for the encroachment;
- (x) in the event of the failure of the lessee to implement the R&R Plan for the area under encroachment or if the quality and/or the progress of the implementation of the R&R Plan is found to be unsatisfactory by the Monitoring Committee the same may be implemented by the State of Karnataka through appropriate agency(ies) and at the cost of the lessee;
- (xi) in the event of the failure of the lessee to implement the prescription of the SEMP within the stipulated time, the Monitoring Committee may suspend the mining operations, including transportation or reduce the permissible

annual production till the remedial measures are taken by the lessee and are found acceptable by the Monitoring Committee. The decision of the Monitoring Committee will be binding on the lessee;

(xii) in respect of the lessee where the lease period has expired or is expiring in the near future and the applications for renewal / approval of the Mining Plan / Scheme are under the consideration of the concerned statutory authorities, the respective lessee will continue to be responsible for the implementation of the R&R Plan including SEMP;

(xiii) in the first phase, the R&R Plan for the mining leases falling in 'Category A' and having lease area of 50 ha and above (about 20 leases) will be prepared. In the second phase the R&R Plan for the leases falling in 'Category B' and having lease area of 50 ha and above (about 29 leases) will be prepared. In the third phase the balance leases falling in 'Category A' and 'Category B' will be dealt

with (about 68 leases). The R&R Plans for 'Category C' mining leases will be prepared in the fourth Phase;

- (xiv) It is expected that Phase I and Phase II of the preparation of the R&R Plan may be completed within a maximum period of two months while the Phase III and Phase IV may take another 3 months.
- (xv) in respect of some the leases having relatively smaller lease area and / or being located in environmentally sensitive areas and/or on account of inadequate mineral reserves, inadequate area for over burden / waste dumps, lack of infrastructure, other environmental considerations etc, mining operations may not be environmentally sustainable. The R&R Plan for such leases may provide for determination of the leases or amalgamation of two or more leases, if found feasible; and
- (xvi) in respect of mining leases falling in 'Category C' the process of assignment / allotment of the leases will be undertaken only after the R&R

Plan(s) for the respective lease(es) is/are prepared and the mining operations are found to be environmentally feasible / sustainable either individually or after amalgamation of two or more leases.

V. PERMISSIBLE ANNUAL PRODUCTION

13. The permissible annual production will be fixed as under:

(a) BASED ON THE RESERVES (AS PER APPROVED MINING PLAN /SCHEME)

- (i) assessment of reserves into different categories along with the source of information and methodology of assessment and period of assessment.
- (ii) existing reserves (after excluding the minerals already exploited).
- (iii) annual quantity of mineral that may be permitted to be exploited on sustainable basis for a minimum period of next twenty years.

(b) BASED ON THE AREA AVAILABLE FOR ACTIVE OVER BURDEN / WASTE DUMPS AND SUB GRADE IRON ORE DUMPS

- (i) the annual generation of over burden / waste and sub grade iron ore as per the stripping ratio for different years
- (ii) maximum volume of over burden/waste dumps and sub grade iron ore that can be safely and scientifically disposed of in the over burden / waste dump and sub grade iron ore dump areas earmarked in the approved mining plan / scheme; and
- (iii) permissible annual production based on the above

Note: If the period of approved Mining Plan / Scheme has expired or the validity is very short, the provision made in the Mining Plan / Scheme submitted to the IBM for its approval may be considered for (a) and (b) above.

(c) BASED ON THE TRANSPORTATION FACILITIES VIS-À-VIS TRAFFIC LOAD OF THE MINING LEASE

- (i) number of vehicle trips required for transportation (including return journey of empty vehicles) vis-à-vis annual production;
- (ii) number of vehicles that may be permitted based on the quality of the road and other infrastructure facilities (and after taking into consideration the traffic load on the external road including from the adjoining mining leases).
- (iii) permissible annual production based on the above

(d) PERMISSIBLE ANNUAL PRODUCTION

The permissible annual production would be the minimum of the above three and subject to downward revision (if any) after taking into consideration the transportation bottlenecks, land use plan, gradient, elevation and other relevant issues.

(e) **ADJUSTMENT FOR THE CEILING FOR THE TOTAL ANNUAL PRODUCTION FIXED FOR THE DISTRICT**

The sum total of lease-wise permissible annual production (fixed on the above basis) should not exceed the ceiling fixed for the annual production from all the mining leases in the district. If the same is found to exceed then in such a situation the permissible annual production (fixed on the above basis) will be reduced on pro-rata basis for all the leases so that their sum total is equal to the ceiling fixed for the annual production from all the mining leases for the district.

VI. PROVISIONS / PRESCRIPTIONS OF THE LEASE WISE R&R PLANS

14. The leasewise R&R Plans will provide for the specific provisions / prescriptions as dealt with hereunder:

(A) REGARDING AREA FOUND BY THE JOINT TEAM TO BE UNDER ILLEGAL MINING

15. The area under illegal mining pits should be filled up with the existing over burden / waste dumps preferably the illegal dumps. Appropriate soil and moisture

conservation measures will be provided and such areas will be afforested with indigenous species.

16. The reclamation and rehabilitation works will be carried out even if such areas are found to be having mineral reserves.

