

FIRST REPORT ON
ILLEGAL MINING OF
IRON AND MANGANESE ORES
IN THE STATE OF JHARKHAND

OCTOBER, 2013

VOLUME: III

**Justice M. B. Shah
Commission of Enquiry
for
Illegal Mining of Iron Ore & Manganese**

I N D E X

Volume: III

Individual cases of illegal mining or without lawful authority

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**M/s. Electrosteel Casting Limited
Dirsumburu Iron & Manganese Mine**

1. Approval by Ministry of Mines for the grant of lease:—

The Ministry of Mines, Government of India has accorded approval (letter of intent) under Section 5(1) of the MM(DR), Act, 1957 for the grant of lease of an area of 192.50 ha. by the State Government for iron and manganese ores in Saranda Forest vide letter No.5/192006–N.IV dated 01.06.2006 in favour of M/s. Electrosteel Casting Limited (ECL).

2. Lease is granted, without having any prior consent of the Forest Department:—

The proposed lease area is a part of Saranda forest of Kodolibad Reserve forest falling in the compartments of K1, K2, K3, K4 and K5 of the Toposheet No.73/F/8.

The user agency submitted that the total estimated reserve of iron ore including all Fe grades is about 90 million tons and the company has proposed to produce 05.00 million tons per annum in first five years and, thereafter, 10.00 million tons per annum. Accordingly, they have

estimated the TENTATIVE LIFE OF THE LEASE TO 12.5 YEARS.

The applicant further submitted that he had applied for the said mining lease on 01.02.2005 to Government of Jharkhand. The Commission has not gone into details of the selection of applicant to grant the lease because of non-availability of records and time constraints. The same is required to be investigated together with as to how the virgin forest area which is a part of notified elephant reserve and deep inside the Saranda forest which would open virgin forest land and cause to destroy the adjoining areas too, processed by the State Government under the MM(DR), Act, 1957 and MCR, 1960 **without having any prior consent of the Forest Department.**

3. Application submitted in Form "A" to obtain prior approval:—

After getting the letter of intent from Ministry of Mines, Government of India, the user agency submitted the application in Form "A", Part "I" under the Forest Conservation Rules, 2003 to obtain prior approval under FCA, 1980.

It is stated here that the proposed lease is a fresh grant in the virgin forest of a very high tree density and one of the finest elephant habitats. During the process of the proposal by the MoEF, it was wrongly stated as the renewal of mining lease at many places in the note sheets.

The application in Form “A” for 55.790 ha., as filed by the user agency, is reproduced as under:—

“Application Form

Form–A

Form for seeking approval under Section 2 of the proposals by the State Government and other authorities

Part–I

1	Project Details	
	1) Short narrative of the proposal and project scheme for which the forest land is required.	Electrosteel Castings Limited (ECL), user agency an ISO 9001 and ISO 14001 company having its Registered Office at Raingangpur, District Sundargarh Orissa and Corporate Office at 19, Camac Street, Kolkata 700 17 Phone number 033 – 2283 9990 and Fax number 033 – 2289 4340 is the largest manufacturer of Ductile Iron Spun Pipes in India. Elcectrosteel pioneered manufacturing of Ductile Iron

		<p><i>Spun Pipes with the first plant in India in 1994. Today, with a production capacity of 25,000 MT per annum, Electrosteel is amongst the five largest producers of Ductile Iron Spun Pipes in the world.</i></p> <p><i>ECL signed a Memorandum of Understanding (MoU) with Government of Jharkhand on 19.05.2004 for setting up a one million Tonne Steel Plant in the state of Jharkhand, subsequently capacity of proposed Steel Plant enhanced to 3 million tonne per annum vide MoU dated 08.01.2007 to be set up in Chandankiyari block of Bokaro District of Jharkhand.</i></p> <p><i>ECL applied to Government of Jharkhand for grant of Iron and Manganese ore mine lease on 01.02.2005. Government of Jharkhand was pleased to forward the said application to Ministry of Mines, Government of India recommending grant of Mining lease over an area of 192.50 hectares for Iron and Manganese Ore, Ministry of Mines, Government of India was pleased grant their approval vide their letter number 5/192006-M.IV dated 1st June 2006 for Mining of Iron and Manganese Ore over an area of 192.50 hectares.</i></p> <p><i>The location of area granted has been named as DIRSUMBURU IRON ORE MINE. The mine is part of Saranda Reserve Forest with in Kodolibad Reserve Forest & comprises of part of</i></p>
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		<p><i>compartment number K1, K2, K3, K4 and K5 and marked in Topo Sheet number 73/F/8.</i></p> <p><i>The estimated Reserve including all categories is estimated of 90 Million Tonne. The mine is proposed to attain a rate of production of 5 MTPA with in first five years and thereafter 10 MTPA. The tentative life of the mine works out to 12.5 years.”</i></p>
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As could be seen from the project details above, the life of the mining lease as estimated by IBM is about **12.5 years only**. This is because of projection of non-proportionate production for the captive consumption of iron ore by the user agency for the production of **one MTPA** steel in the beginning and **three MTPA steel** at later stage **to be established Steel Plant**. For the proposed Steel Plant, the quantity projected by the applicant is **05 million tons per annum** for the first five years and **10 million tons per annum** thereafter which is totally unjustified and lopsided. The Steel Plant does not require the above said quantity for steel production of 1.00 million tons and later 3.00 MTPA. The actual requirement of the ore would be 1.5 MTPA and 4.5 MTPA respectively. This may be a deliberate attempt of the applicant to get favour for grant of more lease area in the Saranda forest. The State Government should take note of it.

4. Diversion of dense based forest land only for 12 years can not be justified:—

At the outset, it is observed here that whether diversion of one of the best natural virgin forest areas in the country for a lease of 12 to 13 years life is really worthy and justified? The natural forest which had taken millions of years to come to this climatic climax stage would be destroyed for a mine of 12 to 13 years life span. A serious thought in this regard shall be given.

5. Process of the application:—

After submission of the diversion proposal by the user agency, it has been processed by the statutory authorities in the prescribed proforma under the Forest Conservation Rules, 2003 at the State level. The recommendations / others made by the various authorities are given as under:—

Sr. No.	Name of the Statutory Authority	Date	Remarks / recommendations / others of the concerned authorities
1	Divisional Forest Officer	23.03.2007	Recommended subject to certain conditions.

Sr. No.	Name of the Statutory Authority	Date	Remarks / recommendations / others of the concerned authorities
2	Conservator of Forest, South Circle, Chaibasa	27.04.2007	Not available
3	Regional Chief Conservator of Forest, Singhbhum, Jamshedpur	27.07.2007	Proposal may be considered taking into account recommendations made by Conservator of Forest, guidelines issued by MoEF vide letter dated 16.06.2003 and MoU signed between user agency and Government of Jharkhand.
4	PCCF, Jharkhand	29.11.2007	This proposal is not recommended.
5	State Government, Jharkhand, Forest and Environment Department	17.04.2008	Recommended reasons as given in forwarding letter No.1237 dated 17.04.2008.

It is observed here that as per the **Part II** of the proposal, the concerned Dy. Conservator of Forest had not enumerated the trees in the proposed area. In spite of this, the proposal was

allowed to further process. Para (vii) of the said proposal is reproduced as under:—

Part II		
vii)	<i>Species wise scientific names and diameter class wise enumeration of the trees (To be enclosed) in case of irrigation / Hydel Project, enumeration at FRL, FRL-2 meter and FRL-4 meter also to be enclosed.</i>	<i>Enumeration of trees will be done after getting the Stage I clearance from Ministry of Environment and Forest – Forest Wing, Government of India, since the grant of Mining Lease by Government of Jharkhand is pending due to want of Forest Clearance.</i>

6. Density of forest as inviolate area:—

It is to be stated that the DFO has failed in his duties and taken as granted that the proposal will be approved and once it is approved for Stage I, the enumeration would be carried out. This is totally against the letter and spirit of Forest Conservation Rules, 2003. As it is known through various reports submitted by various authorities, the area under this proposed lease is a very dense forest of 0.8 density and there is likely to be felling of lakhs of trees. By not preparing the enumerating list and which was not subsequently observed by the superior authorities is an undue favour extended to the applicant for approval of this project because it

may deny the seriousness of the natural habitat. Action should be taken in this regard against the concerned DFO.

The density of vegetation of the area has been reported by the DFO is about 0.8.

While making recommendation, Shri A. K. Gupta, Regional Chief Conservator of Forest, Singhbhum, Jamshedpur, the tree / vegetation density of the area is indicated to 0.4 which is just half of the density reported by the DFO. As seen in other proposals also, Shri A. K. Gupta has reported less tree density to give undue favour to the lessees, may be for less NPV collection. This should be taken note of and investigated.

Further, the PCCF has reported to the State Government that the other leases from this area is about 6.5 Kms. to 8–9 Kms. away from this proposed lease. From the Google / Satellite Images, it is observed that this proposed lease is located in deep inside the forest and there is no any other working mine around it. The 6.5 Kms. stretch in such a dense forest is considered as a good natural track of forest. The approval of this lease would be highly detrimental to the forest, elephant habitat, water pollution to nearby Koyana River, Sarako

Nalha and the proposed Conservation reserve under the Wild Life Protection Act, 1972.

It is stated here that the said proposed area was recommended by the Forest Department as inviolate area to State Government vide letters dated 10.02.2006, 17.07.2007 and 27.09.2007.

It is not known how and why the Forest Department changed its view despite the aforesaid statement to exclude it. This requires investigation.

7. Views of the PCCF:—

The PCCF and the Wild Life Warden, Jharkhand has stated that there should be intensive management for iron ore mining rather than extensive management. He further stated that there are about 25 (27) mining leases (as on 07.08.2007) which are running in the Saranda forest area since many decades and **none of it is completed, reclaimed and returned to the Forest Department.** He further stated that going to give continuous new leases without any concrete arrangements; it would be detrimental to the forest and wild life and would not be helpful for them. He stated that **Wild Life mitigation plan is with the Planning Department and the same is not yet**

approved. On going through the letter dated 09.08.2007 of the Chief Wild Life Warden, he described the topography of the area, the wild life available and others. **It is apparent that he was not in favour of the approval of lease in this area.**

8. Proposed utilization plan submitted by the user agency:—

The user agency has submitted the proposed utilization of 55.790 ha. of forest land for the mining as under:—

Sl. No.	Purpose of Use	Within the Mining lease area	Outside the Mining lease area	TOTAL
1	Mining	41.35	–	41.35
2	Dumping of over burden	0.00	0.00	0.00
3	Storing of Mineral / or	0.00	0.00	0.00
4	Primary / Temporary / Mobile crushing/ separation cum screening unit.	0.40	0.00	0.40
5	Secondary crushing / Screening/ Separation/ Temporary Storage	2.00	0.00	2.00
6	Construction of 10 m wide extraction road	4.55	0.00	4.55

Sl. No.	Purpose of Use	Within the Mining lease area	Outside the Mining lease area	TOTAL
7	Office & infrastructure including work shop, labour shed, weigh bridge etc.	1.94	0.00	1.94
8	Construction of Conveyor belt	0.338	0.00	0.338
9	Check pit and drains	0.40	0.00	0.40
	Sub Total	50.978	0.00	50.978
10	Construction of 10 m wide transportation road	0.00	4.81	4.81
	Grand Total	50.980	4.81	55.790
11	Safety Zone	14.17	7.22	21.39
12	Area kept for future use	141.52	0.00	141.52

It is pertinent to note here that as on date, there is no mine running in this area. It is learnt that under the MM(DR), Act, 1957, some more fresh mines have been proposed / approved in this forest area by the Ministry of Mines, Government of India which is yet to be approved by the State Government under the MM(DR) Act, 1957 and also under the FCA, 1980. It is also noted that an area of 663.00 ha. of Kodilabad RF have been excluded from the proposed Conservation reserve by the

Expert Committee in its report and the same is pending with State Government for consideration. It is pertinent to state that the same area was earlier recommended by the Forest Department as **inviolable areas** in its letters dated 10.02.2006, 17.07.2007 and 27.09.2007.

It is observed that for the exclusion of this area from the Conservation reserve, the proposal came from the jurisdictional RCCF / CF / Dy. CF who have also recommended the project for diversion of forest land. **Hence, there is a conflict of interest.** This itself indicates that the merits for the conservation of the forest, are not taken into consideration, rather some other extraneous factors may have played a role on the decisions for exclusion of this area so that it can be approved under FCA, 1980. This requires to be controlled for environment and preservation of dense forest.

9. Forest Advisory Committee's (FAC's) meeting dated 11.06.2008:—

After receipt of the proposal for diversion of 55.79 ha. of forest land from the State Government of Jharkhand on 17.04.2008, the matter was processed in File No.8-35/2008(FC) and placed before the FAC in its meeting held on 11.06.2008.

The minutes of FAC dated 11.06.2008 is reproduced as under:-

<p>“8-35/2008-FC dated 11.06.2008</p> <p><i>Diversion of 55.79 ha. forest land for Dirusumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i></p>	<p><i>The committee considered the proposal and noted that the proposal is for diversion of forest land for mining of iron ore in Saranda Forest Division in West Singhbhum district. The committee also noted that the DFO in his report has submitted that the proposed site is ecologically very sensitive and rich in flora and fauna and also forms part of core Area of Singhbhum Elephant Reserve and the PCCF has not recommended the proposal on the ground that 27 mines already exit in the area in eastern part of the Saranda & the proposed mine is located in a new area 6.50 km away from the nearest existing mine.</i></p> <p><i>However, the State has recommended the proposal citing the Policy decision of the Government of Jharkhand to increase the iron ore production from existing 10 million tonnes to 50 million tonnes per annum. The committee also noted that there are around 15 more proposals in pipeline from this area.</i></p> <p><i>After discussing the proposal in detail, the FAC desired that the information on following issues may be sought from the State Government an placed before the next FAC:</i></p> <ol style="list-style-type: none"> <i>1. The report of the study on impact of mining activities on the flora and fauna</i>
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	<p><i>of the district in consultation with the WII.</i></p> <p><i>2. Map of Saranda Forest Division is 1:50,000 scale clearly showing the forest area of the division with all the existing mines vis-à-vis the location of proposed mine.</i></p> <p><i>3. CA scheme with complete details.</i></p> <p><i>4. All future proposals should invariably consist of the above information for consideration of the FAC.”</i></p>
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As per the note dated 09.10.2008 of C. D. Singh, AIG (FC) of the file No.8-35/2008-FC, the FAC has desired certain more information in the matter. The information sought by the FAC is as under:-

“2. The proposal of the State Government was discussed by the FAC in its meeting held on 11.06.2008 and the FAC desired that the information on following issues may be sought from the State Government and placed before the next FAC:

- i. The report of the study on impact of mining activities on the flora and fauna of the district in consultation with the WII.*
- ii. Map of Saranda Forest Division on 1:50,000 scale clearly showing the forest area of the division with all the existing*

mines vis-à-vis the location of proposed mine.

iii. CA scheme with complete details.”

10. Meeting of FAC dated 10.10.2008:—

Subsequently, the matter was again considered in the meeting of FAC dated 10.10.2008. The minutes of FAC dated 10.10.2008 is reproduced as under:—

<p>“8-35/2008-FC dated 10.10.2008</p> <p><i>Diversion of 55.79 ha. forest land for Dirusumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i></p>	<p><i>The committee considered the proposal and noted that the present proposal is for renewal of mining lease over 55.79 ha area (total lease area 192.50 ha) for iron and manganese ore in Kodolibad RF. The Committee also noted that the user agency has proposed for keeping remaining 141.52 ha forest area for future use. The Committee also noted that the proposal was placed before the FAC on 11.06.2008 wherein the report on the study on impact of mining activities on flora and fauna of the district in consultation with the WII the details of forest area of the division region with all the existing mines vis-à-vis the location of proposed mine and the CA scheme with complete details were sought. The Committee noted that the user agency has submitted a Wildlife management scheme for Dirsamburu Iron Ore Mine and has proposed CA over 57.26 ha of non-forest area in Giridih district of Jharkhand at the total cost of Rs.2.08 crores @ Rs. 3,73,725/- per ha including fencing. The Committee also noted that the tree</i></p>
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enumeration has not yet been done. The Committee also noted that the proposed site is located in Saranda Forest Division and is ecologically very sensitive and rich in flora and fauna and forms part of core area of Singhbhum Elephant Reserve. The Committee also noted that the PCCF has submitted that there are already 27 mines exist in the area which are located in Eastern part of the Saranda while the proposed mine is located in a new area and the nearest existing mine is 6.50 km away.

The Committee also noted that the WII in its report dated 08.10.2008 has inter-alia informed that the opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region, Saranda FD is the only un-fragmented forest having dense mixed forests. The increasing pollution in the Koyna river system has not been a matter of concern for wild animal only but also to the people who are largely dependent on this water resources.

After discussing the proposal in detail the FAC rejected the proposal on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation. The Committee also recommended that the State Government will submit a detailed report on the present status of all four mines located in the core of Singhbhum Elephant Reserve.”

11. Follow-up note by C. D. Singh:—

The follow-up note on the subject matter dated 04.11.2008 by C. D. Singh is reproduced as under:—

“Recommendations of the Forest Advisory Committee in its meeting held on 10th October, 2008.

Subject: Diversion of 55.79 ha. forest land for Dirsumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.

The Committee considered the proposal and noted that the present proposal is for renewal of mining lease over 55.79 ha area (total lease area 192.50 ha) for iron and manganese ore in Kodolibad RF. The Committee also noted that the user agency has proposed for keeping remaining 141.52 ha forest area for future use. The Committee also noted that the proposal was placed before the FAC on 11.06.2008 wherein the report on the study on impact of mining activities on flora and fauna of the district in consultation with the WII; the details of forest area of the division / region with all the existing mines vis-à-vis the location of proposed mine and the CA scheme with complete details were sought. The Committee noted that the user agency has submitted a Wildlife Management Scheme for Dirusumburu Iron Ore Mine and has proposed Compensatory afforestation over 57.26 ha of non-

forest area in Giridih district of Jharkhand at the total cost of Rs.2.08 crores @ Rs.3,73,725/- per ha including fencing. The Committee also noted that the tree enumeration has not yet been done. The Committee also noted that the proposed site is located in Saranda Forest Division and is ecologically very sensitive and rich in flora and fauna and forms part of core area of Singhbhum Elephant Reserve. **The Committee also noted that the PCCF has submitted that there are already 27 mines exit in the area which are located in Eastern part of the Saranda while the proposed mine is located in a new area and the nearest existing mine is 6.50 km away.** The Committee also noted that the WII in its report dated 03.10.2008 has inter-alia informed that the 'opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region. Saranda Forest Division is the only un-fragmented forest having dense mixed forests. The increasing pollution in the Koyna river system has not been a matter of concern for wild animal only that but also to the people who are largely dependent on this water resources.'

After discussing the proposal in detail the FAC rejected the proposal on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation. The Committee also recommended that the State Government will submit a detailed report on the present status of all four mines located in the core of Singhbhum Elephant Reserve.

In view of the above, we may communicate the decision of the FAC to the State Government for further necessary action. Accordingly, a draft is submitted for perusal and approval please.

*Sd/- (C.D. Singh) AIG (FC)
04/11/08”*

From the above note, it is to be stated that the FAC has rejected the proposal on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation. At the same time, the Committee also recommended that the State Government should submit the detailed report on the present status of all four mines located in the core zone of Singhbhum Elephant Reserve.

From Page 7 of the note-sheet, it appears that the note was put up on 31.07.2009 by the concerned case worker stating the following:-

*“FR at 609-636 / or may please be seen which received from State Government of Jharkhand. State Government of Jharkhand has forwarded the compliance **report** in-principal approval accorded on 04.10.08 vide letter of even numbers at page 538 and 04.11.2008 at page 553 with a request to accord final approval for diversion of 55.79 ha. of forest land for dirsumburu mine for mining of iron ore in favour of M/s. Electrosteel Castings Ltd. in Saranda Forest Division in West Singhbhum district of Jharkhand.*

Submitted for consideration please.”

Subsequent to this, the Section Officer (FC) has marked the file to C. D. Singh, Sr. AIG (CDS) on 03.08.2009. The note put up by the case worker on 31.07.1009 is misleading and factually incorrect. Moreover, no corresponding papers are available in this file which are stated by him in his note. Action should be taken against him.

The Sr. AIG (FC) put up a lengthy note in continuation of pre-note at Page 7. Note on Page 8 of the same is reproduced as under:-

“F. No.8-35/2008-FC

Fact Sheet

1. *This is a proposal for diversion of 55.79 ha. forest land for mining of iron ore in Saranda Forest Division in Jharkhand.*
2. *The proposal was placed before the FAC on 11.06.2008 and 10.10.2008 wherein it was noted that 27 mines were already located in eastern part of the Saranda, while the proposed mine was located in the new area that is 6.50 km away from the nearest existing mine.*
3. *The Committee sought the opinion of the WII, which expressed its inability to visit the area and submitted its observation on the basis of EMP and other related documents. The Committee took note of the WII report dated*

03.10.2008 *inter-alia* highlighting that the **“opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region. Saranda Forest Reservation is the only un-fragmented forest having dense mixed forests. The increasing pollution in the Koyna river system has not been a matter of concerned for wild animal only but also to the people who are largely dependent on this water resource”**. at p-521/c.

4. *The FAC rejected the above proposal on account of being a part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation.*
5. *The FAC also desired that the State Government to submit a detailed report on the present status of all other four mines located in the core of Singhbhum Elephant Reserve, which is still awaited.*
6. *The FAC, however, also given an opportunity to the State Government to request for reconsideration of the proposal as per the guidelines 4.14 (ii).*
7. *Accordingly, the State Government has re-submitted the proposal with the comments of the CWLW at p-588/c.*

- i. *The total forest area of Saranda Forest Division is 85,882 ha. and is located at the core area of Singhbhum Elephant Reserve.*
- ii. ***The Division is best known for its Sal forest and its bio-diversity, which is an important habitat for the elephants and other wild animals.***
- iii. ***As per 2007 elephant census, there were 300 elephants in this area. There are 13 elephants corridor connecting adjoining forest areas including inter-state forests and are used by elephants for seasonal migration.***
- iv. *This division is also known for its valuable mineral reserves such as iron, manganese, etc., which are being mined since long. The open cast method of mining adversely affects the elephant habitat and their corridors.*
- v. *Taking into account the richness of the mineral resources available in the area and its utility in the development of the nation, it is difficult to conclude that mining should be stopped. However, there should be a mining policy, based on best scientific and technological practices, to allow both mining and environmental conservation and protection.*

- vi. *The following points should be kept in view while formulating the new mining policy of the region:*
 - a. *The entire Saranda area cannot be open for mining. The mining should be intensive and not extensive. It may be permitted in a part of division while keeping the other areas intact for wild animals and elephants. The other areas should be opened up only after restoring the mined out areas to its natural level.*
 - b. *There are 27 approved leases covering 9,350 ha. of forest land. Only 13 out of 22 leases, located on eastern side of the division, are working covering an area of 1300 ha. The remaining are inoperative. So far, no reclamation has been done and no area has been surrounded to the department.*
 - c. *There is a need to prepare a comprehensive mitigation plan for the entire Saranda area.*
 - d. *The mining policy should also take the resettlement processes and its impact on the adjoining forest and animal habitats. Such project should be discouraged.*

- e. *The mineral resource is transported to long distance and there is no value addition locally.*
 - f. *No new virgin area should be permitted for mining till the existing one is reclaimed and returned back to the department.*
 - g. ***Mining and other commercial activities should not be permitted inside the reserved forest and protected areas.***
- vii. *The CWLW has also reiterated the decision taken in the meeting convened by the Principal Secretary (Forests), Govt. of Jharkhand on 28/29.03.2005 that the mining in the reserved forest area is totally against the principles of the forest conservation and that too for a longer period at p-596/c.*
- a. *The mining will be allowed for such projects who have established industries in the area.*
 - b. *All other leases to be phased out which do not have mineral based industry in the area.*
 - c. *There is a need to initiate steps to phase out such commercial activities from the RF and dense forests areas in a time bound manner.*

- viii. *The location map of all existing mining leases is enclosed at p-601/c.*
8. *The State Government has simply forwarded the comments of the forest department and has not commented on the merit of the proposal at p-555/c.*
9. *The PCCF, while forwarding the report of the meeting convened by the CWLW, has stated that there are no new grounds/bases that require re-consideration of the proposal at p-574/c.*
10. *The Fact Sheet of the proposal is given below.*

May be submitted before FAC for consideration.

Sd/-

(C. D. Singh) AIG (FC)

12/8/09

IGF (FC)

Sd/- 13/8/09”

The AIG (FC) has marked the file to IGF (FC) on 12.08.2009 with a request to submit before the FAC for consideration.

The FAC held on 20.08.2009 has not taken this matter on board as per the note of AIG (FC) dated 22.04.2010 and marked the file again to IGF (FC). The IGF (FC) vide his note dated 22.04.2010 states that as of now, this is a rejected case.

12. View of the then Hon'ble Minister of Environment and Forest (MEF) to cancel all approved leases:—

The State Government has requested for reconsideration. The proposal is to be reexamined and submitted the file to the then Hon'ble Minister of Environment and Forest.

The Hon'ble Minister had put a note in the said file on 23.04.2010 and the same is reproduced as under:—

“MEF If it is in (or part of) the core zone of the Singhbhum Elephant Reserve, why reconsider? Also, we should cancel all previous approvals for mines in the core zone. Why were these approved in the first instance?”

Sd/—

MEF

23/4

IGF (FC) Sr. AIG (CDS) Sd/— 23/4/10”

On the noting of the Hon'ble Minister of Environment and Forest, a letter was sent to State Government for calling the details of active / passive mines and the other activities in core zone in elephant reserve on 05.04.2010. Surprisingly, no

follow up action has been taken in this regard, rather the proposals were approved one after other.