17. In respect of area under illegal over burden/waste dumps, wherever environmentally feasible the over burden / waste dumps will be removed and disposed of scientifically within the lease area of the encroacher.

18. In other cases, the illegal over burden / waste dumps will be stabilized by:

- (a) modifying the gradient of the dump
- (b) construction of retaining walls,
- (c) construction of gully plugs
- (d) construction of garland drains
- (e) geo-metric / geo-matting of dumps
- (f) afforestation, and
- (g) other soil and moisture conservation measures,

19. However in respect of the mining pits falling within the area of the other sanctioned leases, specific lease-

wise prescription / provision will be made depending upon the ground situation.

(B) REGARDING PERMISSIBLE ANNUAL PRODUCTION

20. The permissible annual production for the mining lease would be based on (a) the mineral reserves in the lease area; (b) area available for over burden/waste dumps, sub grade iron ore and other land uses (c) existing transport facilities in relation to the traffic load of the mining lease and (d) overall ceiling on the annual production from all the mining leases in the district (as dealt with earlier).

21. Presently the permissible annual production would be decided for the next five years subject to review / modification in any of the following situation:

- (a) change in the assessed mineral reserves / resources because of subsequent exploration carried out and incorporated in the modified mining plan / scheme and approved by the IBM;
- (b) identification of additional area for the disposal of the over burden / waste dumps and

incorporated in the approved mining plan/scheme (preferably by way of back filling of mined out pits); and

- (c) creation of additional physical infrastructure such as railway sidings, conveyors, wagon tippers, wagon loaders (to remove / reduce transportation bottlenecks).

(C) STABILIZATION OF THE EXISTING OVER BURDEN / WASTE DUMPS AND SUB GRADE IRON ORE DUMPS AND PLAN FOR ACTIVE OVER BURDEN / WASTE DUMP

22. This will include the total area of the dump(s), present gradient, planned gradient, provision for retaining wall(s), benches, final gradient, volume of over burden / waste dump that may be stored, afforestation, use of geo-matting / geo-textile, garland drains and other soil and moisture conservation / protective measures;

23. The design will vary from mine to mine and within the mine from dump to dump. The prescription will also vary between old dumps and active dumps. The slope of 27 degree provided in the environment clearance may not be feasible for dumping on steep hill slopes.

24. The ultimate objective of the dump design / protective measure would be to ensure that the slopes are stable, are not vulnerable to erosion and to provide for adequate protective measures to capture / control run off;

(D) MINING PITS

25. In respect of the mining leases where the shape and design of the mining pits differ substantially from those provided in the approved mining plan and / or found to be in gross violation of the approved design, mining will be permissible based on rectification as required by the concerned statutory authority (viz. DGMS). Similarly, gross violations under other Acts / Rules, if any, will need to be rectified (as required by the relevant statutory authorities).

(E) SOIL AND MOISTURE CONSERVATIONS, AFFORESTATION AND OTHER MEASURES

26. The R&R plan would inter alia provide for:

- (i) broad design / specification for
 - (a) garland drains
 - (b) retaining walls
 - (c) check dams
 - (d) gully plugs and/or culverts (if required)

- (e) geo textile / geo matting of dumps
 - (f) afforestation in the safety zones
 - (g) afforestation in peripheral area, road side, over burden dumps and other areas
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- (ii) dust suppression measures at / for loading, unloading and transfer points, internal roads, mineral stacks etc.
 - (iii) covered conveyor belts (if feasible) – such as down hill conveyor, pipe conveyor etc.
 - (iv) specification of internal roads
 - (v) details of existing transport system and proposed improvements
 - (vi) railways siding (if feasible)
 - (vii) capacity building of personnel involved in the mining and environmental management
 - (viii) rain water harvesting

(F) TIME SCHEDULE

27. Time schedule for implementation of various prescriptions will be provided.

(G) MONITORING MECHANISM

28. Monitoring mechanism, including predetermined parameters to assess the successful implementation of the various provisions / prescriptions of the R&R Plan will be provided. The Monitoring Committee will be responsible for monitoring the implementation of the prescription / provisions of the R&R Plans.

VII. COMPREHENSIVE ENVIRONMENT PLAN FOR MINING IMPACT ZONE

29. The Comprehensive Environment Plan for Mining Impact Zone (CEPMIZ) for the areas surrounding the mining lease areas including non working leases, will provide for short term measures as well as long term measures.

30. It will comprise of

- (i) Bio-diversity Conservation Plan
- (ii) Afforestation and Soil and Water Conservation Plan
- (iii) Physical Infrastructure Development Plan for improving the quality of the existing roads, construction of new

roads, railway siding, railways connectivity, aerial transportation, water and power infrastructure etc. and associated techno-feasibility studies.

(iv) Social Infrastructure Development Plan for schools / colleges, hospitals, skill training institutes, livelihood etc.

(v) Regional Monitoring Plan and Mechanism.

31. The CEPMIZ will be implemented under the overall guidelines and supervision of the SPV and the Monitoring Committee and by utilizing the funds released for this purpose by the SPV.

(M.K.Jiwrajka)
Member Secretary
Central Empowered Committee

Dated: 13.3.2012