13. Letter of Principal Secretary to the P.M. for reconsideration:—

A letter was received from Principal Secretary to PM for reconsideration of proposal.

A note was put up in this regard by Sr. AIG (FC). The note is reproduced as under:—

“F. No.8-35/2008-FC

Fact Sheet

Sub. : Diversion of 55.79 ha. of forest land for Dirsumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.

1. *This is a proposal for diversion of 55.79 ha. forest land for mining of iron ore in Saranda Forest Division in Jharkhand.*
2. *The proposal was placed before the FAC on 11.06.2008 and 10.10.2008 and the proposal was rejected on 04.11.2008.*
3. *Copy of the letter received from Principal Secretary to PM for reconsideration of proposal is enclosed.*

4. *The Fact Sheet of the proposal is given below.*

May be submitted before FAC for consideration.

Sd/- (C. D. Singh)

Sr. AIG (FC)

IGF (FC)

19/8/10

Sr. AIG (CDS)

Sd/- 19/8/10"

14. Meeting of the FAC dated 10.09.2010:—

The matter was considered in the FAC meeting dated 10.09.2010.

The minutes of the meeting is reproduced as under:—

“F. No.8-35/2008-FC

Recommendations of the Forest Advisory Committee in its Meeting held on 10.09.2010 (C. D. Singh)

Sub. : Diversion of 55.79 ha. forest land for Dirsumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand. (File Number. 8-49/2010-FC)

The Committee considered the proposal and noted that the present proposal for mining of iron ore over 55.79 ha. area (remaining 141.52 ha. forest area for future use) in Kodolibad RF was placed

before the FAC on 11.06.2008 and 10.10.2008 wherein the Wildlife Management Scheme for proposed iron ore mine suggesting mitigative measures to reduce the impact of mining activities on flora and fauna was discussed. The Committee also noted that the proposal was recommended for rejection on account of being part of core zone of Singhbhum Elephant Reserve and that the opening of this proposed site for mining will lead to disturbances to wildlife, pollution to the rivers and fragmentation & depletion of forest resources in this region as per WII's observation in its report dated 03.10.2008. The Committee further noted that the State Government was requested to submit a detailed report on the present status of all mines located in the core of Singhbhum Elephant Reserve, which is still awaited.

As no new fact or material, in addition to what has been submitted earlier, has been brought to the notice of FAC, the Committee again recommended the proposal for rejection.

Obtained over email

(Dr. Ullas Karanth)
Member

Sd/-
(Ansar Ahmed)
IGF (FC)
Member Secretary

(Dr. Mahesh Rangarajan)
Member

Sd/-
(Dr. P.B. Gangopadhyaya)
ADGF (FC)
Member

Sd/-
(Dr. P. J. Dilip Kumar)
DGF & SS
Chairman
01/10/2010"

Sd/-

(Dr. Amita Bhaviskar)
Member

(Vacant)
Addl.
Commissioner
Soil
Conservation
Member

Recommendations of the Forest Advisory Committee in its Meeting held on 10.09.2010:—

“Sub.: Diversion of 55.79 ha. forest land for Dirsumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.

The Committee considered the proposal and noted that the present proposal for mining of iron ore over 55.79 ha. area (remaining 141.52 ha. forest area for future use) in Kodolibad RF was placed before the FAC on 11.06.2008 and 10.10.2008 wherein the Wildlife Management Scheme for proposed iron ore mine suggesting mitigative measures to reduce the impact of mining activities on flora and fauna was discussed. The Committee also noted that the proposal was recommended for rejection on account of being part of core zone of Singhbhum Elephant Reserve and that the opening of this proposed site for mining will lead to disturbances to wildlife, pollution to the rivers and fragmentation & depletion of forest resources in this region as per WII's observation in its report dated 03.10.2008. The Committee further noted that the State Government was requested to submit a detailed report on the present status of all mines located in the core of Singhbhum Elephant Reserve, which is still awaited. As no new fact or material, in addition to what has been submitted earlier, has been brought to the

notice of FAC, the Committee again recommended the proposal for rejection.

In view of the above, we may seek approval of MEF of rejection of above proposal to enable us to communicate the recommendation of the FAC to the State Government for further necessary action. Accordingly, a draft is submitted for perusal and approval please.

*Sd/– (C.D. Singh)
Sr. AIG (FC)
07/10/10”*

Further, a letter from T. K. A. Nair, Principal Secretary of Ministry of Steel, Udyog Bhawan, New Delhi has also been received with enclosures of the copies dated 13.08.2010, 11.08.2010 and 20.09.2010 of user agency (M/s. Electrosteel Casting Limited) in respect of forest clearance for offering comments in the matter. From the file, it is observed that a reply has been submitted with due approval of the then Minister of Environment and Forest on 19.01.2011.

15. Note dated 25.08.2011:—

A letter dated 30.07.2011 from Shri Arjun Munda, Chief Minister, Jharkhand has been received in the office of Hon’ble Minister. Along with a note, the said letter was forwarded to the FC

Section to put up. Accordingly, a note was put up on 25.08.2011 by C. J. Singh, TO(FC). The note is reproduced hereunder:-

“F. No.8-35/2008-FC

Ref. : FR at F/X below

The PUC is a note from the Office of MOS (I/C) (E&F) forwarding letter dated 30.07.2011 from Sh. Arjun Munda, Chief Minister Jharkhand regarding the proposal being setup by the Electrosteel Castings Ltd. in and requesting the updated status on the proposals.

The Hon'ble Chief Minister, Jharkhand in his letter addressed to the Hon'ble Minister (E&F) has mentioned that State Government has sent recommendations twice to Central Government for forest clearance, clarifying the concerns raised by the MoEF and has desired that considering the development of the plant in most of the under developed region, the issue of forest clearance may be looked into pragmatically.

The updated status of the proposal is given below:

The proposal for diversion of 55.79 ha. of forest land for Dirsumburu Mine for mining of iron ore in favour of M/s. Electrosteel Castings Limited in Saranda Forest Division in West Singhbhum district of Jharkhand was placed before the FAC on

11.06.2008 and 10.10.2008 and the Committee noted that there are already 27 mines existing in the area which are located in the eastern part of the Saranda while the proposed mine is located in a new area and the nearest existing mine is 6.50 km away.

The committee also noted that the Wild Life Institute of India, Dehradun in its report dated 03.10.2008 has inter-alia informed that the 'opening of this proposed site for mining will lead to disturbances, pollution of the rivers and fragmentation and depletion of forest resources and Saranda Forest Division is the only un-fragmented forest having dense mixed forests in this region. The increasing pollution in the Koyna river system has not been a matter of concern for wild animals only but also to the people who are largely dependent on this water resources.'

After discussing the proposal in detail, the FAC rejected the proposal on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation and also desired from the State Government to submit a detailed report on the present status of all other four mines located in the core of Singhbhum Elephant Reserve (p 632/c), which is still awaited.

Submitted for further consideration please.

*Sd/-
C.J. Singh – TO(FC)
25.8.11”*

The file was submitted to the Minister of Environment and Forest for further perusal and needful. The Hon'ble Minister has put a note on 05.10.2011 and the same is reproduced herein:—

“Apart from the above, have any recommendations been received or report been received from the State Govt. regarding other mines located in the core of Singhbhum Elephant Reserve.

Sd/—

Jayanthi Natarajan

5/10/11”

16. Note dated 27.12.2011:—

As a follow up action, a reminder was sent to State Government to submit the details as sought in letter dated 20.01.2011. The State Government has submitted the details against the said letter. After receipt of the letter, a note was put up. The main content of the said note as put up on 27.12.2011 is reproduced hereunder:—

“The State Government has informed that there are four mines owned by M/s. SAIL in the core are of Singhbhum Elephant Reserve, which were given in-principle approval by this Ministry. The details of these mines are as under:—

Sr. No.	Name of the Mine	Lease Area (ha.)	Total Approved/diverted area (ha.)	Broken up area (ha.)	Unbroken area (ha.)	Present Status
1	Budhaburu (Mclellan)	823.617	379.228	73.251	305.977	Closed
2	Ajitaburu	323.887	153.036	58.250	94.786	Closed
3	Sukri - Luturburu	609.554	33.400	33.400	-	Closed
4	Dhobil	513.036	29.411	29.411	-	Ongoing on the basis of earlier approval

Besides this the State Government has furnished the status of all active / closed mines in the Saranda Forests Division which is a part of the Singhbhum Elephant Reserve which is provided below:

Compartment wise list of active & closed mines in Saranda Forest Division

A. Active Mines

Sr. No.	Name of Mining lease	Compartment No.	Lease Area (ha.)	Broken Area (ha.)
1	SAIL - Lease I	KP-11, 12, 23, 24, 29, 30, 31, 32, 33, 34, 35	1936.06	644.28
2	SAIL - Lease II	KP, 22, 23, 24, 25	879.44	55.90
3	SAIL - Lease III	KP-27	82.00	24.23
4	SAIL - Rangring Dam	KP-14	97.76	
5	SAIL - Kumdi Dam	KP-13	68.90	97.76
6	SAIL - Dhobil	Ankua-24, 27, 28, 22, 21, 19	513.03	68.90
7	SAIL - Duragaiburu	G-18, 19, 20, 22, 23, 24, 25, 26, 30	1444.86	29.41
8	SAIL - Jilingburu	G - 30	210.437	247.00
9	ML Jain & Sons	G-29, 32, 33, KP-1	202.35	31.11
10	R.S. Jute Mills	KP 36, G-32, 33	134.992	49.195
11	Devika Baivelji	G-26, 31, 32	46.62	23.233
12	Orissa Minerals and Manganese (OMM)	G-13, 17	276.628	15.57
13	Shah Brothers	KP-29	233.99	141.47
14	Usha Martin Ltd.	G-31, 30	155.08	24.859
15	Rungta Mines		202.54	29.4648
16	Raja Bera Mines	Non-forest land	41.69	21.319
TOTAL			6526.377	1514.7008

B. Closed Mines

Sr. No.	Name of Mining lease	Compartment No.	Lease Area (ha.)	Broken Area (ha.)
1	SAIL – MC Lellan (Budhaburu)	Ankua-10, 11, 12, 13, 20, 21, 27, 28, 29	823.967	73.251
2	SAIL – Ajitaburu	KP, 22, 23, 24, 25	323.88	58.25
3	SAIL – Sukri	Ankua-10, 12, 28, 29	609.83	33.40
4	SAIL – Tatiburu	Ankua-25, 28, 29, 30, 40, 41	35.40	
5	SAIL – Ankua	Ankua-25	67.178	
6	SAIL – Topailor	–	14.15	14.15
7	SAIL – Jilingburu II	G-23	30.44	8.058
8	R Mcdeal & Co.	G-30	110.08	19.615
9	Singhbhum Minerals	KP-21, 36	141.64	19.975
10	NKPK	KP-2, 36	149.53	13.96
11	K.S. Ahluwalia	G-33 & Non-forest land	129.79	2.03
12	K.S. Ahluwalia	G-33 & Non-forest land	250.763	24.75
13	T.P. Sao	G-26, 31, 32	202.35	53.564
TOTAL			2888.998	320.003

(Note: G = Ghatkuri Block, KP = Karampada Block)

A detailed note in this regard was placed before the Minister on 27.12.2011. In the said note, the details regarding mining leases (active & closed), lease area, compartments and broken up area has been provided. On perusal of these leases, it is noted that about **1834.7038** ha. of forest land is utilized for mining purpose. It is observed that in the past (beginning of the new millennium), the MoEF was taking all precautionary considerations before diversion of forest land seriously. But the present trend is reverse. Large number of forest area has been diverted in the recent past for mining leases. It is observed that in all the three proposals (JSPL, JSW and ESL), not a single hectare of forest land is differed against what the project proponent has sought for.

- 17. DGF recommended to refer it back to FAC which was overruled and previous order was set aside and following order was passed:—**

The DGF cum SS had put up a note on 28.12.2011 stating that it would be advisable to refer it back to FAC and marked the file to the Hon'ble Minister. The Hon'ble Minister without referring the matter to the FAC, has approved the proposal in favour of M/s. Electrosteel Casting Limited on 04.02.2012 by overruling the advice of the DGF and also FAC's recommendations of rejection (twice).

The speaking order of the Hon'ble Minister is reproduced as under:—

“Office of the MoS (I/C) Environment and Forests

This relates to the diversion of 55.79 ha. of forest land for mining of iron ore in Saranda Forest Division, West Singhum District, Jharkhand. Several representations from Chief Minister, Jharkhand, and also letter from Principal Secretary to the Prime Minister to reconsider the initial rejection of this proposal have also been received. Queries have also been received from the Planning Commission regarding this case.

The facts of the case are as follows: the User Agency has been granted mining lease for iron and manganese ore in Kodilabad Reserve Forest Area of

West Singhum District after obtaining prior approval of Government of India under the MMRD Act. The User Agency signed a MoU with the Government of Jharkhand on 19.05.2004 to set up a 1 million tone steel plant in Bokaro District, Jharkhand. The State Government of Jharkhand forest forwarded the proposal for diversion of forest land, duly recommended by the PCCF, Jharkhand vide letter dated 29.11.2007. However the FAC rejected the proposal at its meeting dated 10.10.1008, on the ground that “the proposed site is located in the Saranda forest Division and is ecologically very sensitive and rich in flora and fauna and forms part of the core area of the Singhum Elephant Reserve. The FAC noted that PCCF had reported that already 27 mines exist in this area, but this proposed mine is 6.50 Km distance from the nearest existing mine.

The FAC rejected the proposal on the ground of this area being part of the Singhum Elephant Reserve and critical to wildlife. Once again the State Government of Jharkhand forwarded the proposal requesting the FAC to reconsider the question of approval of diversion.

Once again it was taken to the FAC on 20.08.2009 but not taken on board by the FAC. Thereafter the State Government once again forwarded the request for recommendation and also letter was received from Principal Secretary to Prime Minister for reconsideration. This proposal was once again taken up by the FAC on 19.09.2010. Once again it was rejected on the ground that the State Government had not sent details regarding the status

of other mines in the area. The then Minister observed by noting dated 28.04.2011, observed that since it was located in the core area of the Singbhum Elephant Reserve, it need not be reconsidered and also all previous approvals in this Zone should be cancelled, and queried “why were the approvals given in the first instance.” Although this observation was made by the then Minister, no further action was taken, and the issue not pursued further. However just 2 months before this on 23.02.2011, the Minister approved the diversion of 117.59 ha. of forest land in favour of another User Agency namely Usha Martin, in the very same Saranda Forest Division in West Singbhum District, Jharkhand. This too, was for the purpose of mining iron ore. In the FAC Meeting held on 11.02.2011, in relation to Usha Martin, the FAC noted that “the entire forest area of Saranda Forest Division including the proposed mining lease area has been notified as the Core Area of Singbhum Elephant Reserve and is considered to be one of the finest habitat for elephants and is ecologically very sensitive, rich in flora and fauna and is the only un-fragmented forest having dense mixed forest.” Despite this observation the FAC took into account the continuity of mining activity in the surrounding area and RECOMMENDED the proposal for diversion of additional 117.59 ha. in favour Usha Martin subject to some conditions.

It is difficult to understand the reason why the FAC took two diametrically opposed decisions with regard to two user Agencies namely approval for Usha Martin on 23.2.2011 and rejection of

Electrosteel on 20.01.2011 all on the basis of the very same facts. Both User Agencies proposed to mine iron ore, both are situated in Saranda Reserve Forest in the West Singhum District, Jharkhand. Both are said to be – as recorded in FAC minutes – located in the Singhum Elephant Reserve, Core Area. Nevertheless, the FAC has approved the Usha Martin proposal, and rejected the proposal of Electrosteel. There is absolutely no difference in the facts or details relating to the two User Agencies, but yet the FAC approved the Usha Martin proposal of 117.59 ha. and rejected Electrosteel proposal which is much smaller proposal of 59 ha. Both User Agencies, are private agencies, although from the facts on record it appears that Electrosteel has entered into an MoU with the State Govt. of Jharkhand. In spite of the above, and repeated requests to reconsider from Jharkhand govt., recommendation from PMO, queries from the Planning Commission, the FAC persisted in the rejection of the proposal of Electrosteel. On receipt of a further communication from the Chief Minister of Jharkhand, I requested an update on this issue. The update stated that the FAC rejected this proposal on 11.06.2008 and 10.10.2008. Further that the Wildlife Institute in report dated 3.10.2008 informed that this proposed site would lead to disturbance, pollution of rivers, and fragmentation of forest resources. The Wildlife Institute of India (WLI) also referred to impact on wild animals and also local people. However the WLI report was based on another EMP report and not on any personal site visit. It was on this basis (core area of Elephant Reserve Singhum) that FAC

rejected the proposal. It is to be noted that the FAC did not ask for or rely on any WLI report while discussing the Usha Martin proposal. I raised a query regarding any report from the State Govt. regarding other mines situated in the Core Area of the Singbhum Elephant Reserve.

In response, the State Govt. has sent a detailed report. There are 27 other existing mines in the area, including those operated by SAIL and private agencies like Usha Martin. From the communication by the State Government it is obvious the proposed mine of Electrosteel Castings is surrounded by working mines including four operated by SAIL. It is difficult to justify the approval for diversion given to other mines both PSUs and private situated in the same area, and governed by the same set of circumstances while rejecting all along only one proposal, that of this user agency Electrosteel. Therefore, the reasons why the FAC adopted this course of action are incomprehensive to me. The action of the FAC in rejecting on the same set of circumstances approval to Electrosteel, but approving the same for Usha Martin is discriminatory.

If the object is as stated to preserve the Saranda Reserve Forest, and protect the Core Area of the Singbhum Elephant Reserve, the FAC should not have given permission to 27 other mines including PSU SAIL and private agency Usha Martin as late as 2 months before finally rejecting the proposal of Electrosteel. It is significant that even before approval was granted to Usha Martin, the proposal of Electrosteel had already been rejected in the first

round. Still, Usha Martin was granted approval and Electrosteel rejected. This action of the FAC is flawed and inconsistent.

The discussions and decision of the FAC as explained above, are arbitrary and discretionary, as borne out by the very records of the FAC.

The issue of the Elephant Reserve and the Core area containing all these mines is still factor to be considered. I therefore, direct that the State Government should undertake a complete and detailed study of the impact of all these mining activity upon the Elephant Reserve, the local flora and fauna, and possible pollution of the Koyna River.

An MoEF term should undertake a site visit to study the impact on the wildlife particularly the Elephant reserve. Al the User Agencies should be mandated to implement any new guidelines in addition to their existing wildlife management plans.

There should be strict monitoring of the Wildlife Management Plans of all User Agencies in this area. If the Wildlife Management Plans are not in place within 6 months and implementation within the next 6 months, i.e. totally one year, MoEF should initiate appropriate action against all User Agencies.

In the present case, in the light of the reasons, detailed above, overrule the rejection of the FAC as it is flawed and discriminatory and find no need to send it back once again to the FAC. I approve the diversion of 55.79 ha. forest land as detailed in the proposal sent by the Jharkhand Govt. MoEF will also

lay down all the usual stringent terms and conditions as laid down for other similar User Agencies in the area, while giving the approval for diversion of 55.79 ha. of Saranda Reserve Forest in Jharkhand, West Distract in favour of Electrosteel Castings.

Proposal approved.

*Sd/- Jayanthi Nataranjan
4//2/12”*

Once the proposal is rejected by FAC (twice), it can not be approved as held by the Apex Court.

It is observed that once the proposal is rejected by the FAC (in this case twice), it can not be approved by any other authority in MoEF without reconsidering the same by the FAC and if again the FAC rejects the proposal, it should be placed before the Hon'ble Supreme Court of India as per the order dated 04.08.2006 in I.A. Nos.1598-1600 in Writ Petition (C) No.202 of 1995 of **T. N. Godavarman Thirumulpad V/s. Union of India & Ors.** The relevant part of the order is reproduced for ready reference:-

“All proposals for grant of F.C. Act clearances and T.W.Ps. in respect of mining leases shall be placed before the F.A.C. Where the F.A.C., by order recommends the grant of a clearance or a T.W.P., the M.O.E.F. shall, within a period of four weeks from the

date of such order, issue orders for the grant of clearance on the usual terms, including those relating to payment of N.P.V.; Provided where a T.W.P. is being granted, it shall only be for a period not exceeding one year and upon payment of N.P.V. for the already broken up area;

Decision on grant of T.W.P. shall be taken before the expiry of the mining lease. Decision of the M.O.E.F. on the proposal for diversion of forest land for mining lease under the F.C. Act shall be conveyed to the user agency before the expiry of the T.W.P.

In case the M.O.E.F. disagrees with the recommendation of the F.A.C., it shall record its reasons in writing and communicate the same to the F.A.C., and the F.A.C. may, after considering such reasons, pass such further orders as it thinks fit; Provided where the Government still disagrees with the order passed by the F.A.C., it may seek appropriate directions from this Court.”

18. No direction from Apex Court is obtained (Violation of the aforesaid order):—

From the records with the Commission submitted by MoEF, it is noted that no appropriate direction was obtained from the Hon'ble Supreme Court. Hence, it is considered as a violation of the above said SC order in the matter. Action should be taken for the violation of Supreme Court order accordingly.

19. From the above facts and circumstances the following inferences can be drawn for further needful action:—

- (i)** An area of 192.50 ha. for Iron and Mn. ores in Kodilabad Reserve forest of West Singhbhum District of Jharkhand has been approved (letter of intent) by the Government of India under Section 5(1) of the MM(DR), Act, 1957. The State Government has not yet granted the lease. **Hence, it is wrong to state that the lease has been granted for the iron ore mining.**

In fact, the grant of mining lease is in process. There are other similar cases of this kind like JSW, JSPL, etc. therein also, the grant of mining leases is under process.

- (ii)** Out of 192.50 ha., the user agency has proposed to divert 55.79 ha. of forest land for Dirsumburu Mine in the compartment Nos.K1, K2, K3, K4 and K5 for the first phase.
- (iii)** The enumeration of the trees has not been done so far. The canopy density is as high as 0.8 for the proposed area. The lease is proposed in fresh virgin forest and part of core area of Notified Singhbhum Elephant Reserve.

It is also one of the finest habitat areas for elephants. The lease is deep inside the forest and does not have any working mine within radius of more than 6 to 7 kms. **(Annexure: I)** There is no even approach road for this proposed mine. **If the mine is given, it will open painful “flesh wound” in this virgin forest. It is wrong to state that there are working mines in Kodalibad RF.**

- (iv)** The user agency submitted that he has entered into an MoU with the Government of Jharkhand on 19.05.2004 for setting up a 1 million ton per annum steel plant and likely to enhance to 3 million tons at Chandakiyari, Bokaro District.

It is learnt that the applicant has also applied for another lease in the Saranda Forest (part of the TISCO prospecting lease) which is slightly exterior though part of the core area of elephant reserve.

- (v)** The Government of Jharkhand has constituted an expert committee vide notification dated 27.08.2011 to look into the impact of mining and suggest litigation measures to prepare an integrated Wild Life Management Plan for the West Singhbhum District. The Committee has

submitted a report to the Department wherein compartments proposed for this lease has been suggested to exclude from the proposed conservation reserve because Forest Department desires to do so. It is pertinent to note here that this suggestion of exclusion is done on behalf of the recommendation of the Regional CCF, Jamshedpur and his subordinate officers.

It is further noted that the said CCF/CF/DCF are also recommendatory authority for the diversion of forest land for this proposal. **Hence, there is a conflict of interest.** There is no application of mind to exclude such a finest forest in the country for a most detrimental activity i.e. mining just for 12 to 13 years life of lease.

- (vi) The present production capacity in the country for all the running mines is about **180 MTPA** which is more than sufficient for the requirement of the Steel Plants and others. At the growth rate of 10% for another 10 years, the existing mines would be in position to supply the requirement. The production capacity of **610 iron ore mines** in the country would be about **310 MTPA**.

(vii) Further, there are plenty of mines in the adjoining districts of Orissa State and **the production capacity for 150 mines is about 155.17 MTPA.**

(viii) This matter has been considered by the FAC twice on 10.10.2008 and 10.09.2010 and the proposal was rejected. There were letters from the Principal Secretary of PMO, Planning Commission and the Chief Minister of Jharkhand State to consider this mining lease as discussed in this chapter.

As could be seen from the note-sheet file No.8-35/2008-FC, the DGF has advised to refer back the matter to the FAC (note dated 28.12.2011) but the Hon'ble Minister of Environment and Forest has overruled the advise of the DGF and also the rejection recommendations (twice) of FAC and approved the proposal for diversion of 55.79 ha. of forest land.

(ix) It is to be stated that Hon'ble Supreme Court in I.A. Nos.1598 to 1600 in Writ Petition No.205 of 1995 of **T. N. Godavarman Thirumulpad V/s. Union of India & Ors.** has ordered on 04.08.2006 that all the proposals for grant of FC Act clearances and TWP's in

respect of mining leases shall be placed before FAC.

In case, the MoEF disagrees with the recommendation of the FAC, it shall record in writing and communicate to the said FAC. The FAC may after considering all such reasons, pass such further orders as it thinks fit; provided where the Government still disagrees with the order passed by the FAC, it may seek appropriate direction from this court.

It is observed that in the present case, the FAC has rejected the proposal twice. But the Hon'ble Minister of Environment and Forest has overruled it and approved the proposal for diversion of forest land. This is construed as violation of the said order of the Supreme Court.

- (x) It is to be highlighted that in response to MoEF's letter No.8-35/FC dated 03.05.2010, the PCCF-cum-Executive Director, Waste Land Development Board, Ranchi had categorically stated that **no mines exist in Kodilabad Block of Saranda Forest Division**. He has submitted compartment-wise list of active and closed mines and also a toposheet (1:50,000) on which all the existing and proposed mines

in Saranda and Chaibasa South Forest Divisions were shown. In spite of such clear records available in file, it has wrongly been stated that the proposed lease was surrounded by working mines including four, operated by SAIL. The SAIL mines boundary is quite away from the proposed lease.

- (xi) It is to be highlighted that this area was proposed by the Forest department as **involute area in 2007. It is not known how this area is now recommended to exclude from the Conservation Reserve. A proper enquiry in this regard should be conducted.**
- (xii) Action should be initiated on the observations dated 23.04.2010 made by the then Minister of Environment and Forest to cancel all the provisional approvals for mines in the core zone. Notwithstanding the illegalities, irregularities and others, in the matter of M/s. Usha Martin Ltd., it is observed that the forest diversion approval for Stage I can not be compared due to its location (sand-witched in the two group of mines, being old mine and on the periphery of the forest). Therefore, it is wrong to compare this lease to M/s. Usha Martin Ltd. lease. Also this is a part of old lease.

Further, it is noted here that the present MEF has approved the Stage II of the forest diversion for an area of 117.0059 ha. on 02.11.2012 in favour of M/s. Usha Martin Ltd. If the Hon'ble Minister was so particular about the diversion of forest in favour of M/s. Usha Martin Ltd., the same could have been reconsidered, while approving the Stage II.

(xiii) Further, it is to be stated that mining is one of the most detrimental activities to destroy the natural forest. None of the mitigative measures can substitute the observation.

In addition, it is observed throughout the enquiry that conditions imposed in approval orders are never implemented. They are always remain on paper. Moreover, there is no inbuilt system on place which can follow-up. Hardly any case has been booked under the FCA, 1980 is the proof for it.

(xiv) It appears that this project proposal for diversion of forest land has been considered on extraneous factors without any merit. To consider this project in the middle of a large track virgin forest would be highly detrimental to the Saranda Forest and proposed Conservation Reserve.

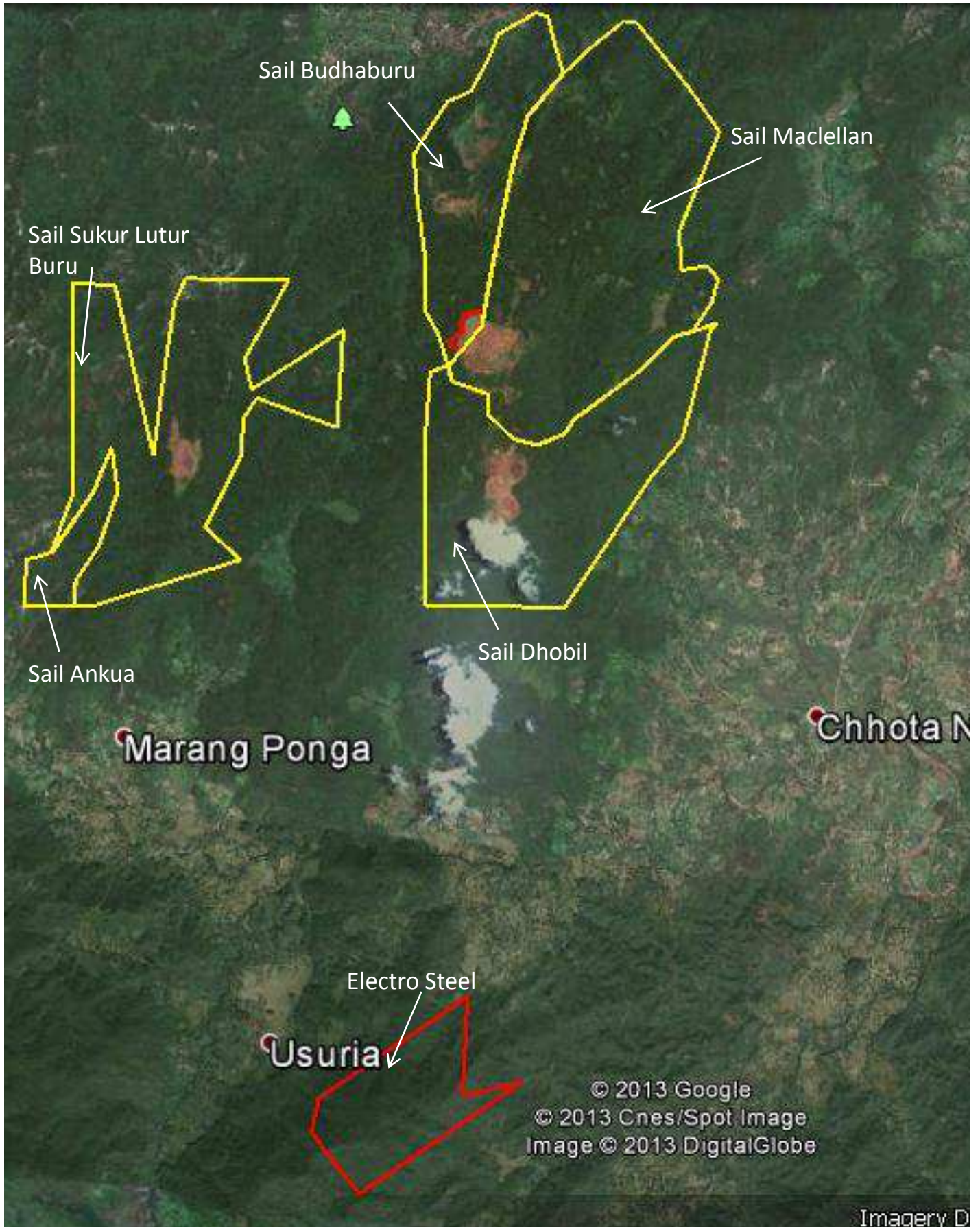
Hence, it is suggested to reject this proposal of diversion of forest and approval under Section 5(1) of MM(DR) Act, 1957. The area was inviolate forest and should continue as such.

Further, it is recommended to initiate action against all the concerned as stated in this Chapter.

*** * ***



Location of proposed lease of M/s Electro Steel Ltd.



**M/s. Rungta Mines Pvt. Limited
Ghatkuri Iron Ore Mines (Jharkhand State)
(138.848 ha.)**

At the outset, it is stated that while preparing the lease summary report of the present lease, the Commission has taken into consideration the records submitted by the lessee i.e. reply to the notices issued in the year 2012 & 2013 and reply to other correspondences from time to time.

Findings recorded in this Chapter are based upon the information supplied by the various Departments of the State and Central Governments, lessee, MoEF, IBM, etc. It is for the competent authority to issue appropriate notices to the concerned party/lessee for taking action in accordance with law.

The Assessment Report of the Income Tax Department has also been taken into consideration for further needful action by the concerned authorities/ Government of India, including the Income Tax Department with a time bound manner on the aspects discussed hereinafter.

I. First Grant and Transfer of lease:—

An area of 500.00 acres (202.345 ha.) had been granted in Ghatkuri Reserve Forest of Saranda Forest, District: West Singhbhum in favour of M/s. Madan Gopal Rungta, a partnership firm of P-16,

Kalakar Street, Calcutta by the then Bihar Government vide grant Order No.A/MM/4012/52-70 RT dated 26.05.1953 for a period of 20 years up to 09.10.1973. A lease deed was executed on 01.10.1954 w.e.f. 10.10.1953. The entire granted area is a Reserve forest.

Transfer Deed by M/s. Madan Gopal Rungta to M/s. Rungta Mines Pvt. Ltd.:—

The said lease was transferred from **M/s. Madan Gopal Rungta** to **M/s. Rungta Mines Pvt. Ltd.** and the transfer lease deed was executed between M/s. Madan Gopal Rungta by its partner Shri Sitaram Rungta. There is no mention about the signature of a transferee of lease deed on behalf of **M/s. Rungta Mines Pvt. Ltd.** but it is presumed that one of the Directors of M/s. Rungta Mines Pvt. Ltd. might have signed the transfer lease deed. It is pertinent to state here that on the date of execution of transfer lease deed, one of the Directors of M/s. Rungta Mines Pvt. Ltd. has been signing as **transferor** and other one as a **transferee**. It was a blatant misuse of Rule 37 of MCR, 1960 with some hidden motive behind it.

WHEREAS the family of Mangilall Rungta comprising of (as on 02.02.1966) **(i)** Madan Gopal Rungta (since deceased) and his sons Tribeni Prasad Rungta and grandsons Basant Kumar,

Santosh Kumar, Tushar Kant and Rajkumar; **(ii)** Chandi Prasad Rungta and his sons Ajoy Kumar, Krishna Kumar and Ashok Kumar and grandsons Sanjeev and Rajeev; **(iii)** Bhagwati Prasad Rungta, S/o. Gouri Prasad Rungta, his sons Sashikant and Ramkant and his brother Rajendra Prasad and his widowed mother Srimati Jiwani Devi; **(iv)** Biswanath Rungta and his sons Ghanshyamdas and Susil Kumar; **(v)** Sitaram Rungta and his sons Nandkishore and Mukundlall; and **(vi)** Satyanarain Rungta and his sons Prabhat Kumar and Prakash Kumar obtained and held the mining lease for Iron & Manganese Ores over an area of 500 acres in Pargana Kolhan, District Singhbhum, in the name of **Madan Gopal Rungta**, the then eldest member and the Karta of the family, who held valid certificate of approval in the State of Bihar to apply for and to obtain Mineral Concessions and mining leases and carried operations of Mining and Mineral business in the name and style of **M/s. MADAN GOPAL RUNGTA**.

AND WHEREAS after demise of Madan Gopal Rungta on 16.10.1962; **(i)** Chandi Prasad Rungta **(ii)** Bhagwati Prasad Rungta **(iii)** Bishwanath Rungta, **(iv)** Sitaram Rungta, **(v)** Satyanarayan Rungta and Tribeni Prasad Rungta, son and successor of Madan Gopal Rungta, as Karta of their respective branch of Mitakshara Joint Family continued to be the lessee and carried the mining

business in the name and style of **MADAN GOPAL RUNGTA / M. G. RUNGTA** and a formal deed of Partnership was made on the **Tenth Day of November, 1962** duly executed between **(i)** Tribeni Prasad Rungta, son of Madan Gopal Rungta, deceased, Karta of the Mitakshara Joint family consisting of himself and his sons Basant Kumar, Santosh Kumar, Tushar Kant and Rajkumar, **(ii)** Chandi Prasad Rungta, son of Mangilall Rungta deceased as Karta of his branch of Mitakshara Joint family consisting of himself and his sons, Ajoy Kumar, Krishna Kumar and Ashok Kumar and his grandsons Sanjeev and Rajeev, **(iii)** Bhagwati Prasad Rungta, son of Gouri Prasad Rungta deceased as Karta of his branch of Mitakshara Joint family consisting of himself, his sons Sashi Kant and Ramkant and his brother Rajendra Prasad son of said Gouri Prasad Rungta and his widowed mother Srimati Jiwani Devi, **(iv)** Biswanath Rungta, son of Mangilall Rungta deceased, as Karta of his branch of Mitakshara Joint family consisting of himself and his minor sons Ghanshyamdas and Sushil Kumar, **(v)** Sitaram Rungta son of Mangilall Rungta deceased, as Karta of his branch of Mitakshara Joint family consisting of himself and his sons Nandkishore and Mukundlall and **(vi)** Satyanarain Rungta son of Mangilall Rungta deceased, as Karta of his branch of Mitakshara Joint family consisting of himself, his sons Prabhat Kumar and Prakash Kumar.

AND WHEREAS a Private Limited Company has been promoted by the said **(i)** Chandi Prasad Rungta **(ii)** Bhagwati Prasad Rungta, **(iii)** Biswanath Rungta **(iv)** Sitaram Rungta and **(v)** Satyanarayan Rungta and Tribeni Prasad Rungta in the name and style “RUNGTA MINES PRIVATE LIMITED” to take over the mining business and mining leases of MADAN GOPAL RUNGTA / M. G. RUNGTA, MANGILALL RUNGTA and HARKARANDAS MANGILALL as going concerns and WHEREAS the said Madan Gopal Rungta applied for transfer of the said lease in favour of “RUNGTA MINES PRIVATE LIMITED” and WHEREAS the GOVERNMENT OF INDIA conveyed their approval to the transfer of the said lease held by Madan Gopal Rungta in favour of said “RUNGTA MINES PRIVATE LIMITED” under **Rule 37(a) of the Mineral Concession Rules, 1960** and WHEREAS THE GOVERNMENT of the STATE OF BIHAR by their Order No.LR Mining 2031/65–7731M dated 15th November, 1965, pleased to order that the mining lease held by the said Madan Gopal Rungta be transferred in favour of “RUNGTA MINES PRIVATE LIMITED” upon conditions of observation of terms and conditions as embodied in the said lease.

II. Grant of additional area and renewals of mining lease:—

An area of **27.518 ha.** has been granted in favour of **M/s. Rungta Mines Pvt. Ltd.** vide grant order No.B/N-1061/66-6344/N dated 30.10.1968 as a Ghatkuri extension and a lease deed was executed on **24.01.1969** for a period of **30 years.** A lease deed was signed by Shri S. R. Rungta, S/o. Shri Mangilall Rungta, one of the Directors of M/s. Rungta Mines Pvt. Ltd.

It is observed from the Form J submitted by M/s. Rungta Mines Pvt. Ltd. on 17.12.1997 stating that the IBM, Government of India, vide its letter No.5(26)84NV dated 30.08.1985, had directed to amalgamate the lease by following the procedure but no such order was issued so far by the State Government under Rule 38 of MCR, 1960. The lessee had applied for the whole area i.e. 229.863 ha. in the year 1997. If there is no order from the competent authority, this can not be accepted and considered as void and of no effect under Section 19 of the MM(DR) Act, 1957.

The lease of iron ore to the extent of **202.345 ha.** had been renewed (**first RML**) vide grant Order No.7821/M dated **29.08.1978.** The lease deed, in

this regard, had been executed on **24.01.1980** with retrospective effect from **10.10.1973** to **09.10.1983**. The said renewal is also in violation of the then Rule 24A of the MCR, 1960.

The lessee had applied for **second renewal** on **30.09.1982** and a grant order was issued vide No.N/6-1022/83-2401/M dated **11.04.1986**. The lease deed was executed on **11.05.1986** with retrospective effect from **10.10.1983** to **23.01.1999** for **202.345 ha.** by its Director, Shri Sitaram Rungta (i.e. for a period of 15 years 3 months 14 days). As per the Order No.2401 dated 11.04.1986 of the Mines and Geology Department of Bihar Government, the lessee has been asked to submit the proper application for amalgamation under the MCR, 1960. But no further action is taken, in this regard.

Apart from that, the second renewal was applied on 30.09.1982. The lease expired on 09.10.1983. The renewal was granted on 11.04.1986 i.e. after expiry of lease. This could not have been done legally. The renewal would be governed by deemed expiry clause, if it is not decided within one year of application or expiry of lease whichever is earlier. A lease which expired on 09.10.1983 could not have been renewed in the year

1986 retrospectively. Procedure for fresh grant of lease ought to have been followed. Entire mining operations after 09.10.1983 would therefore be illegal on this count alone.

Violation of Section 6(1)(b) and Section 6(3) of MM(DR) Act, 1957:—

It is pertinent to state here that S. R. Rungta Group (the Rungta family) is having **15 (14) leases** of iron and associated manganese ores in Jharkhand and Orissa States covering a total area of **3,662.17 ha.** in between the year 1987 to 1999. During this period, the maximum lease area of a mineral and associate mineral that can be held by the person, should not be more than 10 sq. kms. in the Country as per Section 6(1)(b) and (3) of the Act. Here, it is noted that the area was in quite excess in violation of Section 6(1)(b) and Section 6(3) of the MM(DR) Act, 1957. **A detailed report, in this regard, is submitted separately by the Commission.** Hence, action should be taken to determine all the leases of excess area which is more than 10 Sq. Kms. in both the States, as stated in the said Section. Further, action should also be taken to fix the responsibility against the officers and others who are responsible for allowing this blatant violation by the officers at Government of

India and State Government in Mines Department and other connected Departments.

Third Renewal:—

M/s. Rungta Mines Pvt. Ltd. had filed an application for **third renewal** of mining lease for combined area of **229.863 ha.** (as per Para VIII(a) of the Form J) on **17.12.1997**. As per the said Para, the lessee has sought the renewal of mining lease for use of ore in Steel Plants, Sponge Iron and Pig Iron Plants and also to export through the MMTC Limited. The said Para (xiii), as submitted by the lessee, is reproduced as under:—

“(xiii) Manner in which the mineral raised is to be utilised.

- (a) *for manufacture in India* : Yes
- (b) *for exports to foreign countries* : Through
M.M.T.C. Ltd.
- (c) *in the former case, the industries in connection with which it is required should be specified. In the latter case, the countries to which the mineral will be exported and whether the mineral is to be exported after processing or in raw form should be stated.* : Steel mill,
Sponge Iron &
Pig Iron”

Based on the “Form J” submitted by the lessee, the Mines and Geology Department of Jharkhand State Government had issued an order for third renewal of mining lease for an area of **138.848 ha.** on **01.10.2004**. However, in the said order, it is wrongly stated as “**second renewal.**”

III. Violation of the provisions of the FCA, 1980:—

It is pertinent to note here that the mining lease had been renewed without having obtained prior approval under the FCA, 1980. Section 2(iii) prohibits the State Government and any authority to grant any lease without having prior approval under the said Act. It is stated here that on that date (i.e. **01.10.2004**), there was only approval for 31.319 ha. under the FCA, 1980 and the remaining reserved forest area to an extent of 107.529 ha. was without approval under FCA, 1980 in the lease.

Section 2(iii) of the FCA, 1980 reads as under:—

“2. *Restriction on the de-reservation of forests or use of forest land for non-forest purpose.*

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

(i)

(ii)

(iii) *that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;*

(iv)”

Not only this, the State Government had accorded approval on 11.04.1986 for the second renewal for reserved forest area of 202.345 ha. which was also without the prior approval under Section 2 of the FCA, 1980.

All the production from the date of second approval i.e. from 10.10.1983 to 18.06.2001 is illegal and without any lawful authority. The cost of the said quantity shall be recovered under Section 21(5) of the MM(DR) Act, 1957 along with applicable penalty and penal action. Further, action should be taken under Sections 3-A and 3-B of the FCA, 1980 against all those who are responsible for these violations.

IV. Illegal Transfer:—

After having issued the Government Order on 01.10.2004 for third renewal of mining lease over an area to **138.848 ha.**, an Indenture of lease deed was executed on **09.07.2005** between the **Governor of Jharkhand State** on ONE PART and the Director, **Shri Mukund Rungta**, S/o. late Shri Sitaram Rungta of **M/s. Rungta Mines Limited** of the OTHER PART for a period of 20 years with retrospective effect from 24.01.1999.

It is pertinent to note here that “Form J” was submitted by **M/s. Rungta Mines Pvt. Ltd.** but the lease deed had been executed in favour of **M/s. Rungta Mines Limited** without having transfer of the lease from **M/s. Rungta Mines Pvt. Ltd.** to **M/s. Rungta Mines Limited** under Rule 37 of the MCR, 1960. Hence, the execution of the lease deed in favour of M/s. Rungta Mines Limited is void and of no effect.

V. Non-compliance of condition of diversion of forest land:—

An area of 31.310 ha. (claimed to be already broken-up forest land before 25.10.1980, there is no documentary evidence) had been approved under Section 2 of the FCA, 1980 in favour of **M/s. Rungta Mines Pvt. Ltd.** in **Ghatkuri Reserve forest** of West Singhbhum District in Jharkhand State, subject to certain conditions by the MoEF on 18.06.2001.

One of the conditions, (vi) of the said approval reads as under:—

“The period of permission under the Forest (Conservation) Act, 1980 will be for 20 years w.e.f. the date of issue of this order subject to Environmental Clearance under the Environment (Protection) Act, 1986, if applicable.”

It is to state here that as per the EIA Notification dated 27.01.1994, when any lease is renewed, (renewal is considered as fresh grant), the lessee is supposed to obtain Environmental Clearance (EC) under the said Notification, if not obtained earlier.

From the records submitted by the lessee, it is noted that no such approval has been obtained

since **24.01.1999 to 15.04.2008**. During this period, the mining lease was running in full swing, as per the production data submitted by the Mines Department and the lessee himself. Approximately, **90,24,321 MT** of iron ore has been extracted during this period.

Running of mine, during this period, was illegal on the ground of non-compliance of condition of diversion of forest land approval of MoEF dated 18.06.2001 and also not obtaining EC. Hence, it attracts the provisions of Section 21(5) of the MM(DR) Act, 1957. Therefore, action should be taken accordingly.

VI. Environmental Clearances (ECs) dtd. 15.04.2008 and 22.05.2013:—

EC was obtained by the lessee on **15.04.2008** under the EIA Notification dated 27.01.1994 for extraction of **1.8 million ton per year** iron ore from the mining lease of 138.848 ha. forest land with various specific conditions.

Specific Conditions (ii) and (iv) of the said approval read as under:—

“(ii) Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority.”

“(iv) The environmental clearance is subject to grant of forestry clearance. The project proponent shall obtain requisite prior forestry clearance under the Forest (Conservation) Act, 1980 for working in the forest area.”

It is pertinent to state here that the aforesaid both conditions have not been complied with by the lessee till date. Even without complying the conditions, the MoEF went on giving the EC for second time on **22.05.2013** for abnormal extraordinary enhancement of production to the extent from **1.8 MMTPA** to **7.552 MMTPA** for the said area (138.848 ha.). The lessee extracted the iron ore in excess to **25,000 MT** per year. This would be definitely from the area other than the area of **31.310 ha. No measurements have been taken for this and all concerned are silent on the issue.**

It is further observed that without taking the note of compliance of the aforesaid both conditions stipulated in the EC approval dated 15.04.2008; the MoEF has again imposed almost similar conditions without taking action under the E.P. Act, 1986 which are reproduced as under:-

“(i) No mining activities will be allowed in forest area for which the Forest Clearance is not available.

- (ii) *The project proponent will seek and obtain approval under the FC Act, 1980 for diversion of the entire forest land located within the mining lease within a period of two years from 01.02.2013 i.e. the date of issue of guidelines by FC vide their letter F.No.11-362/2012-FC, failing which the mining lease area will be reduced to the non forest area plus the forest area for which the project proponent has been able to obtain the FC at the end of this time period. In the case of reduction in mine lease area, the project proponent will need to get a revised mining plan approved from the competent authority for reduced area and enter into a new mining lease as per reduced lease area. The EC will be construed to be available for the mining lease area as per the revised mining lease deed.*
- (iii) *Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority as may be applicable to this project.”*

It is observed that the enhancement of production from **1.8 MMTPA** to **7.552 MMTPA** is quite arbitrary and without application of mind. For example, the area earmarked for waste dump stacking is insufficient, as stated in Condition (xi) of the said approval. The said condition is reproduced as under:–

“(xi) The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only and it should not be kept active for a long period of time there shall be two OB dumps at the end of the mine life in an area of 2.25 ha. for dump D-1 and 3.92 ha. for dump D-3. The maximum height of the dumps shall not exceed 60 m in five terraces for D1 dump and 48 m in four terraces for D3 dump. The overall slope of the dumps shall be maintained to 28°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled and afforested. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment & Forests and its Regional Office located at Bhubaneswar on six monthly basis.”

It is to state here that the total area of 6.17 ha. as earmarked for staking of waste dumps is not at all sufficient for storing over burden generated out of huge production of **7.552 MMTPA**. Therefore, the approval accorded under the EIA Notification shall

be re-looked and withdrawn. **Further, action should be taken against the officials who are responsible for such arbitrary approval and without looking into the non-compliance of the conditions stipulated in the first approval dated 15.04.2008.**

The MoEF may consider seriously the issue, as it is found throughout the enquiry for non-compliance of the conditions. It is further observed that the ECs issued by MoEF should be based on ground realities and not for extraneous considerations.

In response to the notice dated **14.08.2013** issued by the Commission, the lessee, at **Annexure: C** of the notice, submitted year-wise production. Based on these figures and records, it is found that the lessee has done illegal production without lawful authority which attracts Section 21(5) of the MM(DR) Act, 1957. The same is compiled below (Table).

Table: 1

Illegal production of iron ore by the lessee without lawful authority

Name of the lease & Area (ha.)	Approval under EIA Notification of EP Act, 1986, Order No. & Date (production limit)	Year-wise Production as per lessee for iron ore (MT)		Production beyond 25,000 MT (i.e. Total Production minus 25000 MT)
Rungta Mines (Ghatkuri RF) Noamundi – 138.848 ha.	(i) J-11015/198/2006 IA. II(M) dated 15.04.2008 (Total Mining Leases Area – 138.848 ha. & Production Limit from 25,000 MT to 18,00,000 MT) and	2000-01 2001-02 2002-03 2003-04 2004-05 2005-06 2006-07 2007-08 2008-09 2009-10 2010-11 2011-12	0 8341 50676 170866.3 533049 474121 615470.74 883584.125 1590639.145 1707503.355 1504869.22 1743541.90	0 0 25676 145866.3 508049 449121 590470.74 858584.125 1565639.145 1682503.355 1479869.22 1718541.90
	(ii) J-11015/57/2010 IA. II(M) dated 22.05.2013 (Total Mining Leases Area – 138.848 ha. & Production Limit from 18,00,000 MT to 75,52,000 MT)	Sub-total (A)	9282661.785	9024320.785
Area 27.518 ha. (in Past) + Area 202.349 ha. (in Past) (229.867 ha.)	-----	1994-95 1995-96 1996-97 1997-98 1998-99 1999-00	20035 58243 46200 28000 49000 0	0 33243 21200 3000 24000 0
		Sub-total (B)	201478	81443
		Total (A) + (B)	9484139.785	9105763.785

VII. Approval under the FCA, 1980:—

The MoEF, Government of India, (FC Division) has accorded approval under Section 2 of FCA, 1980 for diversion of **31.319 ha.** of claimed to be already broken-up forest land before 25.10.1980 for iron ore mining in favour of **M/s. Rungta Mines Pvt. Ltd.** out of the proposed 131.081 ha. of reserved forest land on **18.06.2001** subject to fulfilment of certain conditions.

Among others, the relevant conditions (vi), (viii) and (ix) are reproduced herein for ready reference.

*“(vi) The period of permission under the Forest (Conservation) Act, 1980 will be for 20 years w.e.f. the date of issue of this order **subject to Environmental Clearance under the Environment (Protection) Act, 1986, if applicable.***

*(viii) The intervening virgin area of 91.052 ha. lying between the different pits will be maintained as a green patch at the cost of the user agency and no non-forestry activity should be carried out on these virgin areas **during this lease period.***

*(ix) Balance of **91.052 ha.** will be surrendered to the Forest Department with cost of its reclamation / enrichment plantation.”*

EC not obtained till 15.04.2008:—

As per the aforesaid condition (vi) of the FC approval, the lessee was supposed to obtain the EC under the E.P. Act, 1986 because being the lease renewed from 24.01.1999 for the third renewal under the MM(DR) Act, 1957. However, the lessee failed to obtain the EC till 15.04.2008 and the authorities have allowed the lessee to continue the mining operations. The lessee made windfall profits during the “China Boom”. Hence, the huge production extracted, during this period, is in flagrant violation of the FC approval as well as E.P. Act, 1986. Factually, the approval under FCA, 1980 remains void and of no effect till 15.04.2008. Therefore, action should be taken against all the concerned who are responsible for allowing mining in non-compliance of the FC approval.

FC approval not obtained:—

The lease was renewed on 11.04.1986. Yet, FC approval not obtained till 18.06.2001.

It is further observed that the lease was renewed (2nd RML) on 11.04.1986 for 202.3435 ha. by the State Government, Mines Department and a lease deed was executed on 11.05.1986 with retrospective effect from **10.10.1983** for a period of

15 years 3 months 14 days. This was also in violation of the FCA, 1980, **since the entire leased area is a Reserve forest.** The MoEF has totally ignored the above said facts and accorded the approval without initiating any action under the FCA, 1980. Surprisingly, there is no mention about this violation in the approval given on **18.06.2001** by MoEF and also penal compensatory afforestation which is being imposed by MoEF in all such cases (though there is no provisions under the law for such penalty) as discussed in **first report of Commission for the State of Odisha.**

Imposed condition (viii) of FC approval not observed:—

As per the aforesaid Condition (viii) of the FC approval, the intervening virgin area of **91.052 ha.** lying between the different pits, is supposed to be maintained and no non-forest activity should have been carried out on this virgin **areas during this lease period i.e. from 18.06.2001 to 17.06.2021.** But surprisingly, the MoEF has given the Stage-I approval for the said area on **17.06.2013** by completely ignoring its own condition in the pretext of enhancement of production for captive consumption by the lessee which is factually not correct.

Further, the S. R. Rungta Group and Rungta family is having about **15 (14) mines** in the West Singhbhum District and adjoining Keonjhar and Sundargarh Districts. There is large quantity of iron ore being produced by them from these mines. Moreover, there was no proposal in “Form J” applied by the lessee i.e. M/s. Rungta Mines Pvt. Ltd. in the year 1997, as discussed earlier. Hence, the lessee is taking different stands in different proposals for the same lease.

VIII. Process of Second Forest Diversion proposal:—

The Director, Sri Mukund Rungta on behalf of the lessee, M/s. Rungta Mines Ltd., submitted an application in Form-A for seeking prior approval under Section 2 of the FCA, 1980. The relevant part thereof is reproduced as under:—

“(1) Project details:

Short narrative of the proposal & project/scheme for which the forest land is required:

Ghatkuri Iron Ore Mine of M/s. Rungta Mines Ltd. is one of the oldest working mining lease in operation since 10.10.1953 under Noamundi Block of West Singhbhum district of Jharkhand State.

The present RML area is granted over 138.848 hectares vide Govt. Letter No.3/BM-4-20/98/1252 dated 01.10.2004 and was executed on dt. 09.07.2005 for 20 years with retrospective effect from 24.01.1999. Previously, the project under reference comprised of 229.863 ha. which has been reduced to 138.848 hecets. During grant of RML after surrender of 99.015 ha. of non-mineralised virgin forest land as per the approval letter No.8-63/99-FC, dt. 18.06.2001 of Ministry of Environment & Forests, Govt. of India, New Delhi.

In the already approved diversion proposal, it was proposed to work within the broken-up area only keeping in view low level of production as per the then market demand. However, Ministry of Environment & Forest, Govt. of India vide their above referred letter has given approval for mining operation within 31.319 hecets. only out of 40.329 hecets. of land already broken-up prior to 1980. As such, the present mining operation is confined within 31.319 hecets. of broken-up land only. The remaining 9.01 hecets. of broken-up land is not being worked. Now, to meet the requirement of raw material for own Sponge Iron Plant and Steel Plant being set-up in Jharkhand State by the User Agency and the increased demand of iron ore due to its internal consumption as well as export of low grade iron ore fines previously

not finding any use, we now, propose to enhance the production to 1.8 million tons per annum from present production of 0.15 million tons per annum of iron ore which cannot be met by mining individual small broken-up Blocks as exploitation of iron ore upto full thickness of ore body require systematic development upto the ultimate pit limit. This will lead to optimum utilization of mineral resources with due observance to mine environment and safety aspect. The mine can also be reclaimed in a better way simultaneously with ongoing mining operation. Thus, intervening virgin forest land in between the broken-up blocks will be required for further expansion of broken-up area to meet the projected demand of iron ore. This diversion proposal is being submitted as modification in the approved diversion proposal for requirement of 90.342 Hectares of virgin forest land as well as 9.010 hecets. of already broken-up area (prior to 25.10.1980) which has not been diverted earlier for mining and allied operations.”

The specific recommendation of the Dy. Conservator of Forests made at Serial No.13 of the Proposal (with the signature – 22.06.2007 of the Divisional Forest Officer, Saranda Division, Chaibasa) is reproduced as under:–

<p>“13.</p>	<p><i>Specific recommendation of the DCF for acceptance or otherwise of the proposal with reasons.</i></p>	<p><i>The proposed site for mining of iron is located in Ghatkuri Reserve Forest of Saranda Forest Division which is very rich for in flora and found and ecologically very sensitive. The area has also been notified as CORE AREA of Singhbhum Elephant Reserve vide notification no.72/00(PE) dated 26.03.2001 by Government of India. It is quite evident from the past experiences that the work forces engaged in mining activity sometimes make deliberate attempt to encroach the adjoining forest-land by illegally felling of trees. This results in destroying of the wild life habitation and around the mining area. The proposed area for diversion is being recommended subject to the conditions as mentioned.</i></p> <p><i>1) Phaswise mining and Reclamation (with local endemic species) should be made mandatory.</i></p>
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		<p>2) Area to be diverted should be fenced off by Solar Power Fencing.</p> <p>3) The User Agency shall have to bear the cost of mitigate the adverse on flora and fauna of Saranda Forest Division as per approval of the scheme submitted for protection to wild life and forest.</p> <p>4) To mitigate the problem of Soil Erosion and water pollution, the user agency has to take preventive measures as check-dams, silt detention etc.</p> <p>5) No washery should be allowed in the proposed area.”</p>
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At Serial Nos.14 to 16, the Conservator of Forests, Southern Circle, Chaibasa made certain comments on 12.08.2008 which are reproduced as under:-

<p>“14.</p>	<p><i>Whether site, where the forest land involved is located, has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.</i></p>	<p><i>Yes, the proposed area of 99.352 Ha. of Ghatkuri RF of M/s. Rungta Mines Limited has been inspected on 27.02.2008 along with Divisional Forest Officer, Saranda division; Assistant Conservator of Forest, Saranda Div. and Range Forest Officer, Gua Range.</i></p> <p>Inspection note: <i>The forest area proposed for diversion is rich in biodiversity as regards to flora and fauna. The forest type found in the proposed area is moist deciduous Sal forest wherein Sal forms almost a pure formation. The proposed area falls within the core area of the notified Singhbhum Elephant Reserve. The area is also reported to be rich in minerals especially iron ore and hence the area is fragmented as a result of extensive mining. The proposed area is wooded area which also comprises of 9.01 ha. of broken area which was subjected to mining prior to 25.10.1980. The ore reserve of the other broken areas of the existing mining lease hold area is yet to be exhausted and the rehabilitation measures has to be improved. The river Koina and</i></p>
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		<i>other natural water bodies found in the locality are affected by the mining already in progress and efforts to minimize this damage through soil and moisture conservation measures have to be adequately improved.</i>
15.	<i>Whether the concerned Conservator of forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.</i>	<i>Yes. The information provided in the Part-II of the proposal is correct as found by me during the inspection. The recommendations made by the Deputy Conservator of Forests are in agreement with the requirements that are to be ensured before according the permission for mining to the user agency.</i>
16.	<i>Specific recommendation of the concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.</i>	<i>The saranda forest which is spread over four forest divisions of West Singhbhum district has been subjected to heavy illicit felling and encroachment resulting out of Jharkhand movement and poor economic status of the local tribal people which has led to loss of quality habitat for wildlife found in the area. The extension of mining activities will further enhance the degradation process and habitat fragmentation. As already mentioned in the above inspection report, the saranda forests are rich in biodiversity of flora and fauna which is ecologically sensitive. The proposed area is a part of the Core Area of notified</i>

	<p><i>Singhbhum Elephant Reserve. Elephant is a large animal which requires large stretch of unfragmented habitat for cover and movement. However, the proposed area is reported to be mineralized zone embedded with vast reserves of iron ore. Thus, the proposed activity is site specific and is considered essential for overall economic growth of the state and country. There is mining activities going on in the surrounding area also. In the general public interest and in the interest of economic development of the country, the project may be considered subject to below mentioned conditions:-</i></p> <ol style="list-style-type: none"> <i>1. The user agency may be allowed to take up mining as per the requirement on a phased manner and reclamation of the mined out area through fill back us as per approved mining plan and planting with local endemic plant species.</i> <i>2. The mining area should be covered with barbed wire fencing of appropriate height to avoid the mishappenings to the wild fauna.</i> <i>3. The enrichment of saranda forests (comprising of four divisions of West Singhbhum district) apart from the area subjected to mining activities in order to improve the habitat</i>
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		<p><i>conditions for elephant in particular and wildlife in general. A comprehensive management plan for the entire stretch of the saranda forests be implemented and the user agency should bear the proportionate share of the implementation cost.</i></p> <p><i>4. To keep the air and water pollution which is adversely affecting the aquatic and other wildlife, the user agency shall take up effective soil and moisture conservation measures through construction of series of check dams and other structures all along the natural streams. No washery be allowed to be set up in the proposed area as it would pollute the water bodies.</i></p> <p><i>5. The user agency should assist the Forest Department in prevention of occurrence of natural/incidental forest fires. Also, the user agency shall provide local forest officials a vehicle for monitoring of forest fires and extend necessary help in controlling the forest fires in cases of its occurrence.</i></p> <p><i>6. The user agency shall take up activities necessary for improvement of socio-economic development of the villages / villagers affected by the project area.”</i></p>
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The Inspection Note dated 16.10.2008 of A. K. Gupta, Regional Chief Conservator of Forests, Singhbhum, Jamshedpur, is reproduced as under:—

“Inspected the area along with DFO Saranda Forest Division on 14.9.08. Representatives of user agency were also present. The area is located in GUA Range of Saranda Forest Division. The area does not form valley SAL forest of Saranda. Total area of lease is 138.848 ha. Out of this, total 40.329 ha. is broken up before 1980. A 31.319 ha. is presently under diversion valid up to 2019 and balance 9.01 ha. although broken up before 1980 is not under diversion. Leaving 7.127 ha. for safety zone and 1.05 ha. for plantation, user agency has applied for diversion of balance 99.352 ha.

User agency has not violated any of the conditions provided in GOI diversion letter No.8-63/99 FC dated 18.6.01. User agency has not cut all standing trees in 31.319 ha. diverted area. Sporadic and isolated trees, which were not obstructing mining activities are left standing. A small area, where mining is finished, has been reclaimed but cannot be handed over to Forest Department since this area lies in the middle and is in use for other purposes. User agency has taken steps to stabilize over burden by doing plantations on slopes. As said above, few isolated trees are standing over 40.329 ha. broken up area, but this cannot influence the status of broken up and cannot be taken as new regeneration.

The virgin area is heavily infested with climbers but tree density is thin. Sample plot enumeration shows less than 320 trees per ha. including those below 30 cm girth also. In my opinion, tree density is not more than 0.3.

There is no running stream or Nalla within the area. No evidence of elephant movement in lease area was seen during inspection.”

IX. Observations based on the File No.8-35/2013/FC submitted by the MoEF:—

Based on the file No.8-35/2013/FC submitted by the MoEF, the following observations are made for further needful action:—

1. From the file, it is noted that a new file has been opened de-linking the earlier old file No.8-63/99/FC for diversion of forest land to an extent of 31.319 (first diversion and Temporary Working Permissions) which is found an inappropriate action and seems to be deliberate attempt for a single lease of the same lessee.
2. The lessee, through its Director, Sri Mukund Rungta has submitted a second proposal for diversion of 99.235 ha. of forest land (reserved forest) for iron ore mining in Ghatkuri Reserve

Forest. The date of submission of the proposal is not stated in the proposal. A lapse is noted on the part of lessee. Even, no serial number has been given by the Nodal Officer.

3. The basic reason for obtaining diversion of forest land is stated as expansion of the mine area for the requirement of raw material (ore) for their own Sponge Iron Plant and Steel Plant being set-up in Jharkhand State which is substantially found misleading, as discussed earlier.
4. It is noted from the proposal that there is no document submitted by the lessee whatsoever regarding so called set up of Sponge/Steel Plant along with the proposal. The authorities did not bother throughout the processing of the proposal to check up the contention and genuineness of real and actual requirement of iron ore by the lessee, present availability with them, the number of leases the lessee does have, etc. The authorities have failed at all levels to check up the total mines held by the S. R. Group/Rungta family in Jharkhand and Orissa States and their annual iron ore production, though MoEF has all the records of approvals of forest land diverted in favour of Rungta group in both the States.

The officers of MoEF and Forest Advisory Committee (FAC) have completely failed to apply its due diligence to analyze the need of the iron ore by the user agency for his, to be set up Sponge and Steel plants viz-a-viz actual requirement of the diversion of the prime virgin reserve forest which is very rich in flora and fauna having one of the best biodiversity and ecologically sensitive.

5. When this proposal was processed for Stage-I approval in the mid-year 2013, the lessee was already having Environmental Clearance for production of 1.8 MTPA granted by the MoEF vide its approval letter No.J-11015/198/2006 IA. II (M) dated 15.04.2008 and also, Environmental Clearance for production of 7.552 MTPA granted by the MoEF vide its approval letter No.J-11015/57/2010 IA. II (M) dated 22.05.2013.

The lessee was doing production during this period from this lease (from 2001-02 to 2012), as given in the Table, which is apparently in excess of EC limit and FC violation. The data are submitted by the lessee himself.

It is to state here that the lessee has already taken expansion of project by extracting quantity from 138.848 ha. of forest land from **25,000 MT per annum to 1.8 Metric ton per annum**, even before this diversion of forest land is sought and operating the lease to that capacity. As per condition (iv) (specific conditions) of Environmental Clearance of MoEF dated 15.04.2008, the lessee was supposed to obtain Forestry Clearance (FC) before starting production **more than 25,000 MT per annum. But the lessee did not obtain the same and the authorities continuously allowed the said extraction of iron ore without taking any action.**

Hence, the lessee has done blatant illegal mining throughout the period and has produced an illegal iron ore to an extent of **90,24,320.785 MT from the year 2000-01 to 2011-12** which is without lawful authority. Therefore, it attracts the provision of Section 21(5) of the MM(DR) Act, 1957. Hence, action should be taken as per this provision. Further, action should also be taken against the officers responsible in all connected Departments.

It is clear from the above EC approvals and production that even before the diversion of this proposed forest land, the lessee was having required quantity production illegally from this lease itself by utilizing excess forest area which has been ignored by the authorities including the Forest Advisory Committee dated 9/10.05.2013.

No inspection report after 16.10.2008 is available and perhaps was the last official site inspection of the lease. This is a serious issue and immediately, an inspection should be ordered with an independent team of officers of Mines, Forest, Revenue Departments and action should be taken accordingly on the outcome of the said report. Till that, mining operation may be stopped. The MoEF shall reconsider its diversion proposal keeping in mind the illegalities/irregularities committed by the lessee.

As per the statement made by the DFO, the area in question is a part of notified elephant reserve with rich biodiversity of flora and fauna. The same view is endorsed by the Conservator of Forests, Regional Chief Conservator of Forest and Principal Chief Conservator of Forests. But all of them have

recommended (except RCCF, Jamshedpur who has left the decision for higher authorities) for the projects approval ignoring the demerits and illegalities committed by the lessee, as discussed earlier.

It is pertinent to note here that the lessee is having approval under EC for approximately **214.0 MTPA** (million tons per annum) of iron ore from its **other 14 leases** (excluding the present lease) which it is having with it.

If that is the case, does it really require the diversion of prime virgin forest land for this lease for “sponge plant” of the lessee?

Secondly, whether the diversion of forest land sought is based on need or greed?

The questions call for a probe by independent agency.

The Jurisdictional Dy. C.F. and C.F. have reported that the average canopy / tree density of proposed area ranges between 0.5 to 0.7. But the Regional CCF, Shri A. K. Gupta has reported that the said density of the ore is not more than 0.3. It is noted that the observation

of the RCCF, Jamshedpur is quite arbitrary and without any measurement taken by him. It is an undue favour extended to the lessee for payment of less NPV and others. Hence, action should be taken against the RCCF as per law. Further, he did not given any specific opinion regarding the proposal. The inspection note is quite ambiguous, non-specific and non-directional.

The user agency did not submit DGPS map of the area and the MoEF did not insist on it and granted Stage-I approval.

The date-wise sequence of the process of the proposal by various statutory authorities, is stated as under:-

Sr. No.	Statutory authorities as per Forest Conservation Rules, 2003	Date of process of proposal
1	Rungta Mines Pvt. Ltd. — Sri Mukund Rungta S/o. Sri S.R. Rungta	Not stated
2	DFO, Chaibasa	22.06.2007
3	Conservator of Forests, Chaibasa	12.08.2008
4	Regional Chief Conservator of Forest, Jamsedpur	16.10.2008
5	Principal Chief Conservator of Forest, Ranchi	25.10.2008
6	State Government, Jharkhand (Environment and Forest)	02.04.2013
7	Receipt of proposal by the MoEF	08.04.2013
8	Initiation of process of proposal	18.04.2013
9	Meeting of FAC	09/ 10.05.2013
10	Issue of Stage-I approval	19.06.2013

It is stated here that the proposal was submitted somewhere in the year 2007 by the lessee. After submission and inspection by field officers, large number of changes had occurred during the period of six years as discussed earlier, including EC, mining plan, illegal mining and others which have not been taken into consideration at all, when the proposal was approved.

It is observed that the non-forest land identified for compensatory afforestation, before the proposal was submitted, might have been encroached. The present status of this land has not been ascertained. Generally, in a span of five years, the land gets encroached upon as noted in the matter of compensatory afforestation (CA land) identified for JSPL Project. A fresh re-look, in this matter, is required.

It is observed that the lease was renewed second time on 11.04.1986 under the MM(DR) Act, 1957 and the deed thereto was executed on 11.05.1986 for a period of **15 years 03 months and 14 days till 24.01.1999**. The said renewal of the lease was granted and the deed thereto was executed without having

prior approval under Section 2 of the FCA, 1980. Hence, there is a flagrant violation of the said Act and no action has been initiated in this regard. Further, nothing is mentioned in the FC approval dated 18.06.2001 of MoEF regarding the said violation of the Act. If this violation was considered by the MoEF, in all probability, MoEF would not have granted FC approval.

Temporary Working Permissions:—

Temporary Working Permissions (TWP) were granted for broken up area for **31.318** ha. on 19.01.1998 (6 months) and 16.10.1998 (3 months) upto 24.01.1999 for a period of 9 months. There is no further approval under FCA in between 24.01.1999 to 18.06.2001.

It is stated here that approval under FCA was granted on 18.06.2001 for 31.319 ha. (broken up area) only and there is no approval for the remaining area, out of 229.867 ha. of reserved forest leased land which the lessee was in possession in lieu of lease grant under the MM(DR) Act, 1957.

Third Renewal for 138.848 ha.:—

Third renewal under the MM(DR) Act, 1957 was accorded for this mining lease over an area of **138.848 ha.** vide State Government's Order dated 01.10.2004 and the lease deed was executed on 09.07.2005 for a period of 20 years with retrospective effect from 24.01.1999. The said renewal of lease (all renewals are fresh lease grants) has been done against the flagrant violation of Section 2 (iii) of the FCA, 1980. The authorities of the MoEF and FCA have completely failed to note such a serious violation of the Act and kept themselves silent with the reasons best known to them. There is no mention in the Stage-I approval dated 19.06.2013 about it and also in the entire file noting about this patent violation.

Hence, action should be initiated under Sections 3-A and 3-B of the FCA, 1980 against all those who are responsible for it.

- (i) It is noted that the proposal was pending and unprocessed in State Government (Environment & Forest) from 25.10.2008 to 02.04.2013 for almost 5 years. It was in violation of Forest Conservation Rules, 2003. It was processed in MoEF fast without any qualitative addition/ improvement and proper application of mind at the level of senior officers as pointed out earlier. The MoEF has

to consider seriously about such casual approach for such virgin and last sensitive ecosystem and one of the finest elephant habitat left in the country.

- (ii) It is seen that there is no communication between the FC Section and EC Section of MoEF, though it is headed by a single Secretary and the Hon'ble Minister. This watertight gap is required to be abridged without any delay.
- (iii) It is also observed that the files do not move through the Secretary of MoEF to the Hon'ble Minister of MoEF for diversion of forest cases and because of that, all such irregularities are being committed in two wings of the same office. The lessees are taking undue advantage of it. The decisions of one wing are not known to other which is very crucial for approval of such projects. The MoEF may take note of this and do the needful for better communication, in this regard.
- (iv) It is further noted that the **DGF [Director General (Forest)]** is the Chairman of the Forest Advisory Committee (FAC) and also the last authority in the Ministry to submit the files to the Hon'ble Minister. Hence, it is suggested that all the files of diversion of forest land may move through the Secretary to the Hon'ble Minister.

- (v) It appears that there is no mining expert in the FAC who can throw light on the proposal at mining angle and about all such shortcomings. Therefore, it is suggested that the MoEF may reconstitute the FAC by including a mine expert as a member and his presence may be made mandatory in FAC meetings.

This project has been approved by the following members and Chairman of the FAC dated 09th/10th May, 2013 ignoring the shortcomings as discussed in the present lease summary.

- | | | |
|-------|---|-------------------------|
| (i) | R. K. Mishra,
Additional Commissioner
(Ministry of Agriculture) | ... Member |
| (ii) | Prof. N. P. Todaria | ... Member |
| (iii) | Dr. Mohammad
Firoz Ahmed | ... Member |
| (iv) | M. S. Negi, IGF (FC) | ... Member
Secretary |
| (v) | A. K. Srivastava,
ADGF (FC) | ... Member |
| (vi) | Kantharaj Jude Sekar,
DGF & SS | ... Chairman |

X. Trading of Iron Ore and findings of the Income Tax Department:-

Findings are observed on the basis of orders passed by the Income Tax Department.

The Commission has obtained the records from the Income Tax Department pertaining to this lease and other leases. The relevant part of the report is reproduced herein for further needful action by the concern authorities / Government of India including the IT Department, if possible, with a time bound programme on all the aspects raised herein.

“Illegal sale through transit permits in Form-D:-

*For the purpose of dispatch of iron ore extracted from Ghatkuri Iron Ore Mines, Gua of Rungta Mines Ltd., the transit permits were issued in Form-D under **Jharkhand Mineral Transit Challans Regulation, 2005**. One transit challan book contains 100 leaves bearing serial no. and each leaf has four counter foils. One of the same is for record of the Company and other three are meant for at different stages of the same transit.*

The transit challans/permits issued to Rungta Mines Ltd. had got transferred to other persons for transportation of illegal iron ore. The details thereof are as under:-

Particulars of Challans books	Date of Issue
<i>11014601 to 11014700</i>	<i>16.12.2009</i>
<i>10811601 to 10811700</i>	<i>16.12.2009</i>
<i>11015401 to 11015500</i>	<i>19.12.2009</i>
<i>10810401 to 10810500</i>	<i>26.12.2009</i>
<i>10810601 to 10810700</i>	<i>26.12.2009</i>
<i>10488501 to 10488600</i>	<i>26.12.2009</i>
<i>10810301 to 10810400</i>	<i>28.12.2009</i>
<i>10415001 to 10415100</i>	<i>29.12.2009</i>
<i>10415501 to 10415600</i>	<i>30.12.2009</i>
<i>10825301 to 10825400</i>	<i>22.10.2009</i>
<i>11269601 to 11269700</i>	<i>28.10.2009</i>
<i>9706401 to 9706500</i>	<i>06.11.2009</i>
<i>9706701 to 9706800</i>	<i>10.11.2009</i>
<i>11083601 to 11083700</i>	<i>07.12.2009</i>
<i>11278401 to 11274900</i>	<i>09.12.2009</i>

Ref.: Page No.5 of RH-13

It appears that the above challans have been misused to transport illegally mined iron ore. Various documents like MM-42 to MM-47 and RH-16, etc., relating to loss of such challans and use of them to transport illegal iron ore/iron ore fines/Mn. ore, etc., have been seized in the course of search. The AO should analysis these documents and make necessary

enquiry & investigation to reach to a logical conclusion. The AO should examine this issue whether these challans have been used by Rungta Group to transport illegal iron ore/fines mined by them and, thereafter, should take the action accordingly.

Illegal expenditure for payments to naxals:-

*A diary (note book) was seized by the police of Manoharpur Police Station, West Singhbhum on **21.08.2011** during **Operation Monsoon**. This diary was recovered from one of the naxals operating in the jungle – **Rongo**. The copy of this diary duly attested by the Addl. S.P. (operation), West Singhbhum, Chaibasa has been **requisition by this office**.*

*After perusing the said diary, it is apparent that Rungta Group pays levy to the naxals @ Rs.6.50 lakh per month as mentioned at Page No.3 of the diary. At various pages of the diary, Rungta Group has been abbreviated by **“RT”**. At many pages, **“Rungta”** is clearly mentioned before the amount of levy given by them.*

Page No.1 of the diary is dated 31.08.2010 and the scanned copy of the relevant pages thereof is as under:-

"1) रूंगटा का 28,00,000.00
2) उषा का 29,00,000.00
3) इंडिया का 19,50,000.00

76,50,000.00"

Page no. 3 of the diary mentions as below:

"दिनांक 16/10/2010 का प्राप्त राशी R.T का 28,00,000/- ये राशी जनवरी, फरवरी, मार्च, अप्रैल, मई 2010 का है।

"R.T प्रत्येक माह 6.50 लाख जमा देता है।"

"R.T. का 2010 का पांच माह का 32,50,000/- जमा दिया। पर 2L बड़ा घर गया और 2L50H दूरसंचार खरीद के लिए रखकर शेष 28,00,000 का Anmol da के लिए 26 नवम्बर 2010 को भेज दिया गया। 50H RT के पास बाकी"

Page no. 10 mentions as below:

“सालाना”

“ उ का	60,00,000.00
अशिकद का	60,00,000.00
रुंगटा का	78,00,000.00 ~
आधुनिक का	72,00,000.00
	<u>2,70,00,000.00”</u>

Page no. 16 contains as below:

“दिनांक 16/10/2010 का -

US जनव, फर, मार्च 2011 का 15 L

RT जन, फरव 2011 का 13 L

RT का 2H कम है।”

Page no. 17 contains as below:

“Manthali of Tax

(1) AK	-	6.00L
(2) RT	-	6.50L
(3) Udi	-	5.00L
(4) Indicom	-	6.50L
(5) Ad	-	5.00L
(6) M Lal	-	2.00L”

Page no. 18 contains as below:

“दिनांक 13/02/2011 को रुंगटा ने 20 लाख पेंचा में सुनील लाकर जमा दिया था।
2010 का”

The above notings of the diary clearly show that Rungta Group paid the levy to the naxal @ Rs.6.50 lakh per month during the financial years 2009-10 and 2010-11. The said payment is apparently illegal in nature and not accounted for in the books of account of the concerns of Rungta Group.

The AO is requested to consider these payments (in all, Rs.78 lakhs per year) as unexplained expenditure u/s. 69C of the Income Tax Act, 1961. The AO may also apply the illegal expenditure of Rs.78 lakhs per year telescopically in the previous F.Yr. 2005-06 to 2008-09 and for financial year 2011-12, as it is regular phenomena of the assessee and the naxals.

Page Nos.56 to 69 of MKJ-61 contain self made cash vouchers which show that these vouchers have been signed in capital letters and in the same handwritings whereas the payments have been

made to different persons. These vouchers do not have any seal or signature on behalf of the company. Prima-facie, these vouchers seems bogus.

*During post search-investigation, the enquiry letters were sent to various District Transport Officers of Jharkhand and Regional Transport Officers of Orissa to verify the veracity the vehicles through which iron ore and iron ore fines have been transported and against which transportation expenditures have been debited by the concerns of Rungta Group. **The enquiry revealed startling findings that the vehicles through which iron ore and iron fines were transported are found to be two wheelers - motor-cycles and four wheelers - passengers cars.***

Further, “the details of vehicle number, date of transportation, bill number & date, the source & destination of the transportation and material dispatched have been summarized as under:-

Sr. No.	Voucher No.	Claimed	Findings	Date of Transportation	Bill No. and Date	Page No. Id Mark OSL-I	Details of transportation
1	OR14P-1418	Truck/Tipper	Hero Honda-CD DLX	22.08.2010	OSL/BICL/04/10-11 & 31.08.2010	26	Despatch of iron ore fines from Nadidih (BICL) to Barbil R/W Siding
2	OR14P-5786	Truck/Tipper	Motor-cycle Glammer	25.10.2010	OSL/BICL/020/10-11 & 31.10.2010	149	Despatch of iron ore (10x30) from Nadidih BICL to Deojhar R/W siding
3	OR14L-0366	Truck/Tipper	Hero Honda Splendor	24.10.2010	OSL/BICL/021/10-11 & 31.10.2010	171	Despatch from iron ore fines from Nadidih BICL to Deojhar R/W siding
4	OR14F-2623	Truck/Tipper	Caliber Motor-cycle	26.10.2010	OSL/BICL/021/10-11 & 31.10.2010	165	Despatch from iron ore fines from Nadidih BICL to Deojhar R/W siding

Sr. No.	Voucher No.	Claimed	Findings	Date of Transportation	Bill No. and Date	Page No. Id Mark OSL-I	Details of transportation
5	OR14F-6002	Truck/Tipper	Passion Motor-cycle	25.10.2010	OSL/BICL/020/10-11 & 31.10.2010	148	Despatch from iron ore (10x30) from Nadidih BICL to Deojhar R/W siding
6	OR14N-2294	Truck/Tipper	Motor-cycle	26.10.2010	OSL/BICL/021/10-11 & 31.10.2010	166	Despatch from iron ore fines from Nadidih BICL to Deojhar R/W siding
7	OR14N-2316	Truck/Tipper	Motor-cycle	06.10.2010	OSL/BICL/013/10-11 & 15.10.2010	96	Despatch from iron ore fines from Nadidih BICL to Barbil R/W siding
8	OR14N 3114	Truck/Tipper	Motor-cycle	25.10.2010	OSL/BICL/021/10-11 & 31.10.2010	167	Despatch from iron ore fines from Nadidih BICL to Deojhar R/W siding
9	OR14R-3531	Truck/Tipper	Scorpio	27.10.2010 and 23.09.2010	OSL/BICL/021 & 08/10-11 and 31.10.2010 & 30.09.2010	164 & 54	Despatch from iron ore fines and iron ore (10x30) from Nadidih BICL to Deojhar R/W siding

Sr. No.	Voucher No.	Claimed	Findings	Date of Transportation	Bill No. and Date	Page No. Id Mark OSL-I	Details of transportation
10	OR14R-6002	Truck/Tipper	Hero Honda Passion	27.10.2010	OSL/BICL/021/10-11 & 31.10.2010	162	Despatch from iron ore fines from Nadidih BICL to Deojhar R/W siding
11	OR14S-3224	Truck/Tipper	Ford Car	10.08.2010	OSL/BICL/03/10-11 & 15.08.2010	14	Despatch from iron ore fines from Nadidih BICL to Barbil R/W siding
12	OR14S-3424	Truck/Tipper	Scorpio	26.10.2010	OSL/BICL/021/10-11 & 31.10.2010	165	Despatch from iron ore fines from Nadidih BICL to Deojhar R/W siding
13	OR11F-8983	Truck/Tipper	Moped	05.11.2010	OSL/BICL/022/10-11 & 15.11.2010	184	Despatch from iron ore (10x30) from Nadidih BICL to Deojhar R/W siding
14	OR15H-0616	Truck/Tipper	Motor-cycle	08.10.2010	OSL/BICL/016/10-11 & 15.10.2010	116	Despatch from iron ore (10X30) from Nadidih BICL to Deojhar R/W siding

Sr. No.	Voucher No.	Claimed	Findings	Date of Transportation	Bill No. and Date	Page No. Id Mark OSL-I	Details of transportation
15	OR15M-0556	Truck/Tipper	Motor-cycle	11.08.2010	OSL/BICL/03/10-11 & 15.08.2010	12	Despatch from iron ore fines from Nadidih BICL to Barbil R/W siding
16	JHO1R-5079	Truck/Tipper	Santero car	13.10.2010	OSL/BICL/14/10-11 & 15.10.2010	103	Despatch from iron ore fines from Nadidih BICL to Barbil R/W siding

Further, during the survey operation in case of **M/s. Om Sharda Logistics Pvt. Ltd., M/s. Popat Ramchandra Durga, M/s. Sunil Arora and Pravin Chougule Associates, etc.**, it was found that they did not maintain any books of account and details of expenditures incurred towards services provided to the concerns of Rungta Group. It appears that the amount received by such parties from Rungta Group in cash to make illegal expenditures like payment to naxals, payments of Government officials, purchase of immovable properties, etc.

All the above findings clearly show that the concerns of Rungta Group are debiting bogus expenditures in their Profit and Loss A/c. The Assessing Officer should make thorough enquiry in the line mentioned above under following heads:-

- (i) Transportation of iron ore/mn. ore/iron ore fines;
- (ii) Raising of iron ore/mn. Ore;
- (iii) Crushing of iron ore/mn. ore;
- (iv) Screening of iron ore/mn. ore;
- (v) Handling of iron/mn. ore;
- (vi) Ground losses of iron ore/mn. ore; and
- (vii) Shortage of iron ore/iron fines during the transportation of them through Railway.

The AO should quantify the bogus expenditures after making aforesaid enquiry before finalizing the assessment orders of the concerns of the Rungta Group for the financial years under search assessment.”

XI. Recommendation:—

In substance, as discussed above, in respect of this lease, there are violations as stated below.

- (a) Violation of Rule 37 of MCR, 1960;
- (b) Violations of the Forest (Conservation) Act, 1980 and non-compliance of conditions; and
- (c) Unlawful production of iron ore without or in excess of EC limit, as discussed above; and
- (d) Others as stated during the discussion in this Chapter.

Nobody has verified whether the conditions imposed while granting FC are complied with or otherwise.

In any case, the State Government should initiate action u/s. 21(5) of MM(DR) Act, 1957 for recovery the market value of the illegally extracted iron ore with appropriate penalty.

In view of the aforesaid violations and inaction on the part of the State Government, it is suggested that this matter should also be handed over to the Central Bureau of Investigation like in other cases suggested by the Commission, for further needful action.

* * *

JSW Steel Ltd.**(Ankua Reserved Forest, District: West Singhbhum)**

1. At the outset, it is apparent to state here that despite the havoc created in Utrakhand because of unjustified huge deforestation of forest and one of the most sensitive areas for the environmental points of view, it appears that the Government has granted Stage I approval to JSW Steel Ltd. for mining of iron ore in a dense forest area.

Admittedly, it contains about 3,00,000 trees which includes 2,00,000 trees about 60 cm. girth. The density is 0.7 to 0.8. Forest is declared as elephant reserve and finest area for elephant habitat. Apart from elephant, it contains giant squirrel, reptiles, sloth bear, wild boar, barking deer, etc. **Would it not be a sin to destroy such dense forest?**

2. Grant of mining lease in favour of M/s. JSW Steel Ltd.:—

A mining lease for iron and manganese ore over an area of 999.90 ha. in Ankua Reserved Forest, District: West Singhbhum was approved in favour of **M/s. JSW Steel Limited** for a period of 30 years by the Ministry of Mines, Central Government, under Section 5(1) of the Mines and Mineral (Development and Regulation) Act, 1957 [MM(DR) Act, 1957], subject to a condition under Rule 27(2) of the M.C. Rules, 1960.

“The lessee would provide access way within its leased area to lessees of mines adjacent to its boundaries for transportation of minerals.”

The said approval was subject to grant of mining lease for which the State Government has to ensure the compliance of the amended provisions of the MM(DR) Act, 1957; Forest (Conservation) Act, 1980 and Environmental Notification dated 27.01.1994. **It is pointed out that the State Government has not granted the lease under the MM(DR) Act, 1957. Hence, the process of grant of lease is not completed as on date.**

The said area of 999.90 ha. forms the part of the Compartment Nos.22 (P), 23 (P), 25 (P), 26, 27 (P), 28 (P) and 29 (P). While conveyor belt goes in

Compartment Nos.30, 31, 33, 36 and 37, all are part of Ankua Reserved Forest. The proposed lease is having common boundary with the SAIL leases on East and West sides (part), while the North and South sides are open and end in the virgin Ankua RF. The southern part of this lease is not surrounded by any lease (**Annexure: 1**).

3. Memorandum of Understanding signed by M/s. JSW Steel Ltd.:—

M/s. JSW Steel Ltd. has signed a Memorandum of Understanding (MoU) between the Government of Jharkhand and JSW Steel Ltd. to establish an integrated iron ore and steel plant of capacity of **10 MTPA** on 09.11.2005. It is learnt that there is no much progress or nil progress to establish the said plant. The process of land acquisition itself is not yet started.

4. Break-up of the forest land:—

The break-up of the forest land required for mining of iron ore project as submitted by JSW Steel Ltd. is produced as under:—

**Summary of Forest land required for Phase-I & Phase-II
(Forest Area) within Mining Lease area**

Sr. No.	Details	Phase - I (in ha.)	Phase - II (in ha.)	Total Area (in ha.)
1	Mining	452.644	220.886	673.53
2	Waste Dump D1	30.65	0.00	30.65
	Waste Dump D2	0.00	69.89	69.89
	Sub grade-Dump	44.11	0.00	44.11
3	Site Office, Manager Office, Time Office, Time Office, Shirt in charge office, Store Facility (Temporary Structure)	5.04	0.00	5.04
4	Magazine	28.93	0.00	28.93
5	ROM Stacking, Crushing & sizing facilities	34.04	0.00	34.04
6	Water reservoir & treatment plant	9.39	0.00	9.39
7	Statutory built-up area (Office Maintenance facilities, Rest shelter, First Aid facilities, Laboratory, Security Barracks, Electrical Sub-stations, Telecommunication, Fire Control, Canteen, etc.)	51.33	0.00	51.33
8	Roads	15.41	0.000	15.41
9	Green Belt / Safety Zone area	10.48	9.95	20.43
10	Access roads to SAIL (including road Safety Zone)	17.15	0.00	17.15
	Total	699.174	300.726	999.90

**Forest Clearance required under F.C. Act, 1980
(as proposed by the lessee):—**

(A)	Within Mining Lease area	:	999.90 ha.
(B)	Outside Mining Lease Area	:	18.60 ha.
	TOTAL	:	1,018.50 ha.

Forest diversion required in Phase – I

(A)	Within Mining Lease Area (including Safety zone area of 10.48 ha.)	:	699.174 ha.
(B)	Outside Mining Lease area	:	18.60 ha.
	TOTAL	:	717.774 ha.

Forest diversion required in Phase-II

(A)	Within Mining Lease area (including Safety Zone area of 9.95 ha.)	:	300.724 ha.
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Non-forest area required in Phase-I

(A)	Conveyor corridor	:	4.4 ha.
(B)	Widening & Strengthening of Existing approach road	:	1.2 ha.
(C)	Loading Complex, Railway Line & HT Line	:	48.71 ha.
(D)	Township	:	28.33 ha.
	TOTAL	:	82.64 ha.

Land use plan:

**Forest Clearance required
for the area under FC Act,
1980 (including safety zone
area 20 ha.) : 1018.50 ha.**

**Forest Diversion required
for the area for mining &
related activities under
FC Act, 1980 in Phase-I : 717.774 ha.**

**Forest Diversion required
for the area for mining &
related activities under
FC Act, 1980 in phase-II : 300.726 ha.**

For JSW Steel Ltd.

Signature

(R.P. Singh)

CEO-Jharkhand Project

Authorized Signatory.

5. Recommendation/Observations made by the competent statutory authorities of the Forest Department:—

Under the Forest Conservation Rules, 2003, the proposal submitted by the M/s. JSW Steel Pvt. has been further processed by the competent statutory authorities of the Forest Department, Jharkhand State and the recommendations/ observations/others made by them, are listed as under:—

Sr. No.	Name of the Statutory authorities	Date	Recommendations/ Observations / others
1.	Divisional Forest Conservator, Saranda Division, Chaisaba.		Recommended subject to the conditions.
2.	Conservator of Forests, Southern Circle, Chaibasa	19.06.2009	The proposed area is cautiously forwarded subject to certain conditions.
3.	Sri A.K. Gupta, Regional Chief Conservator of Forests, Singhbhum, Jamshedpur.	03.08.2009	Judicious decision at appropriate level may be taken.
4.	Principal Chief Conservator of Forests.	18.05.2010	The decision on permission to divert forest land in this case would best be left to the Govt. of India.
5.	Department of Environment and Forest, Jharkhand State.	18.06.2010	Recommended with a condition as forwarded in letter No.2158 dtd. 18.06.2010.

On receipt of the said proposal in the MoEF, a new file was opened by a No.8-46/2010 FC (FC Section). A note was put on 07.07.2010 and was processed to send it to the Chief Conservator of Forest, Regional Office, Bhubaneshwar. Accordingly, a letter in this regard was issued on 15.07.2010 to CCF, Regional Office, Bhubaneshwar.

A reminder was also sent on 13.09.2010 to him. On receipt of the said inspection report of the Regional Office, it is noted from the file note sheet that the inspection report is attached to this file No.8-46/2010 FC at pgs. 553-565 but in the copy of the file submitted to the Commission, there is no such inspection report at these pages. It is observed that most of the pages of the file, sent to the Commission, are not tallying with the pages of the note-sheets with the corresponding pages of the files. The abstract of note sheet dated 03.11.2011 regarding RCCF report is put up for ready reference.

Recommendations of CCF (Central) from the Note Sheet dated 03.11.2011:-

The instant proposal is for the diversion of 998.07 ha. of forest land for Iron and manganese Ore mining by M/s. JSW Steel Ltd. in Ankua-Hatanaburu area of Manoharpur Taluka of Saranda

Forest division, West Singhbhum district, Jharkhand. On perusing the records and the site inspection report of the Conservator of Forests, the following observations are made for consideration:-

i. Fragmentation of Forest connectivity:-

The Saranda Forest is endowed with pristine biodiversity having rich flora and fauna. Barring a few forest diversion, most of the Saranda forest is undisturbed yet. However, several mining proposals are in the pipeline to be operational in Saranda in the near future. Considering the rich biodiversity of the area and the pristine habitat of elephant which is also vital with reference to its strategic importance serving the interstate elephant migratory connectivity to the adjoining forests of Orissa, West Bengal, Chhattisgarh, the future fragmentation of the habitat shall be the most crucial issue. It may be appropriate to conduct an interstate level study of the said forest region instead of impact study of any individual mine or group of mines to assess impact of the upcoming non-forestry activities in the region in general and Saranda forest in particular.

ii. Biodiversity study:-

Considering the rich flora and fauna biodiversity of Saranda forest area, a detail study of the biodiversity along with EIA and EMP has been re-assessed by the User agency through the National Institute, ICFRE, Dehradun. The detail study report has been quite exhaustive in assessing the biodiversity of the surrounding area, possible mining impact and a detail mitigation plan for implementation by the User agency.

iii. Natural water source management:-

Karo and Koina are the major river system of the Saranda area and the river Karo goes nearby to which most of the nallahs in Gua area discharge their water. A lot of mining activities are proposed in the Ghatkuri range which will adversely affect the natural water resource of the area. There should be enough steps for protection of the river system, so that sufficient water is available during the lean period. Miners and the nearby industries should not be permitted to use water from the rivers during the lean period for which they have to create their own water storage tanks in the lease area.

Though the CCF (MoEF, Bhubaneswar) pointed out many adverse impact of this project but recommended the same for approval.

Other information relating to the project:-

Naxal problems of CA land as well as proposed diverted land:

Both the proposed diversion area in Saranda division and also the CA areas in Gumla division fall in the Maoist affected areas. In Latehar division, while we are inspecting the compensatory afforestation areas for JSPL projects, the inspecting teams were kidnapped by more than 20 (Twenty) heavily armed Maoists with the automatic weapons and rocket launchers and detained them for more than 7 (seven) hours and were released after 6.00 p.m.

During the discussion with the Maoist commander with DFO, Latehar on that day under Latehar division, during hostage period, it was transpired that in many areas, **the right of the actual cultivators (not legal owners) are not recognized** in different Government transactions. The Government officials, many

a times are not able to verify the field situations properly due to fear of Naxal. When a project actually comes up in the field or land is actually transferred to the forest department, serious sociological problems crops up.

Connectivity between the forests:-

Saranda forest is biodiversity rich forest, considered as zenith of sal forests of India, and the present application falls in deep inside the Saranda Forest and the vegetation crop is very good, canopy is very thick. The richness and management of Saranda forests has been described in many forestry books.

At present, a little area of the entire Saranda has been cleared up for mining, like Kiriburu, Meghtuburu, Nuamundi, Chiria, Gua etc. The rest of the forest is virgin and very rich in biodiversity. Due to further mining the virgin areas are going to be destroyed and there will be fragmentation of the forests, forcing the wildlife to confine to smaller and smaller areas, which would, in turn, create man-animal conflict. This forest is the finest habitat of wild elephants, and they are likely to be heavily affected. Presently to avoid man-

animal conflicts, the wildlife is confined to shrinking habitats artificially by digging trenches, erecting walls or fences or installing elephant proof electric fences, etc. It is a fact that the habitats of wildlife are getting fragmented and the connectivity between different forest patches are slowly getting lost. The forest connectivity is required for the exchange of gene pool; else the vitality of wild animals in the confined area would be lost. The proposed leases would further enhance the chance of fragmentation of the forest areas, there is much greater need to ensure connectivity between large chunks of forests in Saranda itself, and adjacent forested areas of the Jharkhand and Orissa in general. The Saranda forests would lose its distinctiveness character unless properly protected and properly well-connected.

Protection of river system:-

Saranda Forest is the origins of large number of natural streams, many of them are perennial, though the quantum of water during the summer months get reduced. The streams mainly feed to Karo, Koina and several other rivers including the Baitarani river which

is the life line of Sundargarh and Keonjhar districts. The thick vegetation of the Saranda forests facilitates precipitation and even during the peak summer months water is available. Due to mining there will be destruction of all kind of forests which lead to shortage of water and also result to pollution of rivers.

6. Note put up by Sri C. J. Singh (TO-FC) dated 26.11.2011 for consideration of the Forest Advisory Committee:—

After receipt of the proposal from the State Government and the recommendations of the Chief Conservator of Forest, Bhubaneshwar, a lengthy note was put up by Sri C. J. Singh (TO-FC) on 26.11.2011 to place the proposal for consideration of the Forest Advisory Committee (FAC). Some contents of the note are reproduced as under:—

Fact Sheet

(as per MoEF file No.8-46/2010(FC)

3.	<i>b) Forest area involved</i>	<i>Total area proposed is 1018.50 of which mining is proposed for 999.90 ha. 8 ha. for widening of the road and 10.60 ha. for conveyer belt.</i>
... ..		
5.	<i>i) Vegetation</i>	<i>The forest area is mixed deciduous forest comprising of 50-55 % of quality Sal, the middle and lower canopy is of</i>

	<p>ii) No. of trees which will be affected.</p> <p>iii) Density</p>	<p><i>miscellaneous species. The proposed area is virgin and has vast floral and faunal diversity (P 56/c)</i></p> <p><i>Besides 20.43 ha. of Safety zone, the number of trees of rest 979.47 ha. forest land is 2,91,010 (P 556/c)</i></p> <p>0.7-0.8</p>
6.	<p><i>Whether area is significant from wildlife point of view.</i></p>	<p><i>The entire forest of Saranda Forest Division including the proposed mining lease area has been notified as Core Area of Singhbhum Elephant Reserve. The Saranda Forest is considered to be one of the finest habitat for elephants. The presence of elephants in and around the proposed area is evident through many of the indirect evidences seen at the time of field inspection.</i></p> <p><i>The user agency however, undertakes to implement a planned scheme for protection of wildlife & forest to mitigate the effects due to mining (P 57/c).</i></p>
7.	<p><i>Whether any rare/endangered/unique species of flora and fauna found in the area – if so details thereof.</i></p>	<p><i>Indian elephant, giant squirrel, reptiles, sloth bear, wild boar, barking deer, etc. have been reported in the area.</i></p>

Other remarks:

1. *JSW Steel limited and Govt. of Jharkhand have signed a MoU on 9.11.2005. Govt. of Jharkhand has granted prospecting licence over and area of 1388.50 on 31.10.2007.*

2. *The JSW Steel proposes to mine 10 MTPA ROM capacity of Iron Ore from Ankua–Hatanaburua area of Manoharpur Taluka to meet its requirement raw material.*
3. *The Ankua Iron Ore Project activities will include open cast fully mechanized mining by forming systematic benches using down the whole drilling, deep hole blasting, loading by heavy machines and hauling on dumpers, etc.*
4. *The iron ore transportation is proposed through pipe conveyor from pit head to loading complex at Manoharpur. They are required for pipe conveyor corridor is 15 ha. out of which 10.06 ha. in reserve Forests.*
5. *The user agency has proposed 1786.14 ha. of non forest land for raising compensatory afforestation. **The total land for compensatory afforestation is yet to be identified.** Cost of approved GM Land (2519.83 acres) is Rs.35,46,01,350/-.*
-
7. *The mining plan has been accorded approval by Ministry of Mine vide letter dated 12.08.2008.*
-

9. *About **2,91,010 trees** of different spp. will be felled during the project period.*

... ..

12. *The MoEF has given environment clearance vide letter dated 4.09.2008 to establish the mine for production of 10 MTPA iron ore.”*

7. Minutes dated 30.11.2011 of FAC meeting:—

The matter was placed in the FAC meeting dated 29.11.2011 and accordingly, proceedings were drawn.

The FAC Minutes dated 30.11.2011 is reproduced herein for ready reference.

Sr. No.	File No.	Name of the Project	State	Area
15	8-46-2010	<i>Diversion of 998.70 ha. of forest land in Ankua</i>	<i>Jhaarkhand</i>	<i>998.70</i>

This is a proposal for diversion of 998.7 ha. of forest land in Ankua Reserve Forest for mining of iron and manganese ore in Saranda Forest Division. The Committee noted that the entire area of Saranda Forest Division has been notified as core area of Singhbhum Elephant Reserve. The Saranda Forest is considered to be one of the finest habitat for elephants. It has been reported in the site inspection of Conservator of Forests, Jharkhand Forest Department that this patch of forest area is regularly used by a herd of elephants as permanent habitat. The project involves felling of as many as 291,000 trees including 190,000 trees above 60 cm girth. The forest is mixed

deciduous with sal as top canopy having vast floral and faunal diversity. The density of forest is reported as 0.7 to 0.8 which is an indicative of virgin and pristine nature of the forest.

In this recommendation, the PCCF has left the decision on diversion of forest land to the Government of India. He has also observed that the Saranda forest is an important habitat for elephants and number of elephant corridors link this habitat to adjoining forests of the State Jharkhand and Orissa. The Committee observed that the proposed area is part of the Singhbhum elephant reserve. As such, as per the guidelines issued by the Ministry, the proposal needs to be considered by the Standing Committee of NBWL. Accordingly, the Committee recommended that the proposal be first placed before the Standing Committee of NBWL, for consideration.

Subsequent to minutes prepared, a letter from the JSW Steel Ltd. was received with a request to consider the proposal for clearance without referring to the Standing Committee of NBWL. The Hon'ble MEF desired a status note from the PCCF, Jharkhand. The State Government sent a report and a note was put up on 21.02.2012 and continued till 13.04.2012.

8. Minutes dated 02.04.2012 of FAC meeting:—

Meanwhile, the matter of Saranda forest being its sensitive nature had been discussed in FAC meeting dated 02.04.2012.

The relevant minutes of FAC dated 02.04.2012 is placed as under:-

1.	8- 251/ 1986	<i>Diversion of 635.986 ha. of forest land of Duarguiburu Iron ore lease (total lease area 1443.756 ha. for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>	<i>Jharkhand</i>	<i>Mining</i>	635.986
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The Committee discussed the proposal for diversion of 635.986 ha. of forest land of Duarguiburu Iron ore lease (total lease area 1443.756 ha.) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda forest Division in West Singhbhum district of Jharkhand. The Committee noted that the proposal was discussed earlier and it had recommended that the wildlife management plan may first be submitted by the State Government and the Ministry may then seek views of the WII AND Dr. R.K. Singh on the plan. The Committee noted that the draft wildlife management plan prepared by the Committee constituted by the State Government has been submitted and the draft plan has been sent by the Ministry to WII and Dr. R.K. Singh. Comments on the draft plan are awaited from WII and preliminary comments have been received from Dr. R.K. Singh. The Committee desired that the views of the State Government on the draft plan may also be sought.

The Committee also heard representatives from the User Agency. The Committee noted that the Ministry while according approval for another year on 15th June 2010 had mandated that the State Government constitute a team to look into the ecological wildlife and indigenous population aspects to identify those contiguous parts of Saranda forest which need to be kept free of

mining leases. The Committee noted that the State Government had failed to identify such areas even though a proposal in this regard had apparently been submitted by RCCF, Jamshedpur, long back.

The Committee perused the preliminary comments submitted by Dr. R.K. Singh on the draft wildlife plan and observed that, while the draft plan reflects the good intentions of the State Government in protecting the ecology and biodiversity of the Saranda area, it fails to specify the precise measures to be taken by the State Government and user agencies to translate good intentions into practice on ground. The plan does not indicate inviolate areas in relation to mining blocks. Further, the criteria on the basis of which these proposed inviolate areas were delineated is not clear in scientific and ecological terms. Who will monitor and assess the remedial measures is also unclear. The MOS order in the China case in 2011 had asked for a comprehensive wildlife, forest and ecology plan for Saranda as a whole. This was to be prepared by experts from WII, WTI and WWP and funded by SAIL. Any action in this case needs to be dovetailed as part of such a wider plan. The ecological significance of the Saranda sal forest, among India's finest, and the presence of a large Scheduled Tribe population makes it all the more imperative that the highest standards of forest conservation be maintained here.

The Committee desired the user agency to come up with site specific implementable plan with concrete measures time schedules and details of responsibilities for various levels. They should also specify the positive actions proposed to protect the biodiversity of the area and core area in general. They should also spell out and implement good practices to minimize the impact of mining, including stopping mining and closure of roads at night, switching off lights in non-working hours, avoiding blasting, controlling dust and its run-off to water sources and erosion and run-off from mine product as well as dumps. The Committee also desired presentation from the State Government on identification of proposed inviolate areas, including criteria used for their determination, as well as the overall mining scenario, mines working as well as likely to come up for consideration in Saranda. The Committee desired to discuss these aspects with Principal Secretary (Mines), PCCF, Jharkhand, PCCF (Wildlife), Jharkhand and accordingly, they may be invited in the next meeting of the FAC.

The letter received from M/s. JSW Steel Ltd. requesting that their proposal should be considered for clearance without referring it to the Standing Committee of the National Board for Wildlife (NBWL) as recommended by the FAC, the Hon'ble Minister for Environment and Forests desired a status note from the PCCF of Jharkhand. Accordingly, a letter was sent on 19.12.2011. A response in this regard was received from Sri Mukesh Kumar Verma, Government of Jharkhand, Ranchi and the same was brought on record and a detailed status-note after a lot of movement of file was placed before the Hon'ble Minister on 13.04.2012.

On the said date, DGF was on tour and ADG(FC) put the file before Hon'ble Minister directly on the same day. The Hon'ble Minister (MEF) has directed to refer the matter to the FAC. The note, "This may be referred to the FAC" was signed on 26.04.2012 by the MEF.

9(a) Minutes dated 15.05.2012 of FAC meeting for SAIL:—

The matter was placed before the FAC on 15.05.2012. The relevant minutes of meeting of FCA dated 15.05.2012 is reproduced as under:—

Sr. No.	File No.	Name of the proposal	State	Category	Area
1.	8-251/1986	<i>Presentation by officials of State Government of Jharkhand in respect of diversion of 635.986 ha. of forest land of Duarguiburu Iron ore lease (total lease area 1443.756 ha.) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand</i>	<i>Jharkhand</i>	<i>Mining</i>	<i>635.986</i>
<p><i>The proposal for diversion of 635.986 ha. of forest land Duarguiburu Iron ore lease (total lease area 1443.756 ha.) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand was considered by the FAC earlier on 2nd April, 2012. The Committee had desired to discuss certain aspects with Principal Secretary (Mines), PCCF Jharkhand and PCCF (Wildlife) Jharkhand. Shri A.K. Sarkar, Additional Chief Secretary, Forest, Environment & Mines, Government of Jharkhand, Shri A.K. Singh, PCCF Jharkhand and Shri A.K. Malhotra, PCCF (Wildlife) Jharkhand were present for discussion. Dr. R.K. Singh, WWF India was also present as an invitee.</i></p> <p><i>PCCF Wildlife stated that the Wildlife Conservation Plan submitted by the Expert Committee constituted by the State Government is a draft</i></p>					

plan and as per terms of reference, the Chief Wildlife Warden is required to submit his comments for its incorporation in the Management Plan which is to be submitted to the Ministry. The Wildlife Institute of India and Dr. R.K. Singh, WWF India have already submitted their comments on the Draft Management Plan which were provided to CWLW, Jharkhand in the meeting. Government of Jharkhand is to finalize the Wildlife Management Plan and furnish to the Ministry.

The Additional Chief Secretary, Forest, Environment & Mines, Govt. of Jharkhand observed that the Saranda area has a unique combination of rich forest mineral deposits and emphasized the necessity of extraction of the minerals for development of State and local population, though under strict regulation.

The PCCF Jharkhand emphasized that there should be intensive mining and not extensive mining. He mentioned that instead of opening mines all around, the existing leases should be utilized fully. He brought to the notice of FAC that only about 10% area of the various leases granted for mining has been opened up. He advocated that all the forest area which has yet not been leased out should be inviolate area and no mining should be allowed at least for the time being till existing leases are fully exhausted. He emphasized that new leases may be granted from amongst the existing leases where large areas have not been broken up even after several years.

The ADG (Forest Conservation), in view of non-use of the already diverted forest land desired the State Government to furnish a long term plan about unbroken areas in existing leased out areas. The Additional Chief Secretary agreed that details about broken and unbroken areas in existing leases can easily be furnished by the State.

Regarding the overall scenario of mining in Saranda, it was brought by Dr. R.K. Singh, WWF India that out of 818 sq.km. of forest land of Saranda, the State is seeking to mine over more than 500 sq.km (excluding the currently leased out areas of about 98 sq. km). The Additional Chief Secretary informed that 40 applications for mining area pending with the State Government. The Committee desired that the State Government should depict all these mining areas under consideration on map in a GIS domain with digital elevation model and drainage to have a clear picture.

The representative from the project proponent, M/s. SAIL, informed the Committee that they have already complied with the provisions of the

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Considering the issues discussed above and their considerable efforts in formulating a Wildlife Management Plan, it was requested by the State Government that the project proponent M/s. SAIL, a major Public Sector Undertaking of Government of India, may be granted clearance for mining of iron ore in the already broken up forest area. The Additional Chief Secretary categorically confirmed and assured that this clearance granted to M/s. SAIL shall not be cited as an example to seek clearance for proposals for mining from other project proponent(s).

Keeping in view the above submissions, the Committee recommended grant of forest clearance only for already broken up area from amongst the area demanded.

The Committee also recommended as below:

The State Government may be requested to ensure that the wildlife Management Plan must address the issues related to the whole area and must spell out the long term vision of the State Government in respect of Saranda, as specified in by the FAC in its minutes of 2 April 2012 meeting taking into account the recommendation and remarks furnished by the Wildlife Experts in WII, Dehradun and Dr. R.K. Singh, WWF. These recommendation and remarks should also be made part of the stage-I clearance conditions to make it fool proof and clear and not leave any room for ambiguities on what is required from the different parties.

In view of reported non-use of the already diverted forest land the State government may be asked to furnish details of unbroken up area from amongst the existing leased out areas and furnish a long term plan for the phased utilization of those areas.

9(b) Minutes of FAC dated 15.05.2012 for this project:—

In the same meeting, the matter of JSW Steel Limited was also discussed. The minutes for this lease is reproduced hereunder:—

Sr. No.	File No.	Name of the Project	State	Area
3.	8-46/2010	<i>Diversion of 998.70 ha. of forest land in Ankua Reserve Forest for mining of iron and manganese ores in favour of M/s. JSW Steel Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>	Jharkhand	998.70
<p><i>The Committee discussed the above proposal and decided that the Committee will take a view within the umbrella framework of the Wildlife Management Plan for Saranda being formulated by the State Government in connection with the proposal of M/s. SAIL for mining of iron ore in Duarguiburu Iron ore lease in Saranda Forest Division in West Singhbhum Jharkhand (Sl. No.1 above).</i></p>				

“Recommendations of the Forest Advisory Committee in its meeting held on 15th May 2012 (page 26) of the file No.8-46/2010(FC)

Diversion of 998.70 ha. of forest land in Ankua Reserve Forest for mining of iron and manganese ores in favour of M/s. JSW Steel Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.

The Committee discussed the above proposal and decided that the Committee will take a view within the umbrella framework of the Wildlife Management Plan for Saranda being formulated by the State Government in connection with the proposal of M/s. SAIL for mining of

iron ore in Duarguiburu Iron ore in lease in Saranda Forest Division in West Singhbhum Division, Jharkhand (Sl.No.1 above).

The minutes of the FAC meeting may kindly be seen at F/X below:–

While deliberating on the proposal of M/s. SAIL, the Committee discussed the Wildlife Management Plan submitted by M/S. SAIL and other aspects of overall mining scenario in Saranda region with Principal Secretary (Mines), PCCF Jharkhand and PCCF (Wildlife) Jharkhand, Shri A.K. Sarkar, Additional. Chief Secretary, Forest, Environment & Mines, Government of Jharkhand, Shri A.K. Singh, PCCF Jharkhand and Shri A.K. Malhotra, PCCF (Wildlife) Jharkhand and Dr. R.K. Singh, WWF India and desired the following from the State Government:–

- i. The State Government should ensure that the final Wildlife Management Plan must address the issue related to the whole area and must spell out the long term vision of the State Government in respect of Saradna, as specified in by the FAC in its minutes of the 2nd April, 2012 meeting taking into account the recommendation and remarks furnished by the Wildlife Experts in WII, Dehradun and Dr. R.K. Singh, WWF.*
- ii. The inviolate areas identified in the Saranda area should be clearly depicted on the map and submitted to this Ministry within a period of two months.*

- iii. *The Committee desired that 40 applications for mining pending with the State Government should be depicted on map in a GIS domain with digital elevation model and drainage to have a clear picture.*
- iv. *The State Government should furnish details of unbroken up area from amongst the existing leased out areas and furnish a long term plan for the phased utilization of those areas.”*

The above note in this regard was put up by Shri C. J. Singh on 25.05.2012.

The observations of the FAC have been communicated to State Government on 04.06.2012.

It is pertinent to note here that no report in this regard has been received from the State Government. But the file was moved on 11.12.2012 with a note as per pg. 27 of the note sheet. The note put up on 11.12.2012 is reproduced as under:–

“F.No.8-46/2010-FC

Ref. FR at p-637

FR has been received from the Shri R. Nangalia, President – Corporate Relations. JSW Steel Limited vide their letter dated 27.08.2012 has submitted required information regarding diversion of 998.7 ha. of forest land in Ankua Reserve Forest for mining of iron and manganese ores in favour of M/s. JSW Steel Limited in Saranda Forest division in West Singhbhum district of Jharkhand.”

10. Meeting of the FAC held on 21st and 22nd January, 2013:—

Without receipt of the report from the State Government and the report of the Expert Committee and overruling the observations made by the FAC on 15.05.2012, the matter has been taken up by the new FAC on 21/21.01.2013.

The development taken place in this regard is a matter of further investigation. The minutes of the said FAC meeting dated 21/22.01.2013 is reproduced as under:—

7.	8-46/2010	<i>Diversion of 998.70 ha. of forest land in Ankua Reserve Forest for mining of iron and manganese ores in favour of M/s. JSW Steel Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>	<i>Jharkhand</i>	<i>998.70</i>	<i>Mining</i>
<p><i>The Committee discussed the proposal of diversion of 998.70 ha. of forest land in Ankua Reserve Forest for mining of iron and manganese ores in favour of M/s. JSW Steel Limited in Saranda Forest Division in West Singhbhum district of Jharkhand. The Committee noted that the proposal has been discussed by the FAC earlier on 15th May, 2012 and has decided that the Committee will take a view within the umbrella framework of the Wildlife Management Plan for Saranda being formulated by the State Government in connection with the proposal of M/s. SAIL for mining of iron ore in Durguiburu iron ore lease.</i></p>					

In the meantime, the MoEF has issued revised guidance document for taking up non-forestry activities in wildlife habitats wherein elephant reserves not having clear legal delineation do not require consideration by the Standing Committee of NBWL.

The Committee took into consideration the representation submitted by the user agency wherein they have inter-alia submitted an undertaking to bear the proportionate cost of the Wildlife Management Plan.

The Committee took into consideration that the Ministry has already granted approvals for diversion of forest land in both East and West of the proposal under consideration to M/s. SAIL. It was also submitted that Ankua Ambia Elephant Corridor is about 6 km away from the proposed diversion. The Committee noted that Saranda area is a habitat of elephants and movements of elephants have been reported in the area.

The Committee also noted the observations and comments of the civil society individuals including NGOs regarding this proposal. The Committee also note the observations of CCF (Central) in its site inspection report especially pertaining to fragmentations of forest connectivity.

After considering the proposal in detail, the Committee recommended the proposal subject to fulfillment of standard conditions and following additional conditions :

The matter placed before the FAC on 21/22.01.2013 for this project has been recommended by the Committee for diversion of the entire forest land sought by the project proponent and a note in this regard was put up on 14.02.2013 by Sri C. J. Singh by incorporating the decision of the FAC dtd. 21/22.01.2013 with standard and additional conditions, to place the matter before the Hon'ble Minister for acceptance of recommendations

of FAC. The matter was placed by ADG (FC) and In-charge DGF & SS on 15.02.2013 to the Hon'ble Minister (MEF).

11. Letter from the office of the PMO with enclosures of the letters dated 06.02.2012 and 03.07.2012 of Shri Jairam Ramesh:—

A letter from the office of the PMO has been received in the office of MoEF on 19.02.2013 with enclosures of copy of a letter of Hon'ble Minister of Rural Development, Sri Jairam Ramesh (06.02.2012), with a copy of his other letter to Hon'ble Prime Minister dated 03.07.2012. The said letters are reproduced as under:—

(a) Letter from the office of the PMO:—

***“Prime Minister’s Office
South Block, New Delhi – 110 011***

Please find enclosed, for action as appropriate, a copy of the letter dated 6/2/2013 addressed to the Prime Minister by Shri Jairam Ramesh, Minister of Rural Development, regarding the permission given by the Ministry of Environment & Forests for the diversion of forest land in Saranda for mining.

Sd/– (Sanjay Lohiya)

Director

Tel.: 23018876.

No.1250/R

Dated 22/2/13

Secretary, Ministry of Environment & Forests

PMO ID No.250/31/C/3/2013-ES.II

Dated 18/2/2013

1253/PMO

20/2/13

Secy. On tour Pl. Sd/- 19/2.

DGF (I/C) Please put up urgently for
kind perusal of Hon'ble MEF.

IGF (F/C) Sd/- 21/02/2013

Sr. AIGF (SPS) Urgently Pl.
Sd/- 22/2/13.

SO(FC) Sd/- 25/2/13.

Sr. AIG (SPS) 3531630

O/o. Secretary (E&F).

Dy. No. 1253 Date: 19/2/2013.”

**(b) Letter dated 06.02.2013 of Shri Jairam Ramesh,
Hon'ble Minister, Rural Development:-**

**“Jairam Ramesh
Ministry of Rural
Development
Government of India
Krishi Bhavan,
New Delhi: 110 114.**

6th February 2013.

Most Esteemed Prime Minister Sir,

1. *I have been keeping you informed regularly on the implementation of the Saranda Development Plan. My last letter to you on this subject was on January 28th, 2013, after unfurling the National flag at Digha Gram Panchayat on January 26th, an event that could take place after well over a decade. There is a silent but very visible transformation going on in Saranda, which has relevance for other such areas in different states.*
2. *In one of my earlier letters to you dated July 3rd, 2012 (a copy of which I enclose) I had drawn your attention to the propaganda that is being spread that the Saranda Development Plan is only meant to subserve private mining interests. I have been at great pains to counter this propaganda and dispel this impression. Many people are not convinced but I have repeatedly spoken on this issue and said that our government is sensitive to strong local sentiments against opening up this rich forest areas to mining by new players.*
3. *In this context, I was most depressed to learn today that the Forest Advisory Committee of the MoE&F has just given its permission for the diversion of 512.43 hectares of forest land in Saranda for iron ore mining by Jindal Steel and Power and for the diversion of another 998.70 hectares of forest land for mining of iron and manganese ore by JSW Steel.*

4. *Sir, I think if these approvals go ahead, I would not be able to guarantee to you any further success on the Saranda Development Plan and the cooperation of local people in its full and enthusiastic implementation. Ultimately it is a decision of the Government of India and of the Government of Jharkhand but it is my duty to alert you to the deeply adverse consequences this decision would have not just in Saranda but elsewhere as well.*

With highest of regards;

Yours sincerely,

Sd/-

(Jairam Ramesh)

Dr. Manmohan Singh
Prime Minister.”

- (c) Letter dated 03.07.2013 of Shri Jairam Ramesh, Hon’ble Minister, Rural Deveopment:-**

***“Jairam Ramesh
Ministry of Rural
Development
Government of India
Krishi Bhavan,
New Delhi: 110 114.
3rd July 2012***

Most Esteemed Prime Minister Sir,

1. *I had written to you on October 24th, 2011 and May 2nd, 2012 on the Saranda Development*

Plan (SDP) that has been formulated by the Ministry of Rural Development and the Government of Jharkhand. This plan covers 6 gram panchayats and 56 villages of Manoharpur block of West Singhbhum district. The population is around 36,000 (7000 households), all of whom belong to tribal communities. This forest area covers about 900 sq. km. and is rich in minerals. It was 'liberated' from Maoist domination last July by the security forces led by the CRPF. The SDP is significant because it integrates security and developmental operations and consolidates on the success achieved by the security forces.

2. *I have been visiting Saranda periodically to see for myself how the development plan is progressing. Mr. T.K.A. Nair had also visited the area on December 15th, 2011. I was in Saranda again day before yesterday and spent the entire day in the area, including spending the night in Chaibasa. The implementation of the SDP is progressing but not as rapidly as I had hoped for. The highlights are as follows:-*

- 6 out of 17 security camps are already in place. Each camp would have about 200 security personnel drawn equally from the CRPF and the Jharkhand state police. These security camps would facilitate implementation of basic developmental activities;*

- *Of the 11 PMGSY roads, with a total length of 130 kms identified, 2 roads with a total length of 7 kms have been completed. Contracts for the balance have been awarded. This is a big change because in the past contractors were not forthcoming. PMGSY roads would be completed by end-2013.*
- *Of the 6000 families identified for assistance under Indira Awaas Yojana (IAY), 2500 families have already received the first installment of Rs.24,500. About 260 families have already built these houses. There have been some administrative problems regarding assistance to the remaining 3500 families and I am sorting these out so that by end – September / October, 2012, they would have received their first installment as well;*
- *Under the Integrated Watershed Management Programme, projects covering 36,000 hectares at a total cost of around Rs.40 crore have been identified and execution teams are in place. Two check-dams have already been constructed.*
- *128 hand pumps were to be installed in the 56 villages and of these 118 have already started functioning. The balance will be completed in about a month's time.*

- *56 Rozgar Sewaks have been appointed to get MGNREGA going. MGNREGA has evoked a good response. About Rs.81.4 lakhs has been distributed as wages to 2852 households.*
 - *SAIL was to distribute 7000 cycles, 7000 transistors and 7000 solar lanterns as part of its CSR. All these lanterns and transistors have already reached Manoharpur and the district administration has started the process of distribution. The bicycle distribution programme is taking some time because of procedural formalities within SAIL. But I am expecting that by end-October, this would get completed. SAIL is also establishing an integrated development centre at a cost of about Rs.5 crore in order to provide a single-point facility for delivery of essential public services. There has been a delay in the construction of this facility also but by end of the year this would get fully operational. In addition, SAIL is operating 5 mobile health units in the area.*
3. *The SDP has both been criticized and welcomed. It has been criticized for slow progress but on the whole it has received considerable support from the local people. In my meetings in Saranda with women's self-help groups, elected panchayat representatives and people at large, I did hear complaints*

particularly in regard to lack of electricity but, on the whole, the SDP was hailed as a positive step forward. New hopes and expectations have been aroused. In my meeting with the CM of Jharkhand yesterday, he and his officials were appreciative of the SDP and said that they consider this to be of great significance not only to Saranda but to other areas in the state and elsewhere.

4. *However, Sir, I must bring to your attention one more burning issue that has a bearing on the SDP and its long-term impact. Maoists and their front organizations and sympathizers have already started a propaganda that the SDP is only meant to subserve private mining interests. They have been saying that the roads are being built to facilitate entry of private mining companies. At every occasion, I have tried to dispel this impression and have been insisting that the SDP is only meant to ensure that the tribals get what the Constitution provides for to every citizen of our country. I have also tried to argue that SAIL being public sector company must be treated differently and that SAIL's track record on CSR has been commendable in places like Bhilai, Rourkela and Bokaro. However, there are a number of private mining companies who have been given permission in mining of iron-ore and other minerals in the area and this could stymie any positive impact on the SDP.*

5. *My own personal view, Sir, for whatever it is worth now, is **not** to open up the area for mining except by SAIL till such time that the SDP has been fully implemented and the local tribals become comfortable with the local administration and see the benefits of development flowing to them in visible and tangible measure. Many people I have spoken to have expressed the fear that mining only results in an influx of outsiders and that local youth would never get productive employment. When I was Minister for Environment and Forests, I had given permission to SAIL to work the Chiria mines on very special considerations and grounds and it was never my intention to allow SAIL as a precedent for other companies to establish their operations here. I think this is a very sensitive matter and I thought I should apprise you of it and of the strong local sentiments prevailing against opening up this rich forest area to mining by new players, other than the ones who have been operating there for quite some time. There is need to take a **political**, not a legal view on this critical issue.*

With the highest regards;

Yours sincerely,

*Sd/-
(Jairam Ramesh)*

Dr. Manmohan Singh
Prime Minister"

12. Speaking order of the MEF:—

The FAC minutes (21/22.01.2013), the note put up in this regard for approval Stage-I, the copy of the letter of PMO and Minister of Rural Development has been perused by the Hon'ble MEF and a speaking order was passed. The copy of the said order is reproduced hereunder:—

“Office of MOS (I/C) Environment and Forest.

The diversion of forest land concerns diversion from the Ankua Reserve Forest for mining of iron and manganese ore. This issue was discussed first by the FAC on 15/05/2012 at which time, the FAC recommended that the Wildlife Management Plan was being formulated by the State Government of Jharkhand in connection with the proposal of SAIL for mining of iron ore in the Durguiburu iron ore lease. Thereafter, this proposal was once again discussed in the FAC on 21st and 22nd January, 2013 and a recommendation was made to accord clearance for diversion of forest land subject to certain conditions.

It is important to note that Saranda forest division is rich in biodiversity and is also known for the movement of elephants. The area is also rich in iron and other ore, and is therefore a crucial area in terms of exploitation in our mineral wealth for the development of the nation.

As the Ministry of Environment and Forests, our forest duty is to protect the integrity of the environment and our flora and fauna. We are also mandated to implement the FC Act, in letter and spirit in addition to ensuring that the forest wealth of our national is preserved and protected. Keeping the above primary objective in mind, I pass the following speaking order:-

1. *Subsequent to the decision of the FAC to accord approval for FC clearance for the above project, I received a letter (6/2/2013) from the Minister of Rural Development Shri Jairam Ramesh, enclosing a copy of his letter to the Hon'ble Prime Minister wherein Shri Ramesh strongly objected to the decision of the FAC to accord FC for this proposal, even before the proposal was placed before me, on the ground that such FC given would adversely impact upon the tribals living in that area, and that mining should NOT be allowed in Saranda except by PSUs like SAIL. I placed the letter of Shri Ramesh before the Cabinet Committee on Investment chaired by Hon'ble Prime Minister but the CCI declined to accept the merits of Shri Ramesh's contentions and his letter was not accepted.*

2. *It is important to note that the above proposal of diversion of forest land at Ankua, concerns land which is **surrounded ON ALL SIDES by means being operated actively by SAIL.** Thus the forest land in question is not undisturbed virgin forest, but already*

surrounded by operating mines. Thus it is difficult to explain why FC should be denied for this project alone.

3. Apart from SAIL mines, which I shall advert to later, my predecessor Shri Jairam Ramesh had as then Minister of State (I/C) for Environment and Forests accorded forest clearance on 23/02/2011 for diversion of 117.0059 ha of forest land in the very same Saranda Forest Division in favour of another **Private user agency namely Usha Martin Pvt. Ltd. for the Vijay-II Iron Ore Project**. Thus, the Ministry of Environment has already granted forest clearance in Saranda to private user agencies, and not just to PSUs, thereby creating a strong precedent. Had the MoEF always rejected private user agencies, the issues to be addressed might have been different. However, it would be highly discriminatory for MoEF to give forest clearance to one private agency and reject it for another in very same Saranda area. If forest clearance was given to **M/s. Usha Martin by Shri Jairam Ramesh and the then FAC on 23/02/2011, it is difficult to justify why the same should not be given to another private user agency in January, 2013 especially in the backdrop of the severe shortage of iron and other ores required for infrastructure development at this time, and the particular challenges of economic development being now faced by the country.**

4. *Earlier, MoEF has already permitted **SAIL to mine in 635.986 ha** of forest land in Saranda for its Durgaiburu mines, subject to certain conditions. Further SAIL has been granted forest clearance for **1936.06 – that is nearly 2000 ha of forest land** in Saranda SUBJECT to the phasing out of mining in the Chiria area. At that time the FAC Durgaiburu as the core sensitive area in terms of migration of elephants and ecological sensitivity. Despite this, the forest clearance was granted.*

Despite all the above, Shri Ramesh gave forest clearance for the Chiria mines of SAIL after rejecting the FAC recommendations on 8/2/2011.

In recording the history of the above decision, it is not my intention to comment upon the decisions made by my predecessor. However, in view of his letter to the Hon'ble Prime Minister and to me, – objecting to the granting of forest clearance in the Saranda area, I am constrained to briefly recapitulate the previous history.

5. *In any event, in this case, the FAC has recommended the diversion of forest land, and the issuance of forest clearance on the basis of stringent conditions. My predecessor has already in permissions given earlier outlined the importance of implementation of a strong wildlife management plan, and biodiversity*

management. This initiative should be scrupulously followed in this case also.

FRC approved and may be issued.

*(Jayanthi Natarajan)
MoS E&F (I/C)”*

- 13.** In reference to the speaking order of the MoEF dated 25.04.2013 (probably) in regard to approval of diversion of forest land in Chiriya area for SAIL, the connected minutes of the FAC dated 18.01.2011 and the approval order of the then MEF dated 09.02.2011 are reproduced hereunder.

(a) Recommendations of the FAC in its Meeting held on 18.01.2011 (C.D. Singh)

Sr. No.	Decision of FAC
2.	<i>Diversion of 153.036 ha (total lease area 323.740 ha) of forest land of Ajitaburu Iron ore lease for Manoharpur ore Mines, Chiria in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand (File no.8-70/2009-FC)</i>
	<i>The Committee considered the proposal of iron ore mining from Manoharpur group of mines at Chiria in Saranda Forest Division falling in the core area of Singhbhum Elephant Reserve and noted that the SAIL has 6 mining leases in Chiria, namely – Budhaburu</i>

(323.749 ha), Ajitaburu (323.775 ha), Dhobil (513.036 ha), Sukri Luturburu (609.554 ha), Anqua (67.178 ha), and Tatiburu (38.86 ha). The first 3 leases are adjacent to each other and at present only Dhobil lease is working in that cluster of 3 mines. The Committee also noted that the proposed site is ecologically very sensitive, rich in flora and fauna, and is the only un-fragmented forest having dense mixed forests. The Wildlife Institute of India in its report dated 03/10/2008 has observed that the opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region. The Committee also considered the suggestion of regional CCF that passage should be maintained between bigger chunks of forests inside the Saranda, as well as forests of nearby districts and States. The RO further suggested that a proper study to avoid possible fragmentation of wildlife habitat be carried out and the areas, so identified, should not be diverted in future. Due to unique nature of the Saranda forest, inviolate areas should be identified and conserved by providing them special protection. The Committee listened to the submissions made by the representatives of SAIL and noted that about 25% of the total area involved in these mines required for mining in next 20 years as per the details given below:

Sr. No.	Lease	Lease area	Broken up area	Fresh area for diversion	Total proposed area for diversion
1	Budhaburu (McLellan)	823.617	73.251	305.977	379.228
2	Ajitaburu	323.887	58.250	94.786	153.036
3	Sukri-Luturburu	609.5554	33.40	-	33.40
4	Dhobil	513.036	29.411	-	29.411
5	Ankua	67.178	-	-	-
6	Tatiburu	38.850	-	-	-
	Total	2376.122	194.312	400.763	595.075
		(100%)	8.18%	(16.87%)	(25.0%)

The Committee also noted that earlier the FAC on 10/10/2008 had recommended the rejection of another proposal for iron and manganese ore mining over 55.79 ha forests area in Kodolibad RF in Saranda Forest Division on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation, and is ecologically very sensitive and rich in flora and fauna. The Wildlife Institute of India (WII) in that case had, inter-alia, observed that “opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region. Saranda Forest Division is the only un-fragmented forest having dense mixed forests. The increasing pollution in the Koyna river system has not been a matter of concern for wild animal only but also to the people who are largely dependent on this water resources”.

The Committee further noted that another proposal for exploration of iron ore over 700 ha of forest land in compartment No. 13, 18, 19, 20 and 21 of Dhobil Ankua RF was recommended for rejection by the FAC on 27/03/2008 on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation and that the compartment no. 18 forms virgin forestland and very important for wildlife conservation.

*The Committee also noted that SAIL has already been permitted mining in **Darguiburu iron ore lease** over 635.986 ha of forest land (total forest land 1443.756 ha), even though the area was important for the migration of wild elephants and formed part of the ecological sensitivity core area of Singhbhum Elephant Reserve with the Karo and Koena rivers, the lifeline of people and animals living in the nearby surroundings. The permission was subject to*

additional conditions of proportionate contribution towards comprehensive wildlife conservation plan to be prepared in period; and to implement the plan prepared by JIT, Kharagpur for reducing water pollution level in Karo & Koena rivers.

*The SAIL has also been accorded another forest clearance recently over 644.26 ha forest land (total forest area 1936.06 ha) for **Kiruburu - Meghahatuburu group of iron ore mines** in West Singhbhum district of Jharkhand subject to additional condition that the user agency will explore the possibility of phasing out of mining from Manorapur group of mines in Chiriya area.*

*After discussion the proposal and taking all above factors of ecological sensitivity of the area for wildlife and its habitat, vis-à-vis, iron ore requirement of SAIL, the Committee recommended all the proposals for **mining of iron ore from Chiriya area for rejection.***

(b) Approval order of the then MEF dated 09.02.2011

Though the FAC has recommended the proposal of SAIL in Chiriya iron ore mines for an area of 595.075 ha., the then Hon'ble MEF had overruled the recommendation of rejection and accorded approval.

The approval order issued in this regard is reproduced as under:—

**“Ministry of Environment and Forests,
Government of India**

**Subject: Forest Clearance for SAIL’s Chiria
Iron Ore Mines.**

I. Background

1. *The erstwhile privately-owned Indian Iron and Steel Company (IISCO) took control of the Chiria iron ore mine complex in the Saranda forest in Paschimi Singhbhum district of Jharkhand in 1936. IISCO became a fully-owned subsidiary of SAIL in 1978 and final merger took place in 2006 on the premise that the mines would be made available to SAIL since it had been forced to absorb substantial losses on IISCO’s account.*

2. *The Chiria mine complex covers about 2376 hectares which is about 3% of the entire Saranda forest area. Of this, around 194 hectares (8%) has already been broken up. SAIL’s proposal that has come to MoE&F for forest clearance (environmental clearances) have already been obtained) comprises two components:–*
 - (i) *renewal of permission to mine in the 194 hectares has already been broken up; and*

(ii) *permission to divert an additional 401 hectares (17%) for mining. Thus, permission is being sought for diversion of a total 595 hectares which is 25% of the total Chiria mine area. The permission is being sought for a period of 20 years.*

II. Factors Weighing in the Decision.

3. *While deciding to accord approval for SAIL's proposal, I have kept the following factors in mind.*

- *SAIL is a “maharatna” public sector company with a good track record of corporate social responsibility and as such deserving of special treatment even in this era of a certain economic orthodoxy.*
- *SAIL has a Rs.18,000 crore IPO on the anvil, 50% of whose proceeds will accrue to the Government of India. Thus, an early decision has to be taken without waiting for “perfect” information.*
- *The Honourable Prime Minister had written to the Chief Minister of Jharkhand in August 2007 requesting for renewal of mining lease in Chiria in favour of SAIL in the broader national interest.*

- *Forest clearance had been given to SAIL earlier in July 1998 and October 1998 for two-leases in Chiria itself.*
- *Chiria is essential for the future of SAIL. Over the next 50 years, around 40% of the iron ore requirement of SAIL will be met from the Chiria mines. Quite apart from this, this is the only compact deposit available to SAIL.*
- *Giving permission only for renewal would be grossly insufficient for SAIL'S raw material requirements. Moreover, mechanization would not be possible in the leases under consideration for renewal and they would deplete by the year 2020.*
- *The existing steel plants Bokaro, Burnpur, Durgapur and Rourkela will necessarily have to be run from iron ore coming from Chiria once the mines presently feeding them are depleted in 10-12 years time.*
- *Chiria is in a left-wing extremist affected region with a substantial tribal population. CSR activities by SAIL could help in the socio-economic development of this region, particularly as far as the Ho tribal communities are concerned.*

- *There is also an urgency to accord approval given the long lead times involved in starting production in an area that is not easy to work in because of various factors.*

III. Specific Conditions Governing the Decision:

4. *While the approval is being given subject to the usual conditions governing forest clearance (like those relating to compensatory afforestation 1 and Net Present Value) there are 13 specific conditions that are being stipulated for this approval. These are:*

- *Only mining and primary and secondary crushing would take place in the forest area. Processing, beneficiation, blending, stockpiling, railway sidings, infrastructure and all township facilities will be 15 km away in non-forest land. Only conveyor system will be used for transportation of ore.*
- *A cluster management approach will be adopted for mining – related activities to avoid excessive fragmentation. Thus, the diverted area will be broken up in phrases.*
- *The forest areas about their water collection points should be kept inviolate.*

- *Forest roads will not be used by SAIL during night time.*
- *SAIL will position a wildlife management team at Chiria from the start of operations to monitor impacts and take remedial measures as the projects proceeds.*
- *Over the next 20 years only 25% of the total forest area being diverted (equivalent to around 595 hectares) will be broken up.*
- *SAIL will make a contribution of Rs.20 crore over the next five years for programmes relating to wildlife – related and biodiversity – related programmes in the region with particular focus on the Saranda Forest Division.*
- *In keeping with the guidelines issued by the department of Public Enterprises, SAIL will earmark at least 2% of net profits for CSR activities (as distinct from wildlife and biodiversity management programmes). The CSR will include vocational and skill-development programmes for local youth to begin as the mining activities commence. Employment of local tribal youth will be maximized in a transparent manner.*

- *Proper mitigative measures to minimise soil erosion and choking of streams will be undertaken.*
- *There will be zero discharge into the Koena River and steps will be taken to ensure that the river does not get polluted. This will be subject to regular field reviews by the Central Pollution Control Board (CPCB). The river ecology is critical to the health of the forest.*
- *The entire mine lease covering 2376 hectares will remain with SAIL as at present. Five-year plans should be prepared for land-use and the felling will be regulated accordingly.*
- *SAIL will support the preparation of a comprehensive wildlife and biodiversity management plan by the Wildlife Institute of India, the Wildlife Trust of India and the WWF. This study will also identify areas that should be kept inviolate in the Saranda forest. This study should be commissioned immediately.*
- *Given that in recent months, it has been permitted mining in ecologically sensitive areas (in Duarguiburu as well as in Kiriburu–Meghahatuburu),*

SAIL should set up a full-fledged forest management team under a full-time Executive Director whose sole responsibility will be forest management.

- ***Given the ecological sensitivity of the Saranda forest area, the MoE&F will assume direct responsibility and set up a mutli-disciplinary expert group (that would include not only ecologists but also anthropologists) to be responsible for this monitoring. The monitoring, evaluation and compliance reports will be made available in the public domain once a quarter. This committee will pay special attention to the concerns relating to the impact of mining on elephant habitats and migratory routes.***

IV. A Final Word:

6. *The FAC is a statutory body and I have made no effort whatsoever to interfere in its functioning. On the contrary, I have gone out of my way to ensure that it functions professionally and in an independent manner. I have brought in distinguished experts from outside government as members of the FAC.*

7. *Most of the time I have accepted the recommendations of the FAC. But there have been occasions when the FAC has recommended approval and I have exercised my own judgment and rejected that particular case giving clear reasons why I am doing so. An example of this is the Renuka Dam project in HP which the FAC had recommended but that I ended up rejecting on purely ecological grounds. On the other hand, there have been two occasions when FAC has recommended rejection and I have exercised my own judgment and overturned the FAC recommendation – the first being POSCO and the second being the present Chiria case.*
8. ***The FAC will continue to focus single-mindedly on forest – related, biodiversity – related issues and concerns, while as Minister I will have to necessarily to take a broader view but placing on public record in a complete manner the reasons for taking that view. That has always been and will continue to be my approach.***

**Sd/-
Jairam Ramesh
MOS(I/C) E&F
9/2/11”**

14. Observation by the Commission:—

From the facts and circumstances as stated above, the following inferences are drawn for further needful action.

- i)** An area of 999.90 ha. (just 0.11 ha. less than maximum limit under Section 6(1)(b) of the MM(DR) Act, 1957) has been approved by the Ministry of Mines u/s 5(1) of the MM(DR) Act, 1957 (**MMDRA**) for mining lease of iron and manganese ore in favour of **M/s. JSW Steel Limited**. The State Government has not yet issued the order under the MMDRA. **Hence, the process of grant of lease is not completed.**
- ii)** The applicant has submitted a proposal for 998.70 ha. for diversion of Reserved Forest land under the Forest (Conservation) Act, 1980 (FCA). The total area requires for this project comes to about **1101.14 ha**. The difference of excess area is earmarked for other allied mining activities associated with the mining lease outside the leased area but part of the reserve forest.
- iii)** The user agency has proposed for operation of the lease in two phases i.e. Phase-I area

requirement is about 699.174 ha. and Phase-II area requirement is about 300.726 ha. In the Phase-I for the mining, it requires 452.644 ha. of forest land and for Phase-II, it requires 220.886 ha. of forest land. Therefore, the total area under iron ore reserve deposits which would be used for mining purpose only comes to about 673.53 ha. out of proposed 999.90 ha. The difference of the remaining area of 326.374 ha is required for other associated mining activities for the lease and they are not site specific. These activities can be carried outside the leased area.

When such are the facts, then why the entire forest area has been considered for diversion of forest land?

Why the FAC has not taken note of it and could have granted the area in the phases as proposed by user agency?

If at all, only 452.64 ha. should have been considered for diversion. But at the same time, the Commission does not advocate to grant this land also.

- iv)** The proposed area is a part of Compartments Nos.A26 (P), A37 (P), A24(P), A25(P), A27(P),

A28(P), A29(P), A22(P), A23(P), A30(P), A33(P), A36(P), A32(P), A35(P) and A34(P), as submitted by DFO. This area has been excluded from the proposed Conservation Reserve by the Forest Department and expert Committee has included this proposal in this report. On going through the draft report of the Committee presently with State Government, it is observed that this area is excluded on the suggestion of a RCCF, Jamshedpur, who himself is a party for recommendation of this project. **Hence, there is a conflict of interest. It seems that the area is not excluded on merits but on some other considerations. This shall be re-looked. An independent assessment should be made. The area is excluded because it is proposed area for this project. This should not be taken as a criteria for inclusion.**

- v) The proposed area falls between the mines of SAIL having the common boundary on the eastern and western sides. There is no lease located towards northern and southern side of this project area. It is learnt that on the northern side, a prospecting license has been given in favour of TATA Steel. The location of this lease is placed at **Annexure: 1**, as

depicted on the satellite imaginary. The stand taken by Hon'ble Minister of Environment and Forest (MEF) that, the lease is surrounded by all sides being operated actively by the SAIL, is factually incorrect. This is one of the factors taken for approval of Stage-I Forest Clearance for diversion of the forest land for this project.

- vi)** The Principal Chief Conservator of Forests, State of Jharkhand, has not recommended the project for diversion of forest land and forwarded the proposal to take the decision at the Central Government level.
- vii)** The decisions taken by the FAC on 27.12.2011, 02.04.2012 and 15.05.2012 have not been taken into consideration and complied with till date. Despite of this, the proposal has been considered and approved by the new FAC (constituted on 03.08.2012), on 21/22.01.2013 and that approved by the Hon'ble Minister of Environment and Forest on 25.04.2013.

It is observed that this project was discussed in a FAC on 21/22.01.2013 in the presence of one member, Prof. N. P. Todaria, IGF, Member Secretary and ADGF who also chaired FAC being I/c. of the post of DGF.

Further, it was also stated that SAIL was granted Forest Clearance for 1,936.06 ha. forest land in Chiriya area of Saranda Forest. This statement is found factually incorrect as stated here.

- viii)** It is further stated that while approval of this diversion proposal, it has been stated that an area of 1,936.06 ha. of forest land was approved for forest clearance in favour of SAIL. This is found factually incorrect. The details granted against this mining lease (Meghahatuburu) for SAIL are as under:-

Details of Forest Diversion Approval in Meghabutuburu SAIL Lease Lease area 1936.06 ha.

For the First Renewal Period (1990-2010):

- a.** Vide MoEF letter No.8-537/88-FC dated 23.10.1990 for... **5.2 ha.**
- b.** Vide MoEF letter No.8-69/91-FC dated 01.08.1996 for... **608.06 ha.**
- c.** Vide MoEF letter No.8-56/97-FC dated 01.12.1997 for... **24 ha.**
- d.** Vide MoEF letter No.8-97/2001-FC dated 08.12.2003 for... **7.00 ha.**

(already broken area)

Total : 644.26 ha.

This lease is located at the border of Jharkhand and Orissa States and have common boundary with other lease of SAIL (Bonai) in Orissa State.

For 2nd Renewal Period (2010–2030)

- a. Vide MoEF letter No.8–69/1991–FC dated 29.03.2010 for... **644.26 ha.**
- b. Stage–I FC for 247.50 virgin forest under the lease vide MoEF No.8–537/1988–FC (pt) dated 18.10.2010 for... **247.50 ha.**

ix) In the Chiria area the status of forest clearance for 595.075 ha. under FCA, 1980 is as under:–

Sr. No.	Name of the lease	Total Area (ha.)	Granted 1 st lease	FC Approval
1	Ajitaburu	323.887	07.12.1947	153.036 ha. (58.250 ha. broken up area and 94.786 ha. fresh area)
2	Budhaburu (McLellan)	823.887	08.12.1945	379.228 ha. (73.251 ha. broken up area and 305.977 ha. fresh area)
3	Dhobil	513.036	06.04.1980	29.411 ha. brokenup area
4	Sukri– Luturburu	609.554	25.03.1953	33.40 ha. brokenup area
5	Ankua	67.178		Virgin Forest – No Approval
6	Tatiburu	38.850		Virgin Forest – No Approval
		2376.392		595.075

It is to state here that the total forest area of 2,376.392 ha. consisting of six leases which has been granted during 1940's and 1950's to IISCO (Indian Iron and Steel Company) and then transferred to SAIL. These leases are in two groups. On the right hand side, the Ajitaburu, Budhaburu (Mclellan) and Dhobil iron ore leases are located and on the left hand side, the remaining three leases i.e. Sukri-Luturburu, Ankua and Tatiburu leases are located. The Ankua and Tatiburu are the virgin forest areas and mining has never been done, while in the remaining leases, the mining was going on since many years. The diversion of forest land of 595.075 ha. (194.312 ha. already broken) in these leases can not be compared with the fresh leases (which are not yet to be granted by the State Government under the MM(DR) Act, 1957).

However, the approval accorded on 09.02.2011 by the then Minister of Environment and Forest by overruling the recommendations of rejection of FAC convened on 18.01.2011 is against the Supreme Court direction in the order dated 04.08.2006 in the case of **T. N. Godavarman Thirumulpad V/s. Union of India & Ors.** in I.A. Nos.1598-

1600 in Writ Petition (C) No.202 of 1995. The relevant part of the order is reproduced for ready reference:-

“All proposals for grant of F.C. Act clearances and T.W.Ps. in respect of mining leases shall be placed before the F.A.C. Where the F.A.C., by order recommends the grant of a clearance or a T.W.P., the M.O.E.F. shall, within a period of four weeks from the date of such order, issue orders for the grant of clearance on the usual terms, including those relating to payment of N.P.V.; Provided where a T.W.P. is being granted, it shall only be for a period not exceeding one year and upon payment of N.P.V. for the already broken up area;

Decision on grant of T.W.P. shall be taken before the expiry of the mining lease. Decision of the M.O.E.F. on the proposal for diversion of forest land for mining lease under the F.C. Act shall be conveyed to the user agency before the expiry of the T.W.P.

In case the M.O.E.F. disagrees with the recommendation of the F.A.C., it shall record its reasons in writing and communicate the same to the F.A.C., and the F.A.C. may, after considering such reasons, pass such further orders as it thinks fit; Provided where the Government still disagrees with the order passed by the F.A.C., it may seek appropriate directions from this Court.”

Action should have been taken as per the order of the Supreme Court but the same was not taken in the case of SAIL. Therefore, action should be taken against those who are responsible in the SAIL matter.

In the case of JSW, without following the direction of the Apex Court, the entire area has been granted in one go itself, though the user agency has proposed for mining in two phases i.e. Phase-I and Phase-II. **Why so generosity is shown in this case?** The leases of SAIL were granted in 1949 (Durguiburu) and 1960 (Kiriburu). It can not be compared with fresh areas like JSW, JSPL and Electrosteel Castings Ltd., etc.

- x)** Further, it is also noted that the contention taken for shortage of iron ore in the country for approval of this project is also factually incorrect. As per the information available with the Commission, there are about **626** mines of iron ore with the production capacity of **31,08,05,452 MTPA** and the present requirement of iron ore for the steel production in the country is approximately **150 MT** for all the purposes. Still approximately **150 MMTPA**

can be produced from the existing mines per year as per the EC approved by the Government of India and also as per approved mining plans by the IBM.

- xi)** The Commission has not gone into the selection process of grant of mining lease and its objectivity to grant of lease under the MM(DR) Act, 1957 due to time constraints but as submitted by the user agency, the lease was granted for captive consumption to meet the demand of ore to the Steel plant. The applicant would likely to establish in Jharkhand State of 10 MTPA capacity. A MoU in this regard has been signed with Jharkhand State Government in the year 2005 as reported by user agency. It is learnt that the user agency has not even started the acquisition of land for this purpose. There is almost nil progress in this regard. The FAC and MoEF have failed to take note of this aspect and approved Stage-I Forest Clearance for the whole area in spite of the several adverse factors and circumstances which would play a major role to destroy the natural eco-system of the Saranda forest area.
- xii)** One of the basic requirements for diversion of forest land is to raise compensatory

afforestation (CA) in equal non-forest land. From the records, it is noted that part non-forest land had been identified for this project but that too, is encroached. The CA land is identified in Maoist prone area and mostly not likely to be planted because of threat. This factor is also not taken note by FAC and MoEF.

- xiii)** 2,91,010 trees or about 3.00 lakhs trees are likely to be felled during the implementation of the project. Such large scale felling of trees would create situations like what has happened in Kedarnath Valley and other places in Himalayas. This also indicates the health of the forest of this area. No mitigative measures can meet the damage of such high magnitude due to felling of trees.
- xiv)** During the inquiry in all States by the Commission, it has been observed that the compensatory afforestation done in lieu of the forest diversion under the FCA, 1980 is one of the weakest implemented conditions. The progress of CA is very disappointing. In most of the cases, the plantation is done with exotic species. Therefore, this task should be given to the user agency. The user agency should carry

out the compensatory afforestation and maintain it throughout the life of the project.

xv) On perusal of records, in hand as noted in this Chapter, some extraneous factors have played a role for approval of this project which requires further investigation.

xvi) One of the other considerations taken to approve this project is the diversion of forest land in favour of M/s. Usha Martin Ltd. This has been discussed in the Chapter related to it. It is observed that both the proposals have different parameters for consideration and should not be compared and treated equal. Notwithstanding the demerits and illegalities reported in the project of M/s. Usha Martin Ltd., it is noted here that the lease of M/s. Usha Martin Ltd. is old one but the project of JSW Steel Limited is a fresh in consideration and their location impacts are different, though both of them are part of core area of Elephant Reserve.

Further, it is noted here that the present MEF has approved the Stage II of the forest diversion for an area of 117.0059 ha. on 02.11.2012 in favour of M/s. Usha Martin Ltd.

If the Hon'ble Minister was so particular about the diversion of forest in favour of M/s. Usha Martin Ltd., the same could have been reconsidered, while approving the Stage II.

xvii) As discussed, this project area falls between the two groups of SAIL mines. If this project is implemented, it would further block the elephant movements from north to south and vice-versa. Because of its location, the gap between the SAIL leases would be filled and thereby close the passage for the movements of elephants which is presently available. Otherwise also, the area diverted in SAIL leases, is very less. As reported in reports submitted by field staff, this area is a permanent territory of 10-15 elephants.

xviii) In spite of many adverse factors and circumstances against this project, what was the hurry to grant approval of Stage-I for diversion of forest land? This requires further investigation from an independent Agency.

In short, the adverse factors and circumstances are, as under:-

- (a) This captive lease as approved by Ministry of Mines, Government of India (GoI) for supply of iron ore to be built Steel plant of 10.00 MTPA of the applicant, is not even initiated for acquisition of land for its construction, though MoU was signed in the year 2005.
 - (b) Non-identification of non-forest land for compensatory afforestation or encroachment to already identified CA land.
 - (c) Non-receipt of Wildlife Management Plan (WMP) from State Government by the MoEF. The State Government has not approved the WMP proposed by Expert Committee.
 - (d) Non-compliance of observations raised in the FAC meetings on 15.05.2012.
 - (e) Felling of about three lakhs trees.
- xix)** It is stated here that there are other 19 projects (proposed mining leases) covering an area of **9,186.54 ha.** which are in pipeline for approval under FCA, 1980. All these projects are scattered in the Saranda forest area. Approval of this project, JSPL and Electrosteel


Castings Ltd., etc. would open “flood gate” and quoted as precedent to approve all these 19 projects. It would not be out of context wherein approval of Forest Clearance in favour of M/s. Usha Martin Ltd. (Stage-I) for diversion of 117.0059 ha. forest land is taken one of the precedents to grant this project and others in the year 2013 (speaking order of MEF should be referred).

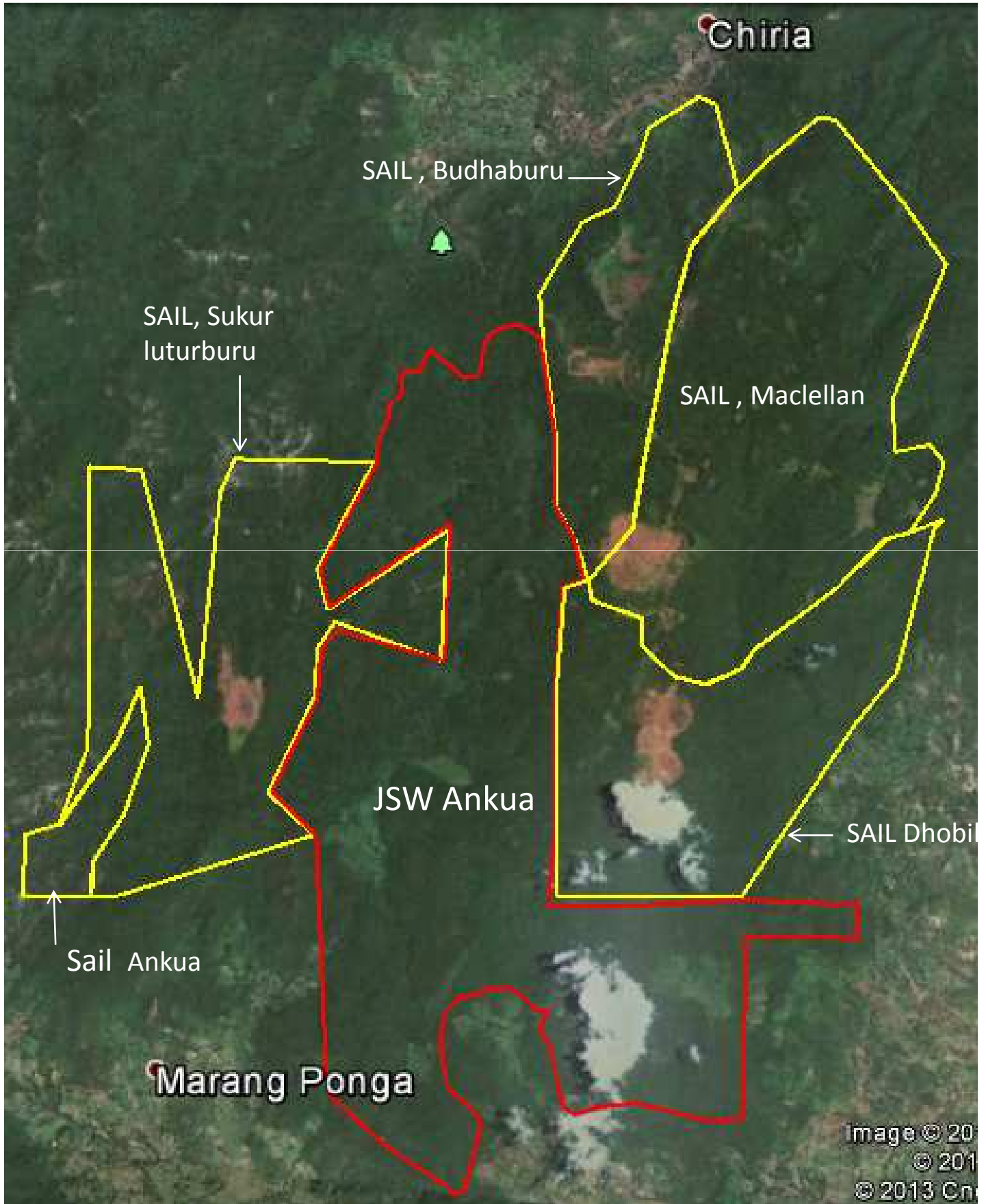
- xx)** The proposed proposal to declare Conservation Reserve under Wildlife (Protection) Act, 1972 submitted by RCCF (Jamshedpur), CF (Chaibasa) in the year 2005 and further revived by the State Forest Department in the year 2011, has been perused. It is noted that in the said proposal, the Forest Compartments of Ankua RF Nos.12, 13, 14, 16, 18, 19, 20, 22, 23, 24, 25, 28, 29 (part) of an area of **4,077.65 ha.**, have been excluded. It is noted here that this project proposal of diversion of forest land and Forest Conservation Rules, 2003 had not been specifically recommended by the CF (16.06.2009), RCCF (03.08.2009) and PCCF (18.05.2010) which shows the importance of the area.

With these facts, how this area is proposed to exclude from the proposed Conservation Reserve. It is observed that there is contradiction as well as conflict of interest for exclusion of this area from Conservation Reserve because the same authorities are behaving differently at different point of time. The expert Committee has not examined this exclusion of compartments on merits. **Therefore, entire area should be re-examined on merits irrespective of whether they are proposed or otherwise.**

xxi) With the facts and circumstances as explained in this chapter, it is recommended to reconsider this proposal on the outlines suggested in this chapter on various aspects and purely on merits. Also, action should be initiated against all those who are responsible for approval of this project in violation of various issues as described above.

* * *

 LOCATION OF MINING LEASE OF JSW WITHIN THE SARANDA FOREST



Illegal mining, Transportation and Crushing of iron ore

During the visit of the Commission to Orissa and Jharkhand States, a series of petitions were received regarding illegal mining, illegal transportation and crushing of ROM (Run of Material) of iron ore. Numbers of crushers have been installed at Barajamda village of Naomundi Taluka of West Singhbhoom District. Most of these crushers are located by either sides of Highway, which connects Jharkhand to Orissa State. All the crushers at Barajamda are located at the border of Orissa State in West Singhbhoom District.

Most of these crushers are not having any mining lease in Orissa and Jharkhand States and they are dependent on the ore material either purchased from the lessees or illegally removed from the mines without payment of royalty or from the illegal source of mines.

The Orissa State has also complained that illegal mining in Sundargarh and Koenjhar Districts are mainly because of illegal transportation of iron ore to the crushers located in the West Singhbhoom District. Because of the constraint of jurisdiction, i.e. once the iron ore loaded in trucks cross the border of Orissa, the officers of the Orissa Government cannot book criminal case against them. While the Government machinery of

Jharkhand State is not taking any action against these crushers, as alleged by the officials of Orissa Government. The Commission has asked specific details about the criminal case filed against these crushers from the District Collector, West Singhbhoom and a reply was submitted as NIL by the District Collector.

As per the list submitted by the District Collector, West Singhbhoom, Chaibasa, there are 89 crushers located in his jurisdiction. The list is enclosed herewith. Out of the 89 crushers, only 60 are having required statutory clearances under the Law. Rests of them are running illegally. **Therefore, immediate action should be taken in this regard.**

During the visit of Commission to Orissa State, it was told that two Coordination Committee meetings were held by the concerned Department of two States. But both the meetings ended with no fruitful results. It is also told that the Orissa Government has taken action to remove the crushers. **It is therefore recommended that the Chief Secretaries of both the States should convene a meeting and short out this issue. All the crushers in Jharkhand State should be removed in phased manner within a year.**

Details Of Crushers/ Processors Used For Iron Ore Processing, Outside the Leased Area								
S.L	Name of the owner of crusher and Address , Village, Taluka	Capacity of Crusher per Day	Total quantity procured (MT)	Total quantity dispatched (MT)	Consent taken from pollution control Board (No. & Date)			Other Permission D.C / Others
					Consent Letter No.	Issue at.	Consent Period	
1	2	3	4	5	6	7	8	9
1	M/s Rahul Metal Barajamda, Barajamda, Noamundi	72000 MT/Year	88,295.080 MT	80,194.190 MT	5779 09.11.2012 G-1083 Dt 21.03.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Permission Granted By D.C Under C.N.T Act.
2	M/s Budheo Minerals, Barajamda,	40 MT/day 36-Size 4-fines	69,854.23 MT	66,343.573 MT	5780 09.11.2012 G-1293 Dt. 06.04.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do
3	M/s Sushila Spong (p) Ltd Barajamda, Barajamda, Noamundi	Size Ore - 65 MT Fines - 35 MT (Per Hour)	1,32,270.57	125,428.77	5781 09.11.2012 G-1088 Dt. 21.03.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do
4	M/s Pawansut Minerals Barajamda, Noamundi	Size- 500MT/Day	117183 .460	1,09,537.180	5778 09.11.2012 G-1197 Dt. 30.03.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do

1	2	3	4	5	6	7	8	9
5	M/s MahaLaxmi Steel Barajamda, Noamundi	Size – 120MT Ore /Day	88,220.100 MT	81,605.080 MT	5777 09.11.2012 G-1344 Dt. 11.04.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do
6	M/s King Minerals Barajamda, Noamundi	Size 90 MT/Day	1,75,553.900	1,69,777.580	5776 09.11.2012 1198 Dt. 30.03.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do
7	M/s Kajmdhenu Minerals Barajamda, Noamundi	Size-60 MT Ore Fines – 40 MT /Day	34,033.300 MT	29,803.43 MT	5772 09.11.2012 1033 Dt. 20.03.13	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do
8	M/s Ma Sankata Minerals Barajamda, Noamundi	Size- 175/Day	1,63,981.280	1,55,404.730	5774 09.11.2012 1212 01.04.2013	9.11.2012 01.04.2013	31.03.2013 31.03.2014	Do
9	M/s Kamakhya Minerals Barajamda, Noamundi	Size-146 MT Fines- 78 MT /Day	728.210 MT	727. 930	5789 09.11.2012 G-1864 Dt. 31.05.13	10.11.2013 01.04.2013	31.03.2013 31.03.2014	Do

1	2	3	4	5	6	7	8	9
10	Sri Balajee Steel Works Barajamda, Noamundi	Size-240 MT Fines-120 MT/Day	205699.500	200216.99 MT	B-267 15.01.2013 2291	15.01.2013 27.06.13	30.06.2013 30.06.2014	Do
11	M/s Devkabai Velji Barajamda, Noamundi	Size- 550 MT Fines-385 MT/Day	7,73,390.44	7,67,439.310	B-269 15.01.2013	15.01.2013	30.06.2013	Do
12	M/s R.K.Minerals Barajamda, Noamundi	Size-100MT Fines-47 MT/Day	1,37,034.47 MT	1,33,603.440	B-268 15.01.2013	15.01.2013	31.12.2013	Do
13	M/s Narayani Minerals Barajamda, Noamundi	Size-200MT/Day	2,02,952.020 MT	1,98,943.960 MT	G-209 11.01.2013 2418	11.01.2013 05.07.13	30.06.2013 30.06.2014	Do
14	Sri Ram Metalik Barajamda, Noamundi	Size-110 MT Fines-70 MT/Day	80565.500	76337.900	B-270 15.01.2013 2358	15.01.2013 02.07.13	30.06.2013 30.06.2014	Do
15	M/s Prime Associates Barajamda, Noamundi	Size & Fines 200 MT /Day	66,897.72 MT	61068.980	B-274 15/01/2013	15.01.2013	30.06.2013	Do

1	2	3	4	5	6	7	8	9
16	M/s Shiv Shakti Minerals Barajamda, Noamundi	Size-360 MT /Day	1,81,761.16	1,76,961.790	271 22.01.2013 2338	22.01.2013 02.07.13	30.06.2013 30.06.2014	Do
17	Sri Ganesh Minerals Industries Barajamda, Noamundi	Size -178 MT Fines-112 MT /Day	71935 .500	66209 .250	G-315 28/01/2013	28.01.2013	30.09.2013	Do
18	M/s M.J.M Minerals (p) Ltd. Barajamda, Noamundi	Size-180 Fines-20 MT Per Day	94,377.92	92827 .770	B-566 22.01.2013 2243	22.01.2013 02.06.13	30.06.2013 30.06.2014	Do
19	M/s Divyajyoti Minerals Barajamda, Noamundi	Size-250 T.P.D	46087 .600	40593 .470	1G-314 28.01.2013 2339	28.01.2013 02.07.2013	30.06.2013 30.06.2014	Do
20	Minerals & Mining Traders Barajamda, Noamundi	Size-3000 MT Per Day	37401 .430	27112 .540	1G-316 28.01.2013	28.01.2013	30.12.2013	Do

1	2	3	4	5	6	7	8	9
21	Ma Vaishno Devi Minerals Barajamda, Noamundi	Size- 200MT/Day	68852 .800	64393 .790	B-565 22.01.2013 2417	22.01.2013 05.07.2013	30.06.2013 30.06.2014	Do
22	M/s Adishakti Metalics (p) Ltd Barajamda, Noamundi	Size-50 TPH Fines- 20 TPH	18,320.48	15783 .720	B-271 15.01.2013 4143	15.01.2013 08.07.2013	30.06.2013 30.06.2014	Do
23	M/s Rani Sati Minerals Parambaljori, Noamundi	100 MT	51967.89	51167.73	B-5773 09.11.2012	09.11.2012	31.03.2013	Do
24	M/s Jharkhand Infra Project (P) Ltd Noamundi, Noamundi	140 MT	18466.34	16014.64	G-236 21.01.2013 2271	21.01.2013 25.06.2013	30.06.2013 30.06.2014	Do
25	M/s Association Coke Plant (p) Ltd Parambaljori, Noamundi	208 MT	43018.81	34826.04	G-417 04.02.2013 2419	04.02.2013 05.07.2013	30.06.2013 30.06.2014	Do

1	2	3	4	5	6	7	8	9
26	M/s Poddar Minerals Katigutu, Noamundi	270 MT	211823 .890	206958 .930	B-5772 09.11.2012 2397	09.11.2012 05.07.2013	30.06.2013 30.06.2014	Do
27	Maa Vindhya wasini Metals Barajamda, Noamundi	Size-70 MT Per Day	1,35,543.980	1,28,259.350 MT	G-695 23.02.2013 2371	23.02.2013 03.07.2013	30.06.2013 30.06.2014	Do
28	Parmeshwari Minerals Barajamda, Noamundi	Size-150 Fines-110 MT Per Day	86,318.85 MT	82139 .640	G-893 07.03.2013	07.03.2013	31.03.2014	Do
29	Sri Shyam Minerals Barajamda, Noamundi	Size-150 MT Fines- 46/Day	1,21,085.44	1,12,597.250	G-927 14.03.2013	14.03.2013	31.03.2014	Do
30	Maa Durga Minerals Barajamda, Noamundi	Size-240 MT Fines- 70 MT/Day	1,40,213.270 MT	1,19,535.400 MT	B-1966 13.03.2013	13.03.2013	14.05.2013	Do

1	2	3	4	5	6	7	8	9
31	Sri Mahaveer Minerals (p) Ltd. Barajamda, Noamundi	Size-350 MT/Day	102,376.37 MT	1,02,151.71 MT	B-2149 20.03.2013	20.03.2013	30.06.2013	Do
32	Jay Mata Di Minirals Barajamda, Noamundi	Size-120 MT Fines-80 MT Day	1,68,684.69 MT	1,63,723.00	G-1087 21.03.2013	21.03.2013	31.03.2014	Do
33	Hinak Metaliks (p) Ltd. Barajamda, Noamundi	Size-240 Fines-160 MT/Day	1,13,105.310	1,09,342.980	B-2195	21.03.2013	31.03.2014	Do
34	Jagdish Ore Industies (p) Ltd. Barajamda, Noamundi	Size- 450 MT Per Day	52,474.080 MT	46,559.170 MT	G-1082	21.03.2013	31.03.2014	Do
35	M/s Tirupati Minerals Barajamada, Noamundi	Size- 480 MT Per Day	42475 .620	39588 .940	G-1296	06.04.2013	31.03.2014	Do
36	M/s Suraj Metaliks Manoharpur, Noamundi	Size- 165MT Fines 85MT	17412.26	10632.73	G-1346	11.04.2013	31.03.2014	Do

1	2	3	4	5	6	7	8	9
37	Sri Ganesh Minerals Sargidih, Noamundi	30 MT	5888.31	3317.62	G-1347	11.04.2013	31.03.2014	Do
38	M/s Sun Ores Sargidih, Noamundi	210 MT	5751.5	5594.22	G-1348	11.04.2013	15.03.2014	Do
39	M/s Baba Baidyanath Minerals Barajamda, Noamundi	Size-110 MT Fines-75 MT Per Day	34,581.917 MT	27509 .400	G-1343	11.04.2013	31.03.2014	Do
40	Sidhi Vinayak Minerals Barajamda, Noamundi	Size-180 MT Per Day	1,91,258.733	1,66,700.834	G-1342	11.04.2014	31.03.2015	Do
41	Pradeep Kumar Psari Barajamda, Noamundi	Size-240 C.f.t Per Day	1,39,430.14	1,31,292.020	G-1200	30.03.2013	31.03.2014	Do
42	M/s Sivance Steel (p) Ltd. Barajamda, Noamundi	Size-280 MT Fines-120 MT Per Day	2,64,018.620	2,41,558.940 MT	2706	16.04.2013	31.12.2013	Do

1	2	3	4	5	6	7	8	9
43	M/s Tarni Ores (p) Ltd Barajamda, Noamundi	Size-240 Per Day	37,003.46 MT	33,823.610 MT	1377	12.04.2013	31.03.2014	Do
44	M/s Maa Kalyani Minerals Noamundi, Noamundi	50 MT	37904.72	31464.6	G-1301	09.04.2013	31.03.2014	Do
45	Asar Transport Barajamda, Noamundi	Size-67 MT Per Day	8352 .920	8137 .430	B-2705	16.04.2013	31.03.2014	Do
46	M/s Sharda Fero Works Barajamda, Noamundi	Size-130/Day Fines 70 MT Per Day	28219 .760	27899 .930	B-2652	12.04.2013	31.03.2014	Do
47	M/s Salasar Minerals Bokna, Noamundi	140 MT	204825.61	188641.28	B-2690 Valid from	Issued 16.04.13 01.04.13	11.12.2013 11.12.2013	Do
48	G.H.Iron Ore Corporation Barajamda, Noamundi	Size-560 MT Per Day	19404 .760	14570 .570	B-3090	06.05.2013	31.03.2014	Do

1	2	3	4	5	6	7	8	9
49	Patel Minerals Hatgamharia, Noamundi	75 MT	52809.557	41675.455	B-3178	10.05.2013	31.03.2014	Do
50	Jai Durga Minerals Barajamda, Noamundi	Size-12,500 MT (Per Month)	1,57,218.780	1,54,251.150	1G-1696 17/5/13	17.05.2013	31.03.2014	Do
51	Mayur Ispat Barajamda, Noamundi	Size-216 MT/Day	68172.310	60322.913	B-3134	08.05.2013	31.12.2013	Do
52	M/s Sai Sponge (India) Ltd. Jhinkpani, Nawagaon, Jhinkpani, Noamundi	2 x 100	134301.67		G-1825	28.05.2013	01-04-2013 lss 31-03- 2014	Do
53	Map Mines & minerals Pvt.Ltd, Parambaljodi, Noamundi	300 MT	66419.52	61327.29	1G-1775	23-05-2013	31.03.2014	Do
54	M/s Sri Balaji Minerals Barajamda, Noamundi	Size-90 MT Fines-10 MT Per Day	59140.765	50.771.080	G-1869	31.05.2013	31.03.2014	Do

1	2	3	4	5	6	7	8	9
55	Om Metallic Barajamda, Noamundi	Size-100 MT Per Day	46,286.44 MT	39,746.140 MT	G-270 2242	22.01.2013 22.06.2013	30.06.2013 30.06.2014	Do
56	Jamshed Iron & Steel Pvt. Ltd. Barajamda, Noamundi	Size-400 MT Per Day	12399 .430	6538 .450	G-1918	06.06.2013	31.03.2014	Do
57	Jai Maa Tara Minerals Barajamda, Noamundi	Size-250MT Fines-150 MT Per Day	9610.23	8,821.53	2389	05.07.2013	30.06.2014	Do
58	M/s Prachi Minerals Barajamda, Noamundi	Size-300 MT Per Day	28919 .380	26,386.150 MT	2511	13.07.2013	30.06.2014	Do
59	Associated Minerals Corporation, Barajamda, Noamundi	Size-600 MT Per Day	47,590.66 MT	47,043.170 MT	1582	09.05.2013	31.03.2014	Do
60	Balaji Industrial Engineering Ltd Barajamda (Sponge Plant), Noamundi	Sponge Iron 4x100 T.P.D	3,82,108.100 iron ore	108775.71 (fines)	B-4746	03.10.12	30.09.2013	Do

1	2	3	4	5	6	7	8	9
61	Sawati Mining Pvt.Ltd Unit-II BaraJamda, Noamundi		37329 .680	37228.81				Do
62	Vaidhnath Iron And Steel Barajamda, Noamundi		47058 .771	44405 .670				Do
63	Maheshwari Minerals Barajamda, Noamundi		136737 .660	123481. 130				Do
64	Kashi Famul Products Pvt.Ltd, Barajamda, Noamundi		61904. 580	58,572 .200				Do
65	Durga Minerals Pro – Nirmal Kumar Senapati, Barajamda, Noamundi		10,320 830	9680.44				Do

1	2	3	4	5	6	7	8	9
66	Torian Resources Pvt.Ltd Barajamda, Noamundi		250296 .590	2,49,934.955				Do
67	B.P Industrices Barajamda, Noamundi		4478.57	2171 .260				Do
68	Global Trade Link Barajamda, Noamundi		23742 .580	14240 .630				Do
69	S.P.N Minerals Barajamda, Noamundi		62,414.65	61016.48				Do
70	Ganesh Minerals Brajamda Remesh Gupta		24748 .650	21530 .670				Do
71	Bihariji Minerals Brajamda, Noamundi		23740. 500	22,433. 890				Do

1	2	3	4	5	6	7	8	9
72	Trivani Minerals Barajamda, Noamundi		61801.744	43,824.164				Do
73	A.R.S Minerals & Mining Pvt.Ltd		390.270	—				Do
74	Ramko Minerals Brajamda, Noamundi		31219.710	5791.480				Do
75	M/s Jharkhand Ispat (P) Ltd , Meralgara, Noamundi		24150.590	16102.090				Do
76	M/s Shivam Metals & Minerals Parambaljodi, Noamundi		22253.210	21357.580				Do
77	Shri Krishna Minerals, Parambaljodi, Noamundi		36614.17	36521.610				Do
78	M/s Jaganathpur Logistic Minerals, Dukardish, Noamundi		6,460.53	5,010.84				Do

1	2	3	4	5	6	7	8	9
79	M/s Yash Construction P.Ltd , Bahda, Noamundi		10,770.00	9,776.53				Do
80	Jai Maa Tara, Parambaljodi, Noamundi		38531 .140	29290 .255				Do
81	Aviral Parwati Bhgwati Minerals, Noamundi, Noamundi		398,375.40	325,019.60				Do
82	Aashirwad Steel, Parambaljodi, Noamundi		8051 .750	Nil				Do
83	Maa Minerals, Sargidih, Manoharpur		4683 .780	2306 .63				Do
84	B.T.M Export Ltd , Gourdigia, Noamundi		3965 .22	3871 .160				Do
85	Shree sahib Minerals, Sargidih, Manoharpur		Nil	Nil				Do

1	2	3	4	5	6	7	8	9
86	Sai Minerals, Sargidih, Manoharpur		22688 .320	17395 .610				Do
87	Manoharpur Ores, Sargidih, Manoharpur		9674 .40	2230 .76				Do
88	Aashirwad Interprices, Nuia, Noamundi		66911 .90	62352.23				Do
89	M/s Shanku Baba Minerals, Sargidih, Manoharpur		11,632.78	7809.36				Do

Date : October, 2013

Place : Ahmedabad

(M. B. SHAH)
(Former Judge, Supreme Court of India)
Chairman
Commission of Enquiry
for
Illegal Mining of Iron Ore & Manganese